

Meeting Date: Tuesday 25 October 2016
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

Councillors Present: The Mayor, Councillor Pickering and Councillors Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Salvestro-Martin, Simon and Stott.

Note: Councillor Simon arrived to the meeting at 7.46pm during Public Participation on Items Not Listed on the Agenda.

Note: Councillor Maggio left the meeting at 8.58pm and did not return. He was not present for consideration or voting on Mayoral Minute 18/16, Items 3 and 5, Precis of Correspondence 1 and 2, Notice of Motion 1, Item 6 and Confidential Items 7, 8 and 9.

Note: Councillor Salvestro-Martin left the meeting at 10.17pm and did not return. He was not present for consideration or voting on Confidential Items 7, 8 and 9.

Apologies: Nil.

Leave of Absence: Councillor Yedelian OAM.

Staff Present: Acting General Manager, Acting Chief Operating Officer, Director – Corporate and Community Services, Acting Director – City Strategy and Planning, Director – City Works and Infrastructure, General Counsel, Acting Chief Financial Officer, Acting Manager – Communications, Customer Service and Events, Acting Manager – Strategic City, Manager – Library Services, Executive Officer – Ryde Civic Hub, Development Contributions Coordinator, Community Project Officer – Young People, Digital Communications Coordinator, Senior Coordinator – Governance, Governance, Risk and Audit Coordinator and Administration Officer – Councillor Support.

PRAYER

Reverend Bruce Stanley of St. Phillips Anglican Church, Eastwood was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Laxale disclosed a Significant Non-Pecuniary Interest in Item 2(2) – 1 Lumsdaine Avenue, East Ryde (LDA2016/0197), for the reason that an objector is known to him.

Councillor Simon disclosed a Significant Non-Pecuniary Interest in Item 2(2) – 1 Lumsdaine Avenue, East Ryde (LDA2016/0197), for the reason that his is a friend and party colleague of an objector.

Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Item 3 – Report of the Ryde Civic Hub Committee Meeting 8/16 held on 11 October 2016, for the reason that her continued and consistent opposition to the sale/redevelopment of the Civic Centre public land with the inclusion of high rise residential development is consistent with her core commitment made to the electorate at the 2012 elections.

TABLING OF PETITONS

No Petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Eoghan Flanagan	Item 4 – Continued funding for Ryde Youth Theatre
Bokkie Robertson	Item 4 – Continued funding for Ryde Youth Theatre
Rachel Rasker	Item 4 – Continued funding for Ryde Youth Theatre
Blake Hedley	Item 4 – Continued funding for Ryde Youth Theatre
Yvette Vignando	Item 4 – Continued funding for Ryde Youth Theatre
Ben Matthews (representing AMP Capital)	Item 8 (CONFIDENTIAL) - AMP Offer to enter into a voluntary planning agreement in association with the concept development application for Macquarie Centre, 191 to 223 Herring Road, Macquarie Park
Tim Blythe (representing AMP Capital)	Item 8 (CONFIDENTIAL) - AMP Offer to enter into a voluntary planning agreement in association with the concept development application for Macquarie Centre, 191 to 223 Herring Road, Macquarie Park

Note: Camaron Liu (representing Ryde Youth Theatre) was called to address Council, however was not present in the Chamber.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Salvestro-Martin and Maggio)

That the speakers who submitted a Request to Address Council on Items Listed on the Agenda on an Item previously considered by the Planning and Environment Committee Meeting 8/16 held on 11 October 2016 be allowed to address the meeting, the time being 7.30pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Jill Shadbolt	Item 2(2) – 1 Lumsdaine Avenue, East Ryde – LDA2016/0197
Jackson Wong	Item 2(2) – 1 Lumsdaine Avenue, East Ryde – LDA2016/0197
Mark Shanahan (representing the owner)	Item 2(3) – 191 Shaftsbury Road, Eastwood – LDA2015/0480

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Note: Councillor Simon arrived at the meeting at 7.46pm.

The following persons addressed the Council:-

Name	Topic
Stavroula Tsiouostas	Regarding the content of the letter dated 27 September 2016 submitted to Council on the night she addressed the meeting

MATTER OF URGENCY

Councillor Salvestro-Martin advised that he wished to raise a Matter of Urgency regarding issues raised by Stavroula Tsiouostas in relation to the Putney Hill Development and alleged damage to the property at 598 Victoria Road, Ryde.

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

RESOLUTION: (Moved by Councillors Salvestro-Martin and Maggio)

That Council consider a Matter of Urgency raised by Councillor Salvestro-Martin regarding issues raised by Stavroula Tsiouostas in relation to the Putney Hill Development and alleged damage to the property at 598 Victoria Road Ryde, the time being 7.50pm.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – ISSUES RAISED BY STAVROULA TSIIOUSTAS IN RELATION TO THE PUTNEY HILL DEVELOPMENT AND ALLEGED DAMAGE TO THE PROPERTY AT 598 VICTORIA ROAD, RYDE

RESOLUTION: (Moved by Councillors Salvestro-Martin and Maggio)

- (a) That City of Ryde Council officers meet with Ms Tsiouostas and a report be prepared for Council.
- (b) That Councillors also be able to attend this meeting.

Record of Voting:

For the Motion: Unanimous

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Stott and Salvestro-Martin)

That Council now consider the following Items, the time being 7.54pm:-

- **Item 4** – Continued funding for Ryde Youth Theatre
- **Item 2(2)** – 1 Lumsdaine Avenue, East Ryde – LDA2016/0197
- **Item 2(3)** – 191 Shaftsbury Road, Eastwood – LDA2015/0480

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

4 CONTINUED FUNDING FOR RYDE YOUTH THEATRE

Note: Eoghan Flanagan, Bokkie Robertson, Rachel Rasker, Blake Hedley and Yvette Vignando addressed the meeting in relation to this Item.

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

- (a) That Council allocates the amount of \$75,000 for one year 2016/17 for the purpose of funding the Ryde Youth Theatre project to be funded from General Revenue, noting there will be a continuing search for alternate ongoing funding arrangements.
- (b) That a further report be provided to Council in March 2017 with the results of further investigations into possible alternate funding sources for the Ryde Youth Theatre project.

- (c) Council consider this allocation in future as a community or cultural grant.

AMENDMENT: (Moved by Councillors Laxale and Pendleton)

- (a) That Council allocates the amount of \$75,000 per annum for the purpose of funding the Ryde Youth Theatre project to be funded from General Revenue, noting there will be a continuing search for alternate ongoing funding arrangements.
- (b) That a further report be provided to Council in July 2017 with the results of further investigations into possible alternate funding sources for the Ryde Youth Theatre project.

On being put to the Meeting, the voting on the Amendment was five (5) all. The Mayor used his casting vote Against the Amendment. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of Voting:

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

Against the Amendment: The Mayor, Councillor Pickering and Councillors Etmekdjian, Maggio, Salvestro-Martin and Stott

RESOLUTION: (Moved by Councillors Stott and Salvestro-Martin)

- (a) That Council allocates the amount of \$75,000 for one year 2016/17 for the purpose of funding the Ryde Youth Theatre project to be funded from General Revenue, noting there will be a continuing search for alternate ongoing funding arrangements.
- (b) That a further report be provided to Council in March 2017 with the results of further investigations into possible alternate funding sources for the Ryde Youth Theatre project.
- (c) Council consider this allocation in future as a community or cultural grant.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 8/16 held on 11 October 2016

Note: Councillor Laxale left the Meeting at 8.13pm and was not present for consideration or voting on this Item.

