

Meeting Date: Tuesday 23 July 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

Councillors Present: Councillors Chung, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Note: Councillor Salvestro-Martin arrived at the meeting at 7.52pm during Public Participation on Items Listed on the Agenda.

Note: Councillor Salvestro-Martin left the meeting at 9.24pm and did not return. He was not present for consideration of Items 5, 6, 7, 8, 9, Precis of Correspondence 1, Precis of Correspondence 2, Precis of Correspondence 3, Precis of Correspondence 4, Precis of Correspondence 5, Precis of Correspondence 6 or Notice of Motion 1.

Apologies: Nil.

Leave of Absence: The Mayor, Councillor Petch and Councillors Etmekdjian and Laxale.

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

CHAIRPERSON

As the Mayor, Councillor Petch was on a leave of absence, the Deputy Mayor, Councillor Li assumed the Chair.

PRAYER

Reverend Sue Willis of St Anne's Anglican Church, Ryde was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary interest in Item 3(4) – Proposed Community Buildings Licensing Policy for the reason that he is a member of an organisation that has a licensing agreement with Council.

Councillor Perram disclosed a Significant Non-Pecuniary interest in Item 9 – Code of Conduct for the reason that he is the subject of the report.

Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Item 9 – Code of Conduct for the reason that he is aware of the Councillor, in particular of the Code of Conduct.

TABLING OF PETITIONS

Councillor Maggio tabled a petition in relation to Notice of Motion 2 – 461-495 Victoria Road (Bunnings).

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Joshua Field (representing Oasis Youth Support Network – The Salvation Army)	Item 4 – Establishing an Integrated Youth Service Hub
Peter Simmons	Notice of Motion 3 – Land Acknowledgement Plaque
Ian Grant	Notice of Motion 2 – 461-495 Victoria Road (Bunnings)
Sarath Seethamraju	Notice of Motion 2 – 461-495 Victoria Road (Bunnings)
Peter McFarlane	Notice of Motion 2 – 461-495 Victoria Road (Bunnings)
Richard Stout	Notice of Motion 2 – 461-495 Victoria Road (Bunnings)
Justin Kucic	Notice of Motion 2 – 461-495 Victoria Road (Bunnings)
Annalisa Esposito	Notice of Motion 4 – Landslip at 11 Brush Road

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

MAYORAL MINUTES

There were no Mayoral Minutes.

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council now consider the following Items, the time being 8.01pm:

- Item 4 – Establishing an Integrated Youth Service Hub.
- Notice of Motion 3 – Land Acknowledgement Plaque.
- Notice of Motion 2 – 461-495 Victoria Road (Bunnings).
- Notice of Motion 4 – Landslip at 11 Brush Road.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORT

4 ESTABLISHING AN INTEGRATED YOUTH SERVICE HUB

Note: Joshua Field (representing Oasis Youth Support Network – The Salvation Army) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

- (a) That Council endorse the establishment of an Integrated Youth Service Hub on a two year trial to operate from the vacant Council-owned building at 167 Shaftsbury Road, Eastwood.
- (b) That Council license Oasis Youth Support Network on a two year trial to deliver and coordinate youth services according to the following key terms:
 - Licence Fee: \$4,900 p.a. to cover Council's costs.
 - Licence Hours: 7am and 10pm everyday.
 - Designated Use: Delivery of Youth Services.
- (c) That Council endorse the governance model developed with Oasis, Christian Community Aid and Ryde Family Support Service, documented through a draft Memorandum of Understanding (**ATTACHED**) to support the operation and development of an integrated youth service model.
- (d) That following the trial period (2 years), a review of the Integrated Youth Service Hub governance model be undertaken by Community and Culture and reported to Council.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

3 LAND ACKNOWLEDGEMENT PLAQUE - Councillor Roy Maggio

Note: Peter Simmons addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) To celebrate the history, culture and achievements of Aboriginal people at Kissing Point Park Putney that Council consider the purchase of the Land Acknowledgement Plaque and have it attached in the area of the Meeting place along with Councils Plaque recognising the launch and official opening of NAIDOC Week on the 8th July 2013. The plaque is of Enamel

on aluminium with four corner screw holes. 225x150mm cost \$45.00 with the consideration of the plaque being installed immediately.

