

**Meeting Date:** Tuesday 28 June 2016  
**Location:** Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 7.00pm

**Councillors Present:** The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Pendleton, Pickering, Simon, Stott and Yedelian OAM.

**Apologies:** Councillor Li.

**Leave of Absence:** Councillors Maggio and Perram.

**Absent:** Councillor Salvestro-Martin.

**Staff Present:** Acting General Manager, Acting Chief Operating Officer, Acting Director – Corporate and Community Services, Acting Director – City Strategy and Planning, Director – City Works and Infrastructure, General Counsel, Chief Financial Officer, Acting Manager – Communications, Customer Service and Events, Manager – Community Services, Executive Officer – Ryde Civic Hub, Senior Coordinator – Community Services, Coordinator – Community and Cultural Buildings, Senior Strategic Planner, Digital Communications Coordinator, Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

### **PRAYER**

Reverend Nicholas Fried of the Eastwood Uniting Church was present and offered prayer prior to the commencement of the meeting.

### **DISCLOSURES OF INTEREST**

The Mayor, Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in Item 4(4) – Community Grants Program – Allocation of Funding 2015/2016, for the reason that he attends Macquarie Chapel regularly.

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Mayoral Minute 11/16 – Recognition of Ryde SES Following Recent Storms, for the reason that he is a volunteer on Ryde Emergency Service.

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Item 4(4) – Community Grants Program – Allocation of Funding 2015/2016, for the reason that he is a member of an organisation who has applied for a grant.

Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Item 3 – Report of the Ryde Civic Hub Committee Meeting 5/16 held on 14 June 2016, for the reason that her continued and consistent approach to the sale and redevelopment of the Civic Centre public land with the inclusion of high rise residential development is consistent with her core commitment made to the electorate at the 2012 elections.

### **TABLING OF PETITIONS**

No Petitions were tabled.

### **PRESENTATION OF GOLD AWARD FOR 2014/2015 ANNUAL REPORT**

The Acting General Manager presented the Mayor, Councillor Laxale with the Gold Award for Council's 2014/2015 Annual Report. This is the sixth year in a row that the City of Ryde has won the Gold Award for its Annual Report at the Australasian Reporting Awards (ARA). The City of Ryde was also a finalist in the Work Health and Safety Special Award.

### **PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

The following persons addressed the Council:-

<b>Name</b>	<b>Topic</b>
Gavin Carrier (representing Holdmark Property Group)	<b>Mayoral Minute 10/16</b> – Voluntary Planning Agreement / Planning Proposal 66-82 Talavera Road, Macquarie Park
Phil Jenkyn (representing Save Our Councils Coalition)	<b>Notice of Motion 6</b> – Council Merger – Plebiscite of Residents
Phillip Ward (representing Ryde Hunters Hill Flora and Fauna Preservation Society)	<b>Item 2(6)</b> – Tree Preservation Review – Results of Exhibition of DCP Amendments AND <b>Notice of Rescission 1</b> - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Lyndal Howison	<b>Notice of Rescission 1</b> - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Sharon Burt	<b>Notice of Rescission 1</b> - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Paul Luff	<b>Notice of Rescission 1</b> - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde

<b>Name</b>	<b>Topic</b>
Richard Shepherd	<b>Notice of Rescission 1</b> - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Philip Peake	<b>Item 3</b> - Report of the Ryde Civic Hub Committee Meeting 5/16 held on 14 June 2016 AND <b>Notice of Rescission 1</b> - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Mark Whitfield	<b>Notice of Rescission 1</b> - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Chris Turner	<b>Notice of Rescission 1</b> - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Christopher Zanelli	<b>Notice of Rescission 1</b> - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Sharon Bejjani	<b>Notice of Rescission 1</b> - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Penny Pedersen (representing the Community)	<b>Notice of Rescission 1</b> - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Justin Ng	<b>Item 6 (CONFIDENTIAL)</b> – Land and Environment Court Proceedings – 87 Bowden Street, Ryde – LDA2015/283
Doriana Donnelly (representing 87 Bowden Street Petitioners)	<b>Item 6 (CONFIDENTIAL)</b> – Land and Environment Court Proceedings – 87 Bowden Street, Ryde – LDA2015/283
Suellen Hazell	<b>Item 6 (CONFIDENTIAL)</b> – Land and Environment Court Proceedings – 87 Bowden Street, Ryde – LDA2015/283
Mark Swayn	<b>Item 6 (CONFIDENTIAL)</b> – Land and Environment Court Proceedings – 87 Bowden Street, Ryde – LDA2015/283
Tess Ballance	<b>Notice of Rescission 1</b> - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde

Note: Paul Azizi (representing Raymond Azizi) was called to address Council, however was not present in the Chamber.

## **PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

**RESOLUTION:** (Moved by Councillors Pendleton and Yedelian OAM)

That the speakers who submitted a Request to Address Council on Items Listed on the Agenda after the midday deadline and also on Items previously considered by the Planning and Environment Committee Meeting 5/16 held on 14 June 2016 and the Ryde Civic Hub Committee Meeting 5/16 held on 14 June 2016, be allowed to address the meeting, the time being 8.02pm.

### **Record of Voting:**

For the Motion: Unanimous

## **PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

The following persons then addressed the Council:-

<b>Name</b>	<b>Topic</b>
Warren Smith (representing Ryde SES)	<b>Mayoral Minute 11/16</b> - Recognition of Ryde SES following recent storms
Andrew O'Neill	<b>Notice of Rescission 1</b> - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Claire Saunders	<b>Item 2(3)</b> – 1 Woodbine Crescent, Ryde – LDA2015/0466
Dr Tania Sherlaimoff	<b>Item 2(3)</b> – 1 Woodbine Crescent, Ryde – LDA2015/0466
Rainey Greally	<b>Item 2(3)</b> – 1 Woodbine Crescent, Ryde – LDA2015/0466
Tirzah Lim	<b>Item 2(3)</b> – 1 Woodbine Crescent, Ryde – LDA2015/0466

Note: Penny Dillon (representing Optus) was called to address Council, however was not present in the Chamber.

## **PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA**

No addresses were made to Council.

### **LEAVE OF ABSENCE**

Councillor Stott requested a Leave of Absence for the period 8 July 2016 to 17 July 2016 inclusive.

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

That Councillor Stott's Leave of Absence for period 8 July 2016 to 17 July 2016 inclusive be approved.

**Record of Voting:**

For the Motion: Unanimous

## **ORDER OF BUSINESS**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Simon)

That Council now consider the following Items, the time being 8.23pm:

- Mayoral Minute 11/16 – Recognition of Ryde SES Following Recent Storms.
- Notice of Motion 6 – Council Merger – Plebiscite of Residents.
- Notice of Rescission 1 – Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde.
- Item 2(3) – 1 Woodbine Crescent, Ryde – LDA2015/0466.
- Item 2(6) – Tree Preservation Review – Results of Exhibition of DCP Amendments.
- Item 3 – Report of the Ryde Civic Hub Committee Meeting 5/16 held on 14 June 2016.
- Questions with Notice.
- Item 6 – Land and Environment Court Proceedings – 87 Bowden Street, Ryde – LDA2015/283.

**Record of Voting:**

For the Motion: Unanimous

## **MAYORAL MINUTES**

**MM10/16 VOLUNTARY PLANNING AGREEMENT / PLANNING PROPOSAL 66-82 TALAVERA ROAD, MACQUARIE PARK - The Mayor, Councillor Jerome Laxale**

Note: This matter was dealt with later in the meeting, as detailed in these Minutes.

**MM11/16 RECOGNITION OF RYDE SES FOLLOWING RECENT STORMS - The Mayor, Councillor Jerome Laxale**

Note: Warren Smith (representing Ryde SES) addressed the meeting in relation to this Item.

Note: Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a volunteer on Ryde Emergency Service.

**RESOLUTION:** (Moved by The Mayor, Councillor Laxale and Councillor Yedelian OAM)

- (a) That the SES be thanked for its work in the Ryde LGA during the June storms.
- (b) That Council thank the SES for its ongoing work in the community during all times of natural disaster.

**Record of Voting:**

For the Motion: Unanimous

Note: The Mayor, Councillor Jerome Laxale then presented Ryde SES Member, Warren Smith with a Certificate of Appreciation for the ongoing work conducted by the SES in the community.

**NOTICE OF MOTION**

**6 COUNCIL MERGER – PLEBISCITE OF RESIDENTS - Councillor George Simon**

Note: Phil Jenkyn (representing Save Our Councils Coalition) addressed the meeting in relation to this Item.

**MOTION:** (Moved by Councillors Simon and Pendleton)

- (a) That Council notes the recent announcement by the Leader of the Federal Opposition, Bill Shorten, that a future Labor Government will budget up to \$20m to fund plebiscites for Councils to seek residents views on Council amalgamations.
- (b) That Ryde Council hold a plebiscite of all residents as soon as practicable to seek the views of residents on whether they support a forced merger of Ryde Council.

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

That consideration of this matter be deferred until after the Federal Election, 2 July 2016.

On being put to the Meeting, the voting on the Amendment was five (5) for and three (3) against. The Amendment was **CARRIED** and then became the Motion.

**Record of Voting:**

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

Against the Amendment: The Mayor, Councillor Laxale and Councillors Pendleton and Simon

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

That consideration of this matter be deferred until after the Federal Election, 2 July 2016.

**Record of Voting:**

For the Motion: Councillors Chung, Etmekdjian, Pickering, Stott and Yedelian OAM

Against the Motion: The Mayor, Councillor Laxale and Councillors Pendleton and Simon

**NOTICE OF RESCISSION**

**1 NOTICE OF RESCISSION: EXPANSION OF BLENHEIM PARK TO INCLUDE 86 BLENHEIM ROAD AND 12A-14 EPPING ROAD, NORTH RYDE - Deputy Mayor, Councillor Roy Maggio, Councillor Jeff Salvestro-Martin, Councillor Artin Etmekdjian**

Note: Phillip Ward (representing Ryde Hunters Hill Flora and Fauna Preservation Society), Lyndal Howison, Sharon Burt, Paul Luff, Richard Shepherd, Philip Peake, Mark Whitfield, Chris Turner, Christopher Zanelli, Sharon Bejjani, Penny Pedersen (representing the Community), Andrew O'Neill and Tess Ballance addressed the meeting in relation to this Item.

Note: A letter from Shirley Brown dated 20 June 2016 was tabled in relation to this Item and a copy is ON FILE.

**MOTION:** (Moved by The Mayor, Councillor Laxale and Councillor Pickering)

That Council rescind the previous resolution in relation to part (b) of Notice of Motion 2 – EXPANSION OF BLENHEIM PARK TO INCLUDE 86 BLENHEIM ROAD AND 12A-14 EPPING ROAD, NORTH RYDE, passed at the Council Meeting held on 26 April 2016, namely:-



## **NOTICE OF MOTION**

### **2 EXPANSION OF BLENHEIM PARK TO INCLUDE 86 BLENHEIM ROAD AND 12A-14 EPPING ROAD, NORTH RYDE**

- (b) *That, consistent with the Council resolution of 8 March 2016, the General Manager be delegated authority to immediately proceed with the acquisition of 86 Blenheim Road and 12A-14 Epping Road, North Ryde.*

On being put to the Meeting, the voting on the Rescission Motion was a unanimous vote Against the Motion. The Rescission Motion was **LOST**.

#### **Record of Voting:**

Against the Motion: Unanimous

## **COUNCIL REPORTS**

### **2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 5/16 held on 14 June 2016**

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

That Council determine Items 3 and 6 of the Planning and Environment Committee report 5/16, held on 14 June 2016 noting that Items 1 and 7 were dealt with by the Committee within its delegated powers and Items 2, 4 and 5 will be dealt with later in the Meeting as detailed in these Minutes.

#### **Record of Voting:**

For the Motion: Unanimous

### **2 35A WENTWORTH ROAD, EASTWOOD. LOT 2 DP 1178968. Local Development Application for new dwelling. LDA2015/0470.**

Note: This matter was dealt with later in the meeting, as detailed in these Minutes.

### **3 1 WOODBINE CRESCENT, RYDE. LOT 57 DP 10373. Local Development Application for demolition, new dual occupancy (attached) and swimming pool. LDA2015/0466.**

Note: Claire Saunders, Dr Tania Sherlaimoff, Rainey Greally and Tirzah Lim addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Strategy and Planning dated 24 June 2016 was tabled in relation to this Item and a copy is ON FILE.



