

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

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

Note: Councillor Salvestro-Martin arrived at the meeting at 7.52pm and was present for consideration and voting on Items 9, 10, 11, Precis of Correspondence 1, Precis of Correspondence 2, Precis of Correspondence 3, Notice of Motion 1, Questions with Notice 1, Confidential Items 12, 13 and 14.

**Apologies:** Nil.

**Leave of Absence:** Councillors Laxale and Li.

**Absent:** Councillor Maggio and Councillor Petch (currently suspended).

**Staff Present:** Acting General Manager, Acting Group Manager – Community Life, Group Manager – Corporate Services, Acting Group Manager – Environment and Planning, Acting Group Manager – Public Works, General Counsel, Chief Financial Officer, Manager – Governance, Risk and Audit, Manager – Communications and Media, Manager – Human Resources, Manager – Assessment, Senior Development Engineer and Section Manager – Governance.

### **PRAYER**

Pastor Stephen Cooper of the Eastwood Baptist Church was present and offered prayer prior to the commencement of the meeting.

### **DISCLOSURES OF INTEREST**

There were no disclosures of interest.

### **TABLING OF PETITIONS**

No Petitions were tabled.

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

No addresses were made to Council.

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

No addresses were made to Council.

**MATTER OF URGENCY**

Councillor Chung advised that he wished to raise a Matter of Urgency with regards to congratulating Councillor Jerome Laxale and his wife Mrs Karyn Laxale on the birth of their baby son.

Note: The Mayor, Councillor Pickering accepted this Item as an Urgent Item.

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

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

That Council consider a Matter of Urgency with regards to congratulating Councillor Jerome Laxale and his wife Mrs Karyn Laxale, the time being 7.36pm.

**Record of Voting:**

For the Motion: Unanimous

**MATTER OF URGENCY – CONGRATULATING COUNCILLOR JEROME LAXALE AND HIS WIFE MRS KARYN LAXALE**

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

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

That Council congratulate Councillor Jerome Laxale along with his wife Mrs Karyn Laxale and their daughters Madeline and Amelie on the birth of their son and baby brother, Harry Alain Ian Laxale.

**Record of Voting:**

For the Motion: Unanimous

## **MAYORAL MINUTES**

### **MM35/14 ACTIONS ARISING FROM COUNCILLOR WORKSHOP ON SISTER CITY / FRIENDSHIP AGREEMENTS – The Mayor, Councillor Bill Pickering**

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

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

That as Mayor of the City of Ryde, I write to the City of Dongguan expressing Council's interest in pursuing closer ties with their City, subject to the formal adoption of a Friendship Agreement together with the relevant Policy in February 2015.

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

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

Against the Motion: Councillors Simon and Perram

### **MM36/14 CHATHAM ROAD, WEST RYDE – PARKING – The Mayor, Councillor Bill Pickering**

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

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

That subject to the concurrence of the Ryde Traffic Committee, Council install the parking controls identified in the Traffic Committee report titled "Chatham Road, West Ryde – Provision of three (3) 1/2P Parking Bays from No.1-5 Chatham Road and No Stopping During Peak Periods", as follows:

- (a) 1/2P: 10am – 3pm, Mon-Fri; 8:30am-12:30p, Sat
- (b) No Stopping: 6am – 10am; 3pm-7pm, Mon – Fri

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

For the Motion: Unanimous

## **COUNCIL REPORTS**

### **1 CONFIRMATION OF MINUTES - Council Meeting held on 11 November 2014**

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

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

That the Minutes of the Council Meeting 18/14, held on 11 November 2014 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

### **2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 12/14 held on 18 November 2014**

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

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

That Council determine Item 3 of the Planning and Environment Committee report 12/14 held on 18 November 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 7-9 RUTLEDGE STREET, EASTWOOD, LOT 1 DP1111051 and LOT 24 DP 653568. Staged Development: mixed use development comprising 613m<sup>2</sup> of retail space and 100 residential apartments upon completion of both stages & strata subdivision. LDA 2011/0612.**

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

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

- (a) That Local Development Application No. 2011/0612 comprising staged development as outlined below for the construction and strata subdivision of a mixed use development at 7-9 Rutledge Trelawney Street, Eastwood be approved subject to the conditions set out below:-

i. Stage 1

- Construction of mixed use development with 483m<sup>2</sup> of retail space and 99 residential apartments;
- Provide a new vehicular crossing and access ramp directly from Trelawney Street frontage;
- Strata subdivision of the development.

ii. Stage 2

- Remove the access ramp and vehicular crossing approved under Stage 1 above and replace it with additional retail space equating to 130m<sup>2</sup> of gross floor space on the lower ground floor level;
- Construct a new 2 bedroom apartment within the void area above the retail level resulting from the removal of the ramp;
- Provide new access to the building from the northern corner of the building via Eastwood Shopping Centre access ramp (existing ROW). This may be possible if the Eastwood Shopping Centre site is redeveloped in the future;

**STAGED DEVELOPMENT CONDITION:**

In accordance with Section 83B of the Environmental Planning and Assessment Act this development comprises a Staged Development. A further Development Consent must be obtained for Stage 2 of the development.

1. **Stage 1:** Stage 1 of the development shall comprise of the following:
  - (a) Construction of mixed use development with 483m<sup>2</sup> of retail space and 99 residential apartments;
  - (b) Provide a new vehicular crossing and access ramp directly from Trelawney Street frontage as per approved plan;

**Stage 2:** Concept approval comprising the following:

- Removal of the access ramp and vehicular crossing approved under Stage 1 above and replace it with additional retail space equating to approximately 130m<sup>2</sup> of gross floor space on the lower ground floor level;
- Construction of a new 2 bedroom apartment within the void area above the retail level resulting from the removal of the ramp;
- Provision of new access to the building from the northern corner of the building via Eastwood Shopping Centre access ramp (existing ROW). This is possible when the Eastwood Shopping Centre site is redeveloped in the future (subject to future details);

## GENERAL CONDITIONS – STAGE 1

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

2. **Approved Plans.** 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 except as amended by conditions of this Consent:

Plan Numbers:	Document Description	Date	Issue
DA-01	Colour Scheme – Photomontage	---	C
DA-02	Site Plan	29/08/2013	B
DA-05	Basement 3	2/06/2014	D
DA-06	Basement2	2/06/2014	D
DA-07	Basement 1	2/06/2014	D
DA-08	Lower Ground Floor – Stage 1	30/07/2014	I
DA-09	Ground Floor	23/05/2014	F
DA-10	Level 1	29/08/2013	C
DA-11	Levels 2 to 5 (floor layout)	29/08/2013	C
DA-12	Level 6	29/08/2013	C
DA-13	Level 7-9 (Floor layout)	29/08/2013	C
DA-14	Roof Garden& Landscape	29/08/2013	C
DA-15	Roof Plan	29/08/2013	C
DA-16	Section A	29/08/2013	C
DA-17	Section B	29/08/2013	B
DA-18	North Elevation	29/08/2013	B
DA-19	East Elevation	29/08/2013	B
DA-20	South Elevation	29/08/2013	B
DA-21	West Elevation – Stage 1	30/07/2014	E
DA-31	Solar Access to apartments	23/09/2013	A
DA-33	Material Finishes Board	29/08/2013	B
DA-34	Perspective 1 (with landscape)	29/08/2013	B
DA-35	Perspective 2	29/08/2013	A
DA-36	Perspective 3	29/08/2013	A
DA-37	Perspective 4	29/08/2013	A
387292M_02	BASIX Certificate	24/7/2013	-
	Waste Management Plan	--	
Access Report	Prepared by Mark Relf	26 September 2011	
Doc No.11184 Job No. 2172/5	Acoustic Report by West & Associates Pty Ltd	21 September 2011	