- (b) That the Acting General Manager report on the options on how Council recognises the area where it is believed that Woollarawarre Bennelong is believed to be buried.

Record of Voting:

For the Motion: Unanimous

2 461-495 VICTORIA ROAD (Bunnings) - Councillor Roy Maggio

Note: Ian Grant, Sarath Seethamraju, Peter McFarlane, Richard Stout and Justin Kucic addressed the meeting in relation to this Item.

Note: A Petition was tabled by Councillor Maggio in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That having regard to community concerns expressed at the two Community consultation sessions held on 12 June at the Next Generation and on 27 June at Gladesville Library regarding the Planning Proposal for a Bunnings Store and associated uses at 461-495 Victoria Road, Gladesville, that Council hold a further Community Consultation meeting specifically to address traffic concerns prior to the report of the exhibition coming to Council.

The additional meeting should be notified by a letter drop to the residents of Frank, College, Orient, Monash and Eltham Streets, Buffalo Road and roads to the south of Victoria Road as well as other stakeholders who have written submissions or attended the consultation sessions.

The outcome of the consultation session is to provide a range of options addressing community concerns relating to the issue of traffic generation which will be considered when the planning proposal is determined by Council.

Record of Voting:

For the Motion: Unanimous

4 LANDSLIP AT 11 BRUSH ROAD - Councillor Terry Perram

Note: Annalisa Esposito addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

That the Acting General Manager report on Council's efforts to assist the owner of 11 Brush Road to deal with issues arising from a landslip which damaged that property in April 2012.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 25 June 2013

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

That the Minutes of the Council Meeting 14/13, held on 25 June 2013 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 11/13 held on 16 July 2013

RESOLUTION: (Moved by Councillors Simon and Chung)

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

Record of Voting:

For the Motion: Unanimous

3 461-495 VICTORIA ROAD, GLADESVILLE. Local Development Application for the construction of a new vehicular crossing at the intersection of Victoria Road & Tennyson Road, demolition of an industrial building & construction of a new ramp. LDA2012/0412

MOTION: (Moved by Councillors Maggio and Pickering)

(a) That Local Development Application No. 2012/0412 at 461-495 Victoria Road, Gladesville being LOT 1 DP739556 and LOT 3 DP388518 be deferred subject to an independent traffic study being undertaken. The traffic study, managed by Council, is to examine the following:

- the future traffic loads generated by the site, as envisaged by the Planning Proposal and impacting on local streets.
- recommended infrastructure improvements on the surrounding road network and protecting the amenity of the surrounding neighbourhood,

- pedestrian access and safety (in relation to the proposed ramp egress and ingress).
- (b) That following completion and public exhibition of the traffic study a further report be provided to a Council Meeting in conjunction with the Planning Proposal.
- (c) That Council invite Bunnings to negotiate payment for the study as set out in part (a) above.
- (d) That the Group Manager – Environment and Planning immediately make a formal approach to Bunnings seeking agreement that they will fund a further traffic study which addresses (a) and (b) above.

Note: Councillor Salvestro-Martin left the meeting at 9.09pm and was not present for voting on this Item.

AMENDMENT: (Moved by Councillors Perram and Pendleton)

- (a) That Local Development Application No. 2012/0412 at 461-495 Victoria Road, Gladesville being LOT 1 DP739556 and LOT 3 DP388518 be approved subject to the following conditions, noting the below addition to condition 13:-
 - 13(1) That the pedestrian crossing across the slip lane be signalled to ensure pedestrian safety.

Stage 1 Intersection upgrade works

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/roof plan	23/4/13	030 Amd No. P6
Floor Plan	23/4/13	100 Amd No. P6
Sections	23/4/13	120 Amd No. P5
Floor plan Victoria Road Level	23/4/13	101 Amd No. P3
Elevations	23/4/13	130 Amd No. P2

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. **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.
4. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
5. **Cost of Works.** All works/regulatory signposting associated with the proposed development are to be at no cost the RMS or Council.

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.

6. **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: other buildings with delivery of bricks or concrete or machine excavation).
7. **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

8. **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**.
9. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

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

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

Or telephone 13 20 92.

