

Meeting Date: Tuesday 25 March 2014
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

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

Note: Councillor Petch left the meeting at 8.44pm and did not return. He was not present for consideration of Mayoral Minute 5/14, Mayoral Minute 6/14, Items 1, 3, 4, 5, 6, 7, 8, 9, Precis of Correspondence 1, Precis of Correspondence 2, Precis of Correspondence 3, Questions with Notice 1, Confidential Items 10, 11 and 12.

Note: Councillor Salvestro-Martin left the meeting at 9.11pm and did not return. He was not present for consideration of Items 6, 7, 8, 9, Precis of Correspondence 1, Precis of Correspondence 2, Precis of Correspondence 3, Questions with Notice 1, Confidential Items 10, 11 and 12.

Apologies: Nil.

Leave of Absence: Councillor Perram.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Acting Group Manager – Corporate Services, Group Manager – Environment and Planning, Group Manager – Public Works, Chief Financial Officer, Manager – Communications and Media, Section Manager – Waste, Section Manager – Properties, Section Manager – Community Engagement, Section Manager – Communications and Meeting Support Coordinator.

PRAYER

Councillor Laxale offered prayer prior to the commencement of the meeting.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

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

That those speakers who submitted requests, including late requests, to address Council on Item 2(3) –20 Amiens Street, Gladesville – LDA2013/0211 from the report of the of the Planning and Environment Committee Meeting 4/14 held on 18 March 2014, be allowed to address the meeting, the time being 7.33pm.

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

Record of Voting:

For the Motion: Councillors Chung, Pendleton, Petch, Salvestro-Martin and Yedelian OAM

Against the Motion: The Mayor, Councillor Maggio and Councillors Etmekdjian, Laxale, Li, Pickering and Simon

DISCLOSURES OF INTEREST

There were no disclosures of interest.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:

Name	Topic
Jay Nair	Mayoral Minute 7/14 – Kiss and Drop Zones - Railway Station Sites

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council on Items not listed on the Agenda.

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Simon and Li)

That Council now consider the following Items, the time being 7.44pm:

- **Mayoral Minute 7/14** – Kiss and Drop Zones - Railway Station Sites and **Notice of Motion 1** - Sydney Trains Parking at Eastwood Station
- **Item 2** – Report of the of the Planning and Environment Committee Meeting 4/14 held on 18 March 2014

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES AND NOTICE OF MOTION

MM 7/14 KISS AND DROP ZONES - RAILWAY STATION SITES - The Mayor Roy Maggio

NOM 1 SYDNEY TRAINS PARKING AT EASTWOOD STATION - Deputy Mayor Justin Li

Note: Jay Nair addressed the meeting in relation to this Item.

Note: Notice of Motion 1 - Sydney Trains Parking at Eastwood Station was dealt with in conjunction with this Mayoral Minute.

RESOLUTION: (Moved by The Mayor, Councillor Maggio and Councillor Li)

- (a) That the Group Manager – Environment and Planning explore options to alleviate the current pressure on short term parking spaces in the vicinity of local railway stations – especially kiss and drop facilities.
- (b) That the above exploration be carried out in conjunction with the State Rail Authority.
- (c) That the matter be reported back to Council.
- (d) That in the event Sydney Trains makes available their parking spaces for public usage as per the Transport Minister's recent announcement, Ryde Council shall work with Sydney Trains and the Traffic Committee to convert these spaces to provide a Kiss and Ride zone for commuters.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 4/14 held on 18 March 2014

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That Council determine Item 3 of the Planning and Environment Committee report 4/14 held on 18 March 2014, noting that Items 1 and 2 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

**3 20 AMIENS STREET, GLADESVILLE - LOT A DP27326.
Development Application for Demolition and Construction of a New
Part 2 / Part 3 Storey Dwelling, Pool, Front Fence and Landscaping.
LDA2013/0211.**

MOTION: (Moved by Councillors Etmekdjian and Pickering)

- (a) That LDA2013/0211 at 20 Amiens Street, Gladesville being LOT A DP27326 be approved subject to the conditions set out below:

DEFERRED COMMENCEMENT

The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

1. **Plan amendments.** The submission of amended plans for the approval of Council's Group Manager Environment & Planning which provide the following plan amendments:
 - Amendment of the front gable and associated roof structure over the Loft Room and Balcony on the top level; to reduce the overall height and minimize the loss of water views from the heritage items located across the road
 - The rear gable end above the Lounge Room must be replaced with a hipped roof (to reduce the overall height);
 - Specific Details must be provided on the proposed Solar Tiles (If it is found that there would be any adverse impact on the adjacent Heritage Items this element must be removed) and replaced with an appropriately approved alternative;
 - A detailed Photographic Archival Recording is to be undertaken in accordance with the NSW Heritage Division guidelines of the existing two dwellings located on the site (including internal and external images) prior to any excavation or demolition;
 - Detailed Schedule on how the existing sandstone will be re-used in the construction of the new dwelling; including details on cleaning, storing and location of the re-used sandstone.

2. **Access & Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890.1-2004.

With respect to this, the following revision(s) must be undertaken;

- (a) A splay clear of obstructions must be provided on the eastern side of the driveway entry to permit adequate sight distance between pedestrians and a vehicle exiting the property. The splay must be generally in accordance with Figure 3.3 of AS 2890.1 and is to provide 2m clearance from the edge of the driveway at the property boundary alignment.

The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

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 & Site Analysis	October 2013	Drawing No. A-01 Rev A
Ground Floor Plan	October 2013	Drawing No. A-02 Rev A
First Floor Plan	October 2013	Drawing No. A-03 Rev A
Roof Plan	October 2013	Drawing No. A-04 Rev A
Elevations	October 2013	Drawing No. A-05 Rev A
Elevations & Section	October 2013	Drawing No. A-06 Rev A
Landscape Planting Plan	9 May 2013	L01/1- K18101
Arboricultural Assessment Report	23 May 2013	No reference
Demolition Work Plan	June 2013	Project No. J10-12
Waste Management Plan	June 2013	Project No. J10-12
Stormwater Drainage/Sediment Control Details	4 July 2013	1404-S1/3 Revision D
Stormwater Drainage/Sediment Control Details	4 July 2013	1404-S2/3 Revision D
Stormwater Drainage/Sediment Control Details	4 July 2013	1404-S3/3 Revision D

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 484676S, dated 17 June 2013.

4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

Protection of Adjoining and Public Land

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

Works on Public Road

8. **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.
9. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

Swimming Pools/Spas

10. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.

11. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
12. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
13. **Resuscitation Chart.** A resuscitation chart containing warning "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL" must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.

Engineering Conditions

14. **Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2010, Part 8.2 "Stormwater Management".
15. **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.
16. **Service Alterations.** All mains, services, poles, etc., which require alteration to facilitate the development shall be altered at the applicant's expense. Written approval and signed off at completion from the relevant Public Authority shall be submitted to Council.
17. **Restoration.** To ensure public areas will be safely maintained at all times all disturbed public areas must be restored to Council satisfaction. All restoration of disturbed road, footway areas, kerb and gutters, redundant vehicular crossings etc arising from the proposed development works will be carried out by Council subject to the lodgement of a Road Opening Permit application to Council with payment of fees in accordance with Council's Management Plan, prior to commencement of works.
18. **Road Opening Permit.** To ensure all restoration works within the public road reserve will be completed and restored to Council satisfaction, the applicant shall apply for a Road Opening permit where excavation works are proposed within the road reserve. No works shall be carried out on the road reserve without this permit being paid and a copy kept on the site.
19. **Council's Approval.** To ensure all engineering works within the public road and/or drainage reserve, including Council's parkland will be completed to Council satisfaction, engineering approval and compliance certificates must be obtained from Council for the following works at the specified stage where applicable and **submitted to the Principal**

Certifying Authority prior to the issue of any Occupation Certificate.

Fees applicable to the proposed works in accordance with Council's Management Plan are to be paid to Council prior to approval being given by Council:

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

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

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

- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
- 23. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
- 24. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
- 25. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
- 26. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

Imported fill

- 27. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
- 28. **Imported fill – validation.** All imported fill must be supported by a validation from a qualified environmental consultant that the fill constitutes Virgin Excavated Natural Material. Records of the validation must be provided upon request by the Council.
- 29. **Delivery dockets to be provided.** Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.
- 30. **Delivery dockets – receipt and checking on site.** A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.
- 31. **Delivery dockets – forward to PCA on demand.** The delivery dockets must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.