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

- a) **Awning:** The height of the street awning shall not be less than 3 metres or greater than 4.5m measured from the finished pavement level of the footpath. Such awning must:
- a. Be set back from the face of the kerb by 0.6m;
  - b. Have cut-outs of 1m wide by 1m deep to accommodate street trees, where the frontage is proposed to accommodate street trees in relation to proposed public domain improvement works;
  - c. Be weather sealed to the face of the building to which they are attached and to the adjoining awnings;
  - d. Have a height clearance as stated above or consistent with adjacent awnings; and
  - e. Maintain sufficient clearances from any overhead electricity or telecommunications installations.
  - f. The awning must not be glazed.
  - g. The street awning must be constructed along the full length of the retail tenancies in both Trelawney and Rutledge Street and over the residential entry.
  - h. The pergola over the entry area shown on the ground floor plan facing Trelawney Street must not encroach on the road reserve.
- b) **Accessible Ramps:** Adequate *accessible* ramps must be provided at the entrance to all retail tenancies from the Trelawney Street and Rutledge Street frontages. The ramp must be wholly within the site and not encroach on Council's footpath.
- c) **Adaptable Units:** The proposal must provide at least ten (10) apartments designed as adaptable units. These Units must be nominated on the floor layout plans prior to the issue of any Construction Certificate. Each of these units is to be allocated an *accessible* parking bay. Details of compliance must be provided as part of the Construction Certificate plans.
- d) **Amended Landscape Plan:** Amended Landscape Plans prepared by Habitation Reference No. 11\_025 must be amended to reflect the amended architectural plans and submitted to the PCA for approval prior to the issue of any Construction Certificate.

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

3. **Voluntary Planning Agreement:** The Voluntary Planning Agreement between City of Ryde and Rutledge Properties Pty Ltd that is subject of this Development Consent must be entered into by the relevant parties and registered on the title for 7-9 Rutledge Street EASTWOOD being Lot 1 DP 1111051 & Lot 24 DP 653568 prior to the issue of any **Construction Certificate**.

4. **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.
5. **Excavation Works.** 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.
6. **Advertising Signs:** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development" or approved under this consent.
7. **Security Grill:** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.
8. **Public Domain Works:** The applicant or the owner shall at their own expense carry out the following public domain improvement works on the road reserve fronting the subject site prior to the issue of any Occupation Certificate:
  - (a) **Footpath Paving:** Public Footpaths in Trelawney Street and Rutledge Street are to be paved with clay pavers in accordance with the Public Domain Technical Manual Section 3 – Eastwood. The clay paving must comply with the Eastwood section of Council's Public Domain Technical Manual. Details must be submitted for Council's approval prior to issue of any Construction Certificate;
  - (b) **Under grounding of overhead power-lines& multifunction poles:** Overhead mains in Trelawney Street shall be placed underground, and Multifunction Poles with new street lighting provided along the Trelawney Street frontage. An Electrical Design for dismantling the existing network and installing the new network shall be prepared and submitted to Council and Ausgrid for approval prior to commencement of work. Such utility modifications will be carried out to the satisfaction of the responsible authority (e.g.AUSGRID/ Energy Australia) and cost borne by the applicant.
  - (c) **The street trees on Rutledge Street** road reserve are to be *Angophora floribunda* (Rough Barked Apple) planted at approximately 7m intervals;



- (d) **The street trees on Trelawney Street** road reserve are to be *Acer negundo* planted at approximately 7m intervals;
- (e) **Pit grates:** All pit grates must be bicycle friendly heavy duty grates, as detailed in Aust Roads Publications;
- (f) **Report** - A traffic engineer shall prepare a detailed traffic management plan detailing how the above works can be conducted safely with minimal negative impacts on the existing vehicular and pedestrian movement on and around the site.

The approval of the Public Domain engineering plans and payment of any Council inspection fees (in accordance with Council's Management Plan) must be finalised prior to the issue of a Construction Certificate.

The plans must show works in plan view, longitudinal sections and details at a scale relevant for the level of detail and include all existing services/ infrastructure to be retained in the area of works. Full engineering details prepared by a Civil Engineer or an appropriately qualified person, including plans, sections, finished levels and schedule of materials and finishes complying with the Public Domain Technical Manual City of Ryde Environmental Standards - Development Criteria - Section 4 - Public Civil Works, Council's DCP Part 8.2 (Stormwater Management) and associated annexure shall be submitted to Council for approval must be submitted to Council and approval obtained prior to the issue of any **Construction Certificate**.

- 9. **Hours of work.** Building construction 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.
- 10. **Hoardings.**
  - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
  - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
- 11. **Public place kept lit:** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

12. **Construction within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structures shall encroach onto the adjoining properties including any other public, private or land owned by the Roads and Maritime Services. Gates must be installed so they do not open onto any footpath.
13. **No obstruction to the public way.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
14. **Works affecting Services.** 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.
15. **Works in public road.** 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.
16. **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* and relevant Development Control Plans except as amended by other conditions.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
18. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment.
19. **Road Opening Permit.** The applicant shall apply for a road-opening permit where works are proposed to be constructed within the public road reserve, e.g. where connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No work shall be carried out on the road reserve without this permit being paid and a copy kept on the site.
20. **No Stopping Signs:** Full time "No Stopping" restrictions are to be maintained on Rutledge Street and Trelawney Street frontages of the development site.

21. **Design and Geotech Reports:** The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment. The developer is to meet the full cost of the assessment by the RMS. The Report would need to address the following key issues:

- (a) The impact of excavation/ rock anchors on the stability of Rutledge Street and detailing how the carriageway would be monitored for settlement.
- (b) The impact of the excavation on the structural stability of Rutledge Street.

The report and any enquiries should be forwarded to:  
Project Engineer, External Works  
Sydney Asset Management  
Roads and maritime Services  
P O Box 973 Parramatta CBD 2124

Telephone: 8848 2114  
Fax: 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

22. **Existing Driveways:** The redundant driveways along Rutledge Street shall be removed and replaced with kerb and gutter to match existing. The design and construction of the gutter crossing on Rutledge Street shall be in accordance with RMS's requirement. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Parramatta (Telephone 8849 2496).

Detailed design plans of the proposed gutter crossing are to be submitted to RMS for approval prior to the commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant/ developer prior to the release of the approved road design plans by the RMS.

23. **Hydraulic Calculations:** Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset management  
Roads and maritime Services  
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before RMS's approval is issued. With regards to the Civil Works requirement please contact the RMS's Project Engineer on phone 8849 2114 or fax 8849 2766.

24. **Turning areas to be kept clear:** The proposed turning areas within the subject site are to be kept clear of any obstacles, including parked cars, at all times.
25. **Work Zone:** All construction vehicles and activities are to be contained wholly within the site. As no work zone permits will be permitted by RMS on Rutledge Street.
26. **Parking management:** An external (on-street) parking management plan to be prepared by the proponent (to Council's satisfaction which requires Technical Approval via the Ryde Local Traffic Committee) prior to the issue of Occupation Certificate.