Note: Councillor Simon left the Meeting at 8.13pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

That Council determine Items 2, 3,4 and 5 of the Planning and Environment Committee report 8/16, held on 11 October 2016 noting that Item 1 was dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

**2 1 LUMSDAINE AVENUE, EAST RYDE- LOT 435 IN DP31253.
Development Application for demolition, and construction of a
two (2) storey dual occupancy (attached) and strata subdivision.
LDA2016/0197**

Note: Councillor Laxale disclosed a Significant Non-Pecuniary Interest in this Item for the reason that an objector is known to him. He was not present for consideration or voting on this Item.

Note: Councillor Simon disclosed a Significant Non-Pecuniary Interest in this Item for the reason that his is a friend and party colleague of an objector. He was not present for consideration or voting on this Item.

Note: Jill Shadbolt and Jackson Wong addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Strategy and Planning dated 18 October 2016 was tabled in relation to this Item and a copy is ON FILE.

Note: Documentation and six (6) photographs from Jackson Wong were tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

- (a) That Local Development Application No. LDA2016/0197 at 1 Lumsdaine Avenue, East Ryde be deferred for a mediation to be undertaken by the Acting Director – City Strategy and Planning, the applicant and the objectors from 63 and 65 Elliott Street, East Ryde and 3 Lumsdaine Avenue, East Ryde to ensure full compliance with the front setback control and also to improve the privacy of the objectors.

- (b) That amended plans prepared as a result of the mediation are notified to the local community and Ausgrid for 14 days. If the issues in Part (a) above are satisfactorily resolved the Acting Director – City Strategy and Planning be granted delegation to determine the application. Alternatively a further report is to be prepared for Planning and Environment Committee.

Record of Voting:

For the Motion: Unanimous

Note: Councillors Laxale and Simon returned to the Meeting at 8.18pm.

3 191 SHAFTSBURY ROAD, EASTWOOD - LOT 30 DP 663281. Alterations and additions to an existing dwelling house, and change of use to a twelve (12) room boarding house with basement parking pursuant to the provisions of State Environmental Planning Policy Affordable Rental Housing 2009. LDA2015/0480.

Note: Mark Shanahan (representing the owner) addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Strategy and Planning dated 18 October 2016 was tabled in relation to this Item and a copy is ON FILE.

Note: An email from Stephanie Frith dated 10 October 2016 was tabled in relation to this Item and a copy is ON FILE.

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

MOTION: (Moved by Councillors Laxale and Simon)

- (a) That Local Development Application No. LDA2015/0480 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

AMENDMENT: (Moved by Councillors Stott and Maggio)

That Local Development Application No. 2015/0480 at 191 Shaftsbury Road, Eastwood be refused for the following reasons:-

- (a) The development is unsatisfactory when assessed against the provisions of Ryde DCP 2014, specifically, in terms of the following provisions:
- Topography and excavation controls
 - Lack of deep soil and excessive hard paving within the front setback area
 - Landscaping controls
 - Internal building design
 - Lack of detail regarding boarding house management
- (b) The proposal will have unacceptable impacts on the amenity of adjoining residential properties, in particular due to noise impacts, potential privacy and overlooking impacts and water disposal arrangements.
- (c) The development is unsatisfactory in terms of vehicle access. Specifically, safe vehicle access to and from the site often cannot be provided due to cars parked on the street which limits sight distance for drivers entering and leaving the site.
- (d) The proposal is not in the public interest due to the number of submissions received from the local community.

On being put to the Meeting, the voting on the Amendment was eight (8) for and two (2) against. The Amendment was **CARRIED** and then became the Motion.

Record of Voting:

For the Amendment: The Mayor, Councillor Pickering and Councillors Etmekdjian, Li, Maggio, Pendleton, Perram, Salvestro-Martin and Stott

Against the Amendment: Councillors Laxale and Simon

RESOLUTION: (Moved by Councillors Stott and Maggio)

That Local Development Application No. 2015/0480 at 191 Shaftsbury Road, Eastwood be refused for the following reasons:-

- (a) The development is unsatisfactory when assessed against the provisions of Ryde DCP 2014, specifically, in terms of the following provisions:
- Topography and excavation controls
 - Lack of deep soil and excessive hard paving within the front setback area
 - Landscaping controls

- Internal building design
 - Lack of detail regarding boarding house management
- (b) The proposal will have unacceptable impacts on the amenity of adjoining residential properties, in particular due to noise impacts, potential privacy and overlooking impacts and water disposal arrangements.
- (c) The development is unsatisfactory in terms of vehicle access. Specifically, safe vehicle access to and from the site often cannot be provided due to cars parked on the street which limits sight distance for drivers entering and leaving the site.
- (d) The proposal is not in the public interest due to the number of submissions received from the local community.

Record of Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Etmekdjian, Li, Maggio, Pendleton, Perram, Salvestro-Martin and Stott

Against the Motion: Councillors Laxale and Simon

4 1 ANGAS STREET, MEADOWBANK. LOT 60 DP 4773. Local Development Application for a residential apartment building containing 26 apartments and parking for 29 vehicles and strata subdivision. LDA2015/0540.

Note: A Memorandum from the Acting Director – City Strategy and Planning dated 19 October 2016 was tabled in relation to this Item and a copy is ON FILE.

Note: Documentation from o2 Architecture dated 18 October 2016, together with A3 Plans and Shadow Diagrams were tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

- (a) That Local Development Application No. 2015/0540 for 1 Angas Street, Meadowbank be approved subject to the below conditions:-

DEFERRED COMMENCEMENT

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

1. **Detailed site investigation report** - The proponent must submit a detailed site investigation report for Council's consideration. The detailed site investigation report must comply with the Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use:
 - a. If remediation for the site is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation work;
 - b. If the suitably qualified and experienced consultant is unable to undertake a detailed site investigation report prior to the removal of hardstand surfaces, then, the applicant is to advise Council of their intention to undertake all appropriate demolition works subject to the appropriate consent;
 - c. The investigation and testing shall be undertaken prior to the excavation and removal of any soil from the site and the report shall be submitted to Council for written approval prior to this Development Consent becoming operative. This is to ensure that the site is suitable for the proposed development.
2. **Site audit.** Council may require site audit of detailed investigation report. If requested by Council, the proponent must submit a site audit statement and a site audit summary report from an accredited site auditor under the Contaminated Land Management Act 1997, verifying the information contained in the detailed site investigation report.
3. **Treatment of exposed basement wall along Constitution Road.** The basement wall facing Constitution Road requires further articulation to minimise impact on the streetscape. Blank walls are not supported. The design of the façade should incorporate surface articulation through variation in material selection and surface design. The applicant must submit details of finished external surface materials, including colours and texture through submission of revised elevation plan with colour and material sample board detailing the proposed articulation, proposed material and colour finishes demonstrating that the basement wall facing Constitution Road will provide articulation and add interest to the streetscape.

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

GENERAL CONDITIONS

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

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans and support documents:

Plan Title and Number	Description	Date	Issue
DA-01	Site Analysis Plan	27.04.2016	B
DA-02	Site Plan	27.04.2016	B
DA-04	Basement Plan	27.04.2016	B
DA-05	Ground Floor Plan	26.04.2016	B
DA-06	Level 1 & Level 2 Plan	26.04.2016	B
DA-07	Level 3 & Level 4 Plan	26.04.2016	B
DA-08	Roof Plan/ Landscaping	27.04.2016	B
DA-09	North & West Elevation	27.04.2016	B
DA-10	South & East Elevation	27.04.2016	B
DA-11	Sections	27.04.2016	B
LSC -1	Landscape – by Paddock Studio	18.10.2015	-
LSC -2	Landscape – by Paddock Studio	18.10.2015	-
LSC -3	Landscape – by Paddock Studio	18.10.2015	-
LSC -5	Landscape – by Paddock Studio	18.10.2015	-

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

- (a) The Landscape Plans shall be amended to reflect the amended architectural plan Issue B. The plans must show removal of the Constitution Road rock face in accordance to the conditions that require its removal;
- (b) Any doors and gates opening out in the public domain area must be removed or redesigned so that there is no encroachment.

