

Council Meeting**MINUTES OF MEETING NO. 13/11**

Meeting Date: Tuesday 23 August 2011
Location: Council Chambers, Level 6
Time: 7.30pm

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

Apologies: Councillors Butterworth and Salvestro-Martin.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager – Governance, Chief Financial Officer, Service Unit Manager – Project Development, Corporate Reporting Officer, Media & Community Relations Officer and Meeting Support Coordinator.

PRAYER

Pastor Robyn Peebles of the Church of the Good Shepherd, West Ryde was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

No.	Name	Topic
1	Ms Katherine Clark	Notice of Motion 1 – ROAD SAFETY AUDIT TO IMPROVE SAFETY AND EFFICIENCY OF THE PUTNEY VILLAGE AND PUTNEY PUBLIC SCHOOL PRECINCT
2	Mr Andrew Wilson	Notice of Motion 1 – ROAD SAFETY AUDIT TO IMPROVE SAFETY AND EFFICIENCY OF THE PUTNEY VILLAGE AND PUTNEY PUBLIC SCHOOL PRECINCT Notice of Motion 3 – PRESENTATION TO COUNCIL BY FRASERS PROPERTY REGARDING THE STAGING OF THE RYDE REHABILITATION CENTRE SYDNEY REDEVELOPMENT

MAYORAL MINUTES**MM09/11 AUSTRALIAN NATIONAL FLAG DAY AND FLAG RAISING CEREMONY IN EASTWOOD PLAZA**

RESOLUTION: (Moved by the Mayor, Councillor Etmekdjian and Councillor Petch)

- (a) That Council endorse a flag handover ceremony at Eastwood to celebrate the 110th birthday of the Australian National Flag on 2 September 2011.
- (b) That Council thank former Councillor Mr Terry Ryan for his donation of the flag.

Record of Voting:

For the Motion: Unanimous

MM10/11 ROADS TO RECOVERY PROGRAM

RESOLUTION: (Moved by the Mayor, Councillor Etmekdjian and Councillor Petch)

That Council endorse the following motion in support of the continuation of the Roads to Recovery program;

City of Ryde calls on the Federal Government to:

- recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
- continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;
- continue the Roads to Recovery program with the current administrative arrangements; and
- provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2billion annually.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS**1 CONFIRMATION OF MINUTES - Council Meeting held on 9 August 2011**

RESOLUTION: (Moved by Councillors Pickering and Petch)

That the Minutes of the Council Meeting 12/11, held on Tuesday 9 August 2011, be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE MEETING 10/11 held on 16 August 2011

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

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

Record of Voting:

For the Motion: Unanimous

2 78 HERMITAGE ROAD, WEST RYDE. LOT 8 DP 24562. Local Development Application for change of use to manufacturing, warehousing and retail sale of pool products, provision of a neighbourhood shop and the erection of 6 advertising signs. LDA2011/0022.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That this application be deferred for the applicant to submit further information to Council in support of their application addressing the reasons for refusal presented in the report to the Planning and Environment Committee on 16 August 2011, including the reduction of signage on the site and the storage of chemicals in compliance with WorkCover requirements.
- (b) That upon receipt of this information, a further report be presented to the Planning and Environment Committee within a three month period.
- (c) That Council officers immediately work with the applicant to ensure the safe storage of chemicals on the site.

Record of Voting:

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

Against the Motion: Councillor Campbell

3 20-34 ASHBURN PLACE, GLADESVILLE. LOT 22 DP 708012, LOT 1 DP 301842 & LOT 2 DP 10088 – Section 96 Application to delete the requirement for Privacy Screens for the Approved Nursing Home. LDA2003/1222. Section 96 MOD2010/0135.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

(a) That the application MOD2010/0135 for modification of Local Development Application No. LDA2003/1222 to construct a nursing home at 20-34 Ashburn Place Gladesville, be approved as follows:

1. The removal of all privacy screens from the lower ground floor (Common Room, G8 and B9).
2. The removal of privacy screens from the top floor north facing panel of Room 107 and redirecting the south facing panel with slats at 45 degrees.
3. The retention of all other privacy panels on the top floor (including the Common Room).
4. A lattice privacy screen be attached to the top of the boundary fence at the applicant's expense to be a minimum of 500mm and a maximum of 750mm to run from the commencement of the gazebo located at 11 Amiens Street to the end of the premises at 7 Amiens Street, Gladesville.

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

Record of Voting:

For the Motion: Unanimous

3 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 11/11 held on 16 August 2011

RESOLUTION: (Moved by Councillors Maggio and Petch)

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

Record of Voting:

For the Motion: Unanimous

2 TREE MANAGEMENT REVIEW - 55 Shaftsbury Road, Denistone

RESOLUTION: (Moved by Councillors Maggio and Tagg)

That the one (1) *Eucalyptus saligna* (Sydney Blue Gum) located on the property of 55 Shaftsbury Road, Denistone be conditionally approved for removal. The condition being that prior commitment by the owner is given to include the replacement planting of one (1) native tree that is 1.5 metres in height at the time of planting and will reach a minimal height of 8 metres at maturity.

Record of Voting:

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

Against the Motion: Councillor Campbell

3 TREE MANAGEMENT REVIEW – 4 Dwyer Street, Ryde

RESOLUTION: (Moved by Councillors Maggio and Petch)

- (a) That the application to remove two (2) *Ulmus parvifolia* (Chinese Weeping Elms) located on the property of 4 Dwyer Street, Ryde be refused.
- (b) That subject to compliance with the following conditions, pruning of the two (2) *Ulmus parvifolia* (Chinese Weeping Elm) is approved:

- The pruning is as described under **Clause 7.2.2** of Australian Standard 4373-2007 'Pruning of Amenity Trees'.

Prune to remove dead branches (including stubs), to a minimum diameter of 25mm where accessible by rope access techniques or Elevated Work Platform (EWP).

- The pruning is as described under **Clause 7.3.2** of Australian Standard 4373-2007 'Pruning of Amenity Trees'. (AS4373)

Reduction prune lower branches that overhang the residence by reducing the length of branches to a maximum diameter of 50mm at the final cut and to internal lateral branches or stems.

A maximum of 15% of the total live canopy is to be removed.

- The pruning as described under **Clause 7.3.6** Australian Standards 4373-2007 'Pruning of Amenity Trees'.

Pruning of branches to maintain clearances around overhead services.

A maximum of 10% of the entire canopy area may be removed to achieve line clearance.

Record of Voting:

For the Motion: Unanimous

4 TOILET BLOCKS RENEWAL (CENTRES ONLY)

RESOLUTION: (Moved by Councillors Maggio and Petch)

- (a) That the public toilets at Coxs Road outside the North Ryde Library be upgraded during the year 2011/12 to meet the requirements for accessibility.
- (b) That a report be provided outlining opportunities for the installation of additional urinals at ELS Hall Sports Complex.
- (c) That a report be provided for consideration of a public toilet block in the vicinity of Five Ways Town Centre.
- (d) That subject to parts (b) and (c) above, the Toilet Block Renewal (excluding sport fields) project in the Four year Delivery Program be discontinued for the years 12/13, 13/14, and 14/15.
- (e) That a review of signage be undertaken for the existing public toilet blocks in commercial centres and that a further report be provided.