10. **Bus Stop.** Prior to the issue of any Construction Certificate, confirmation is to be provided to the PCA that RMS have been consulted in respect of the location of the existing bus stop. If this bus stop is required to be relocated, this is to be done at the applicant's expense and to the RMS's requirements.
11. **RMS.** The proposed signalised intersections shall be designed in accordance with Austroads, RMS's supplements, RMS's Traffic Signal Design Manual and other Australian Standards and endorsed by a suitably qualified chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia).

The certified copies of traffic signal design and civil design plans as well as swept path analyses shall be submitted to RMS for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority (PCA) and commencement of any road works.

RMS fees for administration, plan checking, signal works inspection and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The Works Authorisation Deed (WAD) will need to be executed prior to RMS assessment of the detailed traffic signal design plans. The Construction Certificate shall not be released by the Principal Certifying Authority (PCA) until such time that the WAD is executed.

Note: This drawing is indicative only and subject to further refinement at the detailed design stage. In this regard, RMS has reviewed the latest submitted concept drawing and provides comment on this submitted design in Attachment A, which shall be satisfactorily addressed at the detailed design stage.

12. **Geotechnical Report.** All works are to be carried out in strict compliance with the recommendations contained in J K Geotechnics report dated 25 September 2012. Where appropriate, these recommendations are to be demonstrated on the approved Construction Certificate plans.
13. **Intersection Plan.** The applicant is to provide to Council the final approved TSC plan (RMS stamped plan) of the 4-way intersection that will encompass Victoria Road/Tennyson Road and the new access road (includes the fourth leg of the intersection). This is to clearly demonstrate (validated analytically taking into consideration surveyed journey times) that vehicles will predominantly utilise the Victoria Road access to enter/leave the site. This is to be provided prior to the issue of any Construction Certificate.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

14. **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.

15. **Sediment Control.** Prior to the commencement of construction, adequate sediment control devices are to be installed on the site. These devices shall be maintained during the construction period and replaced where considered necessary.

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.

16. **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*.
17. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
18. **Construction materials.** All materials associated with construction must be retained within the site.
19. **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.
20. **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.
21. **Traffic Control.** All traffic control during construction must be carried out by accredited RMS approved traffic controllers.

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.

Stage 2 Works associated with the demolition of the industrial building and the construction of the vehicular ramp.

GENERAL

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

22. **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/roof plan	23/4/13	030 Amd No. P6
Floor Plan	23/4/13	100 Amd No. P6
Sections	23/4/13	120 Amd No. P5
Floor plan Victoria Road Level	23/4/13	101 Amd No. P3
Elevations	23/4/13	130 Amd No. P2

23. **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.
24. **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.
25. **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.
26. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

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.

27. **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.
28. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
29. **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.
30. **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.
31. **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 docket must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

32. **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.

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.

33. **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**.
34. **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**.
35. **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**. (other buildings with delivery of bricks or concrete or machine excavation)
36. **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

37. **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**.
38. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

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

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

Or telephone 13 20 92.

39. **Geotechnical Report.** All works are to be carried out in strict compliance with the recommendations contained in J K Geotechnics report dated 25 September 2012. Where appropriate, these recommendations are to be demonstrated on the approved Construction Certificate plans.
40. **Directional Flood Evacuation Plan.** Prior to the issue of any Construction Certificate, a Directional Flood Evacuation Plan (DFAP) must be submitted to the PCA. The DFAP is to direct vehicles to the safest exit location from the flood inundation area of the site.

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.

41. **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.

- 42. **Sediment Control.** Prior to the commencement of construction, adequate sediment control devices are to be installed on the site. These devices shall be maintained during the construction period and replaced where considered necessary.

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.

- 43. **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*.
- 44. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
- 45. **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.
- 46. **Construction materials.** All materials associated with construction must be retained within the site.
- 47. **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.
- 48. **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.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

49. Intersection to be operational. Prior to the issue of any Occupational Certificate, the access to and from Victoria Road via the new TCS access (at Victoria Road, Fourth intersection leg opposite Tennyson Road) is to be operational in its final configuration and fully accessible to the public (vehicle wise) to move seamlessly to/from the development site.