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

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **Home Occupation:** Approval is granted for use of a room in Apartments 1, 2, 3 & 4 (as indicated in the approved plan) to be used as a home office (home occupation).
4. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 676069M, dated 27 October 2015.
5. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
6. **Signage – not approved unless shown on plans.** 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”.
7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
8. **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.
9. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates if installed must not open onto any footpath or public place.

10. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
11. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
12. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
13. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.
14. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
15. **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 storm water drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
16. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Councils website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.
 - a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.

- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period be extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips within the carriageway of any public road.

17. **Discovery of Additional Information** - Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination. If additional information is discovered about site contamination, the proponent must comply with any reasonable requirements of Council to comply with the terms of SEPP55.
18. **Rail noise and vibration criteria for sensitive developments** - The building(s) must be designed and constructed so that the rail noise and vibration levels inside the building(s) comply with the criteria specified in Development Near Rail Corridors and Busy Roads - Interim Guideline (Department of Planning, 2008).
19. **Mechanical ventilation of rooms** - If the airborne noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed. Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation.
20. **Ventilation of carpark** - The basement carpark must be provided with an adequate system of permanent natural ventilation or an approved system of mechanical ventilation. The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and: (a) at least 6 metres from any fresh air intake vent or natural ventilation opening; and (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.
21. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
22. **Salvage of materials and building elements.** Traditional building materials and architectural elements (such as windows, doors, internal and external joinery, masonry, tiles etc) are to be dismantled, salvaged and sold to an established dealer in second-hand heritage building materials.

Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.
23. **Photographic Archival Recording.** Prior to the commencement of any works, including the dismantling of fabric or demolition, a Photographic Archival Recording shall be undertaken and submitted to Council.

The Photographic Archival Recording shall be prepared in accordance with the guidelines "*Archival Recording of Heritage Items Using Film or Digital Capture*" published by the Heritage Division of the Office of Environment and Heritage.

One complete copy of the Photographic Archival Recording shall be submitted to Council and must contain (for digital projects):

- A brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- Plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- Catalogue sheets, photographic plan, supplementary maps;
- Colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers. The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;
- One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.
- A CD or DVD containing electronic image files saved as RAW files with associated metadata, and cross-referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

24. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales. All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

25. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date.
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan (all adjoining properties – including properties across the road) advising of the date the work is due to commence.
 - (c) All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
26. **Tree removal:** The trees referenced Tree 1 (Brush Box – Street tree), Tree 2 (Blue Jacaranda) and Tree 3 (Illawara Flame Tree) are approved for removal. The trees approved for removal are to be removed in accordance with NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

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.** 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**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$71,555.55
Open Space & Recreation Facilities	\$176,155.09
Civic & Urban Improvements	\$59,913.81
Roads & Traffic Management Facilities	\$8,172.63
Cycleways	\$5,104.96
Stormwater Management Facilities	\$16,226.26
Plan Administration	\$1,376.21
The total contribution is	\$338,504.51

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

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

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

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. **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**.
29. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.

30. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation).
31. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - a. Infrastructure Restoration and Administration Fee
 - b. Enforcement Levy
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. **Sydney Water Tap in™.** The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

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

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

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

34. **Reflectivity.** Roofing and other external materials/ glazing 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. The roof material is to be finished in a non-reflective surface.

35. **Construction requirements** - All acoustic treatment requirements nominated in the Acoustic report (Prepared by Blakett Acoustics reference number BA151010) and any related project documentation must be documented in the Construction Certificate plans implemented during construction.
36. **Storage Facility:** All residential units must be provided with sufficient secure storage facility at the following rates:
 - At least 6m³ for one-bedroom apartments
 - At least 8m³ for two-bedroom apartments
 - At least 10m³ for three bedroom apartmentsStorage facility must be lockable and allocated to individual units.
37. **Disabled Access & Adaptable Units.** Access for disabled persons shall be provided in the building in accordance with the applicable legislation and the requirements set out in AS 1428.1 & AS4299. Documentary evidence and certification is to be obtained from a suitable qualified person confirming that the development will meet these requirements in accordance with this condition and as per the Access Report by Morris Goding Accessibility Consulting dated 15 October 2015, and provided to the PCA prior to the issue of any Construction Certificate. A minimum of 3 adaptable apartments must be provided on the site.
38. **Bicycle parking.** An area shall be designated for bicycle parking on the site within the basement level. A bicycle parking rack must be provided for at least 7 bicycles.
39. **Car parking provision:** No less than 29 car parking spaces are to be provided on the site comprising 23 spaces allocated for residential parking (including 3 accessible spaces) and 6 visitor parking spaces (including 1 accessible spaces). At least 1 accessible spaces must be allocated to each of the adaptable apartments. Details are to be submitted on the **Construction Certificate** plans.
40. **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 revision(s) must be undertaken;

- a) All driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. In this respect, ramps must be no greater than 25% for 20m and any ramp transitions must be no greater than 12.5% for crest's and 15% for sag's, for a minimum length of 2m. A driveway profile must be prepared, showing ramp lengths, grades, surface RL's and overhead clearances, taken from the Council approved boundary levels to the parking space area. The driveway profile must be taken along

the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

- b) To assure that the all disabled spaces satisfy the height clearance requirements of AS 2890.6, all plans to be submitted with the application for a Construction Certificate must clearly depict a minimum height clearance of 2.5m is attained (including the provision of internal services).
- c) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, both sides of the driveway entry at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004). Ideally the region is to be free of all obstructions, otherwise any solid obstructions are to be no greater than 500mm above finished surfaces.

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

41. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to inground public drainage infrastructure in Angas Street, generally in accordance with the plans by ERBAS Consulting Engineers (Refer to Project No. SYD15214 Dwgs SW000(P3), SW001(P2), SW002(P4), SW003(P2) & SW005(P1), dated 24 May 2016). Connection to the public drainage infrastructure will require a road opening permit. Plans detailing these works are to be provided with the permit application and Council's Public Works is to inspect the connection prior to backfill. This is to be noted on the detailed plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a chartered civil engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, 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 Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

42. **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 Engineer having experience in the geotechnical and hydrogeological fields, 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 maintains the pre-developed 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 Monitoring Program (GMP) 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.

43. **Notice of remediation work** - Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of State Environmental Planning Policy No. 55 - Remediation of Land
44. **Remediation work** - All remediation work must be carried out in accordance with the requirements of:
 - (a) State Environmental Planning Policy No. 55 - Remediation of Land;
 - (b) any relevant guidelines published by the NSW Environment Protection Authority; and
 - (c) any council policy or development control plan relating to the remediation of land.
45. **Council may require site audit of validation report** - If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the Contaminated Land Management Act 1997 must be submitted to Council verifying the information contained in the site validation report.
46. **Remediation of land** - The land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.
47. **Connection to Sewer.** Documentary evidence from a professional hydraulic engineer or other suitably qualified person demonstrating that all of the premises will be connected directly to the sewerage system by gravity flow must be submitted with the application for the Construction Certificate.
48. **Acoustic consultant's report.** The recommendations stated in the acoustic report prepared by Blackett Acoustics Noise and Vibration Consultants Report No. BA 151010 Version A" dated October 2015 detailing the measures required to comply with the relevant noise and vibration criteria must be submitted and incorporated into the application for the Construction Certificate.