Record of Voting:

For the Motion: Unanimous

4 COUNCIL'S MEETING STRUCTURE

MOTION: (Moved by Councillors Yedelian OAM and Pickering)

- (a) That Council remove all references to Committee of the Whole as a Standing Committee from the Code of Meeting Practice.
- (b) That Council endorse Option C as set out in this report, as its Council and Committee Meeting structure.
- (c) That interim arrangements to support the preferred Option with regard to Council and Committee Meeting structure be put in place as soon as practicable, noting that the Code of Meeting Practice will be reviewed for public exhibition.
- (d) That a further report be provided to Council in September presenting a draft Code of Meeting Practice for public exhibition and which reflects Council's preferred option.
- (e) That a further report on reviewing the Advisory Committees, including meeting dates, be provided to Council in September 2011.

AMENDMENT: (Moved by Councillors Campbell and Petch)

- (a) That Council remove all references to Committee of the Whole as a Standing Committee from the Code of Meeting Practice.
- (b) That Council endorse Option A as set out in this report, as its Council and Committee Meeting structure.
- (c) That interim arrangements to support the preferred Option with regard to Council and Committee Meeting structure be put in place as soon as practicable, noting that the Code of Meeting Practice will be reviewed for public exhibition.
- (d) That a further report be provided to Council in September presenting a draft Code of Meeting Practice for public exhibition and which reflects Council's preferred option.
- (e) That a further report reviewing the Advisory Committees including meeting dates be provided to Council in September 2011.

The Amendment was put and **CARRIED** with seven (7) votes For and three (3) votes Against, thereby becoming the Motion.

Record of Voting:

For the Amendment: The Mayor, Councillor Etmekdjian and Councillors Campbell, Li, O'Donnell, Petch, Perram and Tagg

Against the Amendment: Councillors Maggio, Pickering and Yedelian OAM

FURTHER AMENDMENT: (Moved by Councillors Pickering and Maggio)

That this matter be deferred to enable consideration of the Advisory Committees being incorporated into the Tuesday night meeting cycle.

The Amendment was put and **LOST** there being four (4) votes For and six (6) Against. The Motion was then put and **CARRIED**.

Record of Voting:

For the Amendment: Councillors Li, Maggio, Pickering and Yedelian OAM

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Campbell, O'Donnell, Petch, Perram and Tagg

RESOLUTION: (Moved by Councillors Campbell and Petch)

- (a) That Council remove all references to Committee of the Whole as a Standing Committee from the Code of Meeting Practice.

- (b) That Council endorse Option A as set out in this report, as its Council and Committee Meeting structure.
- (c) That interim arrangements to support the preferred Option with regard to Council and Committee Meeting structure be put in place as soon as practicable, noting that the Code of Meeting Practice will be reviewed for public exhibition.
- (d) That a further report be provided to Council in September presenting a draft Code of Meeting Practice for public exhibition and which reflects Council's preferred option.
- (e) That a further report reviewing the Advisory Committees, including meeting dates, be provided to Council in September 2011.

Record of Voting:

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

Against the Motion: Councillor Maggio

5 INVESTMENT REPORT - July 2011

Note: Mr John Todd, Chief Financial Officer provided a verbal update to the meeting, in advising the meeting that following submissions for Investment Advisory Services, Oakvale Capital was recommended to be appointed.

RESOLUTION: (Moved by Councillors Petch and Tagg)

- (a) That the report of the Chief Financial Officer, dated 4 August 2011 on INVESTMENT REPORT – July 2011, be endorsed.
- (b) That Council note and endorse the update provided in respect of the appointment of Council's investment advisor, Oakvale Capital.

Record of Voting:

For the Motion: Unanimous

6 JUNE 2011 QUARTERLY REVIEW REPORT 2010-2014 MANAGEMENT PLAN

Note: The General Manager provided a presentation to the meeting on the June Quarterly Review.

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

- (a) That the report of the Chief Financial Officer, dated 8 August 2011 on JUNE 2011 QUARTERLY REVIEW REPORT 2010-2014 MANAGEMENT

PLAN, be received and endorsed.

- (b) That the proposed budget adjustments included in this report totalling \$0.26 million be endorsed and included in the 2010/2011 Budget.
- (c) 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 \$10.552 million be adopted.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 8 August 2011 be endorsed.

Record of Voting:

For the Motion: Unanimous

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Maggio and Petch)

That Council now consider Notices of Motion Numbers 1 and 3, the time being 9.00pm.

Record of Voting:

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

Against the Motion: Councillor Tagg

NOTICES OF MOTION

1 ROAD SAFETY AUDIT TO IMPROVE SAFETY AND EFFICIENCY OF THE PUTNEY VILLAGE AND PUTNEY PUBLIC SCHOOL PRECINCT - Councillor Roy Maggio

Note: Ms Katherine Clark and Mr Andrew Wilson addressed the meeting in relation to this item.

Note: A letter dated 17 August 2011 from the Principal of Putney Public School was tabled in relation to this matter and a copy is **ON FILE**.

MOTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council facilitate a Road Safety Audit (RSA) that will identify any strengths, weakness and opportunities which will improve the safety and an overall efficiency of the Putney Village and Putney Public School precinct.

1. That all stakeholders of the Putney Village and Putney Public School precinct be contacted to attend the Safety Audit.
2. That all results of the RSA be communicated to the stakeholders that participated.
3. Is an alternative arrangement possible such as a 15 minute Loading Zone legal which would solve the solution at the Putney Village.

AMENDMENT: (Moved by Councillors Petch and Tagg)

That the resolution of the Traffic Committee Meeting held on 18 August 2011 regarding the Road Safety Audit for the Putney Village be extended to include the Putney Public School precinct.

The Amendment was put and **LOST** there being four (4) votes For and six (6) Against. The Motion was then put and **CARRIED**.

Record of Voting:

For the Amendment: Councillors Campbell, Li, Petch and Tagg

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Maggio, O'Donnell, Perram, Pickering and Yedelian OAM

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council facilitate a Road Safety Audit (RSA) that will identify any strengths, weakness and opportunities which will improve the safety and an overall efficiency of the Putney Village and Putney Public School precinct.

1. That all stakeholders of the Putney Village and Putney Public School precinct be contacted to attend the Safety Audit.
2. That all results of the RSA be communicated to the stakeholders that participated.
3. Is an alternative arrangement possible such as a 15 minute Loading Zone legal which would solve the solution at the Putney Village.

Record of Voting:

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

Against the Motion: Councillor Tagg

3 PRESENTATION TO COUNCIL BY FRASERS PROPERTY REGARDING THE STAGING OF THE RYDE REHABILITATION CENTRE SYDNEY REDEVELOPMENT - Councillor Roy Maggio

Note: Councillor Campbell left the meeting at 9.16pm and was not present for the voting on this Item.

Note: Mr Andrew Wilson addressed the meeting in relation to this item.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council invite Frasers Property to present and discuss the staging of the Ryde Rehabilitation Centre Sydney redevelopment including the proposed road network and anticipated traffic impacts.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Campbell returned to the meeting at 9.18pm.