#### **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.

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

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$240,733.53
Open Space & Recreation Facilities	\$569,663.73
Civic & Urban Improvements	\$208,591.98
Roads & Traffic Management Facilities	\$30,612.27
Cycleways	\$17,773.74
Stormwater Management Facilities	\$58,255.56
Plan Administration	\$4,809.42
<b>The total contribution is</b>	<b>\$1,130,440.23</b>

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

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

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

28. **Study.** All rooms shown in the apartments as study is to be provided with the internal joinery for the construction of a desk and storage areas. At no times these rooms (study) to be used as bedrooms.
29. **Voluntary Planning Agreement.** Prior to the issue of any Construction Certificate, the contribution as identified in the Voluntary Planning Agreement referred to in Condition 3 of the General Conditions of Consent is to be paid to Council.
30. **Damage security.** 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 (category: other buildings with delivery of bricks or concrete or machine excavation).
31. **Payment of fees.** The following fees must be paid to Council in accordance with Council's Management Plan:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy

32. **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**.
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. **Disabled Access & Adaptable Units:** Disabled access is to be provided within the development in accordance with the recommendations contained in the Access Review Report prepared by Mark Relf (Accessibility Solutions (NSW) Pty Ltd) dated 26 September 2011. A revised access report (to reflect the amended approved proposal) and details indicating compliance with the AS1428 & AS4299, Building Code of Australia and the recommendations contained in the above Report are to be submitted to the Principal Certifying Authority (PCA) prior to the Construction Certificate being issued. Accessible parking spaces are to be allocated to the adaptable units and shown on the strata plan.
35. **Reflectivity.** Roofing and other external materials must be of low glare and reflectivity. Visible light reflectivity from building materials used on the façades of new buildings should not exceed 18%. Details of the approved finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority.
36. **BASIX Commitments.** The development must comply with all commitments listed in BASIX Certificate referred to in this Development Consent. The fittings, fixtures and materials installed in association with the retail tenancy (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Details are to be noted on the plans submitted with the **Construction Certificate**.
37. **Bicycle parking.** Sufficient area shall be designated for bicycle parking on the site within the lower ground level (the entrance level) and the ground floor level in accordance with the following:
  - (a) Secure bicycle parking racks and manoeuvring area must be provided for at least 16 bicycles.
  - (b) The bicycle parking area must be highly visible, adequately lit and easily accessible by residents and customers.
  - (c) Bicycle parking and access must be designed so as to ensure potential conflicts with vehicles are minimised.
  - (d) All entry ramps, pit grates, layback and paths leading to the bicycle parking area must be designed to enable rideable approach to the bicycle parking area.

Bicycle parking must be designed in accordance with AS2890.3 Parking Facilities- Bicycle Parking Facilities and the NSW bicycle guidelines. Details are to be submitted on the **Construction Certificate**.

38. **Services & Substation:** All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Any doors associated with the electrical substation must not open outwards into the public domain/ footpath area. Details of all service infrastructure/utilities are to be approved prior to issue of the Construction Certificate.
39. **Garbage Room Exhaust:** The garbage room exhaust must be designed so that it is suitably screened from view. Satisfactory screening device must be used and integrated with the architectural feature of the building. Details of all service infrastructure/utilities are to be approved prior to issue of the Construction Certificate.
40. **Adequate Sightlines:** Any part of the building, vegetation or proposed landscaping/ fencing must not hinder sight lines to and from the proposed access driveways and with respect to the existing access ramp to the Eastwood Shopping Centre. The following measures must be provided in order to ensure adequate sightlines and the vehicular entrance of the proposed development located at the north western corner of the building:
  - (a) Overhead signage to be provided at the vehicular entry to clearly differentiate the subject site, entry & exit lanes.
  - (b) Provide sufficient splay at the entrance to allow clear sightlines for drivers leaving the site.
  - (c) The entry gate and access control must be moved to allow sufficient queuing by vehicles.
  - (d) Appropriate access arrangement must be in place to allow garbage collection trucks to access the site.
41. **Underground Gas Pipeline:** All excavation (including pot-holing by hand) should be performed in accordance with 'Work Near Underground Assets Guidelines' published in 2007 by the Work Cover Authority.
42. **Soil Depths:** Minimum soil depth of 800mm must be provided in all planter beds provided throughout the development
43. **Operable Windows:** Windows to the units must be operable where necessary to allow adequate cross ventilation and improved amenity.
44. **Storage Facility:** All residential units must be provided with sufficient secure storage facility (other than the kitchen cupboard areas and wardrobes) at the following rates:
  - one-bedroom apartments 6m<sup>3</sup> X 69
  - two-bedroom apartments 8m<sup>3</sup> X 31

The surplus 7 parking spaces must be converted to storage areas and allocated to the residential apartments in order to comply with Residential Flat Design Code. The Storage facilities must be lockable and allocated to individual units. The allocated storage facility must be shown on the Construction Certificate plans prior to approval and the strata plans prior to the issue of Subdivision Certificate.

45. **Seating:** Adequate seating, shading structures and BBQ facility must be provided within the communal open space area. Details to be provided in the plans submitted for Construction Certificate.
46. **Shop front:** The retail/commercial tenancies must have clear glazing along the street frontage.
47. **Grease Trap:** A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.
48. **Grease Trap Room:** The grease trap room must be constructed in accordance with the following requirements:
  - (a) The floor, walls and ceiling must be constructed of solid materials finished to a smooth even impervious surface free of any cracks, holes or other openings that may allow the escape of odours.
  - (b) The room must be fitted with an air-tight (eg. coolroom type) door.
  - (c) The room must be provided with an approved system of mechanical exhaust ventilation.
  - (d) The room must be provided with intrinsically safe artificial lighting.
  - (e) A hose tap with a backflow prevention device must be provided in or adjacent to the room to facilitate cleaning.

Details are to be submitted on the Construction Certificate plans.

49. **Grease Trap Pump:** A fixed pump out line must be provided in accordance with the requirements of Sydney Water Corporation to facilitate servicing of the grease trap.
50. **Garbage and Recycling Room:** A garbage and recycling room must be provided in an approved location in the basement carpark of the residential flat building. The garbage and recycling rooms must be constructed in accordance with the following requirements:
  - (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;



- (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
- (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
- (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
- (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
- (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
- (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
- (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
- (i) The room must be provided with adequate artificial lighting; and
- (j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.

Details are to be submitted on the Construction Certificate plans.

- 51. **Storage area for discarded Items:** A separate room or caged area must be provided in the basement carpark of the residential flat building for the storage of bulky discarded items such as furniture and white goods.
- 52. **Delivery to Point of Collection:** Where necessary, staff or contractors must be employed to take the waste containers from garbage and recycling room to the container emptying point for servicing and to return the containers to the garbage room after servicing or an on-site building manager be responsible for the delivery of the bins to the allocated collection point within the site for servicing.
- 53. **Garbage Collection Vehicle:** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for damage to the driveways and manoeuvring areas.
- 54. **Kitchen Exhaust:** Adequate provision must be made for the installation of kitchen exhaust systems to the proposed retail premises.