Note: Photographs from Rainey Grealley were tabled in relation to this Item and a copy is ON FILE.

**MOTION:** (Moved by Councillors Chung and Simon)

- (a) That Council approve the application at 1 Woodbine Crescent, Ryde – LDA2015/0466 as a deferred commencement consent, subject to the driveway of dwelling 1 being redesigned to be adjacent to the driveway of dwelling 1a, to improve road safety in Woodbine Crescent, to the satisfaction of the Acting Director City Strategy and Planning and that general conditions are then to apply as follows;

### GENERAL

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

1. **Approved Plans/Documents.** To be provided to Council as per the deferred commencement above.

Prior to the issue of a Construction Certificate, the following amendments shall be made (as marked in red on the approved plans):

- a) **Balcony Screening.** The balcony privacy screen on the balcony of the First Floor Master Bedroom of Dwelling 1A – is to be raised to a height of at least 1.8m above the finished floor level of the first floor.
- b) **Dwelling 1A Garage.** The door on the Dwelling 1A garage to the foyer is to be deleted.
- c) **Street tree planting.** The Landscape Plan to be amended to show the following tree species to be planted in the nature strip along Woodbine Crescent in the following locations:
  - Two(2) narrow leaf apple myrtle (*Angophora bakerii*) trees to be planted to the east of the driveway of Dwelling 1A;
  - Three (3) Snow-in-summer (*Melaleuca linariifolia*) trees to be planted to the west of the driveway of Dwelling 1A and to the east of the existing electricity power pole;
  - All trees are to have a minimum pot size of 45L at the time of planting;
  - All trees are to be planted 2.5m from the street kerb;
  - All trees are to be planted no less than 3m from the edge of any driveway; and
  - All trees are to be spaced equidistant along the nature strip.

- d) **Screen planting.** Landscape Plan (Dwg No. A06 (2) Revision B dated 23/1/16) is to be amended to replace the “Syzygium Australe / Lilly Pilly / up to 18 metre” within the Plant/Tree Schedule with “Syzygium Australe – Select Form / Lilly Pilly / trimmed to 2m”

The Development must be carried out in accordance with the amended plans approved under this condition.

- 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(s) numbered 668636S\_02, dated 19 February 2016 and 668552S\_03, dated 19 February 2016.
- 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.
- 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. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 8. **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.

9. **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.
10. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
11. **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.
12. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
13. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
14. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
15. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.
16. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the relevant Australian Standard and City of Ryde Development Control Plan 2014 Section 8 except as amended by other conditions.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant’s expense.
18. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

19. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

## **DEMOLITION CONDITIONS**

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

20. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- a) Council must be notified of the following particulars:
    - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
    - (ii) The date the work is due to commence and the expected completion date
  - (a) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
21. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
22. **Excavation**
- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
  - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

23. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
24. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
25. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
26. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.
27. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

#### **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.

28. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$4,227.74
Open Space & Recreation Facilities	\$10,407.85
Civic & Urban Improvements	\$3,539.91
Roads & Traffic Management Facilities	\$482.86
Cycleways	\$301.62
Stormwater Management Facilities	\$958.70
Plan Administration	\$81.32
<b>The total contribution is</b>	<b>\$20,000</b>

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 Interim Update (2014), effective from 10 December 2014.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

29. **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**.
30. **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**.
31. **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)



32. **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
33. **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**.
34. **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**.
35. **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 3 Woodbine Crescent, Ryde. 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**.
36. **Sydney Water Tap in™.** The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>



37. **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**.

38. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 – Fences, unless otherwise specified in this consent. Installation of boundary fencing is to be at the full cost of the developer. Details of compliance are to be provided in the plans for the **Construction Certificate**.

39. **Fencing and Lattice Screening.** Existing boundary fencing is to remain unless otherwise agreed to by the neighbouring property owners.

Lattice privacy screening is to be installed above the existing boundary fences with 3 Woodbine Crescent and 8 Greene Avenue, Ryde to a total fence height of 2.4m high measured from the finished ground level of 1 Woodbine Crescent. Installation of privacy fencing is to be at the full cost of the developer. Details of compliance are to be provided in the plans submitted with the **Construction Certificate**.

40. **Tree planting – location.** The trees required to be planted under this consent must be planted a minimum of 3m from any property boundary. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

41. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.

42. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.

43. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are

required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.

44. **Provision of Pedestrian Sight Lines.** Clear pedestrian sight lines in accordance with Figure 3.3 of AS2890.1 :2004 Off Street Carparking are to be provided at the driveway entry to each dwelling.

This requires that there be no retaining/boundary wall or fence including landscaping higher than 900mm within 2.5m of the driveway entry at the boundary and to a distance of 2.0m within the site. Any walls, landscaping etc are to be adjusted in order to also comply with this. Full details are to be shown on the architectural and landscaping plans submitted for approval with the Construction Certificate.

45. **External Engineering Works.** To facilitate satisfactory and safe access to and from the proposed development, the following public infrastructure works shall be constructed at no cost to Council along the entire public road frontage of the site.

- a. Standard concrete footpath paving along the frontage of the property in Woodbine Crescent.
- b. Any other associated works required within the footpath/street due to the proposal.
- c. Replacement of any damaged kerb and gutter within the property frontage and at the pipe outlet.

Detailed engineering plans prepared by a qualified and experienced civil engineer in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works **are to be submitted to, and approved by Council**

46. **On-Site Stormwater Detention.** Stormwater runoff from the development site shall be collected and piped by gravity flow to a suitable onsite detention(OSD) system designed in accordance with the City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. The concept drainage design prepared by RCO Engineering Pty Ltd Dwg 229 S01 Rev 2 dated 1/2/16 shall be amended to incorporate but not be limited to the following:

- a. Provision of minimum 5.4m<sup>3</sup> of OSD volume at a discharge rate of 3.0 L/s for each OSD tank. Orifice diameter to be revised to achieve this.

- b. Provision of pits to collect surface runoff from the rear yards of Dwelling 1
- c. Provision of external cleaning eyes for each pipe directed under the building.
- d. All gutters, downpipes and pipeline conveying stormwater runoff to the BASIX tank are to be designed for the 1 in 100 year, 5 minute duration storm event.

Detailed engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application. (Note the owner/Builder should not be the certifying engineer)

- 47. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.
- 48. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary. The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*
  - a. Existing and final contours
  - b. The location of all earthworks, including roads, areas of cut and fill
  - c. Location of all impervious areas
  - d. **Location and design criteria of erosion and sediment control structures,**
  - e. Location and description of existing vegetation
  - f. Site access point/s and means of limiting material leaving the site
  - g. Location of proposed vegetated buffer strips
  - h. Location of critical areas (drainage lines, water bodies and unstable slopes)
  - i. Location of stockpiles
  - j. Means of diversion of uncontaminated upper catchment around disturbed areas
  - k. Procedures for maintenance of erosion and sediment controls
  - l. Details for any staging of works
  - m. Details and procedures for dust control.
- 49. **Tree Planting on Council's verge.** Five (5) trees are to be planted equidistant along the nature strip along Woodbine Crescent in the following locations:

- a. Two(2) narrow leaf apple myrtle (*Angophora bakerii*) trees to be planted to the east of the driveway of Dwelling 1A;
- b. Three (3) Snow-in-summer (*Melaleuca linariifolia*) trees to be planted to the west of the driveway of Dwelling 1A and to the east of the existing electricity power pole;
- c. All trees are to have a minimum pot size of 45L at the time of planting;
- d. All trees are to be planted 2.5m from the street kerb;
- e. All trees are to be planted no less than 3m from the edge of any driveway;
- f. Trees to be planted in accordance with Section 6 of Councils Urban Forest Technical Manual.
- g. A \$1,500 bond shall be paid to Council prior to issue of the Construction Certificate. Details of payment are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- h. The trees shall be maintained by the applicant or owner of the site for a minimum period of 12 months after the Occupation Certificate has been issued.

**Note:** An inspection by a Council Tree Management shall be undertaken to ensure that this condition has been met and the tree is of good health and vigour prior to release of the bond. Should the tree fail to survive and thrive it will be at the cost of the applicant to replace the tree and the bond time period of 12 months shall recommence.

## **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.

### **50. 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.

51. **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.
52. **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).

53. **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.
54. **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.

55. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan prior to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
56. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities.
57. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained within the subject site and on neighbouring allotments. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council **prior to the commencement of construction.**
58. **Street trees.** Prior to the street trees being planted, the location of existing electrical services and underground services shall be determined so as not to plant the tree in such a location that it will in the future affect the any services running into the subject site or adjoining properties.

#### **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.

59. **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*.



60. **Hold points and certification.** The Tree Protection Schedule provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist. **This is to be completed progressively and included as part of the final certification.** A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.

Tree Protection Schedule

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2	Establishment of tree protection fencing and additional root, trunk and/or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

61. **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.
62. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.



63. **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.

64. **Construction materials.** All materials associated with construction must be retained within the site.

65. **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.

66. **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.

67. **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".

68. **Tree removal.** This consent does not authorise the removal of trees unless specifically authorised by a condition of this consent. This consent authorises the removal of the following trees:

Street trees

Tree 1 – Scribbly Gum (*Eucalyptus haemastoma*)

Tree 2 – Butterfly Tree (*Bauhinia prupurea*)

Site trees

Tree 3 – Flowering Ash (*Fraxinus griffithii*)

Tree 4 – False Cypress (*Cupressus sp.*)

Tree 5 – Peach Tree (*Prunius persica*)

All tree removal work is to be carried out in accordance NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

69. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.

Trees to be retained and protected

Tree 6 and 7 – Blue Jacaranda (*Jacaranda mimosifolia*)

70. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
71. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
72. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

#### **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.

73. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 668636s\_02, dated 19 February 2016 and 668552S\_03, dated 19 February 2016.
74. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

75. **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 any **Occupation Certificate**.
76. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

77. **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 any **Occupation Certificate**.
78. **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.
79. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
80. **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 location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain

reinforced concrete and finished levels shall conform with property alignment levels issued by Council's City Works and Infrastructure. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

81. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property in Woodbine Crescent adjacent to the front property boundary. Levels of the footpath paving shall conform with plans approved by Council's City Works and Infrastructure.
82. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
83. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels is to be submitted to the Principal Certifying Authority (PCA) and to Ryde City Council if Council is not the nominated PCA.
84. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Dwg 229 S01 Rev 2 dated 1/2/16 and S02 & S03 Rev 2 dated 18/2/16 prepared by RCO Engineering Pty Ltd and as amended in red by Council and conditions of this consent.
  - Compliance Certificates – Engineering. Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and submitted to the PCA:
  - Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's Development Control Plan 2014: - Part 8.3; Driveways
  - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2014: - Part 8.3; Driveways.

- Confirmation from Council that concrete footpath paving along Woodbine Crescent has been constructed and satisfactory.
- Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management
- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's Development Control Plan 2014: - Part 8.3 Driveways

85. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

The applicant shall submit the works as executed drawing and the compliance certificate for drainage from the hydraulic engineer to Council with the documents for the Positive Covenant.

## 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.

86. **Dual occupancy only.** The dual occupancy is not to be used or adapted for use as a boarding house.
87. **Pool fencing.** The pool fence is to be maintained in accordance with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*.
88. **Tree maintenance.** The owner of the property is to water and maintain the five (5) street trees required under Conditions 1(c) and 49 on the nature strip in front of the property for first 12 months after planting has been completed.

**Note:** The tree bond is redeemable no sooner than 12 months after the Occupation Certificate has been issued. Council Tree Management Officer is to inspect the trees prior to the bond being released. The tree shall be in good health and vigour upon inspection. Should the tree fail to survive and thrive it will be at the cost of the applicant to replace the tree and the bond time period of 12 months shall recommence.

89. **Use of study in Dwelling 1 and Dwelling 1A.** The study within Dwelling 1 and Dwelling 1A of the development is not to be used for the purpose of a home business or home occupation.

- (b) That the traffic and parking issues raised by the residents in the submissions in respect of LDA2015/0466 be referred to Council's Traffic Department and the Traffic Committee if required, for further consideration. Those residents who made a submission should be advised of any outcome of any subsequent Traffic Committee meeting.