49. **Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of Construction Certificate. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP 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 CTMP 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.
- Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- 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 combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and supplied to Council.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS's Manual – "Traffic Control at Work Sites" and Councils DCP 2014 Part 8.1 (Construction Activities).

All aspects of the approved CTMP must be adhered to at all times. Failure to do so will result in termination of the approval and will place the applicant in breach of this Condition of Consent.

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Traffic Management Plan is submitted.

50. **Public domain improvements** - The public domain is to be upgraded in Angas Street, Faraday Lane and Constitution Road frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 5 - Meadowbank. This work is to include but not be limited to paving, multifunction light poles, street furniture and plantings. A public domain plan is to be submitted to Council for approval by Council, prior to the issue of the Construction Certificate.

- (a) Street trees to be provided in accordance with the Meadowbank Street Tree Master Plan. The designated species are:
"Corumbiamaculata" (Spotted Gum) for Angas Street and
"Tristaniopsis laurina 'Luscious'" (Water gum) - for Faraday Lane.

Note: In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

- (b) All telecommunication and utility services are to be placed underground along the Angas Street, Faraday Lane and Constitution Road frontages of the site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to Council and relevant utility authorities for approval prior to commencement of work.
- (c) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with vehicular luminance category V5 and pedestrian luminance category P2 along Angas Street and Faraday Lane. A minimum of two new street lights on multi-function poles (MFP) will be required: one in Faraday Lane and one in Angas Street. The consultant shall liaise with Council's City Works and Infrastructure Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.
Note: Council has prepared a design guide and schema for the provision of the street lighting on MFPs. A copy of the design guide and schema can be made available to the Electrical Design Consultant upon request to Council's City Works and Infrastructure Directorate.

- (d) Lighting along the new publicly accessible footpath (Right of Way) along the northern boundary of the development site between Angas Street and Faraday Lane, to be provided for pedestrians in accordance with the requirements of Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with pedestrian luminance category P2.

Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to Council's City Works and Infrastructure Directorate for approval.

51. **Public Infrastructure Works** – Public infrastructure works shall be constructed as outlined in this condition of consent. All works must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works and Infrastructure prior to the issue of a Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns and other relevant details for the new works and also demonstrate the smooth connection of the proposed road pavement widening into the remaining street scape.

- (a) The widening of the road reserve for Faraday Lane along the entire frontage of the site by 2.60m, in order to provide a widened footway area. The exact dimension shall be confirmed following the completion of a boundary survey.
- (b) Construction of granite paving on the 2.0m wide footway that is to be dedicated to Council as a Right of Way along the northern boundary of the development site between Angas Street and Faraday Lane. The right of way access is to be compliant with Australian Standard 1428.1-2009 Design for Access and Mobility – General Requirements for Access.
- (c) Construction of the proposed balustrading along the edge of the pedestrian pathway between Angas Street and Faraday Lane. Details are to be included in the Public Domain plan, as part of the package of works to be undertaken by the Developer.
- (d) Construction of concrete footpath along the Constitution Road frontage of the development site.

- (e) The removal of all redundant vehicular crossings and replacement with new vertical kerb and gutter along both Angas Street and Faraday Lane frontages of the site.
- (f) Construction of granite footway in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank, along the Angas Street and Faraday Lane frontages of the development site.
- (g) The construction of new kerb and gutter and half road pavement reconstruction along the Faraday Lane and Angas Street frontages of the development site, including connections and adjustments to existing kerb and gutter and footpaths along the neighbouring property.
- (h) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.

Note: Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Section 5 “Standards Enforcement”.

- 52. **Constitution Road Rock Face** -Removal of the rock escarpment over the entire length of the northern boundary of the development site is to be included as part of the civil works by the Developer, at no cost to Council. The revised ground level is to match the current road level. Detailed design plans prepared by a suitably qualified engineer (registered on the NER of Engineers Australia) are to be submitted to and approved by Council prior to the issue of a Construction Certificate.
- 53. **Driveway Access and boundary alignment Levels** – The Driveway Access for this development is to be from Angas Street. The applicant is to apply to Council for site specific driveway access and boundary alignment levels prior to the issue of the Construction Certificate. The application shall be accompanied by engineering plans of civil works along the frontage of the development site. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council’s Schedule of Fees & Charges at the time of the application.

54. **Vehicle Footpath Crossings** – The footpath crossings shall be designed and constructed to protect the footpath from damage resulting from the vehicular traffic. The crossing shall match the paving style along the frontages of the development site. The location, design and construction shall comply with the City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works, and all relevant Australian Codes and Standards.

Given the potential for stormwater flowing across the footpath and down towards the newly built apartments at 3-13 Angas Street, kerb returns may form part of the access.

The applicant shall provide Council with certification from a Chartered Civil Engineer (registered on the NER of Engineers Australia) confirming that the vehicle footpath crossing and driveway design meet Council requirements and the relevant standards, prior to the issue of the Construction Certificate.

55. **Structural Adequacy of Adjoining Properties.**

- (a) A certificate prepared by an appropriately qualified and practicing structural engineer, at no cost to Council, detailing the structural adequacy of adjoining property No 3-13 Angas Street and certifying its ability to withstand the proposed excavation and any measures required to be incorporated into the work to ensure that no damage will occur to adjoining properties during the course of the works, shall be submitted to the PCA for approval prior to the issue of a Construction Certificate;
- (b) The rock supporting the Angas Street bridge abutment is to be protected to maintain the integrity of the bridge. Prior to the commencement of any excavation works, the Applicant is to provide to Council's City Works & Infrastructure Directorate, an engineering statement confirming the integrity of the abutment will not be compromised during the demolition of the existing buildings, and construction of the proposed development. The statement shall be supplemented with a certified set of engineering drawings, prepared by a suitably qualified Structural or Geotechnical Engineer registered on the NER of Engineers Australia. Details are to be provided prior to the issue of any Construction Certificate.

56. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected in the zone of influence of the construction work, namely 3 to 13 Angas 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.

57. **Pre-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects but to the following infrastructure where applicable.

- (a) Road pavement,
- (b) Kerb and gutter,
- (c) Footpath,
- (d) Drainage pits,
- (e) Traffic signs, and
- (f) Any other relevant infrastructure.

The report is to be submitted to, and approved by Council's Traffic Development Engineer, prior to the issue of Construction Certificate.

All fees and charges associated with the review of this report is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Dilapidation Report is submitted.

58. **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 City Works & Infrastructure Directorate, as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to the applicant paying all applicable fees in accordance with Council's Schedule of Fees & Charges at the time of the application.

59. **Public Domain Works – Maintenance Bond.** To ensure satisfactory performance of the public domain works, a maintenance period of six (6) months shall apply to the works for which Council will take ownership of, following completion of the development. The maintenance period shall commence from the date of issue by Council, of the Compliance Certificate. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. A bond in the form of a cash deposit or Bank Guarantee of \$30,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.