55. **Mechanical Ventilation:** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**. Such details must include:
- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems;
  - (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and
  - (c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications
56. **Air Handling:** All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.
57. **Water Cooling System:** All water-cooling and warm-water systems regulated under the *Public Health Act 1991* must be registered with Council within one (1) month of installation.
58. **Road Noise:** The residential flat building(s) must be designed and constructed so that road traffic noise levels inside the building(s) comply with the satisfactory design sound levels recommended in Australian/New Zealand Standard AS/NZS 2107: 2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*, when the windows and doors are closed. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person and submitted to the PCA prior to the issue of Occupation Certificate.
59. **Noise Attenuation Measures:** The recommendations contained under Section 6 of the Acoustic Report prepared by West & Associates Pty Ltd (Document No. 11183 Issue A dated 21 September 2011) must be incorporated in the Construction Certificate drawing prior to its approval.
60. **Boundary Alignment Levels.** Boundary Alignment Levels - The applicant is to apply to Council for site specific boundary alignment levels prior to the issue of the Construction Certificate. The application would need to be accompanied by engineering plans of any civil works along the frontage of the development site. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.

61. **Car parking.** Car parking spaces must be provided for both residential and retail activities on the site. A total of 152 car parking spaces are to be provided on the site comprising 107 spaces for residential parking, 20 visitor parking spaces and 25 spaces for retail parking, including at least twelve (12) *accessible* spaces, evenly distributed over all designated parking levels. Accessible spaces must be allocated to the adaptable apartments. Details are to be submitted on the Construction Certificate plans.
62. **Access to resident parking.** Access to residential parking should be restricted to residents and their visitors only. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
63. **Vehicles to enter & leave in forward direction:** All vehicles must enter and leave the property in a forward direction from the basement car park.
64. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following is required;

- a) The driveway ramp must be constructed in accordance with the levels and grades detailed on the Architectural Plan - Sheet DA-08 dated 30 July 2014

These amendment(s) must be clearly marked on the plans submitted with the application for a Construction Certificate.

65. **Stormwater Management.** To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted with the application for a Construction Certificate.

Stormwater runoff on the site shall be collected and piped by gravity flow to Council's inground drainage infrastructure in Trelawney Street and will require the construction of a new kerb inlet pit at the point of connection, with dimensions and specifications complying with Council's standard details.

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer with NPER registration with Engineers Australia and comply with the following;

- The certification must state that the submitted design (including any associated components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde – DCP 2014 Part 8.2 (Stormwater Management).
  - The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
  - Onsite detention must be incorporated in the stormwater management system having a minimum SSR of 54 m<sup>3</sup> and a maximum PSD of 37.5L/s based on freeflow conditions. Any variations to these values attributed to changes required by conditions of this consent, must be in accordance with Council's DCP requirements for onsite detention and must be validated in the certification of the design required by this condition.
  - The subsurface drainage system must be designed to generally preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network as well as avoid impacts such as foundation consolidation that may result from dewatering practises.
66. **Stormwater Management – Connection to Council Drainage System.** The connection to Council's underground stormwater drainage infrastructure located Trelawney Street will require the assessment, approval and inspection by Council's Public Works section to ensure the integrity of this Council asset is maintained. Engineering plans detailing the method of connection and an inspection fee in accordance with Council's current fees and charges must be paid to Council prior to the issue of the Construction Certificate. Council must be notified when the connection has been made to the pit / pipe and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.
67. **Stormwater Management - Quality.** A first flush infiltration system is to be designed and installed to capture the initial runoff from the paved parking area and store this flow off line to allow infiltration to the surrounding soil.
68. **Geotechnical – Design, Certification and Monitoring Program.** The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Civil or Structural Engineer specialising in geotechnical and the hydrogeological field to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
  - provide appropriate support and retention to neighbouring property,
  - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
  - ensure that the treatment and drainage of groundwater will be undertaken in a manner which generally maintains the predeveloped groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
  
- b) A Geotechnical Report and Monitoring Program to be implemented during construction that;
  - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
  - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
  - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
  - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

The certification and the GMP is to be submitted for the approval of the Accredited Certifier prior to the issue of the Construction Certificate.

69. **Flood and Overland Flow Protection.** The property has been identified as being susceptible to flooding and overland flow during large storm events. In accordance with Council's Floodplain Risk Management controls, the following measures are required to be implemented in the development. In the following conditions, reference to *freeboard* is equivalent to 300mm above the relevant flood level.

- a) The habitable floor levels of all dwellings encompassed under this approval must not be less than the adjoining flood levels plus *freeboard* as provided by Council correspondence (Flood Levels) dated 22 March 2012.

- b) All structures subject to flooding and overland flows must be constructed of flood compatible building components (refer to Schedule 3 of Council's DCP 2014 Part 8.6 3 "Floodplain Management"),
- c) External structures subject to flooding and overland flows must be structurally designed to withstand the forces imposed by these flows, including forces imposed by floating debris and buoyancy. To achieve this, the structure must be designed and certified by a suitably qualified structural engineer to comply with this condition.

The design and certification (related to the structural/ building requirements above) must be submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

- 70. **Queuing Space:** Unobstructed and freely accessible access is to be provided to the car park during the approved trading hours of the retail tenancies, that is, between 7.00am to 9.00pm on Mondays to Saturdays and 8:00am to 8:00pm on Sundays. A queuing space equivalent to at least one (1) car length should be provided within the site in front of the car park security door outside the approved trading hours of the retail tenancies. Details demonstrating compliance is to be submitted with the Construction Certificate.
- 71. **Hoarding Fees.** Where hoarding are proposed, fees in accordance with Council's Management Plan are to be paid to Council prior to the issue of the Construction Certificate for the erection of a protective hoarding along the street frontage of the property. The fee is based on Council, schedule of fees and charges and is for a period of 6 months. If the time of use of Council's footpath varies from this an adjustment of the fee will be made on completion of the works.
- 72. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work, namely property No's. 188 to 200 Rowe Street and No. 3 Rutledge Street. A copy of the dilapidation survey is to be submitted to the Accredited Certifier *and Council* prior to the release of the Construction Certificate.
- 73. **Dilapidation Report.** To determine the extent of restoration works that may be required, the applicant shall submit to Council a pre and post construction dilapidation report on the status of existing public infrastructures in the vicinity of the proposed development. The report is to include photographic records, description and location of any existing observable defects of the following infrastructure and others where applicable:
  - (a) Road Pavement
  - (b) Kerb and gutter.
  - (c) Constructed footpath.
  - (d) Drainage pits.

- (e) Traffic signs.
- (f) Any other relevant infrastructure.

These reports shall be submitted to Council development engineer, prior to the issue of the Construction and Occupation Certificate. The report shall be used by Council as Roads Authority under the Roads Act to assess whether restoration works are required prior to the issue of the Occupation Certificate. All restoration works deemed necessary by Council's development engineer are to be completed to Council satisfaction prior to the issue of Occupation Certificate

- 74. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps etc shall comply with relevant section of AS 2890.1 & AS2890.2 where applicable. Detailed engineering plans including engineering certification indicating compliance with this condition are to be submitted with the Construction Certificate application.
- 75. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Department of Housing. These devices shall be maintained during the construction works and replaced where considered necessary.

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

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

#### **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.

**76. Site Sign**

- (a) A sign must be erected in a prominent position on site:
  - (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.

**77. Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

**78. Compliance Certificate.** A Compliance Certificate must be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and the City of Ryde, Development Control Plan: - Part 8.1; Construction Activities.

**79. Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

**80. Construction Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Management Plan (CMP) must be submitted to Council for approval by Council's Public Works section, prior to the commencement of any works on the site. The CMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

The CMP must:-

- Make provision for all construction materials to be stored on site, at all times.



- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Be in accordance with Council's DCP 2010 Part 8.1 (Construction Activities)
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street tree's.
- Take into consideration the construction effects of development on adjoining sites and specify a contingency plan to be undertaken.

Structures or works on Council property (such as hoardings, scaffolding, shoring or excavation), the modification of parking restrictions (Work Zones) and standing heavy vehicles (crane, concrete pump, etc) on a footpath/ roadway are subject to separate approval from Council and/or the Local Traffic Committee.

81. **Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the ultimate footpath level, as set by Council, adequate measures are to be taken (either by means of constructing approved retaining structures or batters entirely on the subject property) to support the subject land/footpath. An approved fence shall be erected along the boundary for public safety.
82. **Ground Anchors.** The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's Public Works department, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan.

## 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.

83. **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*.

84. **Traffic Management.** Any traffic management procedures and systems must be in accordance with *AS 1742.3 1996* and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

Accordingly, a detailed plan of traffic management prepared by a traffic engineer including certification indicating compliance are to be submitted with the Construction Certificate application.

85. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

86. **Erosion and Sediment Control Plan – Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

87. **Geotechnical – Implementation of Geotechnical Monitoring.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

88. **Construction Management Plan – Compliance.** All works and construction activities are to be undertaken in accordance with the approved Construction Management Plan (CMP). All controls in the CMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. A copy of the approved CMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
89. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in connection to the trunk drainage system.
90. **Noise and Vibration.** The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations. The L<sub>10</sub> noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
91. **Survey of footings and 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.
92. **Sediment, soil and dust.** No sediment, dust, soil or similar material shall leave the site during construction work.
93. **CCTV Surveillance** cameras must be installed throughout the retail complex and communal areas such as lobbies, lifts etc, and paying particular attention to the internal area of the shopping centre especially entry and exit points. CCIV should also be used around the loading dock area and car park entry and exit points. CCIV should be placed on the external area of the building capturing the area outside the retail stores along Trelawney Street and also capturing the area along Rutledge Street. Digital technology should be used to record images from the cameras. Installed surveillance equipment needs to be able to zoom in on a person without loss of focus. Management must ensure that the requirements of the Surveillance and Privacy Act are adhered to.
94. **Landscape maintenance plan must be prepared for the site.** Landscaping close to the building should be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building and trimmed to ensure concealment opportunities are eliminated.

95. **Lighting** shall be provided to all common areas including the car parking levels as well as the stairs and access to and including the public outdoor courtyard, communal gardens, in the recess along Rutledge Street and the bin storage rooms. Such lighting to be automatically controlled by time clocks, and where appropriate, sensors to provide an energy efficient and controlled environment for residents. Details of lighting shall be submitted for approval prior to issue of the **Construction Certificate**. The details are to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
96. **Signage**. Signage must be provided at entry/exit points and throughout the development to assist users and warn intruders that they will be prosecuted.  
**Warning:** these premises are under constant surveillance.  
**Warning: trespassers** will be prosecuted.
97. **Other Signs:** Signs should be erected as follows:
- (a) In the car parks and near entry and exit points which details security measures and reminds people to lock their vehicles and remove valuables from their vehicles.
  - (b) Signage needs to be provided within the car park to provide way finding to users of these areas.
  - (c) Signage also needs to be provided on the fire exit doors warning users that the doors are to be used for emergency purposes only.
  - (d) Location maps should be used throughout the complex to indicate to patrons/visitors where they are and directional signage should be used.
  - (e) Clear signage identifying where the loading dock is located should be erected at the street entry, and it should prohibit unauthorized entry.
98. **Graffiti:** All surfaces on the street frontages that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.
99. **Intercom/ Security Facility:** The entry to the car park should have a security door. Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
100. **Residential Access:** Access should be restricted to residents only to the lifts and stairs leading to the apartments.
101. **Locksets:**
- (a) The main entry/exit points for this development should be fitted with single cylinder locksets (Australia and New Zealand Standards - Locksets), which comply with the Building Code of Australia.

- (b) An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.
- (c) Fire exit doors to the development should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the development.
- (d) The main entry/exit doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
- (e) The balcony doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
- (f) The windows to individual units should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.

### **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.

- 102. **BASIX commitments.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate referred to in this Development Consent.
- 103. **Public domain.** All landscaping & public domain improvement works required to be carried out under condition 8 are to be completed.
- 104. **Consolidation.** All land titles within the site must be consolidated into one allotment. Documentary evidence of such consolidation shall be submitted prior to the issue of any Occupation Certificate under the Environmental Planning and Assessment Act 1979.

105. **Disabled access.** Access for disabled persons shall be provided in the building or portion of the building in accordance with the applicable legislation and the requirements set out in AS 1428.1. Documentary evidence is to be and certification obtained from a suitable qualified person confirming that the development meets these requirements is to be provided prior to the issue of any Occupation Certificate.
106. **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.

107. **Sewer Connection:** All sanitary fixtures must be connected to the sewerage system by gravity flow and documentary evidence of compliance must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.
108. **Sydney Water.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

109. **Design Verification:** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with design verification from a qualified designer. The statement must include verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.
110. **Post construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties.
111. **Disused Gutter Crossing.** All disused gutter and footpath crossings where occur shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
112. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
113. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to Section 88 E of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention and pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the 88 E instrument are to be in accordance with the Council's draft terms for these systems as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title.

114. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2014, Part 9.3 “Car Parking”.
  - b) Confirming that the Stormwater Management system (including any ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2014, Part 8.2, “Stormwater Management” and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
  - c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
  - d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code) and the relevant sections of the City of Ryde DCP 2014, Part 8.2 “ Stormwater Management” and associated annexure.
  - e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual “*Managing Urban Stormwater: Soils and Construction*” by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2014, Part 8.1 “Construction Activities”.
  - f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
  - g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.



- h) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

115. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater Management. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

### **PRIOR TO SUBDIVISION CERTIFICATE**

The following conditions in this Part of the consent apply to the Subdivision component of the development.

All conditions in this Part of the consent must be complied with prior to the issue of a Subdivision Certificate.

116. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.
117. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.
118. **Section 88B Instrument.** The submission of an Instrument under Section 88B of the Conveyancing Act 1919 plus 3 copies, creating Easements, Positive Covenants and Restrictions on Use. This Instrument shall nominate the City of Ryde as the authority empowered to release, vary or modify the terms of the Instrument.
119. **Occupation Certificate.** A final occupation certificate in relation to this development must be in force. A copy of the Occupation Certificate is to be submitted with the application for final subdivision certificate.
120. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted with the application for final subdivision certificate.
121. **Utility provider – compliance documents.** The submission of documentary evidence of compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc).

## 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.

122. **Garbage Collection:** Where necessary, staff or contractors must be employed to take the waste containers from garbage and recycling room to the container emptying point for servicing and to return the containers to the garbage room after servicing.
123. **Indemnity:** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for damage to the driveways and manoeuvring areas.
124. **Offensive noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
125. The operation of any plant or machinery installed on the premises must not cause:
  - (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at the most affected noise sensitive location in the vicinity. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
  - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
  - (c) The transmission of vibration to any place of different occupancy.
126. **Hours of operation.** The use of the retail part of the development is restricted to the following hours of operation: 7.00am and 9pm Monday to Saturday and 8.00am to 8pm on Sunday.