**AMENDMENT:** (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council approve the application at 1 Woodbine Crescent, Ryde – LDA2015/0466 subject to the following conditions:-

#### 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 (For Demolition)	15/03/2016	Dwg No A00 Rev C
Site Plan	15/03/2016	Dwg No A01 Rev C
Sediment Control Plan	15/03/2016	Dwg No A02 Rev C
Ground Floor Plan	15/03/2016	Dwg No A03(1) Rev C
First Floor Plan	15/03/2016	Dwg No A03(2) Rev B
North East Elevation	23/01/2016	Dwg No A04(1) Rev B
South West Elevation	23/01/2016	Dwg No A04(2) Rev B
North West Elevation	23/01/2016	Dwg No A04(3) Rev B
South East Elevation	23/01/2016	Dwg No A04(4) Rev B
Section AA	23/01/2016	Dwg No A05(1) Rev B
Landscape Plan	15/03/2016	Dwg No A06(1) Rev C
Landscaping Notes	23/01/2016	Dwg No A06(2) Rev B
Schedule of Finishes (1)	20/09/2015	Dwg No A08(1)
Windows Schedule	23/01/2016	Dwg No A09 Rev A



Driveway Profile Dwelling 1	21/11/2015	Dwg No A14(1)
Driveway Profile Dwelling 1A	21/11/2015	Dwg No A14(2)
Stormwater Concept Plan	01/02/2016	Dwg No. 229 S01
Stormwater Concept Plan – Below Ground Tank Section AA Detail OSD 1	18/02/2016	Dwg No. 229 S02
Stormwater Concept Plan – Below Ground Tank Section AA Detail OSD 2	18/02/2016	Dwg No. 229 S03

Prior to the issue of a Construction Certificate, the following amendments shall be made (as marked in red on the approved plans):

- b) **Balcony Screening.** The balcony privacy screen on the balcony of the First Floor Master Bedroom of Dwelling 1A – is to be raised to a height of at least 1.8m above the finished floor level of the first floor.
- c) **Dwelling 1A Garage.** The door on the Dwelling 1A garage to the foyer is to be deleted.
- d) **Street tree planting.** The Landscape Plan to be amended to show the following tree species to be planted in the nature strip along Woodbine Crescent in the following locations:
  - Two(2) narrow leaf apple myrtle (*Angophora bakerii*) trees to be planted to the east of the driveway of Dwelling 1A;
  - Three (3) Snow-in-summer (*Melaleuca linariifolia*) trees to be planted to the west of the driveway of Dwelling 1A and to the east of the existing electricity power pole;
  - All trees are to have a minimum pot size of 45L at the time of planting;
  - All trees are to be planted 2.5m from the street kerb;
  - All trees are to be planted no less than 3m from the edge of any driveway; and
  - All trees are to be spaced equidistant along the nature strip.
- e) **Screen planting.** Landscape Plan (Dwg No. A06 (2) Revision B dated 23/1/16) is to be amended to replace the “Syzygium Australe / Lilly Pilly / up to 18 metre” within the Plant/Tree Schedule with “Syzygium Australe – Select Form / Lilly Pilly / trimmed to 2m”

The Development must be carried out in accordance with the amended plans approved under this condition.



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(s) numbered 668636S\_02, dated 19 February 2016 and 668552S\_03, dated 19 February 2016.
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.
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. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
8. **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.
9. **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.

10. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
11. **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.
12. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
13. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
14. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
15. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.
16. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the relevant Australian Standard and City of Ryde Development Control Plan 2014 Section 8 except as amended by other conditions.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant’s expense.
18. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
19. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections

to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

## DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

20. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
  - (a) Council must be notified of the following particulars:
    - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
    - (ii) The date the work is due to commence and the expected completion date
  - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
21. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
22. **Excavation**
  - (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
  - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
23. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.

24. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
25. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
26. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.
27. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

#### **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.

28. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$4,227.74
Open Space & Recreation Facilities	\$10,407.85
Civic & Urban Improvements	\$3,539.91
Roads & Traffic Management Facilities	\$482.86
Cycleways	\$301.62
Stormwater Management Facilities	\$958.70
Plan Administration	\$81.32
<b>The total contribution is</b>	<b>\$20,000</b>

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 Interim Update (2014), effective from 10 December 2014.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

29. **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**.
30. **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**.
31. **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)

32. **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
33. **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**.
34. **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**.
35. **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 3 Woodbine Crescent, Ryde. 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**.
36. **Sydney Water Tap in™.** The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>



37. **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**.

38. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 – Fences, unless otherwise specified in this consent. Installation of boundary fencing is to be at the full cost of the developer. Details of compliance are to be provided in the plans for the **Construction Certificate**.

39. **Fencing and Lattice Screening.** Existing boundary fencing is to remain unless otherwise agreed to by the neighbouring property owners.

Lattice privacy screening is to be installed above the existing boundary fences with 3 Woodbine Crescent and 8 Greene Avenue, Ryde to a total fence height of 2.4m high measured from the finished ground level of 1 Woodbine Crescent. Installation of privacy fencing is to be at the full cost of the developer. Details of compliance are to be provided in the plans submitted with the **Construction Certificate**.

40. **Tree planting – location.** The trees required to be planted under this consent must be planted a minimum of 3m from any property boundary. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

41. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.

42. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.

43. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are



required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.

44. **Provision of Pedestrian Sight Lines.** Clear pedestrian sight lines in accordance with Figure 3.3 of AS2890.1 :2004 Off Street Carparking are to be provided at the driveway entry to each dwelling.

This requires that there be no retaining/boundary wall or fence including landscaping higher than 900mm within 2.5m of the driveway entry at the boundary and to a distance of 2.0m within the site. Any walls, landscaping etc are to be adjusted in order to also comply with this. Full details are to be shown on the architectural and landscaping plans submitted for approval with the Construction Certificate.

45. **External Engineering Works.** To facilitate satisfactory and safe access to and from the proposed development, the following public infrastructure works shall be constructed at no cost to Council along the entire public road frontage of the site.

- a. Standard concrete footpath paving along the frontage of the property in Woodbine Crescent.
- b. Any other associated works required within the footpath/street due to the proposal.
- c. Replacement of any damaged kerb and gutter within the property frontage and at the pipe outlet.

Detailed engineering plans prepared by a qualified and experienced civil engineer in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works **are to be submitted to, and approved by Council**

46. **On-Site Stormwater Detention.** Stormwater runoff from the development site shall be collected and piped by gravity flow to a suitable onsite detention(OSD) system designed in accordance with the City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. The concept drainage design prepared by RCO Engineering Pty Ltd Dwg 229 S01 Rev 2 dated 1/2/16 shall be amended to incorporate but not be limited to the following:

- a. Provision of minimum 5.4m<sup>3</sup> of OSD volume at a discharge rate of 3.0 L/s for each OSD tank. Orifice diameter to be revised to achieve this.

- b. Provision of pits to collect surface runoff from the rear yards of Dwelling 1
- c. Provision of external cleaning eyes for each pipe directed under the building.
- d. All gutters, downpipes and pipeline conveying stormwater runoff to the BASIX tank are to be designed for the 1 in 100 year, 5 minute duration storm event.

Detailed engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application. (Note the owner/Builder should not be the certifying engineer)

47. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.

48. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary. The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*
- a. Existing and final contours
  - b. The location of all earthworks, including roads, areas of cut and fill
  - c. Location of all impervious areas
  - d. **Location and design criteria of erosion and sediment control structures,**
  - e. Location and description of existing vegetation
  - f. Site access point/s and means of limiting material leaving the site
  - g. Location of proposed vegetated buffer strips
  - h. Location of critical areas (drainage lines, water bodies and unstable slopes)
  - i. Location of stockpiles
  - j. Means of diversion of uncontaminated upper catchment around disturbed areas
  - k. Procedures for maintenance of erosion and sediment controls
  - l. Details for any staging of works
  - m. Details and procedures for dust control.

49. **Tree Planting on Council's verge.** Five (5) trees are to be planted equidistant along the nature strip along Woodbine Crescent in the following locations:

- a. Two(2) narrow leaf apple myrtle (*Angophora bakerii*) trees to be planted to the east of the driveway of Dwelling 1A;
- b. Three (3) Snow-in-summer (*Melaleuca linariifolia*) trees to be planted to the west of the driveway of Dwelling 1A and to the east of the existing electricity power pole;
- c. All trees are to have a minimum pot size of 45L at the time of planting;
- d. All trees are to be planted 2.5m from the street kerb;
- e. All trees are to be planted no less than 3m from the edge of any driveway;
- f. Trees to be planted in accordance with Section 6 of Councils Urban Forest Technical Manual.
- g. A \$1,500 bond shall be paid to Council prior to issue of the Construction Certificate. Details of payment are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- h. The trees shall be maintained by the applicant or owner of the site for a minimum period of 12 months after the Occupation Certificate has been issued.

**Note:** An inspection by a Council Tree Management shall be undertaken to ensure that this condition has been met and the tree is of good health and vigour prior to release of the bond. Should the tree fail to survive and thrive it will be at the cost of the applicant to replace the tree and the bond time period of 12 months shall recommence.

## **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.

### **50. 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.

51. **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.
52. **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:
    - a. the name and licence number of the principal contractor; and
    - b. 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:
    - a. the name of the owner-builder; and
    - b. 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).

53. **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.
54. **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.

55. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan prior to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
56. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities.
57. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained within the subject site and on neighbouring allotments. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council **prior to the commencement of construction.**
58. **Street trees.** Prior to the street trees being planted, the location of existing electrical services and underground services shall be determined so as not to plant the tree in such a location that it will in the future affect the any services running into the subject site or adjoining properties.

#### **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.

59. **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*.

60. **Hold points and certification.** The Tree Protection Schedule provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist. **This is to be completed progressively and included as part of the final certification.** A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.

Tree Protection Schedule

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2	Establishment of tree protection fencing and additional root, trunk and/or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

61. **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.
62. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.



63. **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.
64. **Construction materials.** All materials associated with construction must be retained within the site.
65. **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.
66. **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.
67. **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".
68. **Tree removal.** This consent does not authorise the removal of trees unless specifically authorised by a condition of this consent. This consent authorises the removal of the following trees:

Street trees

Tree 1 – Scribbly Gum (*Eucalyptus haemastoma*)

Tree 2 – Butterfly Tree (*Bauhinia prupurea*)

Site trees

Tree 3 – Flowering Ash (*Fraxinus griffithii*)

Tree 4 – False Cypress (*Cupressus sp.*)

Tree 5 – Peach Tree (*Prunius persica*)

All tree removal work is to be carried out in accordance NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

69. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.

Trees to be retained and protected

Tree 6 and 7 – Blue Jacaranda (*Jacaranda mimosifolia*)

70. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
71. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
72. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

#### **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.

73. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 668636s\_02, dated 19 February 2016 and 668552S\_03, dated 19 February 2016.
74. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

75. **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 any **Occupation Certificate**.
76. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

77. **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 any **Occupation Certificate**.
78. **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.
79. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
80. **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 location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain

reinforced concrete and finished levels shall conform with property alignment levels issued by Council's City Works and Infrastructure. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

81. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property in Woodbine Crescent adjacent to the front property boundary. Levels of the footpath paving shall conform with plans approved by Council's City Works and Infrastructure.
82. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
83. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels is to be submitted to the Principal Certifying Authority (PCA) and to Ryde City Council if Council is not the nominated PCA.
84. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Dwg 229 S01 Rev 2 dated 1/2/16 and S02 & S03 Rev 2 dated 18/2/16 prepared by RCO Engineering Pty Ltd and as amended in red by Council and conditions of this consent.
  - Compliance Certificates – Engineering. Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and submitted to the PCA:
  - Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's Development Control Plan 2014: - Part 8.3; Driveways
  - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2014: - Part 8.3; Driveways.

- Confirmation from Council that concrete footpath paving along Woodbine Crescent has been constructed and satisfactory.
- Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management
- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's Development Control Plan 2014: - Part 8.3 Driveways

85. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

The applicant shall submit the works as executed drawing and the compliance certificate for drainage from the hydraulic engineer to Council with the documents for the Positive Covenant.

## 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.

86. **Dual occupancy only.** The dual occupancy is not to be used or adapted for use as a boarding house.
87. **Pool fencing.** The pool fence is to be maintained in accordance with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*.
88. **Tree maintenance.** The owner of the property is to water and maintain the five (5) street trees required under Conditions 1(c) and 49 on the nature strip in front of the property for first 12 months after planting has been completed.

**Note:** The tree bond is redeemable no sooner than 12 months after the Occupation Certificate has been issued. Council Tree Management Officer is to inspect the trees prior to the bond being released. The tree shall be in good health and vigour upon inspection. Should the tree fail to survive and thrive it will be at the cost of the applicant to replace the tree and the bond time period of 12 months shall recommence.