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.

32. **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**.
33. **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**.
34. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
35. **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
36. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
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. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely 18 and 24 Amiens Street, Gladesville. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.
39. **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.

40. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
41. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
42. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.
43. **Relocation of retaining wall and rain water tank.** To ensure adequate protection of the tree's roots covered in the following condition, the proposed rainwater tank and retaining wall adjacent to the rainwater tank is to be relocated away from the 2.4m tree protection zone area. Details of the revised rainwater tank and retaining wall location are to be submitted to Council for approval prior to the issue of the **Construction Certificate**.
44. **Tree protection.** The *Glochidion ferdinandi* (Cheese Tree) located on the adjoining property at 34 Meriton Street is to be retained and protected as part of the proposed development through establishment of a 2.4m Tree Protection Zone (TPZ).

In this regard, to ensure adequate protection of the tree's roots, the proposed rainwater tank and retaining wall adjacent to the rainwater tank is to be relocated away from the 2.4m tree protection zone area. Details of the revised rainwater tank and retaining wall location are to be submitted to Council for approval prior to the issue of the **Construction Certificate**.

Engineering Conditions

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

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.

49. **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.
50. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
51. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

52. **Excavation adjacent to adjoining land**

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

- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

DURING CONSTRUCTION

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

- 54. **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*.
- 55. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
- 56. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
- 57. **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.
- 58. **Construction materials.** All materials associated with construction must be retained within the site.
- 59. **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.
60. **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.
61. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
62. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.
63. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
64. **Tree protection.** The *Glochidion ferdinandi* (Cheese Tree) located on the adjoining property at 34 Meriton Street is to be retained and protected as part of the proposed development through establishment of a 2.4m Tree Protection Zone (TPZ).
65. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
66. **Tree works – provision of arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.
67. **Tree works – arborist supervision.** A Project Arborist with AQF Level 5 qualifications is to be engaged to ensure compliance with the tree protection measures and oversee all works including demolition and construction, in relation to the trees identified for retention on the site.
68. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

69. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 484676S, dated 17 June 2013.

70. **Landscaping.** All landscaping works approved by Condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

71. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

72. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.

73. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

Engineering Conditions

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

OPERATIONAL CONDITIONS

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

76. **Single dwelling only.** The dwelling is not to be used or adapted for use as two separate domiciles or a boarding house.

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

AMENDMENT: (Moved by Councillors Chung and Salvestro-Martin)

- (a) That LDA2013/0211 at 20 Amiens Street, Gladesville being LOT A DP27326 be refused for the following reasons:
- (i) There are a number of non-compliances with Council's Dwelling House Development Control Plan (DCP) including, but not limited to:
 - a three storey element;
 - a roof top terrace; and
 - cut and fill that exceeds Councils controls.
 - (ii) That approval of this application would not be in the public's interest.
- (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 three (3) votes For and eight (8) votes Against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of Voting:

For the Amendment: Councillors Chung, Petch and Salvestro-Martin

Against the Amendment: The Mayor, Councillor Maggio and Councillors Etmekdjian, Laxale, Li, Pendleton, Pickering, Simon and Yedelian OAM

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

- (a) That LDA2013/0211 at 20 Amiens Street, Gladesville being LOT A DP27326 be approved subject to the conditions set out below:

DEFERRED COMMENCEMENT

The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

1. **Plan amendments.** The submission of amended plans for the approval of Council's Group Manager Environment & Planning which provide the following plan amendments:
 - Amendment of the front gable and associated roof structure over the Loft Room and Balcony on the top level; to reduce the overall height and minimize the loss of water views from the heritage items located across the road
 - The rear gable end above the Lounge Room must be replaced with a hipped roof (to reduce the overall height);
 - Specific Details must be provided on the proposed Solar Tiles (If it is found that there would be any adverse impact on the adjacent Heritage Items this element must be removed) and replaced with an appropriately approved alternative;
 - A detailed Photographic Archival Recording is to be undertaken in accordance with the NSW Heritage Division guidelines of the existing two dwellings located on the site (including internal and external images) prior to any excavation or demolition;
 - Detailed Schedule on how the existing sandstone will be re-used in the construction of the new dwelling; including details on cleaning, storing and location of the re-used sandstone.