50. Traffic operational plan. Prior to the issue of any Occupational Certificate, a detailed Traffic Operations Plan for the site is to be developed and referred to the Ryde Traffic Committee for concurrence. This plan is to incorporate all traffic within the site including delivery trucks, which must as a minimum include:

- a) An “internal vehicle access and load limit signage scheme” covering illuminated signage at the foot of the ramp (and top of ramp) to Council’s satisfaction indicating that vehicles larger than 12.5m in length are not to use the ramp as well as indicating the corresponding gross load and speed limit.
- b) Time of operation for each access location (access may be restricted) and shall be managed via a boom gate or similar.
- c) Sufficient queue length upon entry to the site to ensure that motorists do not queue or reverse across the driveway.

51. Warning Signage. Prior to the issue of any Occupation Certificate, warning signage indicating “Do Not Drive Through Water” must be provided on the sides of the internal road near the ponding area. This signage plus any directional signage must have the level of “reflectivity” for night time viewing in accordance with the relevant Australian Standards.

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

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

Record of Voting:

For the Amendment: Councillors Li, Chung, Pendleton, Perram and Simon

Against the Amendment: Councillors Maggio, Pickering and Yedelian OAM

RESOLUTION: (Moved by Councillors Perram and Pendleton)

- (a) That Local Development Application No. 2012/0412 at 461-495 Victoria Road, Gladesville being LOT 1 DP739556 and LOT 3 DP388518 be approved subject to the following conditions, noting the below addition to condition 13:-

- 13(1) That the pedestrian crossing across the slip lane be signalised to ensure pedestrian safety.

Stage 1 Intersection upgrade works

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:

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Sections	23/4/13	120 Amd No. P5
Floor plan Victoria Road Level	23/4/13	101 Amd No. P3
Elevations	23/4/13	130 Amd No. P2

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. **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.
4. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
5. **Cost of Works.** All works/regulatory signposting associated with the proposed development are to be at no cost the RMS or Council.

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.

6. **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: other buildings with delivery of bricks or concrete or machine excavation).
7. **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

8. **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**.
9. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

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

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

Or telephone 13 20 92.

10. **Bus Stop.** Prior to the issue of any Construction Certificate, confirmation is to be provided to the PCA that RMS have been consulted in respect of the location of the existing bus stop. If this bus stop is required to be relocated, this is to be done at the applicant's expense and to the RMS's requirements.
11. **RMS.** The proposed signalised intersections shall be designed in accordance with Austroads, RMS's supplements, RMS's Traffic Signal Design Manual and other Australian Standards and endorsed by a suitably qualified chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia).

The certified copies of traffic signal design and civil design plans as well as swept path analyses shall be submitted to RMS for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority (PCA) and commencement of any road works.

RMS fees for administration, plan checking, signal works inspection and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The Works Authorisation Deed (WAD) will need to be executed prior to RMS assessment of the detailed traffic signal design plans. The Construction Certificate shall not be released by the Principal Certifying Authority (PCA) until such time that the WAD is executed.

Note: This drawing is indicative only and subject to further refinement at the detailed design stage. In this regard, RMS has reviewed the latest submitted concept drawing and provides comment on this submitted design in Attachment A, which shall be satisfactorily addressed at the detailed design stage.

12. **Geotechnical Report.** All works are to be carried out in strict compliance with the recommendations contained in J K Geotechnics report dated 25 September 2012. Where appropriate, these recommendations are to be demonstrated on the approved Construction Certificate plans.
13. **Intersection Plan.** The applicant is to provide to Council the final approved TSC plan (RMS stamped plan) of the 4-way intersection that will encompass Victoria Road/Tennyson Road and the new access road (includes the fourth leg of the intersection). This is to clearly demonstrate (validated analytically taking into consideration surveyed journey times) that vehicles will predominantly utilise the Victoria Road access to enter/leave the site. This is to be provided prior to the issue of any Construction Certificate.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

14. **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.
15. **Sediment Control.** Prior to the commencement of construction, adequate sediment control devices are to be installed on the site. These devices shall be maintained during the construction period and replaced where considered necessary.

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.

16. **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*.
17. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
18. **Construction materials.** All materials associated with construction must be retained within the site.
19. **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.
20. **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.
21. **Traffic Control.** All traffic control during construction must be carried out by accredited RMS approved traffic controllers.

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.

Stage 2 Works associated with the demolition of the industrial building and the construction of the vehicular ramp.