89. **Use of study in Dwelling 1 and Dwelling 1A.** The study within Dwelling 1 and Dwelling 1A of the development is not to be used for the purpose of a home business or home occupation.

- (b) That the traffic and parking issues raised by the residents in the submissions in respect of LDA2015/0466 be referred to Council's Traffic Department and the Traffic Committee if required, for further consideration. Those residents who made a submission should be advised of any outcome of any subsequent Traffic Committee meeting.

On being put to the Meeting, the voting on the Amendment was five (5) for and three (3) against. The Amendment was **CARRIED** and then became the Motion.

**Record of Voting:**

For the Amendment: The Mayor, Councillor Laxale and Councillors Etmekdjian, Pickering, Stott and Yedelian OAM

Against the Amendment: Councillors Chung, Pendleton and Simon

**RESOLUTION:** (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council approve the application at 1 Woodbine Crescent, Ryde – LDA2015/0466 subject to the following conditions:-

**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 (For Demolition)	15/03/2016	Dwg No A00 Rev C
Site Plan	15/03/2016	Dwg No A01 Rev C
Sediment Control Plan	15/03/2016	Dwg No A02 Rev C



Ground Floor Plan	15/03/2016	Dwg No A03(1) Rev C
First Floor Plan	15/03/2016	Dwg No A03(2) Rev B
North East Elevation	23/01/2016	Dwg No A04(1) Rev B
South West Elevation	23/01/2016	Dwg No A04(2) Rev B
North West Elevation	23/01/2016	Dwg No A04(3) Rev B
South East Elevation	23/01/2016	Dwg No A04(4) Rev B
Section AA	23/01/2016	Dwg No A05(1) Rev B
Landscape Plan	15/03/2016	Dwg No A06(1) Rev C
Landscaping Notes	23/01/2016	Dwg No A06(2) Rev B
Schedule of Finishes (1)	20/09/2015	Dwg No A08(1)
Windows Schedule	23/01/2016	Dwg No A09 Rev A
Driveway Profile Dwelling 1	21/11/2015	Dwg No A14(1)
Driveway Profile Dwelling 1A	21/11/2015	Dwg No A14(2)
Stormwater Concept Plan	01/02/2016	Dwg No. 229 S01
Stormwater Concept Plan – Below Ground Tank Section AA Detail OSD 1	18/02/2016	Dwg No. 229 S02
Stormwater Concept Plan – Below Ground Tank Section AA Detail OSD 2	18/02/2016	Dwg No. 229 S03

Prior to the issue of a Construction Certificate, the following amendments shall be made (as marked in red on the approved plans):

- a) **Balcony Screening.** The balcony privacy screen on the balcony of the First Floor Master Bedroom of Dwelling 1A – is to be raised to a height of at least 1.8m above the finished floor level of the first floor.
- b) **Dwelling 1A Garage.** The door on the Dwelling 1A garage to the foyer is to be deleted.
- c) **Street tree planting.** The Landscape Plan to be amended to show the following tree species to be planted in the nature strip along Woodbine Crescent in the following locations:
  - a. Two(2) narrow leaf apple myrtle (*Angophora bakerii*) trees to be planted to the east of the driveway of Dwelling 1A;
  - b. Three (3) Snow-in-summer (*Melaleuca linariifolia*) trees to be planted to the west of the driveway of Dwelling 1A and to the east of the existing electricity power pole;
  - c. All trees are to have a minimum pot size of 45L at the time of planting;
  - d. All trees are to be planted 2.5m from the street kerb;
  - e. All trees are to be planted no less than 3m from the edge of any driveway; and
  - f. All trees are to be spaced equidistant along the nature strip.

- d) **Screen planting.** Landscape Plan (Dwg No. A06 (2) Revision B dated 23/1/16) is to be amended to replace the “Syzygium Australe / Lilly Pilly / up to 18 metre” within the Plant/Tree Schedule with “Syzygium Australe – Select Form / Lilly Pilly / trimmed to 2m”

The Development must be carried out in accordance with the amended plans approved under this condition.

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(s) numbered 668636S\_02, dated 19 February 2016 and 668552S\_03, dated 19 February 2016.
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.
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. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
8. **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.

9. **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.
10. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
11. **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.
12. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
13. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
14. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
15. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.
16. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the relevant Australian Standard and City of Ryde Development Control Plan 2014 Section 8 except as amended by other conditions.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant’s expense.
18. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

19. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

## **DEMOLITION CONDITIONS**

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

20. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- a. Council must be notified of the following particulars:
    - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
    - (ii) The date the work is due to commence and the expected completion date
  - b. A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
21. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
22. **Excavation**
- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
  - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

23. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
24. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
25. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
26. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.
27. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

#### **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.

28. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$4,227.74
Open Space & Recreation Facilities	\$10,407.85
Civic & Urban Improvements	\$3,539.91
Roads & Traffic Management Facilities	\$482.86
Cycleways	\$301.62
Stormwater Management Facilities	\$958.70
Plan Administration	\$81.32
<b>The total contribution is</b>	<b>\$20,000</b>

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 Interim Update (2014), effective from 10 December 2014.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

29. **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**.
30. **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**.
31. **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)



32. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
- Infrastructure Restoration and Administration Fee
  - Enforcement Levy
33. **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**.
34. **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**.
35. **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 3 Woodbine Crescent, Ryde. 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**.
36. **Sydney Water Tap in™.** The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

37. **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**.

38. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 – Fences, unless otherwise specified in this consent. Installation of boundary fencing is to be at the full cost of the developer. Details of compliance are to be provided in the plans for the **Construction Certificate**.

39. **Fencing and Lattice Screening.** Existing boundary fencing is to remain unless otherwise agreed to by the neighbouring property owners.

Lattice privacy screening is to be installed above the existing boundary fences with 3 Woodbine Crescent and 8 Greene Avenue, Ryde to a total fence height of 2.4m high measured from the finished ground level of 1 Woodbine Crescent. Installation of privacy fencing is to be at the full cost of the developer. Details of compliance are to be provided in the plans submitted with the **Construction Certificate**.

40. **Tree planting – location.** The trees required to be planted under this consent must be planted a minimum of 3m from any property boundary. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

41. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.

42. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.

43. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are

required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.

44. **Provision of Pedestrian Sight Lines.** Clear pedestrian sight lines in accordance with Figure 3.3 of AS2890.1 :2004 Off Street Carparking are to be provided at the driveway entry to each dwelling.

This requires that there be no retaining/boundary wall or fence including landscaping higher than 900mm within 2.5m of the driveway entry at the boundary and to a distance of 2.0m within the site. Any walls, landscaping etc are to be adjusted in order to also comply with this. Full details are to be shown on the architectural and landscaping plans submitted for approval with the Construction Certificate.

45. **External Engineering Works.** To facilitate satisfactory and safe access to and from the proposed development, the following public infrastructure works shall be constructed at no cost to Council along the entire public road frontage of the site.

- a. Standard concrete footpath paving along the frontage of the property in Woodbine Crescent.
- b. Any other associated works required within the footpath/street due to the proposal.
- c. Replacement of any damaged kerb and gutter within the property frontage and at the pipe outlet.

Detailed engineering plans prepared by a qualified and experienced civil engineer in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works **are to be submitted to, and approved by Council**

46. **On-Site Stormwater Detention.** Stormwater runoff from the development site shall be collected and piped by gravity flow to a suitable onsite detention(OSD) system designed in accordance with the City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. The concept drainage design prepared by RCO Engineering Pty Ltd Dwg 229 S01 Rev 2 dated 1/2/16 shall be amended to incorporate but not be limited to the following:

- a. Provision of minimum 5.4m<sup>3</sup> of OSD volume at a discharge rate of 3.0 L/s for each OSD tank. Orifice diameter to be revised to achieve this.

- b. Provision of pits to collect surface runoff from the rear yards of Dwelling 1
- c. Provision of external cleaning eyes for each pipe directed under the building.
- d. All gutters, downpipes and pipeline conveying stormwater runoff to the BASIX tank are to be designed for the 1 in 100 year, 5 minute duration storm event.

Detailed engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application. (Note the owner/Builder should not be the certifying engineer)

47. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.

48. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary. The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*
- a. Existing and final contours
  - b. The location of all earthworks, including roads, areas of cut and fill
  - c. Location of all impervious areas
  - d. **Location and design criteria of erosion and sediment control structures,**
  - e. Location and description of existing vegetation
  - f. Site access point/s and means of limiting material leaving the site
  - g. Location of proposed vegetated buffer strips
  - h. Location of critical areas (drainage lines, water bodies and unstable slopes)
  - i. Location of stockpiles
  - j. Means of diversion of uncontaminated upper catchment around disturbed areas
  - k. Procedures for maintenance of erosion and sediment controls
  - l. Details for any staging of works
  - m. Details and procedures for dust control.

49. **Tree Planting on Council's verge.** Five (5) trees are to be planted equidistant along the nature strip along Woodbine Crescent in the following locations:
- a. Two(2) narrow leaf apple myrtle (*Angophora bakerii*) trees to be planted to the east of the driveway of Dwelling 1A;
  - b. Three (3) Snow-in-summer (*Melaleuca linariifolia*) trees to be planted to the west of the driveway of Dwelling 1A and to the east of the existing electricity power pole;
  - c. All trees are to have a minimum pot size of 45L at the time of planting;
  - d. All trees are to be planted 2.5m from the street kerb;
  - e. All trees are to be planted no less than 3m from the edge of any driveway;
  - f. Trees to be planted in accordance with Section 6 of Councils Urban Forest Technical Manual.
  - g. A \$1,500 bond shall be paid to Council prior to issue of the Construction Certificate. Details of payment are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
  - h. The trees shall be maintained by the applicant or owner of the site for a minimum period of 12 months after the Occupation Certificate has been issued.

**Note:** An inspection by a Council Tree Management shall be undertaken to ensure that this condition has been met and the tree is of good health and vigour prior to release of the bond. Should the tree fail to survive and thrive it will be at the cost of the applicant to replace the tree and the bond time period of 12 months shall recommence.

#### **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.

50. **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.
51. **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.
52. **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:
    - a. the name and licence number of the principal contractor; and
    - b. 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:
    - a. the name of the owner-builder; and
    - b. 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).

53. **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.



54. **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.
55. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan prior to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
56. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities.
57. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained within the subject site and on neighbouring allotments. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council **prior to the commencement of construction.**
58. **Street trees.** Prior to the street trees being planted, the location of existing electrical services and underground services shall be determined so as not to plant the tree in such a location that it will in the future affect the any services running into the subject site or adjoining properties.

#### **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.

59. **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*.
60. **Hold points and certification.** The Tree Protection Schedule provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist. **This is to be completed progressively and included as part of the final certification.** A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.

Tree Protection Schedule

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2	Establishment of tree protection fencing and additional root, trunk and/or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

61. **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.

62. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
63. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- Fill is allowed under this consent;
  - The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
  - the material is reused only to the extent that fill is allowed by the consent.
64. **Construction materials.** All materials associated with construction must be retained within the site.
65. **Site Facilities**  
The following facilities must be provided on the site:
- toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - a garbage receptacle for food scraps and papers, with a tight fitting lid.
66. **Site maintenance**  
The applicant must ensure that:
- approved sediment and erosion control measures are installed and maintained during the construction period;
  - building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - the site is clear of waste and debris at the completion of the works.
67. **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".
68. **Tree removal.** This consent does not authorise the removal of trees unless specifically authorised by a condition of this consent. This consent authorises the removal of the following trees:

Street trees

Tree 1 – Scribbly Gum (*Eucalyptus haemastoma*)

Tree 2 – Butterfly Tree (*Bauhinia prupurea*)

Site trees

Tree 3 – Flowering Ash (*Fraxinus griffithii*)

Tree 4 – False Cypress (*Cupressus sp.*)

Tree 5 – Peach Tree (*Prunius persica*)

All tree removal work is to be carried out in accordance NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

69. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.

Trees to be retained and protected

Tree 6 and 7 – Blue Jacaranda (*Jacaranda mimosifolia*)

70. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
71. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
72. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

**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.

73. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 668636s\_02, dated 19 February 2016 and 668552S\_03, dated 19 February 2016.
74. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
75. **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 any **Occupation Certificate**.
76. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

77. **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 any **Occupation Certificate**.
78. **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.

79. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
80. **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 location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's City Works and Infrastructure. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.
81. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property in Woodbine Crescent adjacent to the front property boundary. Levels of the footpath paving shall conform with plans approved by Council's City Works and Infrastructure.
82. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
83. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels is to be submitted to the Principal Certifying Authority (PCA) and to Ryde City Council if Council is not the nominated PCA.
84. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Dwg 229 S01 Rev 2 dated 1/2/16 and S02 & S03 Rev 2 dated 18/2/16 prepared by RCO Engineering Pty Ltd and as amended in red by Council and conditions of this consent.



- Compliance Certificates – Engineering. Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and submitted to the PCA:
- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's Development Control Plan 2014: - Part 8.3; Driveways
- Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2014: - Part 8.3; Driveways.
- Confirmation from Council that concrete footpath paving along Woodbine Crescent has been constructed and satisfactory.
- Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management
- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's Development Control Plan 2014: - Part 8.3 Driveways

85. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

The applicant shall submit the works as executed drawing and the compliance certificate for drainage from the hydraulic engineer to Council with the documents for the Positive Covenant.

## 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.

86. **Dual occupancy only.** The dual occupancy is not to be used or adapted for use as a boarding house.

87. **Pool fencing.** The pool fence is to be maintained in accordance with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*.

88. **Tree maintenance.** The owner of the property is to water and maintain the five (5) street trees required under Conditions 1(c) and 49 on the nature strip in front of the property for first 12 months after planting has been completed.

**Note:** The tree bond is redeemable no sooner than 12 months after the Occupation Certificate has been issued. Council Tree Management Officer is to inspect the trees prior to the bond being released. The tree shall be in good health and vigour upon inspection. Should the tree fail to survive and thrive it will be at the cost of the applicant to replace the tree and the bond time period of 12 months shall recommence.

89. **Use of study in Dwelling 1 and Dwelling 1A.** The study within Dwelling 1 and Dwelling 1A of the development is not to be used for the purpose of a home business or home occupation.

(b) That the traffic and parking issues raised by the residents in the submissions in respect of LDA2015/0466 be referred to Council's Traffic Department and the Traffic Committee if required, for further consideration. Those residents who made a submission should be advised of any outcome of any subsequent Traffic Committee meeting.

#### **Record of Voting:**

For the Motion: The Mayor, Councillor Laxale and Councillors Etmekdjian, Pickering, Simon, Stott and Yedelian OAM

Against the Motion: Councillors Chung and Pendleton

#### **4 MACQUARIE PARK - CAR PARKING REVIEW**

Note: This matter was dealt with later in the meeting, as detailed in these Minutes.

#### **5 MACQUARIE PARK CAR PARKING - PLANNING PROPOSAL**

Note: This matter was dealt with later in the meeting, as detailed in these Minutes.

## **6 TREE PRESERVATION REVIEW- RESULTS OF EXHIBITION OF DCP AMENDMENTS**

Note: Phillip Ward (representing Ryde Hunters Hill Flora and Fauna Preservation Society) addressed the meeting in relation to this Item.

**MOTION:** (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council adopt the amendments to Ryde Development Control Plan 2014- Part 9.5: Tree Preservation as shown at **ATTACHMENT 1**.
- (b) That Council give public notice in a local newspaper of its decision with respect to the draft amending Ryde Development Control Plan (RDCP) 2014 within 28 days of its decision, and provide the Secretary of the Department of Planning and Environment with a copy of the plan in accordance with the Environmental Planning and Assessment Regulation 2000.
- (c) That Council conduct a review of the 4 metre exemption for tree removal 12 months after the RDCP amendments become effective.

**AMENDMENT:** (Moved by Councillors Pendleton and Simon)

- (a) That Council adopt the amendments to Ryde Development Control Plan 2014- Part 9.5: Tree Preservation except in regards to the 4 metre exemption for tree removal on private property being reverted back to 3 metres.
- (b) That Council give public notice in a local newspaper of its decision with respect to the draft amending Ryde Development Control Plan (RDCP) 2014 within 28 days of its decision, and provide the Secretary of the Department of Planning and Environment with a copy of the plan in accordance with the Environmental Planning and Assessment Regulation 2000.

On being put to the Meeting, the voting on the Amendment was three (3) for and five (5) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

### **Record of Voting:**

For the Amendment: The Mayor, Councillor Laxale and Councillors Pendleton and Simon

Against the Amendment: Councillors Chung, Etmekdjian, Pickering, Stott and Yedelian OAM

**RESOLUTION:** (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council adopt the amendments to Ryde Development Control Plan 2014- Part 9.5: Tree Preservation as shown at **ATTACHMENT 1**.
- (b) That Council give public notice in a local newspaper of its decision with respect to the draft amending Ryde Development Control Plan (RDCP) 2014 within 28 days of its decision, and provide the Secretary of the Department of Planning and Environment with a copy of the plan in accordance with the Environmental Planning and Assessment Regulation 2000.
- (c) That Council conduct a review of the 4 metre exemption for tree removal 12 months after the RDCP amendments become effective.

For the Motion: Councillors Chung, Etmekdjian, Pickering, Stott and Yedelian OAM

Against the Motion: The Mayor, Councillor Laxale and Councillors Pendleton and Simon

## **COUNCIL REPORTS**

### **3 REPORT OF THE RYDE CIVIC HUB COMMITTEE MEETING 5/16 held on 14 June 2016**

Note: Philip Peake addressed the meeting in relation to this Item.

Note: Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that her continued and consistent approach to the sale and redevelopment of the Civic Centre public land with the inclusion of high rise residential development is consistent with her core commitment made to the electorate at the 2012 elections.

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

That Council determine all Items 1 and 2 of the Ryde Civic Hub Committee Meeting 5/16, held on 14 June 2016 in accordance with the Ryde Civic Hub Committee Terms of Reference.

#### **Record of Voting:**

For the Motion: Unanimous

**1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 10 May 2016**

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

That the Minutes of the Ryde Civic Hub Committee 4/16, held on 10 May 2016, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS REPORT 9 (JUNE 2016)**

**MOTION:** (Moved by Councillors Stott and Pickering)

That the Ryde Civic Hub Committee receives and notes the content of this Status Report 9 (June 2016).

**AMENDMENT:** (Moved by Councillors Pendleton and Simon)

That Council independently review the design competition:

- (a) The execution of the requirements and goals identified in the Design Brief in Stage 1 and foreshadowed at Stage 2;
- (b) The compliance of the 3 jury shortlisted concepts with the original Design Brief and in particular the community benefits and real outcomes in terms of improved infrastructure and facilities at the site;
- (c) A detailed assessment of the Stage 1 shortlisted concepts' level of community infrastructure benefit including improved public transport options and, in particular, a bus interchange; improved pedestrian accessibility and connectivity to surrounding areas; and community meeting and performance spaces;
- (d) The relevance of the Jury Chair's supplementary requirements in relation to the original Design Brief goals and objectives and in particular community infrastructure benefit including improved public transport options and, in particular, a bus interchange; improved pedestrian accessibility and connectivity to surrounding areas; and community meeting and performance spaces;
- (e) A report of this review is to be returned to the July 2016 Council Meeting for decision.

On being put to the Meeting, the voting on the Amendment was three (3) for and five (5) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

**Record of Voting:**

For the Amendment: The Mayor, Councillor Laxale and Councillors Pendleton and Simon

Against the Amendment: Councillors Chung, Etmekdjian, Pickering Stott and Yedelian OAM

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

That the Ryde Civic Hub Committee receives and notes the content of this Status Report 9 (June 2016).

**Record of Voting:**

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Pickering, Simon and Stott

Against the Motion: Councillors Pendleton and Yedelian OAM

**QUESTIONS BY COUNCILLORS AS PER POLICY**

**1 QUESTIONS WITH NOTICE - Councillor Denise Pendleton**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Pickering)

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

**Record of Voting:**

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Pickering, Simon, Stott and Yedelian OAM

Against the Motion: Councillor Pendleton

Question 1:

**How many individual votes did each of the Ryde Civic Hub concepts receive?**

Answer 1:

2,653



	Total	In-Person	Website
<b>Total Number of Individual Votes Received In-Person and by Website</b>	<b>2,653</b>	<b>556</b>	<b>2097</b>
<b>excluding Votes that did not provide min. info or complete declaration~</b>	<b>2,619</b>	<b>522</b>	<b>2097</b>
<b>illegible paper votes</b>	<b>34</b>		

Total Number of Individual Votes Received on each Design (excluding Votes that did not provide min. info or complete declaration but including invalids)

	Total	In-Person	Website
Design 543	1021	8	1013
Design 16	122	27	95
Design 455	108	4	104
Design 308	77	1	76
Design 25	73	0	73
Design 283	71	35	36
Design 194	61	12	49
Design Jury	50	0	50
Design 509	46	38	8
Design 551	36	1	35
Design 32	34	26	8
Design 22	30	9	21
Design 264	30	1	29
Design 354	30	3	27
Design 462	24	15	9
Design 418	23	20	3
Design 352	23	13	10
Design 491	22	0	22
Design 372	21	18	3
Design 222	21	3	18
Design 81	21	3	18
Design 239	21	7	14
Design 223	19	12	7
Design Jury	18	14	4
Design 5	18	3	15
Design 441	17	12	5
Design 78	17	3	14
Design 368	16	0	16
Design 512	16	7	9
Design 125	15	0	15
Design 396	15	0	15
Design 486	15	8	7
Design 82	15	3	12
Design 119	15	1	14
Design 142	14	12	2
Design 334	14	1	13
Design 211	13	11	2
Design 304	13	1	12
Design 328	13	0	13
Design 108	12	12	0

Design 235	12	9	3
Design 535	12	2	10
Design 356	12	0	12
Design 122	11	4	7
Design 74	10	9	1
Design 103	10	4	6
Design 411	9	1	8
Design 537	9	1	8
Design 366	8	5	3
Design 454	8	3	5
Design 100	8	6	2
Design 39	7	1	6
Design 184	7	3	4
Design 341	7	3	4
Design 364	7	1	6
Design 138	7	1	6
Design 171	7	4	3
Design 440	7	1	6
Design 86	6	5	1
Design 185	6	3	3
Design 186	6	1	5
Design 370	6	6	0
Design 161	6	2	4
Design 557	6	4	2
Design 164	5	3	2
Design 232	5	4	1
Design 253	5	5	0
Design 343	5	4	1
Design 188	5	5	0
Design 245	5	2	3
Design 9	5	3	2
Design 182	5	2	3
Design 307	5	2	3
Design 85	4	4	0
Design 208	4	3	1
Design 225	4	2	2
Design 229	4	0	4
Design 531	4	2	2
Design 562	4	4	0
Design 519	4	0	4
Design 15	3	1	2
Design 70	3	2	1
Design 95	3	2	1
Design 174	3	2	1
Design 187	3	1	2
Design 198	3	1	2
Design 267	3	3	0
Design 326	3	3	0
Design 348	3	3	0
Design 414	3	0	3

Design 436	3	0	3
Design 443	3	0	3
Design 54	3	1	2
Design 116	3	1	2
Design 559	3	3	0
Design 314	3	1	2
Design 63	2	0	2
Design 83	2	0	2
Design 166	2	0	2
Design 192	2	2	0
Design 216	2	1	1
Design 275	2	2	0
Design 301	2	0	2
Design 379	2	2	0
Design 402	2	0	2
Design 428	2	2	0
Design 439	2	0	2
Design 466	2	2	0
Design 477	2	1	1
Design 288	2	2	0
Design 312	2	0	2
Design 536	2	1	1
Design 131	2	0	2
Design Jury	1	0	1
Design 35	1	0	1
Design 41	1	0	1
Design 46	1	0	1
Design 66	1	1	0
Design 84	1	1	0
Design 118	1	1	0
Design 123	1	0	1
Design 128	1	0	1
Design 135	1	1	0
Design 148	1	1	0
Design 262	1	0	1
Design 265	1	1	0
Design 289	1	1	0
Design 295	1	0	1
Design 298	1	1	0
Design 323	1	0	1
Design 333	1	0	1
Design 382	1	1	0
Design 384	1	1	0
Design 398	1	1	0
Design 422	1	0	1
Design 438	1	1	0
Design 460	1	0	1
Design 490	1	0	1
Design 563	1	1	0
Design 2	1	1	0

Design 3	1	1	0
Design 316	1	0	1
Design 518	1	0	1
<b>Total Count for Designs</b>	<b>2619</b>	<b>522</b>	<b>2097</b>

Question 2:

**How many votes did the top 10 scoring and 3 jury shortlisted concepts receive (presented as totals) from:**

- a) Ryde LGA postcodes**
- b) Surrounding LGA postcodes e.g. Hunters Hill, Lane Cove, Parramatta, Canada Bay**
- c) Remainder of NSW**
- d) Other states?**

Answer 2:

The Jury, consisting of eminent architectural and design professionals, evaluated all 175 designs with regards to the objectives, aims and criteria of the Competition Design Brief and the Competition Conditions as endorsed by the Australian Institute of Architects.