2. **Access & Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890.1-2004.

With respect to this, the following revision(s) must be undertaken;

- (a) A splay clear of obstructions must be provided on the eastern side of the driveway entry to permit adequate sight distance between

pedestrians and a vehicle exiting the property. The splay must be generally in accordance with Figure 3.3 of AS 2890.1 and is to provide 2m clearance from the edge of the driveway at the property boundary alignment.

The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

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 & Site Analysis	October 2013	Drawing No. A-01 Rev A
Ground Floor Plan	October 2013	Drawing No. A-02 Rev A
First Floor Plan	October 2013	Drawing No. A-03 Rev A
Roof Plan	October 2013	Drawing No. A-04 Rev A
Elevations	October 2013	Drawing No. A-05 Rev A
Elevations & Section	October 2013	Drawing No. A-06 Rev A
Landscape Planting Plan	9 May 2013	L01/1- K18101
Arboricultural Assessment Report	23 May 2013	No reference
Demolition Work Plan	June 2013	Project No. J10-12
Waste Management Plan	June 2013	Project No. J10-12
Stormwater Drainage/Sediment Control Details	4 July 2013	1404-S1/3 Revision D
Stormwater Drainage/Sediment Control Details	4 July 2013	1404-S2/3 Revision D
Stormwater Drainage/Sediment Control Details	4 July 2013	1404-S3/3 Revision D

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.

3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 484676S, dated 17 June 2013.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

Protection of Adjoining and Public Land

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

Works on Public Road

8. **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.
9. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

Swimming Pools/Spas

10. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.

11. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
12. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
13. **Resuscitation Chart.** A resuscitation chart containing warning "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL" must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.

Engineering Conditions

14. **Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2010, Part 8.2 "Stormwater Management".
15. **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.
16. **Service Alterations.** All mains, services, poles, etc., which require alteration to facilitate the development shall be altered at the applicant's expense. Written approval and signed off at completion from the relevant Public Authority shall be submitted to Council.
17. **Restoration.** To ensure public areas will be safely maintained at all times all disturbed public areas must be restored to Council satisfaction. All restoration of disturbed road, footway areas, kerb and gutters, redundant vehicular crossings etc arising from the proposed development works will be carried out by Council subject to the lodgement of a Road Opening Permit application to Council with payment of fees in accordance with Council's Management Plan, prior to commencement of works.
18. **Road Opening Permit.** To ensure all restoration works within the public road reserve will be completed and restored to Council satisfaction, the applicant shall apply for a Road Opening permit where excavation works are proposed within the road reserve. No works shall be carried out on the road reserve without this permit being paid and a copy kept on the site.
19. **Council's Approval.** To ensure all engineering works within the public road and/or drainage reserve, including Council's parkland will be completed to Council satisfaction, engineering approval and compliance certificates must be obtained from Council for the following works at the specified stage where applicable and **submitted to the Principal**

Certifying Authority prior to the issue of any Occupation Certificate.

Fees applicable to the proposed works in accordance with Council's Management Plan are to be paid to Council prior to approval being given by Council:

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

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

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

- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
- 23. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
- 24. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
- 25. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
- 26. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

Imported fill

- 27. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
- 28. **Imported fill – validation.** All imported fill must be supported by a validation from a qualified environmental consultant that the fill constitutes Virgin Excavated Natural Material. Records of the validation must be provided upon request by the Council.
- 29. **Delivery dockets to be provided.** Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.
- 30. **Delivery dockets – receipt and checking on site.** A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.
- 31. **Delivery dockets – forward to PCA on demand.** The delivery dockets must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.

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.

32. **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**.
33. **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**.
34. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
35. **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
36. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
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. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely 18 and 24 Amiens Street, Gladesville. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.
39. **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.

40. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
41. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
42. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.
43. **Relocation of retaining wall and rain water tank.** To ensure adequate protection of the tree's roots covered in the following condition, the proposed rainwater tank and retaining wall adjacent to the rainwater tank is to be relocated away from the 2.4m tree protection zone area. Details of the revised rainwater tank and retaining wall location are to be submitted to Council for approval prior to the issue of the **Construction Certificate**.
44. **Tree protection.** The *Glochidion ferdinandi* (Cheese Tree) located on the adjoining property at 34 Meriton Street is to be retained and protected as part of the proposed development through establishment of a 2.4m Tree Protection Zone (TPZ).