COUNCIL REPORTS (continued)

7 12th INTERNATIONAL CITIES TOWN CENTRES AND COMMUNITIES SOCIETY CONFERENCE - Hobart - 25 to 28 October 2011

RESOLUTION: (Moved by Councillors Petch and Campbell)

- (a) That Council confirm the attendance of Councillors Butterworth and Tagg at the 12th International Cities Town Centres and Communities Society Conference being held in Hobart from 25 to 28 October 2011.
- (b) That the Councillors prepare a report to Council following their attendance at the Conference.

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

8 REQUESTS FOR WAIVER OF FEES FOR EVENTS IN PARKS AND VENUES

RESOLUTION: (Moved by Councillors Petch and O'Donnell)

- (a) That Council does not provide fee reductions or fee waivers for sporting groups or community organisations, except in keeping with the adopted Schedule of Fees and Charges in the Delivery Plan.

- (b) That fee waivers be considered only relating to one off fund raising events for Registered Benevolent Charitable Institutions or events conducted by local community organisations for participation by the community as a whole.
- (c) That the General Manager be delegated authority to determine any fee waivers.

Record of Voting:

For the Motion: Unanimous

9 COMPLETION OF RYDE LIBRARY AND PLANNING & BUSINESS CENTRE FITOUT PROJECT

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

- (a) That the expenditure on the fit-out of the Library and Ryde Planning and Business Centre be noted;
- (b) That the unspent funds of \$453,634 from the Ryde Planning and Business Centre be retained in the Civic Centre reserve account; and
- (c) That the staff responsible for delivering the project under budget and to a high level of quality be thanked for their efforts.

Record of Voting:

For the Motion: Unanimous

10 WEST RYDE COMMUNITY CENTRE FACILITY - FIT OUT AND FUNDING ARRANGEMENTS

RESOLUTION: (Moved by Councillors Petch and Campbell)

- (a) That Council note that \$1million from Stockland Trust Management Limited has been received and endorses these funds being fully utilised in funding the delivery of the West Ryde Community Centre.
- (b) That Council endorses the additional \$550,000 allocation to the West Ryde Community Centre facility to meet the requirements of the facility and tenant needs as detailed in the report.
- (c) That the balance of \$450,000 be transferred into the Asset Replacement Reserve.

Record of Voting:

For the Motion: Unanimous

11 FLAG AND FLAGPOLE AT KISSING POINT PARK, PUTNEY

MOTION: (Moved by Councillors O'Donnell and Yedelian OAM)

That a flag and flagpole not be erected at Kissing Point Park, Putney.

AMENDMENT: (Moved by Councillors Maggio and Pickering)

That this matter be deferred to allow consideration of the report undertaken in 2005 and for the matter to be reported back to Council.

On being put to the Meeting, the voting on the Amendment was five (5) all. The Mayor used his casting vote For the Amendment. The Amendment was **CARRIED**, thereby becoming the Motion.

Record of Voting:

For the Amendment: The Mayor, Councillor Etmekdjian and Councillors Li, Maggio, Pickering and Yedelian OAM

Against the Amendment: Councillors Campbell, O'Donnell, Petch, Perram and Tagg

MOTION: (Moved by Councillors Maggio and Pickering)

That this matter be deferred to allow consideration of the report undertaken in 2005 and for the matter to be reported back to Council.

The Motion was put and **LOST** there being four (4) votes For and six (6) Against. The matter was now **AT LARGE**.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Maggio, Pickering and Yedelian OAM

Against the Motion: Councillors Campbell, Li, O'Donnell, Petch, Perram and Tagg

FURTHER MOTION:

RESOLUTION: (Moved by Councillors Petch and Tagg)

That a flag and flagpole not be erected at Kissing Point Park, Putney.

Record of Voting:

For the Motion: Councillor Campbell, Li, O'Donnell, Petch, Perram and Tagg

Against the Motion: The Mayor, Councillor Etmekdjian and Councillors Maggio, Pickering and Yedelian OAM

12 REPORT ON OUTSTANDING RESOLUTIONS

RESOLUTION: (Moved by Councillors Petch and O'Donnell)

That the report on Outstanding Resolutions be endorsed.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION**1 ESTABLISHMENT OF A LOCAL PLANNING PANEL**

RESOLUTION: (Moved by Councillors Petch and Campbell)

- (a) That the correspondence be received.
- (b) That a report be provided to Council regarding the composition of the Joint Regional Planning Panel.
- (c) At the time at which nominations are called for the Joint Regional Planning Panel, Councillor Petch, Councillor Pickering and any other Councillor's names be forwarded to the Local Government Shires Association for their consideration.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION**1 ROAD SAFETY AUDIT TO IMPROVE SAFETY AND EFFICIENCY OF THE PUTNEY VILLAGE AND PUTNEY PUBLIC SCHOOL PRECINCT - Councillor Roy Maggio**

Note: This Notice of Motion was considered earlier in the meeting as detailed in these Minutes.

2 CONNECTING COMMUNITIES TO EASTWOOD AFTER THE FIRE - Councillor Justin Li

MOTION: (Moved by Councillors Li and Tagg)

As a response to the fire at Eastwood Shopping Centre, Council allocates up to \$1,000,000 in the 2011/2012 financial year to revitalise and encourage business and community activity in the Eastwood Town Centre through initiatives including the following:

- regular (at least monthly) outdoor cinemas at Eastwood Plaza, starting in October 2011;
- constructing additional street parking near the Eastwood Town Centre, including at the intersection of Railway Parade and May Street;
- expanding the free Top Ryder bus service to include a route transporting Marsfield and Denistone East residents to Eastwood Town Centre;
- replacing electricity poles on Rowe Street with smart poles; and
- erecting more recreational infrastructure (eg. permanent table tennis tables) near Eastwood Park.

AMENDMENT: (Moved by Councillors Campbell and O'Donnell)

- (a) In response to the tragic fire in Eastwood which has significantly impacted local businesses and residents in the West Ward area, the General Manager provide a comprehensive report to Council within three months that assesses opportunities for increased community infrastructure, social support services and business support for the Eastwood and West Ryde communities. The report should include advice on potential budgetary implications and timeframes for any options proposed. In preparing the report, Council staff are requested to liaise with local community organisations, businesses and local residents.
- (b) That as a matter of urgency, a further report be provided to the Works and Community Committee Meeting on 6 September 2011 to accelerate the cinemas in the plaza program.

With the concurrence of the mover and seconder, the Amendment then became the Motion.

RESOLUTION: (Moved by Councillors Li and Tagg)

- (a) In response to the tragic fire in Eastwood which has significantly impacted local businesses and residents in the West Ward area, the General Manager provide a comprehensive report to Council within three months that assesses opportunities for increased community infrastructure, social support services and business support for the Eastwood and West Ryde communities. The report should include advice on potential budgetary implications and timeframes for any options proposed. In preparing the report, Council staff are requested to liaise with local community organisations, businesses and local residents.
- (b) That as a matter of urgency, a further report be provided to the Works and Community Committee Meeting on 6 September 2011 to accelerate the cinemas in the plaza program.