60. **Engineering plans assessment and works inspection fees** – The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council’s Schedule of Fees & Charges at the time of the assessment, prior to any approval being granted by Council.
61. **Design Verification in respect of SEPP 65.** Prior to the relevant Construction Certificate being issued with respect to this development, the Principal Certifying Authority (PCA) is to be provided with a written Design Verification from a qualified designer. The statement must include verification from the designer that the plans and specifications achieve or improve the design quality of the development to which this consent relates, 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 143A of the Environmental Planning and Assessment Regulation 2000.
62. **Public Arts Plan.** A public art is to be provided as part of the proposed development in accordance with Council’s Public Art Policy. A Public Arts Plan is to be submitted for approval by Council prior to the issue of any **Construction Certificate**. This plan is to be prepared by an arts and cultural planner and will be required to address the following:
 - Identify opportunities for the integration of public art in the proposed development;
 - Identify themes for public art consistent with RDCP2014 & options considered;
 - Submission of the detailed proposal demonstrating that the scale of the public art is appropriate and proportionate to the development and thoughtfully sited & integrated with the building to create a point of interest and define the location of area;
 - The proposal should provide a program for installation and integration with the construction program for the development. Construction must be completed prior to the issue of Occupation Certificate;
 - The proposal should provide engineer’s drawings and demonstrate:
 - Australian building standards requirements and codes for the structural design;
 - Sound practices for fabrication and construction, and materials appropriate for application;
 - Materials and all components have appropriate durability, and a functional life in excess of the designated life span of the work

63. **Details of waste management.** Details of the proposed waste storage, handling facilities and safe access including no parking arrangement on Angas Street and Faraday Lane in front of the property must be approved by City of Ryde Council in writing before the issue of a **Construction Certificate**.
64. **Waste rooms.** All garbage and recycling rooms must be constructed in accordance with the following requirements:
- 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;
 - 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;
 - The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - 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;
 - The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - 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;
 - 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;
 - The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - The room must be provided with adequate artificial lighting; and
 - a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning;
 - All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property to fit through opening including the door.
 - 660L Bins – width 1.3m, depth 0.8m, height 1.3m;
 - 240L Bins – width 0.6m, depth 0.8m, height 1.1m.

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.

65. **Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

66. **Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

68. **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.

69. **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.
70. **Notice of Intention to Commence Work** – Prior to commencement of the public domain works, a Notice of Intention to Commence Work shall be submitted to Council's City Works and Infrastructure Directorate. This Notice shall include the name of the Supervising Engineer, who will also be responsible for providing the certifications required at the hold points during construction.

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.

71. **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*.
72. **Noise management plan** - Where demolition or construction activities are likely to cause significant noise or vibration (eg. jackhammering, rock breaking or impact piling) a noise management plan must be prepared by a suitably qualified acoustical consultant and be submitted to the Principal Certifying Authority before the work commences. The plan must be prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009) and include:
- (a) Identification of nearby affected residences or other sensitive receivers.
 - (b) An assessment of the expected noise impacts.
 - (c) Details of the work practices required to minimise noise impacts.
 - (d) Noise monitoring procedures.
 - (e) Procedures for notifying nearby affected residents.
 - (f) Complaints management procedures.

73. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
74. **Site Facilities**
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
75. **Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
76. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
77. **Removal of underground storage tanks** — Any underground storage tanks discovered on the site must be removed in compliance with: (a) Australian Standard AS 4976-2008: The removal and disposal of underground petroleum storage tanks; and (b) the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.
78. **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.
79. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan at the commencement of works on the site. Suitable 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. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.

80. **Geotechnical Monitoring Program - Implementation.** 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.
81. **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 by ERBAS Consulting Engineers (Refer to Project No. SYD15214 DwgS SW000(P3), SW001(P2), SW002(P4), SW003(P2) & SW005(P1), dated 13 May 2016) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.
82. **Hold Points during construction - Public Domain -** Inspections are required to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below. The Applicant shall submit to Council’s City Works and Infrastructure, certification from the Engineer, at each stage of the inspection listed below. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken. Council shall confirm receipt of the certificates and approval at each stage during the construction, before works are to proceed to the subsequent stage.
- (a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
 - (b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
 - (c) Upon compaction of the applicable sub-base course.
 - (d) Upon compaction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).
 - (e) Upon installation of any formwork and reinforcement for footpath concrete works.
 - (f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.
83. **Drainage.** Construction inspections shall be required by Council’s Stormwater Engineer for the Council stormwater drainage works at the following hold points:

- (a) Upon excavation of trenches shown on the approved drainage drawings;
 - (b) Upon installation of pipes and other drainage structures;
 - (c) Upon backfilling of excavated areas and prior to the construction of the final pavement surface;
 - (d) An inspection fee is applicable for each visit.
84. **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 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.
85. **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.
86. **Security Signs:** Signs must be erected 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.
87. **Graffiti:** All surfaces on the street frontages that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.
88. **Intercom Facility:** The entry to the car park should have a ticket/boom gate system. 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.
89. **CCTV Cameras:** The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras should include the foyer area to the buildings including the area around the mail boxes as mail theft in unit complexes in the Sydney Metropolitan area is an emerging crime. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath area in front of the premises. CCTV cameras should also cover any communal areas, lifts, public spaces and the basement car parks. Recordings should be made twenty four (24) hours a day seven (7) days a week.
 - As a minimum, CCTV cameras at entry and exit points to the premises **MUST** record footage of a nature and quality in which it can be used to identify a person recorded by the camera.

All other cameras **MUST** record footage of a nature and quality in which it can be used to recognise a person recorded by the camera.

- The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.
- If requested by police, the applicant is to archive any recording until such time as they are no longer required.
- Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.
- The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel.
- If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.
- CCTV should be installed throughout the basement car park area and should include the entry and exit points to the car park.

90. Installation of 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.

91. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 676069M, dated 27 October 2015.
92. **Landscaping.** All landscaping works are to be completed prior to the issue of any **Occupation Certificate**.
93. **CCTV drainage report.** Prior to the issue of an Occupation Certificate, the Council shall be provided with an electronic closed circuit television report (CCTV report) prepared by an accredited operator that assesses the condition of the newly constructed drainage network. Any defects in the drainage network identified in the report shall be rectified to Council's satisfaction.
94. **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.
95. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the 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 instrument are to be in accordance with the Council's

standard terms for such systems, as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7 and to the satisfaction of Council. The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.

96. **Engineering Compliance Certificates.** 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 Council's DCP 2014 Part 9.3 (Parking Controls).
 - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, 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 any 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), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
 - 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 Council's 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.
97. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
98. **Accessibility.** 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 and certification is to be obtained from a suitable qualified person confirming that the development meets these requirements in accordance with this consent, is to be provided to the PCA prior to the issue of any Occupation Certificate.
99. **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 the relevant 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.
100. **Mechanical Ventilation:** Where any mechanical ventilation systems have been installed or altered, a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.

101. **Compliance report** — Prior to the issue of the Occupation Certificate, a report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria must be submitted to the Principal Certifying Authority. A copy of this Compliance Report shall be concurrently submitted to Council, where Council is not the Certifier.

102. **Pedestrian safety.** A compliant balustrades/ hand rail is to be provided along the northern side of the proposed pedestrian path (ROW) which must be of see through construction to allow visibility and provide additional safety along the excavated embankment. Details demonstrating compliance are to be provided before the issue of an Occupation Certificate.

103. **Dilapidation Report.** To ensure Council's infrastructures are adequately protected a dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to the location, description and photographic record of any observable defects but to the following infrastructure where applicable.

- (g) Road pavement,
- (h) Kerb and gutter,
- (i) Footpath,
- (j) Drainage pits,
- (k) Traffic signs, and
- (l) Any other relevant infrastructure.