In this regard, to ensure adequate protection of the tree's roots, the proposed rainwater tank and retaining wall adjacent to the rainwater tank is to be relocated away from the 2.4m tree protection zone area. Details of the revised rainwater tank and retaining wall location are to be submitted to Council for approval prior to the issue of the **Construction Certificate**.

Engineering Conditions

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

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.

49. **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.
50. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
51. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

52. **Excavation adjacent to adjoining land**

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

- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

DURING CONSTRUCTION

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

- 54. **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*.
- 55. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
- 56. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
- 57. **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.
- 58. **Construction materials.** All materials associated with construction must be retained within the site.
- 59. **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.
60. **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.
61. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
62. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.
63. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
64. **Tree protection.** The *Glochidion ferdinandi* (Cheese Tree) located on the adjoining property at 34 Meriton Street is to be retained and protected as part of the proposed development through establishment of a 2.4m Tree Protection Zone (TPZ).
65. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
66. **Tree works – provision of arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.
67. **Tree works – arborist supervision.** A Project Arborist with AQF Level 5 qualifications is to be engaged to ensure compliance with the tree protection measures and oversee all works including demolition and construction, in relation to the trees identified for retention on the site.
68. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

69. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 484676S, dated 17 June 2013.

70. **Landscaping.** All landscaping works approved by Condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

71. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

72. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.

73. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

Engineering Conditions

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

OPERATIONAL CONDITIONS

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

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

Record of Voting:

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

Against the Motion: Councillors Chung, Petch and Salvestro-Martin

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Li and Etmekdjian)

That standing orders be suspended for Council to now consider tabling of petitions, the time being 8.44pm.

Record of Voting:

For the Motion: Unanimous

TABLING OF PETITIONS

Councillor Li tabled a petition from 62 local residents objecting to a combined entry/exit vehicular access from Epping Road between Herring Road and Sobraon Road proposed in LDA2014/0041.

MAYORAL MINUTES**5/14 SAVE OUR STREETS... REAL ACTION ON ALCOHOL NOW - The Mayor Roy Maggio**

Note: Councillor Petch left the meeting 8.44pm and did not return. He was not present for consideration or voting on this Item.

Note: Cllr Yedelian OAM left the meeting at 8.46pm and was not present for voting on this Item.

RESOLUTION: (Moved by The Mayor, Councillor Maggio and Councillor Pickering)

That this matter be deferred for a Councillor Workshop and a presentation at that Workshop.

Record of Voting:

For the Motion: Unanimous

6/14 POTENTIAL NSROC - SHOROC MERGER - The Mayor Roy Maggio

Note: Councillors Petch and Yedelian OAM were not present for consideration or voting on this Item.

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

- (a) That Council support the formation and participation in a Northern Metropolitan Council of Mayors (working title).
- (b) Council authorise the Mayor and Acting General Manager to sign a Memorandum of Understanding for Council to become a member of the Northern Metropolitan Council of Mayors (working title) under the terms outlined in the draft Terms of Reference.
- (c) Council outline to the NSW Government in its submission regarding the Independent Local Government Review Panel's 'Revitalising Local Government' report the intention to form the Northern Metropolitan Council of Mayors noting its alignment with the Panel's proposed Joint Organisation model.
- (d) That if any funding is requested of Council following signing of an MOU, that this request come back to Council for its consideration.

Record of Voting:

For the Motion: Unanimous

7/14 KISS AND DROP ZONES - RAILWAY STATION SITES - The Mayor Roy Maggio

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

Note: Councillor Yedelian OAM returned to the meeting at 8.47pm

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 11 March 2014

Note: Councillor Salvestro-Martin left the meeting at 8.47pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Simon)

That the Minutes of the Council Meeting 3/14, held on 11 March 2014 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 4/14 held on 18 March 2014

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

Note: Councillor Salvestro-Martin returned to the meeting at 8.54pm.