Their review included the architectural excellence, sustainability and the potential of the designs. At the time the Jury undertook their deliberations in making their selection of their three shortlisted designs, they had no knowledge of the public selected design.

The Jury selected three designs based on the above criteria which ended up accompanying the most popular public design into Stage 2 of the Competition, which closes Monday 27 June, 2016.

Total Number of VALID Votes by Postcode Location	Total	BY LOCATION	Ryde LGA Postcodes	Surrounding LGA PC <sup>w</sup>	Remainder NSW	Other States
Design 16	110		27	34	30	19
Design 455	98		16	38	44	0
Design 283	68		56	7	5	0
Design 25	61		5	16	38	2
Design 194	60		22	22	16	0
Design Jury*	46		1	10	7	28
Design 509	43		31	7	5	0
Design 32	32		16	7	8	1
Design 22	26		6	0	16	4
Design 264	26		2	5	3	16
Design Jury*	18		9	3	5	1
Design Jury*	1		1	0	0	0

<sup>w</sup> Surrounding LGAs considered were Hunter's Hill, Lane Cove, Parramatta, Canada Bay, Hornsby, Ku-ring-gai and Willoughby.

\*Please note the Design Jury shortlist remains anonymous to ensure there is no prejudice during the next Stage 2 of the competition.

Questions 3:

**How many individual votes were received via postcode, in person and website?**

Answer 3:

No votes were collected via post however 556 votes were received in person and 2,097 were received via the website.

Question 4:

**How many individual votes were received for each of the 10 highest scoring concepts and the 3 final shortlisted concepts by:**

- a) Postcard
- b) In person
- c) Website?

**Answer 4:**

Note: Postcard voting was not a voting option in the competition.

	Total	BY VOTING METHOD	In-Person	Website
Design 16	122		27	95
Design 455	108		4	104
Design 283	71		35	36
Design 25	73		0	73
Design 194	61		12	49
Design Jury*	50		0	50
Design 509	46		38	8
Design 32	34		26	8
Design 22	30		9	21
Design 264	30		1	29
Design Jury*	18		14	4
Design Jury*	1		0	1

**Question 5:**

**How many votes were discounted and on what basis?**

**Answer 5:**

To ensure that the votes were valid and authentic, extensive checks were carried out by Council staff with the assistance of an external validation service. The Probity Advisor had oversight of this process and advice from the General Counsels of the Australian Institute of Architects and the City of Ryde, provided additional support. 1,300 votes proved invalid and were removed from the tally for failing to meet the validation process including email verification, Australian postcodes, authentic mobile numbers, automated voting patterns, removal of duplicates and manual contact was made to confirm participation in the voting.

**Question 6:**

**How many hours was the voting website function not available, how was it identified and what were the causes?**

**Answer 6:**

At no time was the website voting function not available. The voting function was available during the entire competition. A promotional banner on the homepage of the City of Ryde website was removed by a glitch on the website Content Management System which was a 'shortcut' to the voting page. From 11.59pm Wednesday 4 May 2016 to 9.40am Thursday 5 May 2016, the promotional banner 'shortcut' was not up on the website. However, there is evidence of votes continuing to be submitted during this time even in the absence of the banner on the homepage of the website.



Question 7:

**What definition is used for the terms “community” and “public” when analysing the votes received from members of the “Ryde community” and in relation to the competition’s original objective to the Ryde Civic Hub Committee presented on 11 August 2015?**

Answer 7:

The Competition Design Brief, a fully public document, accepted by the Committee and Council, states on page 11 "the general public will be canvassed for their preferred submission". The "community" in terms of this international ideas competition means the general public. It does not differentiate between current residents, past residents, relatives of residents, people who work in Ryde, own businesses here or are landlords of Ryde properties. In short, the competition allowed those members of the public who are interested in Ryde to have a say in its potential future.

**ORDER OF BUSINESS**

**RESOLUTION:** (Moved by Councillors Chung and Yedelian OAM)

That Council bring consideration of Item 6 into Open Council.

**Record of Voting:**

For the Motion: Unanimous

**LATE CONFIDENTIAL ITEM**

**6 LAND AND ENVIRONMENT COURT PROCEEDINGS – 87 BOWDEN STREET, RYDE – LDA2015/283**

Note: Justin Ng, Doriana Donnelly (representing 87 Bowden Street Petitioners), Suellen Hazell and Mark Swayn addressed the meeting in relation to this Item.

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

That Council resolves to instruct the General Counsel in accordance with the instructions provided in Confidential Session.

**Record of Voting:**

For the Motion: Unanimous

## **MAYORAL MINUTES**

### **MM10/16 VOLUNTARY PLANNING AGREEMENT / PLANNING PROPOSAL 66-82 TALAVERA ROAD, MACQUARIE PARK - The Mayor, Councillor Jerome Laxale**

Note: Gavin Carrier (representing Holdmark Property Group) addressed the meeting in relation to this Item.

**RESOLUTION:** (Moved by Councillors Laxale and Yedelian OAM)

That this matter be considered by Council in Closed Confidential Session.

#### **Record of Voting:**

For the Motion: Unanimous

## **COUNCIL REPORTS**

### **1 CONFIRMATION OF MINUTES - Council Meeting held on 24 May 2016**

**RESOLUTION:** (Moved by Simon and Pendleton)

That the Minutes of the Council Meeting 6/16, held on 24 May 2016 be confirmed.

#### **Record of Voting:**

For the Motion: Unanimous

### **2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 5/16 held on 14 June 2016**

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

That Council determine Items 2, 4 and 5 of the Planning and Environment Committee report 5/16, held on 14 June 2016 noting that Items 1 and 7 were dealt with by the Committee within its delegated powers and Items 3 and 6 were dealt with earlier in the Meeting as detailed in these Minutes.

#### **Record of Voting:**

For the Motion: Unanimous

**2 35A WENTWORTH ROAD, EASTWOOD. LOT 2 DP 1178968. Local Development Application for new dwelling. LDA2015/0470.**

**RESOLUTION:** (Moved by Councillors Pendleton and Etmekdjian)

- (a) That Local Development Application No. LDA2015/470 at 35A Wentworth Road, Eastwood being LOT 2, DP 1178968 be approved subject to Condition 6 being amended to include that all dividing fences are to be erected on the boundary of the site, to be confirmed by survey with the construction certificate, to be submitted to the PCA and Council, where Council is not the PCA. Any works to retaining walls related to the dividing fences is to be in full consultation with adjoining owners.
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Unanimous

**3 1 WOODBINE CRESCENT, RYDE. LOT 57 DP 10373. Local Development Application for demolition, new dual occupancy (attached) and swimming pool. LDA2015/0466.**

Note: This matter was dealt with earlier in the meeting, as detailed in these Minutes.

**4 MACQUARIE PARK - CAR PARKING REVIEW**

**RESOLUTION:** (Moved by Councillors Pendleton and Yedelian OAM)

- (a) That Council endorses an increase in the all day car parking cap in Macquarie Park Corridor from \$11.00 to \$18.00, commencing in 2016-17; with the cap phased out from 2017-18;
- (b) That Council endorses the following car parking fee structure in Macquarie Park Corridor:
  - 2016-17 - car parking fees increase from \$2.50 to \$3.00 p/hr (while maintain the all day cap)
  - 2017-18 – all day car parking cap is removed (car parking fees remain at \$3.00 p/hr)
  - 2018-19 – car parking fees increase from \$3.00 to \$3.50p/hr (no cap)
- (c) That Council endorse the amendment to the draft 2016-17 Fees and Charges to indicate that the all day cap be \$18.00 and the parking rate be \$3.00 p/hr;

- (d) That Council communicate these changes with a supporting information awareness campaign, for a minimum period of 4 weeks prior to implementing enforcement activity;
- (e) That Council undertake a study as the basis for converting on-street long-term pay parking to short - term pay parking in Macquarie Park and this study is funded from the Macquarie Park Special Levy and that this be subject to a further report to Council, identifying the locations for the short term parking, in November 2016;
- (f) Any revenue which is derived from the increased hourly rate and removal of the cap be directed to transport and pedestrian initiatives in Macquarie Park.

**Record of Voting:**

For the Motion: Councillors Chung, Etmekdjian, Pendleton, Pickering, Simon, Stott and Yedelian OAM

Against the Motion: The Mayor, Councillor Laxale

**5 MACQUARIE PARK CAR PARKING - PLANNING PROPOSAL**

**RESOLUTION:** (Moved by Councillors Pendleton and Yedelian OAM)

- (a) That Council note the Planning Proposal for the Macquarie Park Corridor car parking rates as outlined in **ATTACHMENT 2**.
- (b) That Council forward the Planning Proposal to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
- (c) That, in the event of a Gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.
- (d) That the proposed amendments to Ryde DCP 2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls be exhibited concurrently with the Planning Proposal.
- (e) That the outcomes of the community consultation for both the Planning Proposal and DCP amendments are reported to Council as soon as practicable after the exhibition.

**Record of Voting:**

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Pendleton, Simon, Stott and Yedelian OAM

Against the Motion: Councillor Pickering

**6 TREE PRESERVATION REVIEW- RESULTS OF EXHIBITION OF DCP AMENDMENTS**

Note: This matter was dealt with earlier in the meeting, as detailed in these Minutes.

**3 REPORT OF THE RYDE CIVIC HUB COMMITTEE MEETING 5/16 held on 14 June 2016**

**1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 10 May 2016**

Note: This matter was dealt with earlier in the meeting, as detailed in these Minutes.

**2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS REPORT 9 (JUNE 2016)**

Note: This matter was dealt with earlier in the meeting, as detailed in these Minutes.

**4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 5/16 held on 21 June 2016**

Note: Councillor Yedelian OAM left the meeting at 10.59pm and was not present for the consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pendleton and Stott)

That Council determine Items 3 and 4 of the Works and Community Committee report 5/16, held on 21 June 2016 noting that Items 1, 2, 5 and 6 were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

### **3 CITY OF RYDE YOUTH HUB - Governance Review and Anchor Tenant Licensing**

Note: Councillor Yedelian OAM was not present for the consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pendleton and Stott)

- (a) That Council endorse the continuation of the Youth Hub for a further 5 years from the Council-owned building at 167 Shaftsbury Road, Eastwood.
- (b) That Council endorse the Anchor Tenancy EOI Evaluation Report (ATTACHED) and license Christian Community Aid (CCA) on a 5 year period to deliver youth services from the Youth Hub according to the following key terms:
  - License Fee: \$11,984 p.a as per community buildings licensing policy
  - License Hours: 7am and 10pm everyday
  - Designated Use: Delivery of Youth Services
- (c) That Council endorses the revised governance model documented in the draft Memorandum of Understanding (ATTACHED).
- (d) That Council delegates Acting General Manager to sign the Youth Hub Licence.
- (e) That a review of the Youth Hub is undertaken after 2 year period of this licence to evaluate its effectiveness and be reported to Council. That the report include alternative models and strategies for supporting youth service in Ryde.
- (f) That Council develops a long-term strategy for this property.
- (g) That the Acting Director – City Strategy and Planning investigate and report back to Council on the status and use of the car park adjoining 167 Shaftsbury Road, Eastwood and explore opportunities for improving pedestrian access to the Glen Street Reserve via this property.

**Record of Voting:**

For the Motion: Unanimous



#### 4 COMMUNITY GRANTS PROGRAM - ALLOCATION OF FUNDING 2015/2016

Note: The Mayor, Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he attends Macquarie Chapel regularly.