## GENERAL CONDITIONS – STAGE 2

127. **Further Application:** A further Development Consent must be obtained from Council for the Stage 2 concept development approved under this Consent, through submission of a Development Application. The Stage 2 proposal must demonstrate the following:
  - (a) An alternate legal access arrangement for the site can be established via the adjacent ROW without impacting on the access arrangement for the Eastwood Shopping Centre. The proposal must be supported by detailed driveway / traffic plans and Traffic Report prepared by a qualified Traffic Engineer.

- (b) In relation to the access easement the consent of any other owners of the land that forms part of the easement are obtained for use of the easement (as amended) in relation to the development, where necessary, and evidence of such consent be submitted to Council.

128. **Amended Strata:** An amended Strata proposal is to be submitted to reflect the amended unit layout and entitlements.

- (b) That Council accept the Voluntary Planning Agreement received by Council on 12 August 2013 (Reference No. PJAC\_100970\_017.DOC) made by Rutledge Street Pty Ltd in conjunction with the approval of the LDA2011/0612.

**Record of Voting:**

For the Motion: Unanimous

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 13/14 held on 18 November 2014**

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

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

That Council note that all items of the Works and Community Committee Meeting 13/14 held on 18 November 2014 were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

**4 REVIEW OF DCP 2014 - STORMWATER AND FLOODPLAIN MANAGEMENT**

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 adopt Draft Development Control Plan Part 7.3 Stormwater and Floodplain Management and associated Stormwater and Floodplain Management Technical Manual and Water Sensitive Urban Design Guidelines for the purpose of public exhibition and that all documents are placed on exhibition in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

- (b) That Council endorse that the exhibition of the Draft Development Control Part 7.3 Stormwater and Floodplain Management and associated documents occurs as part of a group of DCPs to be exhibited with respect to the comprehensive review of DCP 2014 and be a part of the report to Council on the outcomes of that exhibition.
- (c) That Council adopt Stage 1 DCP Review Consultation Program.

**Record of Voting:**

For the Motion: Unanimous

**5 SEPTEMBER QUARTERLY REVIEW REPORT - DELIVERY PLAN 2014-2018 AND 2014/2015 OPERATIONAL PLAN**

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

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

- (a) That the report of the Chief Financial Officer dated 30 September 2014 on the *Quarterly Review Report. Four Year Delivery Plan 2014-2018 and One Year Operational Plan 2014/2015, Quarter One, July – September 2014* be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in a net increase of \$0.43 million in Council's Working Capital, to a projected balance as at 30 June 2015 of \$3.74 million, be endorsed and included in the 2014/2015 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Transfers to Reserves of \$4.51 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer dated 30 September 2014 be endorsed.
- (e) That Council endorse the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over as detailed in the Report.

**Record of Voting:**

For the Motion: Unanimous

## 6 INVESTMENT REPORT - October 2014

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

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

That Council endorse the report of the Chief Financial Officer dated 5 November 2014 on Investment Report – October 2014.

**Record of Voting:**

For the Motion: Unanimous

## 7 CODE OF CONDUCT ANNUAL REPORT AND ANNUAL REVIEW

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 note the contents of this report and the **ATTACHED** table of Code of Conduct complaints for September 2013 to August 2014.
- (b) That Council provide these statistics to the Office of Local Government as required by the *Model Code of Conduct – Complaints Procedure*.
- (c) That Council adopt the draft *Code of Conduct* documents (**ATTACHED UNDER SEPARATE COVER**)
  - Code of Conduct 2014 – Policy
  - Code of Conduct 2014 – Standards of Conduct
  - Code of Conduct 2014 – Complaints Procedure
  - Guideline on the Interaction between Councillors and Staff

**Record of Voting:**

For the Motion: Unanimous

## 8 CODE OF MEETING PRACTICE

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

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

- (a) That Council adopt the draft City of Ryde Code of Meeting Practice as **ATTACHED (Under Separate Cover)** to this report, noting that as the changes are not substantive, further public exhibition is not required (Section 362 Local Government Act, 1993).
- (b) That a copy of the adopted Code be sent to the Office of Local Government for their information.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Salvestro-Martin arrived at the meeting at 7.52pm.

## 9 MACQUARIE FUTURES - MEMORANDUM OF UNDERSTANDING

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

- (a) That Council note the Report and endorse the City of Ryde entering into the revised Memorandum of Understanding (MOU) with Macquarie University as detailed in **ATTACHMENT 1** subject to reinforcing the focus on Council's Economic Development Plan.
- (b) That Council delegate to the Mayor and the Acting General Manager to sign the Memorandum of Understanding, on behalf of the City of Ryde.
- (c) That Council invite any Councillor who wishes to join the MOU Steering Group.

**Record of Voting:**

For the Motion: Unanimous

## 10 NOMINATIONS FOR PARRAMATTA RIVER CATCHMENT GROUP AND MEDIA LAUNCH

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

That Council endorses the nomination of Councillors Perram and Pendleton to be delegates on the Parramatta River Catchment Group.

**Record of Voting:**

For the Motion: Unanimous

**11 REPORTS DUE TO COUNCIL**

**RESOLUTION:** (Moved by Councillors Salvestro-Martin and Yedelian OAM)

That the report on Outstanding Council Reports be endorsed.

**Record of Voting:**

For the Motion: Unanimous

**LATE ITEMS - PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

**1 THE CITY OF SYDNEY AMENDMENT (ELECTIONS) BILL 2014 -  
RESPONSE FROM HON. PAUL TOOLE MP (6 November 2014)**

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

**2 10/50 VEGETATION CLEARING ENTITLEMENT AREA - RESPONSE FROM  
HON. NIALL BLAIR MLC (13 November 2014)**

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

**3 THANK YOU LETTER - FAMILY OF EDWARD GOUGH WHITLAM**

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

## **NOTICES OF MOTION**

### **1 COUNCIL'S ARTWORKS COLLECTION - Councillor Sarkis Yedelian OAM**

On 24 October this year, I had a pleasure of representing the Mayor, Councillor Pickering at the opening of the annual Art Society Exhibition at North Ryde Community Hall. As customary, I have purchased, on behalf of Council, two paintings for the Council's Art Collection at a total cost of \$580. The paintings are titled "Morning Rush – Willandra" and "Putney Boatshed".

Over the years, Council has acquired many artworks, most of them paintings and some sketches, photographs and memorabilia. Some of these are on display in the Civic Centre and Council libraries and some are in storage. Most of these works have come from the Mayor's purchases of low cost works at local art shows or gifts to the City of Ryde. These purchases over a number of years constitute a considerable and ongoing investment by Council in supporting local artists in Ryde and in collecting artworks about Ryde.

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

- (a) That Council staff review the management and display of the artwork collection and prepare a report for Council that informs of its value and significance;
- (b) That the Council report include recommendations on innovative options for its ongoing management and display, including guidelines for purchase of new works.

**Record of Voting:**

For the Motion: Unanimous

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

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

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

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

**Record of Voting:**

For the Motion: Unanimous

Question 1

**Meeting with the Mayor:** The Mayor's diary published in CIB for 23 October 2014 lists a meeting of Hycorp and Council staff: who was present at the meeting; what was discussed; and will the minutes and/or meeting notes be made available to all Councillors on BoardVantage?



### Answer 1

Please see **attached** minutes taken by Vince Galletto at the meeting held on 23 October 2014.

Note: The Minutes are appended at the end of these Council Meeting Minutes.