GENERAL

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

22. **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/roof plan	23/4/13	030 Amd No. P6
Floor Plan	23/4/13	100 Amd No. P6
Sections	23/4/13	120 Amd No. P5
Floor plan Victoria Road Level	23/4/13	101 Amd No. P3
Elevations	23/4/13	130 Amd No. P2

23. **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.
24. **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.
25. **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.
26. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

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.

27. **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.
28. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
29. **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.
30. **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.
31. **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 docket must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

32. **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.

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.

33. **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**.
34. **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**.
35. **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**. (other buildings with delivery of bricks or concrete or machine excavation)
36. **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

37. **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**.
38. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

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

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

Or telephone 13 20 92.

39. **Geotechnical Report.** All works are to be carried out in strict compliance with the recommendations contained in J K Geotechnics report dated 25 September 2012. Where appropriate, these recommendations are to be demonstrated on the approved Construction Certificate plans.
40. **Directional Flood Evacuation Plan.** Prior to the issue of any Construction Certificate, a Directional Flood Evacuation Plan (DFAP) must be submitted to the PCA. The DFAP is to direct vehicles to the safest exit location from the flood inundation area of the site.

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.

41. **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.

- 42. **Sediment Control.** Prior to the commencement of construction, adequate sediment control devices are to be installed on the site. These devices shall be maintained during the construction period and replaced where considered necessary.

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.

- 43. **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*.
- 44. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
- 45. **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.
- 46. **Construction materials.** All materials associated with construction must be retained within the site.
- 47. **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.
- 48. **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.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

49. Intersection to be operational. Prior to the issue of any Occupational Certificate, the access to and from Victoria Road via the new TCS access (at Victoria Road, Fourth intersection leg opposite Tennyson Road) is to be operational in its final configuration and fully accessible to the public (vehicle wise) to move seamlessly to/from the development site.

50. Traffic operational plan. Prior to the issue of any Occupational Certificate, a detailed Traffic Operations Plan for the site is to be developed and referred to the Ryde Traffic Committee for concurrence. This plan is to incorporate all traffic within the site including delivery trucks, which must as a minimum include:

- a) An “internal vehicle access and load limit signage scheme” covering illuminated signage at the foot of the ramp (and top of ramp) to Council’s satisfaction indicating that vehicles larger than 12.5m in length are not to use the ramp as well as indicating the corresponding gross load and speed limit.
- b) Time of operation for each access location (access may be restricted) and shall be managed via a boom gate or similar.
- c) Sufficient queue length upon entry to the site to ensure that motorists do not queue or reverse across the driveway.

51. Warning Signage. Prior to the issue of any Occupation Certificate, warning signage indicating “Do Not Drive Through Water” must be provided on the sides of the internal road near the ponding area. This signage plus any directional signage must have the level of “reflectivity” for night time viewing in accordance with the relevant Australian Standards.

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

Record of Voting:

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

Against the Motion: Councillors Maggio, Pickering and Yedelian OAM

Note: Councillor Yedelian OAM left the meeting at 9.14pm.

Note: Councillor Maggio left the meeting at 9.14pm.

ADJOURNMENT OF MEETING

In accordance with Clause 4.2.4 of the Code of Meeting Practice, the Chairperson, Councillor Li adjourned the meeting due to a lack of a quorum, until a Councillor returned to the meeting, the time being 9.14pm.

The following Councillors were present: Councillors Li, Chung, Pendleton, Perram, Pickering and Simon.

Leave of Absence: The Mayor, Councillor Petch and Councillors Etmekdjian and Laxale.

The following Councillors were not present: Councillors Maggio, Salvestro-Martin and Yedelian OAM.

Note: Councillor Yedelian returned to the meeting at 9.16pm.

MEETING RECONVENED

The Meeting reconvened at 9.16pm on Tuesday, 23 July 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present: Councillors Chung, Li, Pendleton, Perram, Pickering, Simon and Yedelian OAM.

Leave of Absence: The Mayor, Councillor Petch and Councillors Etmekdjian and Laxale.

The following Councillors were not present: Councillors Maggio and Salvestro-Martin.

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

CHAIRPERSON

As the Mayor, Councillor Petch was on a leave of absence, the Deputy Mayor, Councillor Li assumed the Chair.