Note: Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a member of an organisation who has applied for a grant. He was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pendleton and Stott)

- (a) That Council endorse the allocation of the 2015-2016 City of Ryde Sports and Recreation Community Grant Category as follows:

Organisation	Project Name	Amount \$
Eastwood Ryde Netball Association Inc	Fitness, Fun & Skills	3,500
Ryde Hunters Hill Netball Club	2016 / 2017 Netball Season	1,250
Macquarie Combined Sports Club Incorporated - Macquarie Dragons FC	Training and skill building - female players and children 5-13	3,500
Little Heroes Swim Academy Limited	Putney Heroes Program	3,500
Wheelchair Sports NSW Incorporated	Weekly Wheelchair Fencing Program	3,000
	<b>Total</b>	<b>14,750</b>

- (b) That Council endorse the allocation of the 2015-2016 City of Ryde Seniors Grant Category as follows:

Organisation	Project Name	Amount \$
Italian Leisure Group	Social Events	2,000
Putney Tennyson Probus Club Inc.	Social Outings	2,000
Italian Womens Group Marsfield	Health Promotions Initiatives	500
Korean Day Centre	Music in Life	1,935

IWA Senior Group	Senior Care and Info	1,500
Eastwood Chinese Senior Citizens Club	Healthy Ageing and Dieting with Fun	2,000
Ryde Multicultural Centre Inc.	Informed Seniors 2016	2,000
Macquarie Chapel Breakfast Club	Breakfast Club	1000
Eastwood Ladies Probus Club Inc	Presentation Equipment to aid our Speaker Program	1,050
Probus Club Of Ryde	Subsidy For Transportation Costs	2,000
Italo-Australian Senior Citizens Group	Social Activities for Seniors	2,000
Probus Club of Gladesville and District	Transport Assistance	2,000
Eastwood-Epping branch of Country Women's Association of NSW	Promotional Leaflet	1,500
	<b>Total</b>	<b>21,485</b>

- (c) That Council endorse the allocation of the 2015-16 City of Ryde Capacity Building Grant – Event Category as follows:

Organisation	Project Name	Amount \$
Eastwood Patchwork Quilters Inc	Eastwood Patchwork Quilters Inc. 2017 Biennial Exhibition	3,000
Reach Community Initiatives Incorporated	Christmas Eve Celebration	3,000
Language Festival Association	Ryde Language Festival 2016	1,000
Rotary Club of Macquarie Park Incorporated – Light Up East Ryde	Light Up East Ryde	3,000
Australian South Asia Forum Incorporated	South Asia Arts, Film and Literature (SAFAL) Festival	2,000
Rotary Club of North Ryde Inc.	Seniors Xmas Party	1,000
Ryde Community Forum	Moon Festival Celebrations/Pre-Aussie Day Luncheon	3,500
	<b>Total</b>	<b>16,500</b>

- (d) That Council endorse the allocation of the 2015-16 City of Ryde Capacity Building Grant – Emerging/Small Groups Category as follows:

Organisation	Organisation Support	Amount \$
Australian Korean Art Therapy Association Inc.	To develop life management skills for socio-financially disadvantaged Korean women.	3,450
Artisans Ryde Inc	Need financial assistance to meet operating expenses and support for governance to achieve their vision.	3,500
Australia Han In Saeng Myung Line Inc	Need financial assistance to maintain the service and manage volunteers. Need support to develop governance structure and risks management.	3,500
Ryde Hunters Hill Symphony Orchestra	Financial assistance until such time that the patronage grows to allow subscription tickets.	3,500
Macquarie ADHD Parent Support Group Inc.	Aim to establish a website linking parents to other parent support groups and community organizations, and making the latest research and access to resources available online.	3,410
Neighborhood Watch EW11, EW4, EW40 - RYDE NEIGHBOURHOOD WATCH	Conducts awareness information stalls at City of Ryde festivals and sessions with local volunteers and service groups.	2,000
<b>Total</b>		<b>19,360</b>

- (e) That Council endorse the allocation of the 2015-16 City of Ryde Capacity Building Grant – General Category as follows:

Organisation	Project Name	Amount \$
Ryde Business Forum Incorporated	Re-branding Ryde Business Forum (RBF)	3,500
Autism Community Network	Ryde Arts About Autism Club	2,357
Kyds Youth Development Service Incorporated	Supporting KYDS Counselling Services	3,240
Ryde Regional Radio Co-operative Limited	Radio Training Scholarships	1,275
<b>Total</b>		<b>10,372</b>

- (f) That That Council endorse the allocation of the 2015-16 City of Ryde Community Projects Grant Category as follows:

Organisation	Project Name	Amount \$
SydneySiders Express Inc	SydneySiders Express Men's Chorus	2,611
Hunters Hill Ryde Community Services - Ryde Chinese Carers Support Group	'You You Club'	3,000
Differently Abled People Association Incorporation (DAPA)	Community connect for People with disabilities and people with CALD background(PWD/CALD Talent Connect)	3,000
Ivanhoe Estate Tenant Group Inc.	Footprints Project Ivanhoe Estate	3,000
Settlement Services International	Afghan Women Wellbeing and Inclusion Project	3,990
St Andrews Socio Religious Justice, Harmony of FITA Inc.	"Keep Ryde Beautiful & Clean Together "(Litter Less, Act for Local)	2,000
2realise Inc.	2realise your career	4,500
Sydney Korean Women's Association	" Helping Hands"	2,000
Giant Steps Sydney	Waste Warriors- Environmental Education Project	1,000
Sydney Latin American Film Festival Inc.	Human Rights in Latin America Film Event	2,000
Bawurra Foundation	Ryde Schools Project	2,000
Royal Rehab	Return2Sport Cardio Tennis	3,000
Hunters Hill Ryde Community Services - Korean Cockatoos	Out and About	3,000
St John's North Ryde	ESL Program	3,000
Taldumande Youth Services	Intensive Family Support Program	4,000
Macquarie Chapel Presbyterian Church	Macquarie Chapel Playtime	2,000
Australia Korean Welfare Association	School Performance and Mental Health	3,000
Feng Huang Yuan Spiritual Cultivation Centre Inc	Eco Enzyme in Ryde	1,600
<b>Total</b>		<b>48,701</b>

- (g) That Council endorse the allocation of June 2016 Small Grants Category as follows:

Organisation	Project Name	Amount \$
Michael Hughes Foundation	Ryde Community Defibrillator & CPR Information Sessions	1,000
Enactus Macquarie	Vertical Planet	1,000
Young At Heart Seniors Group St Charles Borromeo Parish, RYDE	Socialization for elderly clients	1,000
	<b>Total</b>	<b>3,000</b>

- (h) That the successful and unsuccessful grant applicants be informed in writing of the outcome of their applications.
- (i) That \$18,832 being the remainder of the funding unallocated from current Grant round be transferred into Community Grant Reserve Fund.
- (j) That the Community Grant Reserve Fund now accumulated to \$39,290 continues to be used to provide Small Grants funding through the year.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Yedelian OAM returned to the meeting at 11.05pm.

**EXTENSION OF TIME – COMPLETION OF BUSINESS**

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

That Council extend the meeting closing time to allow the completion of all business, the time being 11.05pm.

**Record of Voting:**

For the Motion: Unanimous

## **COUNCIL REPORTS**

### **5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 5/16 held on 21 June 2016**

**RESOLUTION:** (Moved by Councillors Pendleton and Etmekdjian)

That Council determine all Items 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of the Finance and Governance Committee Meeting 5/16, held on 21 June 2016 in accordance with the Finance and Governance Committee Terms of Reference.

**Record of Voting:**

For the Motion: Unanimous

#### **1 CONFIRMATION OF MINUTES - Finance and Governance Committee Meeting held on 17 May 2016**

**RESOLUTION:** (Moved by Councillors Pendleton and Chung)

That the Minutes of the Finance and Governance Committee 4/16, held on 17 May 2016, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

#### **2 INVESTMENT REPORT - May 2016**

**RESOLUTION:** (Moved by Councillors Pendleton and Chung)

That Council endorse the report of the Acting Chief Financial Officer dated 1 June 2016 on Investment Report – May 2016.

**Record of Voting:**

For the Motion: Unanimous

#### **3 CARRYOVER FUNDS/PROJECTS 2015/2016 TO 2016/2017**

**RESOLUTION:** (Moved by Councillors Pendleton and Chung)

(a) That Council endorse the proposed carryovers, totalling \$12.92 million and include them in the 2016/2017 Budget, detailed as follows:

- \$0.05 million for projects that will benefit from broader scope for efficiencies

- \$0.24 million for projects that Council has previously approved
  - \$1.19 million for projects that have been delayed for reasons detailed in this report
  - \$5.44 million for projects that were substantially commenced, tendered and/or contracts signed
  - \$6.00 million for Macquarie Park, Waterloo Rd project due to circumstances beyond Council's control
- (b) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Reserves of \$12.49 million be adopted.

**Record of Voting:**

For the Motion: Unanimous

**4 FOUR YEAR DELIVERY PLAN 2016-2020 INCLUDING ONE YEAR OPERATIONAL PLAN 2016/2017**

**RESOLUTION:** (Moved by Councillors Etmekdjian and Chung)

- (a) That Council note the public submissions received during the public exhibition period and the responses to the submissions, as detailed in the report under separate cover.
- (b) That in accordance with Sections 404 & 405 of the Local Government Act (1993), the Draft Four Year Delivery Plan 2016-2020 including One Year Operational Plan 2016/2017 be adopted as the Four Year Delivery Plan 2016-2020 including One Year Operational Plan 2016/2017, incorporating the amendments described in this report, and all changes consequential thereunto.
- (c) That, in accordance with Sections 534, 535 and 538 of the Local Government Act, 1993, Council makes the following rates and charges for every parcel of rateable land within the City of Ryde for the year commencing 1 July 2016 as detailed in the Four Year Delivery Plan 2016-2020 including One Year Operational Plan 2016/2017.
- (i) A Residential Ordinary Rate of zero point one one nine four five two five five (0.11945255) cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as residential in accordance with Section 516 of the Local Government Act, 1993 subject to a minimum amount of five hundred and four dollars and seventy three cents (\$504.73).



- (ii) A Business Ordinary Rate of zero point eight one one four one six six seven (0.81141667) cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as business in accordance with Section 518 of the Local Government Act, 1993, (excepting land sub-categorised as Business - Major Retail Centre - Macquarie Park or sub-categorised as Business - Major Retail Centre - Top Ryde, subject to a minimum amount of five hundred and four dollars and seventy three cents (\$504.73).
- (iii) A Business - Major Retail Centre - Macquarie Park Ordinary Rate of one point three zero three one five zero two (1.3031502) cents in the dollar levied on the land value of all rateable land within the City of Ryde sub-categorised as Business - Major Retail Centre - Macquarie Park in accordance with Section 529(2)(d).
- (iv) A Business - Major Retail Centre - Top Ryde Ordinary Rate of one point three zero three one five zero two (1.3031502) in the dollar levied on the land value of all rateable land within the City of Ryde sub-categorised as Business - Major Retail Centre – Top Ryde in accordance with Section 529(2)(d).
- (v) An Environmental Management Rate of zero point zero two one five five six five three (0.02155653) cents in the dollar be levied on the value of all rateable land within the City of Ryde subject to a base amount of fifty five dollars and seventy six cents (\$55.76), which will levy thirty six percent (36%) of the total amount raised within this rate.
- (vi) An Infrastructure Renewal and Maintenance Special Rate of Zero point zero one two six eight four nine (0.0126849) cents in the dollar be levied on the value of all rateable land within the City of Ryde subject to a base amount of fifty eight dollars and thirty three cents (\$58.33), which will levy Fifty percent (50%) of the total amount raised within this rate.
- (vii) A Macquarie Park Corridor Special Rate of zero point one six four seven six three (0.164763) cents in the dollar be levied on the land value of all rateable land categorised as business in accordance with Sections 518 or 529(2) (d) and included in the Macquarie Park Corridor, as identified by the map contained in the Four Year Delivery Plan 2016-2020 including One Year Operational Plan 2016/2017.
- (viii) That aggregation of parcels of land, subject to a minimum or base amount, be permitted in accordance with Section 548A of the Local Government Act 1993.