3 CITY OF RYDE DRAFT COMMUNICATIONS AND ENGAGEMENT STRATEGY

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

RESOLUTION: (Moved by Councillors Pickering and Pendleton)

- (a) That Council endorse the City of Ryde's Draft Communications and Engagement Strategy.
- (b) That Council publishes the City of Ryde Communications & Engagement Strategy on Council's website.
- (c) That the Media and Communications team be congratulated on their work on the City of Ryde Draft Communications and Engagement Strategy.

Record of Voting:

For the Motion: Unanimous

4 ELS HALL PARK - WEST TIGERS

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

- (a) That Council receive and note the actions as detailed in this report.
- (b) That Council not undertake any further action until West Tigers clarify their position on this matter.

Record of Voting:

For the Motion: Unanimous

5 GRAFFITI ACTION PLAN 2014 - 2016

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That Council endorse the draft Graffiti Action Plan 2014 – 2016 as attached.

Record of Voting:

For the Motion: Unanimous

6 CITY OF RYDE NEW WASTE MANAGEMENT STRATEGY

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

Note: Councillor Pendleton left the meeting at 9.11pm and was not present for voting on this Item.

Note: Councillors Salvestro-Martin left the meeting at 9.11pm and did not return. He was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

- (a) That the 2014 City of Ryde Waste Management Strategy be adopted including the three (3) key initiatives outlined in the reports as follows:
 - 1. Increase waste avoidance and landfill diversion.

2. Review of current Household Clean-up collection.
 3. Managing waste services to high-rise multi-unit developments.
- (b) That staff be congratulated on their work on developing the City of Ryde Waste Management Strategy.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Pendleton returned to the meeting at 9.11pm.

7 INVESTMENT REPORT - February 2014

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

That Council endorse the report of the Chief Financial Officer dated 12 March 2014 on Investment Report – February 2014.

Record of Voting:

For the Motion: Unanimous

8 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - 15 to 18 June 2014

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pendleton and Pickering)

- (a) That Council endorse the attendance of the Mayor, Councillor Maggio and Councillor Etmekdjian at the National General Assembly of Local Government held in Canberra on Sunday, 15 June 2014 to Wednesday, 18 June 2014.
- (b) That Council nominate The Mayor, Councillor Maggio to be the voting delegate to represent the City of Ryde during debates on Motions presented to the Assembly.

Record of Voting:

For the Motion: Unanimous

9 REPORTS DUE TO COUNCIL

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That the report on Outstanding Council Reports be endorsed.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 COMMUNITY HUB MODEL

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

(a) That the correspondence be received and noted.

(b) That the relevant staff be congratulated on their work on the implementation of the Community Hub Model.

Record of Voting:

For the Motion: Unanimous

2 NSW TAXI TRANSPORT SUBSIDY SCHEME

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Simon and Pickering)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

3 RESPONSE FROM HON DON PAGE MP - REQUEST FOR MEETING

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Simon and Pickering)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 SYDNEY TRAINS PARKING AT EASTWOOD STATION - Deputy Mayor Justin Li

Note: This matter was dealt with earlier in the meeting in conjunction with Mayoral Minute 7/14 – KISS AND DROP ZONES - RAILWAY STATION SITES as outlined in these Minutes.

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Sarkis Yedelian OAM

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

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

Record of Voting:

For the Motion: Unanimous

Question 1

Who decided to hold Citizenship Ceremony on Harmony Day and was Harmony Advisory Committee or the Chair been advised.

Answer 1

The Community Harmony Advisory Committee was consulted on re-shaping the Harmony Day celebrations and based on advice from the Committee it was decided to conduct a trial of the Harmony Day Celebrations at Top Ryde City from 12noon-5pm with the objective of promoting the event to a wider audience. The Committee's advice was sought at three (3) meetings June, September and November 2013, staff also conducted a special feedback workshop in August 2013, results of which were discussed with the Committee at its September meeting.

The Mayor, Councillor Maggio had requested that staff investigate the possibility of conducting “special” Citizenship Ceremonies outdoors, in addition to the formalised ceremonies in the Civic Hall. Given the alignment of the objectives and audience of Citizenship Ceremonies with the objectives of Harmony Day Celebrations, it was deemed appropriate to trial a Citizenship Ceremony, on the same day, prior to the start of the Harmony Day Celebration event at 12pm.

The addition of the Ceremony to the Harmony Day Celebrations was not discussed at a meeting of the Community Harmony Advisory Committee, as the Ceremony did not impact the activities planned for the Harmony Day Celebration Event.