### Question 2

#### **Investment Property Portfolio:**

- (a) What is the purpose of Council's "Investment Property Portfolio" and what specific properties are currently listed in the Investment Property Portfolio?
- (b) If a site is currently listed in the Investment Property Portfolio, does this preclude it from further consideration by Council for upgraded or alternative community purposes – even if those purposes may not generate a significant income stream?

### Answer 2

- (a) Council had established the objective to optimise the return achieved from its investment properties. In order to enhance its future revenue base to deliver long term benefits to the community, Council determined to formalise its properties within its Property Investment Portfolio.

Council formally adopted its Investment Property Portfolio at its meeting on 26 November 2013. Council further adopted the Management Framework and Objectives for the Portfolio at Council's meeting on 8 April 2014.

The general purpose of the Property Investment Portfolio is to improve Council's revenue base and to close the projected funding gap by managing and measuring the Portfolios performance in a manner consistent with a commercial property portfolio. The Management Framework has several objectives under each of the Management Criteria of Strategic, Operational, Financial and Other.

The Portfolio will be managed under two (2) categories being;

- 1/ Development Properties – suitable for more intensive use
- 2/ Investment Properties – aim to maximise revenue and occupancy

Some of these objectives are;

- Maximise value and income with an emphasis on income maximisation
- Development property strategies will target long term income streams
- To maximise financial returns to Council Portfolio properties should be managed and viewed as commercial investments

- Forecast performance budgets and target outcomes will be set for each property
- Any development property initiative will be undertaken with comprehensive community consultation

Accordingly, on 26 November, 2013 Council resolved to include 17 properties in Council's Property Investment Portfolio. The Portfolio comprises:

- 2 Dickson Avenue, West Ryde
- 1A Station Road, West Ryde
- 8 Chatham Road, West Ryde
- 202 Rowe Street, Eastwood
- 226 Victoria Road, Gladesville
- 7 Anthony Road, West Ryde Car Park site, West Ryde
- Herring Road Air Space Rights
- 7 Coulter Street, Coulter St Car Park, Gladesville
- 6-12 Glen Street, Glen Street Car Park, Eastwood
- 2 Pittwater Road, John Wilson Car Park, Gladesville
- 150 Coxs Road, Coxs Rd Car Park, North Ryde
- 33-35 Blaxland Road, Argyle Centre, Ryde
- 19-21 Church Street and 16 Devlin Street, Ryde
- 1 Constitution Road, Operations Centre, Ryde
- 741-747 Victoria Road, Ryde
- 53-71 Rowe Street, Eastwood
- 6 Reserve Street, West Ryde

Council further resolved to bring the above properties into Council's financial accounts as its Property Investment Portfolio.

It should be noted that only properties classified as Operational Land under the Local Government Act have been considered for the Property Investment Portfolio. The 17 properties contained within the Property Investment Portfolio comprise an area of 3.4 hectares, being 10.3% of all Operational Land held by Council. This further represents 0.9% of total Council controlled land.

The rationale behind the establishment of the Property Investment Portfolio was to capture properties with potential to deliver ongoing revenue, investment returns and value to Council. Ongoing revenue will fund future Council initiatives.

It should be noted that the Investment Property Reserve will support the initiatives of the Property Investment Portfolio.

By formally recognising these properties within the Property Investment Portfolio, these properties have been earmarked from Council's other properties, allowing a specific focus on revenue generating activities, consistent with growing Council's revenue base to support future Council initiatives.

- (b) While Council can always change its position on the makeup of the Property Investment Portfolio, Council's decision on 26 November 2013 was a considered decision in determining the properties that make up the Portfolio.

Scoping and project development takes some time to plan and achieve. Scoping out options; concept development; feasibility assessment; planning, obtaining approvals and funding sources take considerable time and must be undertaken for these types of projects.

In view of the complexity and lead times involved in developing a project, it was envisaged that the properties comprising the Investment Portfolio would not be altered. In view of the lengthy lead times for project development, any changes to the properties contained within the Portfolio would impact on the delivery of these projects.

The Property Investment Portfolio does not comprise a large number of properties, especially in the context of Council's Community Land holdings which constitute some 90% of Council's total land holdings. The Property Investment Portfolio represents less than 1% of Council's total land portfolio.

The recommendations to Council in endorsing the Property Investment Portfolio included that 'any recommendations as to future portfolio changes would be reported to Council for consideration.

### Question 3

**Argyle Theatre site:** In each of the five full financial years prior to the closing of the Argyle Centre with the relocation of Council staff, how much was spent per year on building repairs / maintenance, planned refurbishment and any services upgrades (excluding normal expenses such as office cleaning)?

### Answer 3

The following table provides figures for the Financial Years 2008-2009 to 2013-2014 (i.e. the most recent six financial years) for the three cost centres (Offices, Public Hall and Theatre) which together comprise the Argyle Centre. These figures cover expenditure across contractors, materials, utilities, insurance, plant hire, fire protection and general repairs and maintenance.

It should be noted that 'Office Cleaning' as an expense could not be separated out from other expenses as it is coded as a contractor service.

The Argyle Centre closed late 2012 and full accounts are only available from the financial year 2008/09 due to a systems change. Therefore, there are only four full financial years' figures available prior to that time.

Account	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
<b>10508. 33-41 Blaxland Road - Argyle Centre Offices</b>	\$87,297	\$83,870	\$108,230	\$115,247	\$66,937
<b>10509. 33-41 Blaxland Road - Argyle Centre Public Hall</b>	\$26,289	\$35,856	\$30,116	\$16,294	\$7,408
<b>10510. 33-41 Blaxland Road - Argyle Centre Theatre</b>	\$6,997	\$5,635	\$31,942	\$10,174	\$895
	<b>\$120,583</b>	<b>\$125,361</b>	<b>\$170,288</b>	<b>\$141,715</b>	<b>\$75,240</b>

#### Question 4

**Mayor's Diary, CIB number 36:** Is the Mayor's Diary as published in CIB Number 36 for the period 26 August - 9 September 2014 complete?

#### Answer 4

On Thursday, 4 September 2014, Mayor Maggio attended a "Bollywood" fundraiser. This was noted in the working copy of the Mayor's Diary retained by the Mayor's EA so as not to double book the Mayor but was not included in the CIB as it was a Liberal Party fundraiser.

### **CLOSED SESSION**

#### **ITEM 12 - PROPERTY MATTER**

##### **Confidential**

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

**ITEM 13 - APPOINTMENT OF GENERAL MANAGER - Recommendation To Appoint Preferred Candidate to Position of City of Ryde General Manager**

**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: (a) personnel matters concerning particular individuals (other than councillors).

**ITEM 14 - ADVICE ON COURT ACTIONS**

**Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**LATE CONFIDENTIAL ITEM 15 - COR-RFT 19/14 - SOLE PROFESSIONAL SQUAD COACHING RIGHTS DURING PEAK TIMES AT THE RYDE AQUATIC LEISURE CENTRE**

**Confidential**

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

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

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

**Record of Voting:**

For the Motion: Unanimous

Note: The Council closed the meeting at 8.05pm. The public and media left the chamber.

## 12 PROPERTY MATTER

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

- (a) That Council does not dismiss the redevelopment of the Coulter Street Carpark as a longer term opportunity to improve the amenity of Gladesville.
- (b) That Council not proceed with the public tender process for the redevelopment of the Coulter Street car park, Gladesville at this stage.
- (c) That all relevant stakeholders in the proposed redevelopment area be formally notified.