Record of Voting:

For the Motion: Unanimous

3 PRESENTATION TO COUNCIL BY FRASERS PROPERTY REGARDING THE STAGING OF THE RYDE REHABILITATION CENTRE SYDNEY REDEVELOPMENT - Councillor Roy Maggio

Note: This Notice of Motion was considered earlier in the meeting as detailed in these Minutes.

4 PLANTING PROGRAM IN MIRIAM PARK - Councillor Terry Perram

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

That Council undertake a planting program in Miriam Park to replace the trees that have been removed from that park in recent years.

Record of Voting:

For the Motion: Unanimous

COMPLETION OF BUSINESS

RESOLUTION: (Moved by Councillors Tagg and Campbell)

That the meeting time be extended to allow Council to complete the business listed on the Agenda, the time being 10.59pm.

Record of Voting:

For the Motion: Unanimous

NOTICES OF RESCISSION**1 328-332 VICTORIA ROAD, GLADESVILLE. LOT 1 DP 778254. Local Development Application for demolition, construct a new building and basement car park for the purpose of a Dan Murphy's liquor store, including internal fit-out and signage. LDA2011/0146. - Councillor Victor Tagg, Councillor Justin Li, Councillor Terry Perram**

Note: A letter dated 9 August 2011 from Woolworths Limited was tabled in relation to this matter and a copy is **ON FILE**.

RESOLUTION: (Moved by Councillors Tagg and Perram)

That Council rescind the previous resolution in relation to ITEM 2 (Item 3) – Report of the Planning and Environment Committee Meeting 9/11 held on 19 July 2011, passed at the Council Meeting held on 26 July 2011, namely:

- 3 328-332 VICTORIA ROAD, GLADESVILLE. LOT 1 DP 778254. Local Development Application for demolition, construct a new building and basement car park for the purpose of a Dan Murphy's liquor store, including internal fit-out and signage. LDA2011/0146.**

That this matter be deferred to allow consultation with the Heritage Advisory Committee, the Ryde Traffic Committee, the community and to enable staff to negotiate with the applicant to address these issues including the protection of the building's façade.

On being put to the meeting the Rescission Motion was **CARRIED** there being six (6) votes For and four (4) votes Against. The matter was now **AT LARGE**.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Li, Perram, Pickering and Tagg

Against the Motion: Councillors Maggio, O'Donnell, Petch, and Yedelian OAM.

RESOLUTION: (Moved by Councillors Tagg and Pickering)

- (a) That Local Development Application No. LDA2011/0146 at 328 – 332 Victoria Road being LOT 1 DP 778254 be approved subject to the following Conditions of Consent:-

GENERAL

1. Development is to be carried out in accordance with the following plans and support information submitted to Council, and as amended by the subsequent conditions and plans submitted under Part 1 of the consent:
 - a) Architectural drawings prepared by Scott Carver Pty Ltd, detailed as follows:
 - DA 00 Issue B
 - DA 01 Issue B
 - DA02 Issue B
 - DA 03 Issue B
 - DA 04 Issue B
 - DA 05 Issue B
 - DA 06 Issue B
 - DA 07 Issue B
 - DA 08 Issue B
 - DA 10 Issue B
 - DA 11 Issue B
 - DA 12 Issue B
 - DA 13 Issue B
 - DA 14 Issue B

DA 15
DA 16
DA 17
DA 18
DA 19
DA 20

- b) Statement of Environmental Effects prepared by The Planning Group NSW Pty Limited dated March 2011, including the specialist reports and plans provided at Appendix A, C, D, E, F, G, H, I, K and L.
2. **BCA.** All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
3. **Construction Certificate.** Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act, 1997 are to be complied with:
- a) A **Construction Certificate** is to be obtained in accordance with Section 81A (2)(a) of the Act.
- b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A (2)(b) of the Act and Form 7 of Schedule 1 to the Regulations.
- c) Council is to be notified at least two (2) days prior to the intention to commence building works, in accordance with Section 81A (2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.
4. **Accredited Certifier.** The applicant may apply to the Council or an accredited certifier for the issuing of a **Construction Certificate** and to Council or an accredited certifier to monitor compliance with the approval and issue any relevant documentary evidence or certificate/s.
- Council Officers can provide these services and further information can be obtained from Council by telephoning 9952 8222 (Customer Service).
5. **Excavations and backfilling**
- a) All excavations and backfill associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
6. **Retaining walls and drainage**
- If the soil conditions require it:
- a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of

- the soil must be provided.
- b) adequate provision must be made for drainage.

7. **Support for neighbouring building**

If the soil conditions require it:

- a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - i) must preserve and protect the building from damage, and
 - ii) if necessary, must underpin and support the building in an approved manner, and
 - iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- b) The 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 clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.
- c) In this clause, "allotment of land" includes a public road and any other public place.

8. **Protection of Public Places**

- a) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d) Any such hoarding, fence or awning is to be removed when the work has been completed.

Extension of Gerard Lane

- 9. **Accessway To the Site.** The proposed access way to the site extending from the northern to the southern boundary including any structures located under it shall be designed to withstand the likely anticipated loading for it being utilised as a public access way. Additionally its formation shall comprise of a 6.0m wide carriageway and a 1.5m wide full width concrete footpath located on the eastern side adjacent to the building. Detailed engineering plans, including certification from a structural engineer indicating compliance with this condition is to be submitted with the

construction certificate application.

Signage

10. The applicant is advised that any erection of signs on advertising structures not indicated on the development consent plans requires the submission of a new development application to Council.
11. No flush wall signs shall project horizontally more than 300mm from the wall.
12. The two vehicle direction signs, one located on the Osgathorpe Road elevation and the other above the car park entry (referred to as S9 and S6 respectively on drawing DA11) are to be reduced in size to comply with the 0.3m² directional size requirement within clause 4.0 of the Ryde Signage DCP 2010.
13. Window signs shall not be greater than 75% of the window area and shall not display words relating to alcoholic beverages.
14. **Access for waste collection vehicles.** Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and loading dock areas are to be designed for maximum legal dimensions and weights.

Additional clearances must be provided for overhead and side loading where appropriate.
15. **Lighting of premises.** Lighting shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. All lighting shall comply with the Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.
16. **Bicycle parking.** Secure bicycle parking is to be provided in the building equal in area to 1 car space. The bicycle parking is to be designed and installed in accordance with Australian Standard AS 2890.3 and must be provided in suitable location for the convenience of employees and visitors to the site.
17. **Car Parking Spaces.** 39 spaces are to be provided, in accordance with the submitted plans. Spaces are to be paved, line marked and made freely available at all times during business hours of the site for staff and visitors.

General Environmental Health Conditions

18. **Construction and fit-out of food premises** - The construction and fitout of all new food premises, and renovations or alterations to any existing food premises, must comply with the requirements of:
 - a) Food Safety Standard 3.2.3 *Food Premises and Equipment*, and
 - b) Australian Standard AS 4674 - 2004 Design, construction and fit-out of food premises.