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 10/13 held on 16 July 2013

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

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Perram and Pickering)

That Council determine Items 2 and 4 of the Works and Community Committee report, noting that Items 1, 3, 5, 6, 7 and 8 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Maggio returned to the meeting at 9.20pm.

Note: Councillor Salvestro-Martin returned to the meeting at 9.20pm.

2 NEIGHBOURHOOD CENTRES RENEWAL – QUARRY ROAD SHOPS PUBLIC DOMAIN UPGRADE CONCEPT PLAN

RESOLUTION: (Moved by Councillors Perram and Pendleton)

That Council approve the Quarry Road Centre Landscape Concept Plan.

Record of Voting:

For the Motion: Unanimous

4 PROPOSED COMMUNITY BUILDINGS LICENSING POLICY

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 that has a licensing agreement with Council.

Note: Councillor Yedelian OAM left the meeting at 9.21pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Perram and Chung)

That Council:

- (a) Endorse the Community Buildings Licensing Policy (ATTACHED).
- (b) Approve the Acting General Manager under delegation to re-licence existing tenants to the key terms indicated in Schedule 1 (ATTACHED).
- (c) Endorse the Local Government Cost Index as the annual increase mechanism for licences of organisations within Community Buildings.
- (d) Approve the three standard licence agreements (ATTACHED).
- (e) Include the additional amount of revenue for Licensing Fees in the Four Year Delivery Plan 2013-2017 including the One Year Operational Plan 2013/14.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Yedelian OAM returned to the meeting at 9.22pm.

4 ESTABLISHING AN INTEGRATED YOUTH SERVICE HUB

Note: This Item was considered earlier in the Meeting as detailed in these Minutes.

Note: Councillor Salvestro-Martin left the meeting at 9.23pm and did not return.

5 GRAFFITI VANDALISM AND THE CITY OF RYDE

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Perram and Maggio)

- (a) That Council endorse preparation of a Graffiti Action Plan based on the information provided in this report.
- (b) That the Graffiti Action Plan be reported to Council in February 2014.

Record of Voting:

For the Motion: Unanimous

6 INVESTMENT REPORT - June 2013

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

- (a) That Council endorse the report of the Chief Financial Officer dated 11 July 2013 on Investment Report – June 2013.
- (b) That Council note the action taken in respect of the Lehman / Grange IMP legal matter, as detailed in the report.

Record of Voting:

For the Motion: Unanimous

7 2013 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - Sydney - 1 to 3 October 2013

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

MOTION: (Moved by Councillors Yedelian OAM and Maggio)

- (a) That Council nominate Councillors Yedelian OAM, Chung, Etmekdjian, Pickering and Maggio as voting delegates and Councillor Simon as the alternate delegate to attend the 2013 Local Government NSW Annual Conference.
- (b) That Council note that the Acting General Manager will select staff to attend the Conference as appropriate.
- (c) That Council endorse the Motions for inclusion on the 2013 Local Government NSW Annual Conference business paper as set out in Attachment 2 of the Report.

AMENDMENT: (Moved by Councillors Simon and Perram)

- (a) That Council nominate Councillors Yedelian OAM, Simon, Etmekdjian, Pickering and Maggio as voting delegates and Councillor Chung as the alternate delegate to attend the 2013 Local Government NSW Annual Conference.
- (b) That Council note that the Acting General Manager will select staff to attend the Conference as appropriate.
- (c) That Council endorse the Motions for inclusion on the 2013 Local Government NSW Annual Conference business paper as set out in Attachment 2 of the Report.

On being put to the Meeting, the voting on the Amendment was four (4) votes For and four (4) votes Against. The Chairperson, Councillor Li used his casting vote in favour of the Amendment. The Amendment was **CARRIED**. The Amendment then became the Motion.

Record of Voting:

For the Amendment: Councillors Li, Pendleton, Perram and Simon used casting vote

Against the Motion: Councillors Chung, Maggio, Pickering and Yedelian OAM

RESOLUTION: (Moved by Councillors Simon and Perram)

- (a) That Council nominate Councillors Yedelian OAM, Simon, Etmekdjian, Pickering and Maggio as voting delegates and Councillor Chung as the alternate delegate to attend the 2013 Local Government NSW Annual Conference.
- (b) That Council note that the Acting General Manager will select staff to attend the Conference as appropriate.
- (c) That Council endorse the Motions for inclusion on the 2013 Local Government NSW Annual Conference business paper as set out in Attachment 2 of the Report.