The report is to be submitted to Council's Traffic Development Engineer, prior to works commencing with another similar report submitted at completion and prior to issue of Occupation Certificate. The reports shall be used by council to assess whether restoration works will be required prior to the issue of the Occupation Certificate.

All fees and charges associated with the review of this report is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Dilapidation Report is submitted.

104. **Signage and Linemarking – External.** A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Ryde Traffic Committee prior to the issue of an Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.

105. **Signage and Linemarking – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by the Ryde Traffic Committee. These works are to be undertaken prior to the issue of an Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.

106. **Public Access and Right of Way.** Prior to the issue of the Occupation Certificate, a 2.0m Right of Way (ROW) shall be created over the pedestrian link along the northern boundary of the development site between Angas St and Faraday Lane, in favour of Council for public access. The terms regarding the creation of the ROW are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office. Evidence regarding effective registration of the ROW shall be submitted to Council and the PCA prior to the issue of the Occupation Certificate.

The terms of the Right of Way must ensure that:

- a. The Pedestrian Link is accessible at all times to the Public;
 - b. The Pedestrian Link will be adequately maintained by the occupier/ owner of the site at all times;
 - c. The Council is the only authority empowered to release, vary or modify the terms of the Public Access.
107. **Public Positive Covenant** - Prior to the issue of any Occupation Certificate for the development, a public positive covenant, pursuant to Section 88E of the Conveyancing Act 1919, is to be created over the subject land in order to ensure that the registered owner of the land, at his / her / its own cost and risk:
- (i) maintains and repairs at all times that area of the subject land that has been designated as the privately owned, publicly accessible pedestrian link, to a standard commensurate with Council's standards for the maintenance of such facility;
 - (ii) maintains at all times, public liability insurance for at least \$20 million, with Council identified as an interested party in that insurance policy.

The Instrument that is to create the public positive covenant referred to in this condition is to be submitted to and approved by Council prior to lodgement for registration at the Land & Property Information Office.

Prior to the issue of any Occupation Certificate the applicant is to submit to Council a certificate of currency for the above mentioned public liability insurance.

108. **Road Widening of Faraday Lane:** The applicant/ owner shall dedicate to Council a 2.60m width of the site to Council for public road along the Faraday Lane frontage of the site. The dedication shall be initiated after Council has provided written confirmation of a satisfactory final inspection of the completed public infrastructure works. The associated administrative and registration costs where applicable, shall be borne by the Applicant. The dedication shall occur prior to the issue of any Occupation Certificate.
109. **Electricity accounts for new street lighting -** Prior to the issue of the Occupation Certificate, the Applicant shall liaise with Council's Asset Networks Section regarding the setting up of the electricity account/s in order to energise the newly constructed street lighting.
110. **Compliance Certificate – Street Lighting –** Prior to the issue of the Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
111. **Compliance Certificate – External Landscaping Works –** Prior to the issue of the Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
112. **Public Domain Works-as-Executed Plans –** To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, Works-as-Executed Plans certified by a Registered Surveyor shall be submitted to Council for review, with any rectifications required by Council to be completed by the Developer prior to the issue of any Occupation Certificate.

The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans.

113. **Post Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a post construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

- (a) Road pavement,
- (b) Kerb and gutter,
- (c) Footpath,
- (d) Drainage pits,
- (e) Traffic signs, and
- (f) Any other relevant infrastructure.

The report is to be submitted to, and approved by Council's Traffic Development Engineer, prior to issue of Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, to assess whether restoration works will be required prior to the issue of the Occupation Certificate.

All fees and charges associated with the review of the reports will be payable in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the Dilapidation Report is submitted.

114. **Final Inspection – Assets Handover** - For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer following the completion of the external works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.
115. **Compliance Certificate – External Works** – Prior to the issue of the Occupation Certificate, a compliance certificate shall be obtained from Council confirming that all works in the road reserve including all public domain improvement works have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.
116. **Waste collection arrangement.** Suitable arrangements must be made with the City of Ryde Council for the provision of garbage services to the premises prior to the issue of any Occupation Certificate. The following bins will be required:
 - 2 x 660L waste bins serviced 3 times per week.
 - 7 x 240L recycle bins serviced weekly
 - 1 x 240K garden organics bin serviced fortnightly
117. **Road Signs approval.** Safe easy access must be provided for waste collection vehicles to service the waste containers. "No Standing on Garbage Day between 5.00am to 11.00am" signs is to be placed on Angas Street and Faraday Lane to enable the trucks to access the bins for servicing. Approval (via Council's Traffic Committee) must be obtained and signs erected at no cost to Council prior to the issue of Occupation Certificate.

118. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au 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.

119. **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 reports. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of the **Occupation Certificate**.
120. **Completion of Public Art:** Public Art required under this Development Consent must be completed prior to the issue of any Occupation Certificate. Documentary evidence must be submitted to the PCA confirming that the approved public art has been constructed as per the approved design.

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.

121. **Bulky Items on Collection Days.** All material in the bulky items/hard waste storage room is to be taken to the collection area on the kerbside stipulated by Council, by the building management or cleaners. The material is to be placed in such a manner so that it will not impede the access to pedestrian access.
122. **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 maneuvering areas.

123. **Waste collection arrangement.** Arrangements must be made with Council for the provision of garbage services to the premises before occupation commences.
124. **Signs.** Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.
125. **Bulky waste.** All material in the bulky items/hard waste storage room located behind Lift 1 in the basement, is to be taken to the collection area on the kerbside stipulated by Council, by the building management or cleaners the night before the booked collection service. The material is to be placed in such a manner so that it will not impede the pedestrian access.
126. **Waste collection staff.** Staff or contractors must be employed to take the waste containers from garbage and recycling room to the container emptying points on Faraday Lane and Angas St for servicing and to return the containers to the garbage room after servicing.
127. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- 23 residential spaces (with 3 accessible spaces);
 - 6 visitor spaces (with 1 accessible), and
 - 7 bicycle parking spaces.
128. **Noise and vibration from plant and equipment** -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.

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.

129. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.
130. **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.
131. **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.
132. **Occupation Certificate.** A final Occupation Certificate in relation to Development Consent No. 2015/540 must be in force.
133. **Section 73 Certificate.** 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 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 issue of the Subdivision Certificate.

134. **Utility provider – compliance.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc).
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

5 PLANNING PROPOSAL - 176 BLAXLAND ROAD, RYDE

RESOLUTION: (Moved by Councillors Etmekdjian and Laxale)

That Council defer consideration of the Planning Proposal for the General Manager and Director to meet with the applicant to discuss provision of appropriate public benefit given the applicant has not complied with Council's resolution for the provision of Affordable Housing with the Planning Proposal.

Record of Voting:

For the Motion: Unanimous

SUSPENSION OF STANDING ORDERS

Councillor Perram advised that he wished to Suspend Standing Orders so that he could address Council and make a statement to correct some inaccuracies made while three (3) Councillors were absent from the Council Chambers during the Extraordinary Council Meeting held on the 16 September 2016.

RESOLUTION: (Moved by Councillors Perram and Maggio)

That Council Suspend Standing Orders to allow Councillor Perram to address the Meeting and make a statement to correct some inaccuracies made while three (3) Councillors were absent from the Council Chambers during the Extraordinary Council Meeting held on the 16 September 2016, the time being 8.28pm.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Perram then addressed the meeting.

Note: Councillor Maggio left the meeting at 8.38pm.