**AMENDMENT:** (Moved by Councillor Salvestro-Martin and The Mayor, Councillor Pickering)

- (a) That Council does not dismiss the redevelopment of the Coulter Street Carpark as a longer term opportunity to improve the amenity of Gladesville.
- (b) That Council advise the relevant stakeholders that it will produce more formalised guidelines as to Council's requirements in terms of built form and return in revenue to potentially then call expressions of interest.

On being put to the Meeting, the voting on the Amendment was two (2) votes For and six (6) votes Against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

### **Record of Voting:**

For the Amendment: The Mayor, Councillor Pickering and Councillor Salvestro-Martin

Against the Amendment: Councillors Chung, Etmekdjian, Perram, Pendleton, Simon and Yedelian OAM

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

- (a) That Council does not dismiss the redevelopment of the Coulter Street Carpark as a longer term opportunity to improve the amenity of Gladesville.
- (b) That Council not proceed with the public tender process for the redevelopment of the Coulter Street car park, Gladesville at this stage.

- (c) That all relevant stakeholders in the proposed redevelopment area be formally notified.

**Record of Voting:**

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

Against the Motion: The Mayor, Councillor Pickering and Councillor Salvestro-Martin

**ORDER OF BUSINESS**

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

That Council now consider the following Items, the time being 8.40pm:

- **Item 14** – Advice on Court Actions
- **Item 15** – COR-RFT 19/14 – Sole Professional Squad Coaching Rights during peak times at the Ryde Aquatic Leisure Centre

**Record of Voting:**

For the Motion: Unanimous

**14 ADVICE ON COURT ACTIONS**

**RECOMMENDATION:** (Moved by Councillors Salvestro-Martin and Yedelian OAM)

That the report of the General Counsel be received.

**Record of Voting:**

For the Motion: Unanimous

**LATE ITEM – CONFIDENTIAL**

**15 COR-RFT 19/14 - SOLE PROFESSIONAL SQUAD COACHING RIGHTS DURING PEAK TIMES AT THE RYDE AQUATIC LEISURE CENTRE**

Note: Councillor Salvestro-Martin left the meeting at 8.51pm and was not present for consideration or voting on this Item.

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

- (a) Council receive and note the report on TENDER - COR-RFT 19/14 - Sole Professional Coaching Rights at the Ryde Aquatic Leisure Centre.
- (b) Council, in accordance with Section 178(3) of the Local Government (General) Regulation 2005, decline to accept any tenders on the basis that the one tender received was subsequently withdrawn.
- (c) Council, in accordance with Section 178(3)(e) of the Local Government (General) Regulation 2005, delegate to the Acting General Manager to enter into negotiations with any person (whether or not the person was a tenderer) with a view to bringing a further report to Council providing detail of the proposed contract and any other relevant information.

**Record of Voting:**

For the Motion: Unanimous

Note: All staff with the exception of the Manager – Human Resources and the Minute Taker left the meeting at 8.56pm.

Note: Councillor Salvestro-Martin returned to the meeting at 9.01pm.

**13 APPOINTMENT OF GENERAL MANAGER - Recommendation To Appoint Preferred Candidate to Position of City of Ryde General Manager**

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

- (a) That Council note the information included in the confidential reports and attachments regarding the process undertaken to appoint a General Manager.
- (b) That Council appoint the preferred applicant to the position of General Manager for a term of five years as per the details contained in the confidential report and attachments.
- (c) That the formal written offer letter and contract modelled on the DLG (Department of Local Government) Standard Contract of Employment for General Managers of Local Councils in New South Wales be forwarded to the preferred candidate following a Council resolution to do so, and that such offer include a maximum contribution of \$10,000.00 towards any relocation costs the candidate may incur in accepting the offer.



**Record of Voting:**

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

Against the Motion: Councillors Salvestro-Martin and Simon

**14 ADVICE ON COURT ACTIONS**

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

**LATE ITEM – CONFIDENTIAL**

**15 COR-RFT 19/14 – SOLE PROFESSIONAL SQUAD COACHING RIGHTS DURING PEAK TIMES AT THE RYDE AQUATIC LEISURE CENTRE**

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

**OPEN SESSION**

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

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous

Note: Open Council resumed at 9.13pm.

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

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 9.15pm.

CONFIRMED THIS 9TH DAY OF DECEMBER 2014

Chairperson

Refers to Questions with Notice – Question 1 on Page 41 of these Minutes.



<b>Subject:</b>	<b>Meeting with Tony Abboud and Hycorp representatives regarding 120-128 Blaxland Road, Ryde</b>	
<b>Date:</b>	23 October, 2014	<b>Time :</b> 2.00pm
<b>Location :</b>	Mayoral Suite	
<b>File:</b>		
<b>Present:</b>	<b>COR</b>	<b>Proponent/</b>
	The Mayor Councillor Pickering	Tony Abboud & Assistant Snowden Parks Real Estate
	Dominic Johnson Acting General Manager	Stephen & Michael Abolalian Hycorp Property Group
	Vince Galletto Team Leader Building & Development Advisory Service	

**Details of Meeting**

Meeting arranged by Tony Abboud with the Mayor and Acting General Manager to discuss possible future redevelopment of the site which may include adjoining land owned by the Anglican Church which comprises a number of currently occupied residential flat buildings.

**Dominic J** - opened the meeting with details of previous discussion that were held with the previous General Manager John Neish regarding a redevelopment of the site and a possible planning proposal across a number of sites including land owned and occupied by Anglican Church.

Emphasis was placed on retaining the current façade of the old bank building standing on 128 Blaxland Road and its curved nature which accentuates the corner with Devlin street. This is further reflected with the Top Ryde shopping centre building opposite.

**Michael A** – explained that discussions have been held with the Anglican Church, however they have been receiving mixed signals from them due to change of management.

**Stephen A** – further explains that they pursued an earlier pre lodgement meeting with Council's UDRP and planning staff, however were uncertain as to how proceed further due to site constraints and what are perceived as unrealistic expectations from panel's advice regarding the proposed buildings, through site links and what to do with the Telstra Buildings adjoining their site.

**Dominic J** – explained the role of the UDRP in providing independent advice regarding development proposals.

**Michael A** – asked if Council would assist with any meeting with the Church in terms of discussions for future redevelopment of the site and was advised that it would be inappropriate for council to initiate any such meetings, however Council's property manager would attend such meeting as an interested landowner.

**Dominic J** – further explained that higher FSR and height were previously suggested to Council for the site, however this was not accepted by Council and that Hyecorp should take heed of this in formulating any future proposals.

**Tony A** – highlighted that an holistic approach for the precinct would be a positive outcome and further highlighted possibilities of a bus interchange as well as taking care of the public domain area on the other side of Church street which was left out from the last upgrade.

**The Mayor Councillor Pickering** – explained at the meeting that due to Michael & Stephen from Hyecorp been previous clients of his, he would not be involved or part take in any further meetings and deliberations regarding the redevelopment of these sites.

**Dominic J** –suggested as way forward is to initiate meeting and conversation with the Church, and to establish dimension of planning study area. Further highlighted the following:

- Owners should not try to duplicate the size and scale of the Top Ryde shopping centre (given it is much greater than 5-6 stories) and has the highest council approved FSR in Ryde.
- a bus interchange was never considered for that side of Blaxland Road and proponents should look at social housing and workers housing as part of any redevelopment proposal as this is more likely to get support from Council.