19. **Construction of walls** - The walls of the premises must be constructed of brick, concrete blocks, preformed panels filled with suitable material or other solid materials.
20. **Wall finishes in other areas** - Wall finishes must be finished with an impervious material that is suitable for the use of the area.
21. **Fixing of wall finishes** - The wall finishes must be adhered directly to the wall to provide a smooth even surface free of buckles, ledges, fixing screws, open joints, cracks or crevices.
22. **Floor finishes** - The floors must be finished to an even surface with an impervious material that is suitable for the use of the area.
23. **Coving** – Floors where wet cleaning is carried out, the floors must be coved at the intersections with the walls and any exposed plinths.
24. **Floors to be graded to floor wastes** - In areas where liquids are likely to be discharged onto the floor or wet cleaning is carried out the floors must be graded to floor wastes connected to the sewerage system.
25. **Construction of ceilings** - Ceilings in food storage areas must be constructed of painted plasterboard or other suitable impervious material finished to a smooth even surface free of holes, open joints, cracks or crevices.
26. **Drop-in panel ceilings** - Drop-in panel ceilings are not permitted over food preparation areas and areas where open food is displayed or served.
27. **Coolrooms and freezer rooms** – All coolroom and freezer rooms must have doors that are capable of being opened from inside the room at all times without the use of key, an be fitted with an alarm device that is only operable from inside the room and is clearly audible outside the room.
28. **Pipes, conduits and electrical wiring** - Where possible all service pipes, conduits and electrical wiring must be concealed in floors, plinths, walls or ceilings. Alternatively, service pipes and conduits may be fixed on brackets at least 25mm clear of any adjacent vertical surface and at least 100mm clear of any adjacent horizontal surface.
29. **Penetrations for services** - All penetrations for service pipes, conduits and electrical wiring must be sealed to prevent the entry of pests.
30. **Cavities and voids** - Any inaccessible cavities and voids (eg. between coolrooms and adjacent walls and ceilings) must be suitably sealed so that they are inaccessible to pests.
31. **Hand washing facilities** - Hand basins must be provided where exposed food is handled, in equipment washing areas and in or adjacent to toilet cubicles. The hand basins must be readily accessible, of a size that allows easy and effective hand washing, and fitted with hands-free taps and a common spout for the supply

- warm running water.
32. **Hand drying facilities** - A towel dispenser that dispenses single-use paper towels or other suitable hand drying facilities must be provided at each hand basin.
 33. **Design and construction of fixtures, fittings and equipment** - All fixtures, fittings and equipment must be designed and constructed so as to permit easy and effective cleaning, using materials that are impervious and suitable for their intended use.
 34. **Support of fixtures, fittings and appliances** - All fixtures, fittings and appliances must be supported on suitable wheels, plinths, legs, brackets or framework.
 35. **Wheels and castors** - Wheels or castors may be used to support fittings and appliances subject to the following requirements:
 - a) The wheels or castors must adequately support and permit easy movement of the fitting or appliance when fully loaded.
 - b) Sufficient space must be available to move the fitting or appliance to provide access for cleaning purposes.
 - c) The wheels or castors must incorporate suitable locking devices.
 36. **Plinths** - Plinths must be constructed of solid concrete at least 75mm high and recessed under fittings and appliances to provide a toe space of not more than 50mm.
 37. **Legs** - Legs must be constructed of non-corrosive solid or tubular metal or moulded plastic and be designed and securely fixed so that there is:
 - a) a clear space of at least 150mm between the floor and the underside of the fitting or appliance; and
 - b) at least 25mm clearance between the legs and any adjacent walls or vertical surfaces.
 38. **Brackets** - Brackets must be constructed of non-corrosive solid or tubular metal and be securely fixed so that there is a clear space of at least 150mm between the floor and the underside of the fixture, fitting or appliance.
 39. **Framework supports** - Framework supports must be constructed of non-corrosive solid or tubular metal and be designed and fixed in such a manner that easy access is available for cleaning the framework and adjacent surfaces.
 40. **Tubular metal supports** - Where tubular metal is used for legs, brackets or framework supports the open ends must be suitably capped or sealed to prevent the access of pests.
 41. **Installation of fixtures, fittings and appliances** - Adequate clear space must be provided between fixtures, fittings and appliances and any adjacent walls to permit easy access for cleaning or any crevice formed must be effectively sealed with a suitable sealant

- to prevent the collection of refuse.
42. **Storage facilities** - Adequate facilities must be provided on the premises for the storage of all foodstuffs, equipment, utensils, spare clothing, packaging materials, cleaning products and other articles used on the premises.
 43. **Staff clothing and personal effects** - Change rooms or lockers must be provided for staff to store clothing and personal effects.
 44. **Ventilation of rooms** - Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation.
 45. **Ventilation of carpark** - The basement carpark must be provided with an adequate system of permanent natural ventilation or an approved system of mechanical ventilation.
 46. **Exhaust air discharge vents** - All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
 47. **Carpark exhaust vent** - The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and at least 6 metres from any fresh air intake vent, natural ventilation opening or neighbouring property boundary.
 48. **Regulated systems** - All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.
 49. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
 50. **Noise control measures** – All noise and vibration control measures nominated in the acoustical consultant's report and any related project documentation must be implemented.
 51. **Noise and vibration from plant and equipment** - Unless otherwise provided in this consent, the operation of any plant or equipment installed on the premises must not cause:
 - a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
 - b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.

c) The transmission of vibration to any place of different occupancy.

52. **Noise Limits** - Noise generated at the premises must not exceed the noise limits specified in the September 2009 Noise Impact Assessment Report No. 09-1398-R1.

To determine compliance with the specified noise limits the noise must be measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver's premises

Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).

53. **Noise Limits** - Noise generated at the premises must not exceed the noise limits specified in the following Table:

Location	DAY L _{Aeq} (15 minute)	EVENING L _{Aeq} (15 minute)	NIGHT L _{Aeq} (15 minute)
Nearest Residential Dwelling	54	51	41

To determine compliance with the specified noise limits the noise must be measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver's premises

Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).

General Engineering Conditions

54. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde development Control Plan 2010 Section 8* except as amended by other conditions.
55. **Service Alterations.** All mains, services, poles, etc which require alteration shall be altered at the applicant's expense.
56. **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.
57. **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.

General Crime Prevention Conditions

58. Lighting is to be providing to the underside of building awnings.
59. **Security flood lighting.** Where provided should project light outwards towards pathways, access ramp, parking areas and not towards windows and doors.
60. **Surveillance equipment.** Any surveillance equipment installed is to utilise digital or video technology to record images from the cameras. Cameras are to be installed in and around the business to maximise surveillance opportunities. Any surveillance system should be manufactured and installed by a qualified/reputable installer and regularly function tested. If surveillance equipment is installed, it should meet the requirements of the Privacy legislation.
61. **Lux lighting.** Lighting selected should support the CCTV cameras and avoid any glare or distortion of footage.
62. **Graffiti-resistant materials.** To be used on the external walls of the building, in the car park and in areas which are accessible by other structures so as to reduce future attacks and assist in the quick removal of such attacks.
63. Removable and lockable **anti-ram bollards** are to be used in the store entry.