(d) That, in accordance with Section 496 (1) of the Local Government Act 1993, Council makes the charge for the Domestic Waste Management Service for each rateable residential property to be set at:

- Seven hundred and thirty one dollars (\$731.00) per service per annum for a premium service (includes 240 litre bin)
- Four hundred and thirty two dollars (\$432.00) per service per annum for a standard service (includes 140 litre bin)
- Three hundred and seventy dollars (\$370.00) per service per annum for an Eco-service (includes 80 litre bin) and
- the following additional services be provided, on request, to each rateable residential property, for the following annual charges:

(i)	Additional 80 litre Garbage Bin	\$263.00
(ii)	Additional 140 litre Garbage bin	\$328.00
(iii)	Additional 240 litre Garbage bin	\$642.00
(iv)	Additional Recycle bin	\$ 52.00
(v)	Additional Green bin	\$ 52.00

(e) That, in accordance with Section 496 (2) of the Local Government Act 1993, Council makes the charge for the Domestic Waste Management Service, on request, to Non-rateable residential properties to be set at:

- Seven hundred and thirty one dollars (\$731.00) per service per annum for a premium service (includes 240 litre bin)
- Four hundred and thirty two dollars (\$432.00) per service per annum for a standard service (includes 140 litre bin)
- Three hundred and seventy dollars (\$370.00) per service per annum for an Eco-service (includes 80 litre bin) and
- the following additional services be provided, on request, to each non-rateable residential property, for the following annual charges:

(i)	Additional 80 litre Garbage Bin	\$263.00
(ii)	Additional 140 litre Garbage bin	\$328.00
(iii)	Additional 240 litre Garbage bin	\$642.00
(iv)	Additional Recycle bin	\$ 52.00
(v)	Additional Green bin	\$ 52.00

- (f) That, in accordance with Section 501 (1) of the Local Government Act 1993, Council makes the standard charge for the Other Waste Management service provided, on request, to non-rateable non-residential properties be set at four hundred and thirty two dollars (\$432.00) per service per annum and the following additional services be provided, on request, to each non-rateable non-residential property, for the following annual charges:

(i)	Additional 140 litre Garbage bin	\$328.00
(ii)	Additional 240 litre Garbage bin	\$642.00
(iii)	Additional Recycle bin	\$ 52.00
(iv)	Additional Green bin	\$ 52.00

- (g) That in accordance with Section 496A of the Local Government Act 1993, Council makes the Stormwater Management Service Charge be levied at the following rates:

(i)	Strata titled residential home units	\$12.50 per unit
(ii)	Other residential property	\$25.00 per rateable property
(iii)	Business rateable properties	\$25.00 per 350 sq metres of land area
(iv)	Strata titled business units	\$12.50 per unit

- (h) That, in accordance with Section 611 of the Local Government Act 1993, the following annual charges be made:

- (i) the use of Council land for the vehicle overbridge situated in Herring Road be charged in accordance with the legal agreement between the City of Ryde and the owners of Macquarie Shopping Centre (anticipated income is \$84,920 including GST for 2016/2017).
- (ii) the use of Council land for the Shell Oil company pipeline in the City of Ryde be charged in accordance with the pricing formula agreed with the Company, (anticipated income is \$66,880 including GST for 2016/2017).
- (iii) the use of Council land for AGL Gas Mains in the City of Ryde be charged at a rate based on an annual review by KPMG of AGL's revenue (anticipated income is \$64,990 for 2016/2017).

- (i) That Council sets the rate of interest payable in respect of rates and charges that remain unpaid after they become due and payable be set at eight percent (8.0%) per annum.
- (j) That the Schedule of Fees and Charges, annexed to the Draft Four Year Delivery Plan 2016-2020 including One Year Operational Plan 2016/2017 as amended in terms of this report, be made and fixed as Council's Fees and Charges for 2016/2017.

**Record of Voting:**

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Pickering, Simon, Stott and Yedelian OAM

Against the Motion: Councillor Pendleton

**5 3RD ANNUAL AFFORDABLE HOUSING SUMMIT - MELBOURNE  
14-15 JULY 2016**

**RESOLUTION:** (Moved by Councillors Pendleton and Simon)

That Council endorse the attendance of the Mayor, Councillor Laxale at the '3<sup>rd</sup> Annual Affordable Housing Summit' in Melbourne 14-15 July 2016, including payment of his travel and accommodation expenses.

**Record of Voting:**

For the Motion: Unanimous

**6 PUBLIC SECTOR CHANGE MANAGEMENT CONFERENCE -  
MELBOURNE 3-4 AUGUST 2016**

**RESOLUTION:** (Moved by Councillors Pendleton and Chung)

That Council endorse Councillor Pickering's request to attend this program, including attendance fees, accommodation, travel and other associated expenses.

**Record of Voting:**

For the Motion: Unanimous

**7 REPORTS DUE TO COUNCIL**

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

That the report on Outstanding Council Reports be endorsed.

**Record of Voting:**

For the Motion: Unanimous

**8 REQUEST FOR TENDER - LEASE OF THE KIOSK WITHIN THE  
RYDE AQUATIC LEISURE CENTRE COR-RFT-02/16**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Chung)

- (a) That Council accepts the tender from Advanced Catering Systems Holdings Pty Ltd for the Operation of the Kiosk at the Ryde Aquatic Leisure Centre, for a three (3) year period with an option to extend for a further two (2) years as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with Advanced Catering Systems Holdings Pty Ltd 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.

**Record of Voting:**

For the Motion: Unanimous

**9 ADVICE ON COURT ACTIONS**

Note: Councillor Chung left the meeting at 11.11pm and was not present for the consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pickering and Yedelian OAM)

That this matter be deferred for consideration in Closed Confidential Session.

**Record of Voting:**

For the Motion: Unanimous

**10 LONG TERM FINANCIAL PLAN 2016/2026**

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

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

That Council adopt the Long Term Financial Plan 2016/2026 and incorporate it into Council's overall Resourcing Strategy Plan.

**Record of Voting:**

For the Motion: The Mayor, Councillor Laxale and Councillors Etmekdjian, Pickering, Simon, Stott and Yedelian OAM

Against the Motion: Councillor Pendleton

Note: Councillor Chung returned to the meeting at 11.12pm.

### **PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

#### **1 CORRESPONDENCE FROM HUNTERS HILL COUNCIL - FORCED COUNCIL AMALGAMATIONS**

**MOTION:** (Moved by Councillors Yedelian OAM and Chung)

That the correspondence be received and noted.

**AMENDMENT:** (Moved by Councillors Simon and Pendleton)

(a) That the correspondence be received and noted.

(b) That Council support Hunters Hill Council's resolution to conduct a plebiscite regarding the proposed merger of Hunters Hill, Lane Cove and the City of Ryde.

On being put to the Meeting, the voting on the Amendment was three (3) for and five (5) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

**Record of Voting:**

For the Amendment: The Mayor, Councillor Laxale and Councillors Pendleton and Simon

Against the Amendment: Councillors Chung, Etmekdjian, Pickering, Stott and Yedelian OAM

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Chung)

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

**NOTICES OF MOTION**

**1 DEFERRED NOTICE OF MOTION: CITY OF RYDE SPORTSGROUNDS - Deputy Mayor, Councillor Roy Maggio**

**RESOLUTION:** (Moved by The Mayor, Councillor Laxale and Councillor Chung)

That the consideration of this matter be deferred until the next Council Meeting.

**Record of Voting:**

For the Motion: Unanimous

**2 DEFERRED NOTICE OF MOTION: SIGNATURE BANNER POLICY - Deputy Mayor, Councillor Roy Maggio**

**RESOLUTION:** (Moved by The Mayor, Councillor Laxale and Councillor Chung)

That the consideration of this matter be deferred until the next Council Meeting.

**Record of Voting:**

For the Motion: Unanimous

**3 DEFERRED NOTICE OF MOTION: PARKING DEMANDS - ELS HALL PARK - Deputy Mayor, Councillor Roy Maggio**

**RESOLUTION:** (Moved by The Mayor, Councillor Laxale and Councillor Chung)

That the consideration of this matter be deferred until the next Council Meeting.

**Record of Voting:**

For the Motion: Unanimous

**4 NEW CRICKET PRACTICE NETS AT MEADOWBANK PARK - Deputy Mayor, Councillor Roy Maggio**

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

- (a) That Council Officers explore funding options from Councils Section 94 reserve that could be allocated for the purpose of constructing new Cricket Practice Nets at Meadowbank Park.



- (b) That subject to the availability of funds, Council includes in its 2016/17 Operational Plan capital works program the Cricket Practice Nets project at Meadowbank Park and allocates a budget of \$50,000 for this purpose.
- (c) That should confirmation of funding as above occur, Council accept the already received written offers of contributions from Cricket NSW (\$25,000), West Ryde Rovers Cricket Club (\$5,000) and Northern District Cricket Association (\$5,000) for this project to assist Council in fast tracking the construction of this project.
- (d) That Council thank Cricket NSW, the Northern District Cricket Association and the West Ryde Rovers for their collaboration in delivering these facilities in the Ryde community.

**Record of Voting:**

For the Motion: Unanimous

**5 FLOOD DAMAGE AT 37 SOBRAON ROAD, MARSFIELD - Councillor Justin Li**

**RESOLUTION:** (Moved by The Mayor, Councillor Laxale and Councillor Chung)

That the consideration of this matter be deferred until the next Council Meeting.

**Record of Voting:**

For the Motion: Unanimous

**6 COUNCIL MERGER – PLEBISCITE OF RESIDENTS - Councillor George Simon**

Note: This matter was dealt with earlier in the meeting, as detailed in these Minutes.

**NOTICES OF RESCISSION**

**1 NOTICE OF RESCISSION: EXPANSION OF BLENHEIM PARK TO INCLUDE 86 BLENHEIM ROAD AND 12A-14 EPPING ROAD, NORTH RYDE - Deputy Mayor, Councillor Roy Maggio, Councillor Jeff Salvestro-Martin, Councillor Artin Etmekdjian**

Note: This matter was dealt with earlier in the meeting, as detailed in these Minutes.

## **QUESTIONS BY COUNCILLORS AS PER POLICY**

### **1 QUESTIONS WITH NOTICE - Councillor Denise Pendleton**

Note: This matter was dealt with earlier in the meeting, as detailed in these Minutes.

## **CLOSED SESSION**

### **MAYORAL MINUTE 10/16 – VOLUNTARY PLANNING AGREEMENT / PLANNING PROPOSAL 66-82 TALAVERA ROAD, MACQUARIE PARK - The Mayor, Councillor Jerome Laxale**

#### **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.

## **ITEM 5(9) – ADVICE ON COURT ACTIONS**

#### **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: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

### **LATE ITEM 6 – LAND AND ENVIRONMENT COURT PROCEEDINGS – 87 BOWDEN STREET, RYDE – LDA2015/283**

#### **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: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**RESOLUTION:** (Moved by Councillors Chung and Yedelian OAM)

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 11.22pm. The public and media left the chamber.

### **MAYORAL MINUTE**

#### **MM10/16 VOLUNTARY PLANNING AGREEMENT / PLANNING PROPOSAL 66-82 TALAVERA ROAD, MACQUARIE PARK - The Mayor, Councillor Jerome Laxale**

Note: Gavin Carrier (representing Holdmark Property Group) addressed the meeting in relation to this Item.

**RECOMMENDATION:** (Moved by The Mayor, Councillor Laxale and Councillor Simon)

- (a) That Council endorse the community benefits as detailed in the report relating to the Planning Proposal for 66-82 Talavera Road, Macquarie Park.
- (b) That the process, as detailed in the report be adopted, subject to agreement by Holdmark Property Group to the community benefits;
- (c) That Council advise the applicant and the owner of Council's decision.

#### **Record of Voting:**

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Pickering, Simon, Stott and Yedelian OAM

Against the Motion: Councillor Pendleton

### **COUNCIL REPORT**

#### **5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 5/16 held on 21 June 2016**

##### **9 ADVICE ON COURT ACTIONS**

**RECOMMENDATION:** (Moved by Councillors Simon and Yedelian OAM)

That the report of the General Counsel be received.

#### **Record of Voting:**

For the Motion: Unanimous

**LATE CONFIDENTIAL ITEM**

**6 LAND AND ENVIRONMENT COURT PROCEEDINGS – 87 BOWDEN STREET, RYDE – LDA2015/283**

Note: Justin Ng, Doriana Donnelly (representing 87 Bowden Street Petitioners), Suellen Hazell and Mark Swayn addressed the meeting in relation to this Item.

**RECOMMENDATION:** (Moved by Councillors Chung and Pendleton)

That Council resolves to instruct the General Counsel in accordance with the instructions provided in Confidential Session.

**Record of Voting:**

For the Motion: Unanimous

**OPEN SESSION**

**RESOLUTION:** (Moved by Councillors Pendleton and Yedelian OAM)

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous

Note: Open Council resumed at 12.24am.

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

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 12.26am on Wednesday, 29 June 2016

CONFIRMED THIS 26TH DAY OF JULY 2016

Chairperson