Record of Voting:

For the Motion: Councillors Li, Chung, Maggio, Pendleton, Perram, Simon and Yedelian OAM

Against the Motion: Councillor Pickering

8 BIKE FUTURES CONFERENCE - Melbourne - 16 to 18 October 2013

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

- (a) That Council confirm the attendance of Councillor Perram at the Bike Futures Conference being held at the Melbourne Cricket Ground on 16 to 18 October 2013.
- (b) That Council note that the Acting General Manager will select staff to attend the Conference as appropriate.

Record of Voting:

For the Motion: Unanimous

9 CODE OF CONDUCT

Note: Councillor Perram disclosed a Significant Non-Pecuniary interest in this Item for the reason that he is the subject of the report.

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is aware of the Councillor, in particular of the Code of Conduct.

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That this Item be considered in Closed Session at the end of the Meeting.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 NORTH WEST RAIL LINK (NWRL) - MACQUARIE PARK PRECINCT

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Simon)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

2 MINISTRY OF TRANSPORT, 2013 TAXI TRANSPORT SUBSIDY SCHEME

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

(a) That the correspondence be received and noted.

(b) That the Access Committee be advised and thanked for their contribution.

Record of Voting:

For the Motion: Unanimous

3 A NEW PLANNING SYSTEM FOR NSW WHITE PAPER - PUBLIC EXHIBITION

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

4 JOINT REGIONAL PLANNING PANEL REAPPOINTMENTS

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Chung and Pickering)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

5 LOCAL GOVERNMENT AMENDMENT (EARLY INTERVENTION) BILL 2013

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

6 FIRE STATIONS RESPONSE TIMES AND CLOSURES

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Simon)

- (a) That the correspondence be received and noted.
- (b) That Council again write to the Minister for Police and Emergency Services and the Local Member, Victor Dominello to urgently request a meeting at Ryde to discuss this issue.

Record of Voting:

For the Motion: Councillors Li, Maggio, Pendleton, Perram, Simon and Yedelian OAM

Against the Motion: Councillors Chung and Pickering

NOTICES OF MOTION

1 DEFERRED NOTICE OF MOTION: CONFLICTS OF INTEREST - Councillor Jeff Salvestro-Martin

Note: **THIS MOTION LAPSED FOR WANT OF A MOVER AND SECONDER.**

2 461-495 VICTORIA ROAD (Bunnings) – Councillor Roy Maggio

Note: This Item was considered earlier in the Meeting as detailed in these Minutes.

3 LAND ACKNOWLEDGEMENT PLAQUE – Councillor Roy Maggio

Note: This Item was considered earlier in the Meeting as detailed in these Minutes.

4 LANDSLIP AT 11 BRUSH ROAD – Councillor Terry Perram

Note: This Item was considered earlier in the Meeting as detailed in these Minutes.

CLOSED SESSION

ITEM 9 – CODE OF CONDUCT

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 this Item as it relates to a code of conduct matter, the *Local Government Act 1993* Section 10A(2)(i) now provides for code of conduct matters to be considered in the Closed Session of Council.

RESOLUTION: (Moved by Councillors Pickering and Simon)

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

Record of Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 9.50pm. The public and media left the chamber.

Note: All staff, with the exception of the Acting General Manager and the Minute Taker left the meeting at 9.51pm.

9 CODE OF CONDUCT

Note: Councillor Perram disclosed a Significant Non-Pecuniary interest in this Item for the reason that he is the subject of the report.

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is aware of the Councillor, in particular of the Code of Conduct.

Note: Councillor Perram left the meeting at 9.55pm and was not present for consideration or voting on this Item.

MOTION: (Moved by Councillors Yedelian OAM and

- (a) That Council receive and note the report of the Conduct Review Committee - Sole Reviewer and make it available with the Minutes with any appropriate redactions to be made by the Acting General Manager.
- (b) That Councillor Perram make a full and unreserved written apology to the former General Manager for:

- (i) the inappropriate statements Councillor Perram made at the Council Meeting of 13 March 2012; and
 - (ii) the inappropriate statements Councillor Perram made at the Council Meeting of 27 March 2012 which amounted to a breach of clauses 1.1(e); 1.3; 4.7(e); and 4.7(f) and Clauses 1.1(e), 1.3 and 4.7(f) respectively of the City of Ryde Code of Conduct. A copy of the written apology is to also be provided to the Acting General Manager.
- (c) The written apology is to be completed within 30 days of the Council decision on the report.