Both trial Events will be evaluated to assess success and to identify areas of improvement. The Community Harmony Advisory Committee will be consulted as part of this process.

Question 2

Why no invitation was sent to all Councillors as was the procedure till now (I know it was listed in CIB) and Harmony Advisory Committee members as was the custom.

Answer 2

The Harmony Day Celebrations and the Citizenship Ceremony were both notified to Councillors through the Outlook Calendar as well as through the Councillor Information Bulletin (CIB).

Question 3

How much each Citizenship is costing Council. Please itemise the cost.

Answer 3

The direct cost for each Citizenship Ceremony is approximately \$820 (Excluding GST). In addition to the direct cost, there is cost of staff time working in the evening of each event and cost of printing which is undertaken internally.

See below (4) for breakdown.

Question 4

Are we paying (if yes, how much) the participants of citizenship, concert band, Councillors, aboriginal elder who performs welcome to country, singer, Electoral office representatives. Why a sort of shade was not provided to the outdoor marquis (sun was scorching and many recipient, elderly, guests and VITS were feeling sick. Eventually half way in the ceremony people left the venue to be sheltered elsewhere).

Answer 4

Ryde City Concert Band Donation	\$120.00
National Anthem Singer – Roseanna Gallo	\$150.00
Welcome to Country – Uncle Greg Simms	\$200.00
Catering	\$180.00
City of Ryde Flag pins – Gifts	\$100.00
Australian Flag hand wavers	\$70.00

The marquee provided on 22 March 2014 had a clear roof and was chosen to complement the outdoor environment and the forecasted weather. In the week leading up to the Event, the weather forecast was for possible showers and temperatures in mid-20's. Unfortunately the day became quite hot and very humid.

The staff distributed water during the ceremony, which lasted approximately 45 minutes. Refreshments were provided after the Ceremony in the Events Cinema Lounge for all participants.

Question 5

Why we are having the same singer singing Australian Anthem, when we have many other talented Ryde citizens happy to perform without pay.

Answer 5

The civic importance of Citizenship Ceremonies call for a certain level of formality and consistency in standard of delivery. At the request of the Mayor, staff are currently reviewing the format of Citizenship Ceremonies to improve efficiency and flow of the event. The approach to the performance of the National Anthem is also being considered.

Question 6

Please provide listing with cost of non COR staff being engaged at all COR events.

Answer 6

City of Ryde events are developed and managed by Council staff, external staff are not engaged. Depending on the size and type of each event, appropriate contractors and suppliers are engaged to provide services such as entertainment and infrastructure. These suppliers are engaged in line with Council's Procurement Guidelines.

CLOSED SESSION**ITEM 10 - REQUEST FOR TENDER - COR-RFT-25/13 - Auditing Services for six years from 2013/2014 to 2018/2019****Confidential**

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

ITEM 11 - WEST RYDE URBAN VILLAGE - PROGRESS REPORT**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) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

ITEM 12 - 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.

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Simon)

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

Record of Voting:

For the Motion: Unanimous

Note: Council closed the meeting at 9.21pm. The public and media left the chamber.

10 REQUEST FOR TENDER - COR-RFT-25/13 - Auditing Services for six years from 2013/2014 to 2018/2019

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Etmekdjian and Yedelian OAM)

- (a) That Council accept the tender from Price Waterhouse Coopers for the auditing services for six years from the 2013/2014 financial year to the 2018/2019 financial year inclusive to the amount of \$55,000 as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the Acting General Manager the authority to enter into a contract with Price Waterhouse Coopers on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advise all the respondents of Council's decision.

Record of Voting:

For the Motion: Unanimous

11 WEST RYDE URBAN VILLAGE - PROGRESS REPORT

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Etmekdjian and Simon)

- (a) That Council receive and note this report.
- (b) That Huntington's Disease Association be kept informed on progress for the relocation of the pole outside their property.

Record of Voting:

For the Motion: Unanimous

12 ADVICE ON COURT ACTIONS

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Etmekdjian and Yedelian OAM)

That the report be received and noted.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 9.30pm.

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

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

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 9.34pm.

CONFIRMED THIS 8TH DAY OF APRIL 2014

Chairperson