RESUMPTION OF STANDING ORDERS

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

RESOLUTION: (Moved by Councillors Stott and Salvestro-Martin)

That Council Resume Standing Orders, the time being 8.43pm.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Maggio returned to the meeting at 8.44pm.

COUNCIL REPORT

1 CONFIRMATION OF MINUTES - Council Meeting held on 27 September 2016

Note: Councillor Li left the meeting at 8.44pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

That the Minutes of the Council Meeting 11/16, held on 27 September 2016 be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Li returned to the meeting at 8.47pm.

MAYORAL MINUTES

MM17/16 PROVIDING FINANCIAL ASSISTANCE TO THE EAST WARD EVENTS AND PROMOTIONS COMMITTEE

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

- (a) That Council provide financial and staff support to the East Ward Events and Promotions Committee "Cork & Fork" event, with a budget allocation of \$12,000 (inclusive of all staff resources and support services such as traffic management, advertising, printing etc), with the funds to be allocated from Council's Working Capital and included in the next Quarterly Review.
- (b) That Council reaffirm its financial and staff support for the West Ryde Easter Parade and Fair and the Ryde Lunar New Year events with a current budget allocation.
- (c) That Council promote these events through its media channels.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Maggio left the meeting at 8.58pm and did not return.

MM18/16 SECTION 75W MODIFICATION APPLICATION TO THE CONCEPT PLAN FOR A MIXED USE DEVELOPMENT SHEPHERDS BAY, MEADOWBANK

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

Note: Councillor Perram left the meeting at 8.58pm and was not present for consideration or voting on this Item.

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

That Council note the information provided in this Mayoral Minute and that this matter be considered in conjunction with Confidential Item 7 – Holdmark Offer to Enter into a Voluntary Planning Agreement in Association with Section 96 Application to Modify Stages 2/3 Shepherds Bay Meadowbank).

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 8/16 held on 11 October 2016

- 2 1 LUMSDAINE AVENUE, EAST RYDE- LOT 435 IN DP31253. Development Application for demolition, and construction of a two (2) storey dual occupancy (attached) and strata subdivision. LDA2016/0197**

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

- 3 191 SHAFTSBURY ROAD, EASTWOOD - LOT 30 DP 663281. Alterations and additions to an existing dwelling house, and change of use to a twelve (12) room boarding house with basement parking pursuant to the provisions of State Environmental Planning Policy Affordable Rental Housing 2009. LDA2015/0480.**

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

- 4 1 ANGAS STREET, MEADOWBANK. LOT 60 DP 4773. Local Development Application for a residential apartment building containing 26 apartments and parking for 29 vehicles and strata subdivision. LDA2015/0540.**

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

- 5 PLANNING PROPOSAL - 176 BLAXLAND ROAD, RYDE**

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

Note: Councillor Perram returned to the meeting at 9.00pm.

- 3 REPORT OF THE RYDE CIVIC HUB COMMITTEE MEETING 8/16 held on 11 October 2016**

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

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

Note: Councillor Laxale left the meeting at 9.00pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Stott and Etmekdjian)

That Council determine all Items 1 and 2 of the Ryde Civic Hub Committee Meeting 8/16, held on 11 October 2016 in accordance with the Ryde Civic Hub Committee Terms of Reference.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Laxale returned to the meeting at 9.02pm.

- 1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 13 September 2016**

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

RESOLUTION: (Moved by Councillors Perram and Stott)

That the Minutes of the Ryde Civic Hub Committee 6/16, held on 9 August 2016, be confirmed.

Record of Voting:

For the Motion: Unanimous

2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS REPORT 12 (OCTOBER 2016)

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

RESOLUTION: (Moved by Councillors Stott and Etmekdjian)

That the Ryde Civic Hub Committee receives and notes the content of this Status Report 12 (October 2016).

Record of Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Etmekdjian, Laxale, Li, Perram, Salvestro-Martin, Simon and Stott

Against the Motion: Councillor Pendleton

4 CONTINUED FUNDING FOR RYDE YOUTH THEATRE

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

5 2016/2017 CHRISTMAS / NEW YEAR ARRANGEMENTS - Business Operations

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

RESOLUTION: (Moved by Councillors Etmekdjian and Stott)

- (a) That the changes to normal City of Ryde business operations over the 2016/2017 Christmas/New Year period, as outlined in the report be endorsed.

- (b) That the changes to normal business operations referred to in (a) above, be advertised in the Mayor's Column, on Council's website, through Social Media and by way of notice at the front of Council's customer service centres, Council's branch libraries and the Ryde Aquatic Leisure Centre.
- (c) That Council endorse the staff function, including staff update / Christmas lunch, being held at the Civic Hall from 12 noon on Friday, 16 December 2016.

Record of Voting:

For the Motion: Unanimous

6 2015/2016 FINANCIAL STATEMENTS

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

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

That consideration of this matter be deferred until later in this meeting to allow for the arrival of the External Auditor.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 NOMINATION OF COUNCIL MEMBERS TO THE SYDNEY PLANNING PANELS

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

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

- (a) That the correspondence be received and noted.
- (b) That Council endorse the existing Joint Regional Planning Panel representatives (Councillor Yedelian OAM and Councillor Maggio with alternates Councillor Stott and Councillor Etmekdjian) being confirmed as City of Ryde's representatives for the Sydney Planning Panels to be convened from 21 November 2016 replacing the Joint Regional Planning Panels.

- (c) That a copy of the Planning Panels Code of Conduct be circulated to City of Ryde's nominated members.
- (d) That Councillors representing City of Ryde on State Planning Panels receive payment of \$80 per hour for a minimum of three hours plus travel expenses for attending panel meetings. This payment acknowledges the personal costs incurred by Councillors to attend these meetings which are held in business hours.

AMENDMENT: (Moved by Councillors Pendleton and Simon)

- (a) That the correspondence be received and noted.
- (b) That Council endorse Councillor Pendleton and Councillor Perram with alternates Councillor Stott and Councillor Etmekdjian being confirmed as City of Ryde's representatives for the Sydney Planning Panels to be convened from 21 November 2016 replacing the Joint Regional Planning Panels.
- (c) That a copy of the Planning Panels Code of Conduct be circulated to City of Ryde's nominated members.

On being put to the Meeting, the voting on the Amendment was five (5) for and four (4) against. The Amendment was **CARRIED** and then became the Motion.

Record of Voting:

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

Against the Amendment: The Mayor, Councillor Pickering and Councillors Etmekdjian, Salvestro-Martin and Stott

RESOLUTION: (Moved by Councillors Pendleton and Simon)

- (a) That the correspondence be received and noted.
- (b) That Council endorse Councillor Pendleton and Councillor Perram with alternates Councillor Stott and Councillor Etmekdjian being confirmed as City of Ryde's representatives for the Sydney Planning Panels to be convened from 21 November 2016 replacing the Joint Regional Planning Panels.
- (c) That a copy of the Planning Panels Code of Conduct be circulated to City of Ryde's nominated members.

Record of Voting:

For the Motion: Councillors Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon

Against the Motion: The Mayor, Councillor Pickering and Councillors Etmekdjian and Stott

2 COMBINED REMEMBRANCE SERVICE NOVEMBER 2016

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

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

- (a) That the correspondence be received and noted.
- (b) That Council note the advice from the combined Ryde City RSL Sub Branches regarding their inability to conduct the Combined Sunday Remembrance Service this year.
- (c) That Council thank the Sub Branches for the invaluable contribution they have provided over the years.
- (d) That Council note that a Combined Sunday Remembrance Service will not be held in 2016.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 INSTALLING TRAFFIC LIGHTS AT EASTWOOD TOWN CENTRE TO IMPROVE PEDESTRIAN SAFETY - Councillor Justin Li

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

RESOLUTION: (Moved by Councillors Li and Laxale)

- (a) That Council requests staff update previously undertaken traffic and pedestrian surveys and consider, via the Ryde Traffic Committee, installing traffic signals at appropriate crossings with high pedestrian activity within the Eastwood Town Centre area, taking into account wherever possible expected population growth in the future.