PRIOR TO CONSTRUCTION CERTIFICATE

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

A	B
Community & Cultural Facilities	\$24,504.08
Open Space & Recreation Facilities	\$0
Civic & Urban Improvements	\$38,976.81
Roads & Traffic Management Facilities	\$10,980.89
Cycleways	\$3,323.37
Stormwater Management Facilities	\$15,177.22
Plan Administration	\$888.27
The total contribution is	\$93,850.63

This contribution is a contribution under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as

specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 11/12/2007.

The above amount, if not paid within the quarter that the consent is granted, shall be adjusted for inflation by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) on the basis of the contribution rates that are applicable at time of payment.

65. **A security deposit** (category: other buildings with delivery of bricks or concrete or machine excavation) is to be paid to Council (Public Works and Services Group) as well as the Infrastructure Restoration and Administration Fee. Please refer to Council's Management Plan for the current fee amounts.
66. An Enforcement levy is to be paid to Council on lodgement of the Construction Certificate application in accordance with the requirements of Council's Management Plan (scheduled fees).
67. Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be received prior to the issuing of the Construction Certificate.
68. 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.
69. Documentary evidence of compliance with Conditions 66 to 70 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the **Construction Certificate**.
70. The ceiling/roof area and walls must be fitted with insulation. Ceiling/roof insulation must be rated R3.0 or equivalent and wall insulation must have an R1.5 or equivalent rating. Insulation of brick cavity walls is not required. Details are to be noted on the plans submitted with the **Construction Certificate**.
71. **Energy and Water efficiency:** Prior to the issue of a **Construction Certificate**, an energy efficiency report must be submitted to the Council demonstrating compliance with Council's Energy Smart, Water Wise DCP 2010 controls.

Certification of the energy efficiency performance of the building must be submitted to the Council by a suitably qualified consultant prior to the Final **Occupation Certificate** being issued.
72. **Sydney Water requirements:** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building, Development and Plumbing section of the website at www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

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

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

73. **Energy Australia's Requirements:** Local Customer Service Office to obtain documentary evidence that Energy Australia has been consulted and that their requirements have been met.

Energy Australia

Building No. 2 Bridge Road (near Sherbrook Road) Hornsby

Telephone: 9477 8201

Facsimile: 9477 8295

Postal Address: GPO Box 4009, Sydney NSW 2001

Email Address: HornsbyDA@energy.com.au

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

74. **Public Domain.** Public domain improvements are to be undertaken in accordance with the Ryde Public Domain Technical Manual. Full details including samples, schedules and plans are to be submitted and approved by Council prior to **Construction Certificate**. Applicants must ensure that the health of the street trees are guaranteed for a minimum of 2 years to ensure the character and appearance of the streetscape is established and maintained. Any species that die within two years of planting must be replaced by the applicant with a specimen of a similar size and maturity.
75. **A site works plan** indicating compliance with Council's DCP 2010, Part 8.1 – Construction Activities, in relation to:
- sedimentation and pollution controls;
 - tree preservation and protection measures;
 - security fencing;
 - builder's identification signage and demolition in progress signage; and
 - provision of site toilets
- to the satisfaction of Council or an accredited certifier is to be submitted to Council with the **Construction Certificate**.
76. The applicant is to submit to and have approved by Council or an accredited certifier engineer's details for all concrete work and structural steelwork prior to the issue of the **Construction**

Certificate.

77. Certification is to be provided with the **Construction Certificate** by a Structural Engineer that the proposed method of anchorage of the signs is structurally adequate having regard to their size, type and location.
78. Council's City of Ryde Development Control Plan 2010: *Part 7.2- Waste Minimisation & Management* sets out your obligations for Waste Management. A Waste Management Plan in accordance with the DCP is to be submitted to and approved by Council or an accredited certifier prior to the issue of the **Construction Certificate**.
79. All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to issue of the **Construction Certificate**.
80. A "Fire Safety Schedule" must be provided prior to issue of the **Construction Certificate**; specifying the fire safety measures (both current and proposed) to be implemented in the building premises. The fire safety schedule must deal with the **whole** of the building (not merely part of the building to which this development consent relates), in accordance with Clause 168 - Environmental Planning & Assessment Regulation 2000.

Engineering Conditions Prior to Construction Certificate

81. **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**.
82. **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.
83. **Car Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with relevant sections of AS 2890.1 and AS 2890.2. Accordingly, to minimise vehicles conflict at the entrance to the underground car park convex mirrors are to be placed at appropriate locations to minimise the potential of conflict between vehicles exiting space 38 and the car park with those entering the carpark.

Plans including certification from a traffic engineer indicating compliance with this condition are to be submitted with the **Construction Certificate**.

84. **Loading Dock Finished Floor Level.** To prevent the ingress of road water entering the loading dock area, the proposed loading dock finished floor level shall be increased by 200mm to RL 45.95. Plans indicating compliance with this condition are to be submitted with the **Construction Certificate** application.
85. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to Gerard Lane via an on-site detention and inter-allotment drainage system designed in accordance with City of Ryde, Development Control Plan 2010 – Part 8.2; Stormwater Management.

Accordingly, the amended design shall incorporate but not be limited to the following:

- a) The post-development flows shall not exceed that at pre-development levels for all storm events and durations up to and inclusive of the 1 in 100 year ARI storm with the pre-development flows being derived by assuming the site is 100% pervious.
- b) The OSD tank will not be subjected to back water flow by locating the outlet pipe of the tank equal to or higher than the surface level of the last upstream pit located in Gerard Lane.
- c) All gutters, downpipes and pipeline conveying runoff to the OSD tank are to be sized for the 1 in 100 year ARI storm.

Amended engineering plans including engineering certification indicating compliance with this condition including being consistent with the architectural and landscaping plans shall be submitted with the **Construction Certificate** application.

86. **External Stormwater Drainage Works.** To facilitate satisfactory stormwater disposal from the proposed development, the applicant shall, at no cost to Council extend Council's existing drainage system in Gerard Lane to the northern end of Gerard Lane.

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.

Engineering plans assessment and inspections fee associated with this work are payable in accordance with Council's Management Plan prior to consent for such works being issued by Council.

87. **Maintenance Bond.** To ensure satisfactory performance of the completed external works, a maintenance period of six (6) months shall apply to all external engineering works completed in relation

to this application. The performance period shall commence from Council's Compliance Certificate issue date.

The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. A bond in the form of a cash deposit or Bank Guarantee of \$10,000 shall be lodged with City of Ryde prior to issue of the **Construction Certificate** to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.

88. **Road Anchors.** Where road anchors are determined necessary to support the proposed excavation, applicable road anchors fee in accordance with Council's Management plan are to be paid to Council prior to issue of **Construction Certificate**.
89. **Traffic Management Plan.** To ensure safe construction traffic flow on site a Traffic Management Plan (TMP) and report shall be prepared by an RTA accredited person and submitted to and approved by the PCA prior to issue of **Construction Certificate**. A copy of the TMP shall be forwarded to Council.

The TMP shall be prepared in accordance with Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", the RTA's Manual – "Traffic Control at Work Sites" and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities. The TMP is to address but not be limited to the loss of on-street parking, construction vehicles travel routes, safety of the public, materials storage, handling and deliveries including construction traffic parking

Additionally, all traffic controllers on site must be RTA accredited traffic controllers and a minimum of seven (7) days notice shall be given to residents if their access will be affected by proposed construction activities.