Note: Councillor Maggio left the meeting at 10.16pm.

Note: This Motion was not seconded and was not voted upon by the Council, due to Councillor Maggio leaving the meeting, resulting in a lack of quorum.

ADJOURNMENT OF MEETING

In accordance with Clause 4.2.4 of the Code of Meeting Practice, the Chairperson, Councillor Li adjourned the meeting due to a lack of a quorum, the time being 10.16pm. The Chairperson, Councillor Li adjourned the meeting to:-

- Tuesday, 13 August 2013
- Following the conclusion of the Ordinary Meeting to be held on that night
- Level 6, Civic Centre, 1 Devlin Street, Ryde

The following Councillors were present: Councillors Li, Chung, Pendleton, Pickering and Simon and Yedelian OAM.

Leave of Absence: The Mayor, Councillor Petch and Councillors Etmekdjian and Laxale.

The following Councillors were not present: Councillors Maggio, Perram and Salvestro-Martin.

MEETING RECONVENED

The Meeting reconvened at 11.00pm on Tuesday, 13 August 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present: Councillors Chung, Etmekdjian, Li, Laxale, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Apologies: Nil.

Leave of Absence: The Mayor, Councillor Petch.

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

CHAIRPERSON

As the Mayor, Councillor Petch was on a leave of absence, the Deputy Mayor, Councillor Li assumed the Chair.

CLOSED SESSION

ITEM 9 – CODE OF CONDUCT

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 this Item as it relates to a code of conduct matter, the *Local Government Act 1993* Section 10A(2)(i) now provides for code of conduct matters to be considered in the Closed Session of Council.

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

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

Record of Voting

For the Motion: Unanimous

Note: The Council closed the meeting at 11.01 pm. The public and media left the chamber.

Note: All staff, with the exception of the Acting General Manager and the Minute Taker left the meeting at 11.02pm.

9 CODE OF CONDUCT

Note: Councillor Perram disclosed a Significant Non-Pecuniary interest in this Item for the reason that he is the subject of the report.

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is aware of the Councillor, in particular of the Code of Conduct.

Note: Councillor Perram left the meeting at 11.04pm and was not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Pickering)

- (a) That Council receive and note the report of the Conduct Review Committee – Sole Reviewer.
- (b) That Councillor Perram make a full and unreserved written apology to the former General Manager for:
 - (i) the inappropriate statements Councillor Perram made at the Council Meeting of 13 March 2012; and
 - (ii) the inappropriate statements Councillor Perram made at the Council Meeting of 27 March 2012 which amounted to a breach of clauses 1.1(e); 1.3; 4.7(e); and 4.7(f) and Clauses 1.1(e), 1.3 and 4.7(f) respectively of the City of Ryde Code of Conduct. A copy of the written apology is to also be provided to the Acting General Manager.
- (c) That Council note that a verbal apology was made by Councillor Perram along the following lines:-
 - (i) He is prepared to accept the recommendations of the report and is willing to comply with the obligations.
 - (ii) He praised the diligence and approach of the Conduct Reviewer in managing the complaint.
 - (iii) He apologised to the Council for those allegations of a breach of conduct that were upheld by the investigation.

Record of Voting:

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

Against the Motion: Councillor Maggio

OPEN SESSION

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Councillors Li, Chung, Etmekdjian, Laxale, Maggio, Pendleton, Pickering, Simon and Yedelian OAM

Against the Motion: Councillor Salvestro-Martin

Note: Open Council resumed at 11.14pm.

RESOLUTION: (Moved by Councillors Yedelian OAM 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: Councillors Li, Chung, Etmekdjian, Laxale, Pendleton, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

Note: Councillor Perram returned to the meeting at 11.15pm.

Note: All staff returned to the meeting at 11.15pm.

NATIONAL ANTHEM

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

The meeting closed at 11.17pm on 13 August 2013.

CONFIRMED THIS 27TH DAY OF AUGUST 2013

Chairperson