- (b) That a report be forwarded to the Ryde Traffic Committee responding to the request from the Eastwood Chamber of Commerce that a “Left Turn Only” restriction be placed on vehicles exiting Hillview Lane onto West Parade.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORT

6 2015/2016 FINANCIAL STATEMENTS

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

Note: Councillor Salvestro-Martin left the meeting at 9.44pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Li)

- (a) That in accordance with Section 419 of the Local Government Act 1993, Council receive and note the Auditor’s Reports on the 2015/2016 Annual Financial Statements for the year ended 30 June 2016.
- (b) That any public submissions on the 2015/2016 Financial Reports be referred to Council’s auditors, PricewaterhouseCoopers.
- (c) That Council suspend standing orders to allow a presentation by PricewaterhouseCoopers, in respect of the 2015/2016 Financial Statements including the Auditor’s Reports.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Salvestro-Martin returned to the meeting at 9.45pm.

Note: Council’s External Auditor from PricewaterhouseCoopers then provided a presentation to the meeting in relation to the 2015/2016 Financial Statements.

Note: Mr John Gordon, Chairperson of the Audit and Risk Committee then addressed Council in relation to the 2015/2016 Financial Statements.

RESUMPTION OF STANDING ORDERS

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

RESOLUTION: (Moved by Councillors Stott and Pendleton)

That Council Resume Standing Orders, the time being 9.57pm.

Record of Voting:

For the Motion: Unanimous

CLOSED SESSION

ITEM 7 - HOLDMARK OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT IN ASSOCIATION WITH SECTION 96 APPLICATION TO MODIFY STAGES 2/3 SHEPHERDS BAY MEADOWBANK

Confidential

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

ITEM 8 - AMP OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT IN ASSOCIATION WITH THE CONCEPT DEVELOPMENT APPLICATION FOR MACQUARIE CENTRE, 197 TO 223 HERRING ROAD, MACQUARIE PARK

Confidential

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

ITEM 9 – REQUEST FOR TENDER – COR-RFT-13/16 - MEADOWBANK PARK FIELDS 7 AND 8 - CAPPING AND RESURFACING WORKS

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.

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

RESOLUTION: (Moved by Councillors Stott and Perram)

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 9.58pm. The public and media left the chamber.

7 HOLDMARK OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT IN ASSOCIATION WITH SECTION 96 APPLICATION TO MODIFY STAGES 2/3 SHEPHERDS BAY MEADOWBANK

Note: Council's General Counsel, Acting Manager – Strategic Planning and Development Contributions Coordinator provided a presentation to Councillors regarding this matter.

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

Note: Councillor Salvestro-Martin left the meeting at 10.17pm during the presentation provided by Council staff on this Item and did not return. He was not present for voting on this Item.

RECOMMENDATION: (Moved by Councillor Perram and The Mayor, Councillor Pickering)

- (a) That Council does not accept the letter of offer dated 7 October 2016 from Holdmark to enter into a Voluntary Planning Agreement in relation to Section 96 Application for Modification of Development Application LDA2015/18 (MOD2015/243), being Stages 2/3 Shepherds Bay, Meadowbank, as Paragraph 2 of the offer is unacceptable to Council.
- (b) That Council advise Holdmark in writing, of its decision in respect to part (a) above and provide Holdmark the opportunity to submit a revised letter of offer that does not make the \$3.5 million monetary contribution for the Community Centre conditional and commensurate with the number of units to be approved in Stages 2/3.
- (c) That should Holdmark provide a letter of offer in accordance with part (b) above, Council delegates authority to the General Manager to negotiate the specific terms of the Voluntary Planning Agreement, and to subsequently exhibit a draft of the Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979;

- (d) That should Holdmark provide a letter of offer in accordance with part (b) above, Council delegates authority to the General Manager to:
 - i. Authorise any minor changes to the draft Voluntary Planning Agreement, following its public exhibition, provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in (a) above;
 - ii. Subsequently enter into the Voluntary Planning Agreement on behalf of Council; and
- (e) Any land to be dedicated to Council under the terms of the Voluntary Planning Agreement is to be classified as Operational Land in accordance with the provisions of Section 31(2) of the Local Government Act 1993.

Record of Voting:

For the Motion: Unanimous

8 AMP OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT IN ASSOCIATION WITH THE CONCEPT DEVELOPMENT APPLICATION FOR MACQUARIE CENTRE, 197 TO 223 HERRING ROAD, MACQUARIE PARK

Note: Ben Matthews (representing AMP Capital) and Tim Blythe (representing AMP Capital) addressed the meeting in relation to this Item.

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

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

- (a) That Council accept the letter of offer as detailed in **ATTACHMENT 1** dated 7 October 2016 from AMP Capital to enter into a Voluntary Planning Agreement in relation to the Development Application 2015/655 for 197 to 233 Herring Road Macquarie Park (Macquarie Centre). The Voluntary Planning Agreement will require the Applicant to provide a public benefit as summarised below:
 - (i) Delivery of a 5,000sqm Library and Creative hub as part of the future expansion of Macquarie Centre, pursuant to LDA2015/655 for 148,000sqm of additional Gross Floor Area (GFA).
 - (ii) The Library and Creative Hub will be delivered by offsetting the required Section 94 contributions, including local road improvements to the value of \$25 million.

- (iii) In the event that additional GFA is in excess of 148,000sqm via a future staged Development Application, AMP Capital will be required to pay Council any applicable Section 94 or Section 94A for the exceeding GFA.
 - (iv) The 5,000sqm Library and Creative Hub will be delivered to Council in the form of a 99 year peppercorn lease (\$1 per year) arrangement.
 - (v) The Library and Creative Hub space will be delivered to Council in the form of a cold shell for fitout by Council.
- (b) That Council delegate authority to the General Manager to negotiate the specific terms of the Voluntary Planning Agreement as outlined in **ATTACHMENT 1** by AMP Capital taking into account the concerns raised by Hill PDA, and to subsequently exhibit a draft of the Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979;
- (c) That Council delegate authority to the General Manager to:
- (i) Authorise any minor changes to the draft Voluntary Planning Agreement, following its public exhibition, provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in (a) above;
 - (ii) Subsequently enter into the Voluntary Planning Agreement on behalf of Council.

Record of Voting:

For the Motion: Unanimous

9 REQUEST FOR TENDER – COR-RFT-13/16 - MEADOWBANK PARK FIELDS 7 AND 8 - CAPPING AND RESURFACING WORKS

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

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

- (a) That Council accept the tender from Enviropacific Services Pty Ltd for the Capping and Re-surfacing Works at Meadowbank Park's Fields 7 and 8 to the amount of \$556,847.79 (excluding GST) as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the Acting General Manager the authority to enter into a contract with Enviropacific Services Pty Ltd on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.

- (c) That Council advise all the unsuccessful respondents of Council's decision.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

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

RESOLUTION: (Moved by Councillors Stott and Perram)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.02pm.

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

RESOLUTION: (Moved by Councillors Simon and Stott)

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

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 11.05pm.

CONFIRMED THIS 22ND DAY OF NOVEMBER 2016

Chairperson