90. **Excavation.** To ensure the proposed site excavation will not impact on the adjoining property structures foundations, Public roadway and utility services etc.

The applicant shall submit to the Principal Certifying Authority for approval a geotechnical report prepared and certified by a chartered practicing geotechnical/structural engineer addressing, but not be limited to the following items:-

- a) The likely impacts of the proposed excavations will have on structures and services of adjoining properties and public road reserve.
- b) Detail what measures are to be taken to protect the structures and services of adjoining properties and public road reserve from structural damage and undermining during construction.
- c) A copy of the report including geotechnical/structural engineer certification should be submitted to Council

The above matters shall be completed prior to the issue of the construction certificate.

All recommendations of the Geotechnical/structural Engineer are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

91. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Department of Housing. These devices shall be maintained during the construction works and replaced where considered necessary.

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

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

Environmental health conditions prior to construction certificate

92. **Carpark ventilation details** - Details of the proposed method of ventilating the basement carpark must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate.
93. **Mechanical ventilation details** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private

certifier for approval with the application for the Construction Certificate. Such details must include:

- a) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;
- b) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
- c) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and
- d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.

PRIOR TO COMMENCEMENT

94. 'Dial 1100 Before You Dig'

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

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

95. A dilapidation survey is to be undertaken in the locality of all properties that could be potentially affected by the construction of this development. The dilapidation survey shall be carried out prior to any work commencing on the site. The applicant shall, at their own cost, rectify any damage caused to other properties during construction of the proposal. A copy shall be submitted to the Principal Certifying Authority (*and Council, if Council is not the PCA*).
96. **Construction signage:** During the entire construction phase signage shall be fixed on site identifying the PCA and principal contractor (the coordinator of the building work), and providing phone numbers.

Engineering Conditions to be complied with Prior to Commencement of Construction

97. **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.
98. **Compliance Certificate.** A Compliance Certificate must be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and the City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities.
 99. **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 Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.
 100. A **security deposit** (Category: demolition) is to be paid to Council (Public Works and Services Group) prior to the commencement of any demolition works. Please refer to Council's Management Plan for the applicable fee amount.

DURING DEMOLITION

101. In relation to demolition, all work is to be carried out in accordance with the requirements of AS 2601 (*The Demolition of Structures*).
102. Security fencing shall be provided around the perimeter of the building/demolition site and precautionary measures taken to prevent unauthorized entries of the site at all times during demolition and construction.
103. During the demolition process notices lettered in accordance with AS1319 displaying the words "**DANGER - DEMOLITION IN PROGRESS**" or a similar message shall be fixed to the security fencing at appropriate places to warn the public.
104. All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
105. Adequate precautions must be taken to control the emission of dust from the site during demolition and construction work. These precautions could include minimizing soil disturbance, use of water sprays, erecting screens and not carrying out dusty work during windy conditions.
106. All work involving asbestos products and materials, including asbestos-cement sheeting (i.e. fibro) must be carried out in

accordance with the guidelines for asbestos work published by WorkCover New South Wales.

107. All asbestos wastes including used asbestos-cement sheeting (i.e. fibro), 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 kept by the applicant for at least 3 years and be submitted to Council on request.
108. Adequate arrangements must be made for the storage and disposal of demolition and building waste generated on the premises. In this regard the demolishers and builders are encouraged to maximize the re-use and recycling of materials (e.g. Concrete, bricks, roof tiles, timber, doors, windows, fittings, etc.) by separating these materials from other wastes.

DURING CONSTRUCTION

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

- a) after excavation for, and before the placement of, any footings.
- b) prior to covering any stormwater drainage connections, and
- c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

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

110. In addition to the abovestated inspections, the Principal Certifying Authority is required to ensure that adequate provisions are made for the following measures at each stage of construction, to ensure compliance with the approval and City of Ryde's DCP 2010, Part 8.1 - "Construction Activities":
 - a) Sediment control measures.
 - b) Tree Preservation and protection measures.
 - c) Security fencing.
 - d) Materials or waste containers upon the footway or road.
 - e) PCA and principal contractor (the coordinator of the building work) signage and site toilets.
111. Council recommends that a Registered Surveyors check survey certificate be submitted to the Principal Certifying Authority (*and Council, if Council is not the PCA*) detailing compliance with Council's approval at the following stages:
 - a) Prior to construction of the first completed floor/floor slab showing the area of the land, proposed building and the

- boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
- b) On completion of the proposed building showing the area of the land, completed building and the boundary setbacks.
112. Concrete wastes must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.
113. Only unpolluted water is to be discharged to Council's stormwater drainage system.
114. The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
115. All excavated material must be removed from the site. No fill is to be placed above the natural ground level.
116. All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
117. No spoil, stockpiles, building or demolition material is to be placed on any public road, footpath, park or Council owned land.
118. Site toilets shall be provided in accordance with the WorkCover Code of Practice entitled "Amenities for Construction Work".
119. At all times work is being undertaken within a public road adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in AS1742.3-1996 "Traffic Control Devices for Work on Roads".

PRIOR TO OCCUPATION CERTIFICATE

120. An **Occupation Certificate** must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.
121. A **Fire Safety Certificate/s** from a suitably qualified person/s is to be submitted to Council or an accredited certifier (*and Council, if Council is not the PCA or an accredited certifier*) for all the essential services installed in the building in accordance with Clauses 170 and 171 of the Environmental Planning and Assessment Regulation 2000.
- 121a.** Prior to the issue of any Occupation Certificate, a heritage plaque and a framed archive recording the history and photographs of the building is to be provided within a publicly

accessible part of the building.

Engineering conditions to be complied with prior to occupation certificate

122. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
123. **Compliance Certificates – Engineering.** Compliance Certificates must 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:
- a) Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde *Development Control Plan DCP 2010 – 2010 Part 8.3*.
 - b) Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde *Development Control Plan DCP 2010 – 2010 Part 8.3*.
 - c) Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.
 - d) 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.
 - e) Internal carpark and associated drainage complies with AS 2890, the construction plan requirements and Ryde *Development Control Plan DCP 2010 – 2010 Part 8.3*.
 - f) Confirming that the constructed inter-allotment drainage system complies with the construction plan requirements and the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.
 - g) From Council confirming that all external engineering works have been completed to Council's satisfaction.
124. **Work-as-Executed Plan.** A Work-as-Executed plan for the completed external and internal drainage signed by a Registered Surveyor is to be submitted to the Principal Certifying Authority (PCA) and to Ryde City Council. The WAE is to be prepared by clearly noting in red any departures on a copy of the approved Construction Certificate plans.
125. Additionally, certification shall be obtained from the registered surveyor confirming that all inter-allotment drainage line/s and pits servicing those lines are wholly contained within the proposed

easements.

126. **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 the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
127. **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.
128. **Access Way To The Site.** To facilitate public access a right of way (R.O.W) for public access shall be created and registered on the titles of the subject site over the proposed access way, extending from the north to southern boundary of the site. The terms of the R.O.W shall be to Council's satisfaction and shall provide for, but not be limited to the following:
- a) Maintenance of the R.O.W to provide safe, unobstructed access at all times to the public with all costs being borne by the registered proprietor of the land.
 - b) Any public liability arising from the use of the R.O.W by the users, including the public are to be fully borne by the registered proprietor of the land.
 - c) Allow for future modifications where necessary to facilitate a public access way connection from the site to Gerard lane upon redevelopment of the adjoining property No. 312 Victoria Road.

The terms of the R.O.W shall be submitted to Council for assessment and approval and will need to be registered at the Lands and Property Information Office, prior to issue of occupation certificate

129. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with the construction certificate version of the following concept stormwater plans prepared by Henry & Hymas Consulting Engineers.

No. 06145_DA_C000, Revision 3 dated 15/3/11

No. 06145_DA_C100 &101 Revision 4 dated 15/3/11

No. 06145_DA_C201 Revision 4 dated 15/3/11

No. 06145_DA_C250 Revision 3 dated 15/3/11

No. 06145_DA_SE01 & SE02 Revision 3 dated 15/3/11

Environmental health conditions to be complied with prior to Occupation Certificate

130. **Certification of mechanical ventilation work.** A Mechanical Services Completion and Performance Certificate (Form M2) must be submitted to the Principal Certifying Authority on completion and commissioning of all mechanical ventilation work approved under this consent and before the issue of an **Occupation Certificate**.
131. **Compliance report.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the issue of an **Occupation Certificate**.
132. **Inspection of fitout work by Council** - Council's Environmental Health Officer must inspect the completed fitout before the issue of an Occupation Certificate.
- Inspections may be arranged by calling Council's Customer Service Centre on Tel. 9952 8222 at least 48 hours before the inspection is required.

Crime Prevention conditions to be complied with prior to Occupation Certificate

133. CCTV cameras shall be installed to monitor the following areas:
- a) outside the Victoria Road street entrance to monitor the doors and footpath,
 - b) on the western side of the premises to monitor the Osgathorpe Road footpath,
 - c) the lift and goods lift lobbies,
 - d) the loading dock,
 - e) the car park entry/exit point,
 - f) the security roller shutter at the driveway access point,
 - g) throughout (strategically placed) the car park,
 - h) throughout the store, particularly to cover entry/exit doors and the check-out area.
134. Signage is to be provided at entry/exit points and throughout the development to assist users and warn intruders they will be prosecuted. Signs may include:
- “Warning: these premises are under constant surveillance”,
- “Warning: trespassers will be prosecuted”,

“Warning: restricted access beyond this point”,
and ‘Park Smarter’ signage within the car park.

135. Digital locks are to be fitted to the doors of the offices, the lunch room and the locker room on the first floor so as to prevent unauthorised access.
136. Fire exit doors to the development are to be fitted with single cylinder locksets (Australian and New Zealand Standard) to restrict unauthorised access. A metal plate installed on the outside of fire exit doors, adjacent to the door lock, will assist with the manipulation of the door lock.

PRIOR TO COMMENCEMENT OF THE OPERATION

Conditions to be complied with prior to operation

137. **Liquor license.** A transfer of a liquor license is to be obtained for the liquor outlet in accordance with the NSW Liquor Act 2007. A copy of the license is to be supplied to Council for their records.
138. **Provision of Garbage Services.** Arrangement must be made with Council for the provision of garbage services to the premises before operation commences.
139. **Registration of premises.** The operator of the business must register the premises with Council’s Environmental Health Unit before trading commences.

Registration forms may be obtained from Council’s Customer Service Centre on Tel. 9952 8222.

140. **Notification of business details.** The operator of the business must notify their business details to the NSW Food Authority before trading commences. Written notifications may be lodged with Council, together with the approved fee. Alternatively, notifications may be lodged free of charge via the Internet at www.foodnotify.nsw.gov.au.

Notification forms may be obtained from Council’s Customer Service Centre on Tel. 9952 8222.

141. A **Delivery Management Plan** is to be prepared and implemented to control the deliveries to the loading dock, to Council’s satisfaction. The Plan should consider requirements AS2890.2-2002

OPERATIONAL

Conditions to be complied with during operation

142. **The trading hours of the proposal are restricted to 9am to 9pm Monday to Saturday and 10am to 7pm Sunday. The hours of operation of the loading dock are restricted to 7am to 9pm Monday to Friday (with the exclusion of 8am to**

9.30am and 2.30pm to 4pm Monday to Friday), and 8am to 12 midday on Saturdays.

143. **Illumination of any external signage** must be extinguished between the hours of 11pm and 6am.
144. **Storage and disposal of wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
145. **Waste containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
146. **Garbage containers.** All waste containers used for the storage of garbage or putrescibles wastes must be constructed of a rigid impervious material that is capable of being effectively cleaned, leak-proof and fitted with a vermin-proof lid.

Any container that cannot be turned upside down to drain after cleaning must be fitted with drainage bungs.
147. **Cleanliness of garbage containers.** The occupier of the premises must keep all garbage containers as clean as practicable (having regard to their use).
148. **Garbage containers to be kept covered.** The occupier of the premises must keep all garbage containers covered except when:
 - a) garbage is being deposited in or removed from the containers;
 - or
 - b) the containers are being cleaned.
149. **Recyclable wastes.** Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.
150. **Waste collection** may only take place between the hours of 7am – 6pm.
151. **Offensive noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
152. **Council may require acoustical consultant's report.** At any time during the operation of the proposed Dan Murphy's, Council may require the submission of a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration management measures, as outlined within these conditions of consent.
153. **All truck movements to the site are to be restricted to left in from Victoria Road to Osgathorpe Road and left back out onto Victoria Road.**

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

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Li, Perram, Pickering and Tagg

Against the Motion: Councillor Maggio, O'Donnell, Petch and Yedelian OAM

QUESTIONS BY COUNCILLORS AS PER POLICY

There were no Questions by Councillors as per Policy.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

CLOSED SESSION**ITEM 13 - TENDER FOR THE PROVISION OF CONSTRUCTION SERVICES FOR THE INSTALLATION OF FLOODLIGHTING AT THE MEADOWBANK PARK NETBALL COURTS****Confidential**

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

ITEM 14 - 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.

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and

(c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

RESOLUTION: (Moved by Councillors Petch and Tagg)

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

Record of Voting:

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

Against the Motion: Councillor Maggio

Note: The Council closed the meeting at 11.10pm. The public and media left the chamber.

13 TENDER FOR THE PROVISION OF CONSTRUCTION SERVICES FOR THE INSTALLATION OF FLOODLIGHTING AT THE MEADOWBANK PARK NETBALL COURTS

RECOMMENDATION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council approve the provision of Construction Services for the Installation of Playing Field Lighting at the Meadowbank Park Netball Courts as set out in the Tender Assessment Panel's report.
- (b) That the tender amount be reported to Councillors through the Councillors Information Bulletin.
- (c) That in future, full tender documentation be provided to Councillors.

Record of Voting:

For the Motion: Unanimous

14 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Campbell)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Petch and Tagg)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.22pm.

RESOLUTION: (Moved by Councillors Petch and Tagg)

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

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 11.25pm.

CONFIRMED THIS 6TH DAY OF SEPTEMBER 2011

Chairperson