

Meeting Date: Tuesday 10 April 2012
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

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

Apologies: Councillors Butterworth and Salvestro-Martin.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Acting Group Manager – Environment & Planning, Group Manager - Public Works, Manager – Open Space, Team Leader Assessments, Media & Community Relations Officer and Service Unit Manager - Governance.

PRAYER

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

LEAVE OF ABSENCE

RESOLUTION: (Moved by Councillors Maggio and Campbell)

That a Leave of Absence be granted to Councillor Yedelian OAM for 24 April 2012.

Record of Voting:

For the Motion: Unanimous

PETITIONS

RESOLUTION: (Moved by Councillors Petch and Tagg)

That Council allow Councillor Petch to table a petition seeking '*the installation of a park bench and appropriate seating plus BBQ facilities in the vicinity of the large tree situated at the southern side of Bidgee Park, Bidgee Road, Ryde*', the time being 7.35pm.

Record of Voting:

For the Motion: Unanimous

Note: The petition was tabled and a copy is ON FILE.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

ITEM	SUBJECT	SPEAKER
Notice of Motion 3	Training Facilities for Women's Netball in the City of Ryde	Janice Elm-Smith On behalf of Putney Public School P&C
Notice of Motion 2	Feasibility Study on Multipurpose Synthetic (Artificial) Fields	Adrian Jones On behalf of NWS Koalas Football
Notice of Motion 5	Ivanhoe Estate, Macquarie Park	Nicholas Laletin On behalf of Ivanhoe Estate Tenant Group
Notice of Motion 2	Feasibility Study on Multipurpose Synthetic (Artificial) Fields	Amanda Durack On behalf of NWS Koalas Football
Notice of Motion 2	Feasibility Study on Multipurpose Synthetic (Artificial) Fields	Geoffrey Yallop On behalf of NWS Koalas Football
Notice of Motion 5	Ivanhoe Estate, Macquarie Park	Denise Pendleton
Notice of Motion 5	Ivanhoe Estate, Macquarie Park	Marie Sillars On behalf of Ivanhoe Estate Tenant Group
Notice of Motion 4	Commemorative Plaque for Northern Districts Cricket Association	John P Crane On behalf of Northern District Cricket Association

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Petch and Tagg)

That Council allow those people registered to speak on Items Not Listed on the Agenda to address the meeting, the time being 8.01pm.

Record of Voting:

For the Motion: Unanimous

The following persons addressed the Council:-

SUBJECT	SPEAKER
Retention of playing fields in Smalls Road	Leslie Toemoe
Ryde Civic Precinct Redevelopment and Council response	Lee Cummings

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

That Council now consider all Notices of Motion, the time being 8.12pm.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 REMOVAL OF PLAYGROUND EQUIPMENT FROM PUBLIC PARKS - Councillor Terry Perram

This Motion was **WITHDRAWN** by Councillor Perram.

2 FEASIBILITY STUDY ON MULTIPURPOSE SYNTHETIC (ARTIFICIAL) FIELDS - Councillor Roy Maggio

Note: Adrian Jones, Amanda Durack and Geoffrey Yallop, on behalf of NWS Koalas Football, addressed the meeting in relation to this Item.

Note: Councillor Pickering left the meeting at 8.26pm and was not present for consideration of this item.

RESOLUTION: (Moved by Councillors Maggio and Petch)

1. That the General Manager prepare a feasibility study on multipurpose synthetic (artificial) fields to be installed in the City of Ryde. This study should outline a comprehensive consultation process, projected financial impacts, construction cost estimates and a funding and grants program with all sports facility users and stakeholders in the LGA.
2. A report detailing possible sports funding grants through the State and Federal Governments in the next financial year to assist in this project should also be undertaken.
3. A feasibility study cost be funded through the 2012/13 First Quarter Budget review.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Pickering returned to the meeting the time being 8.33pm

**3 TRAINING FACILITIES FOR WOMEN'S NETBALL IN THE CITY OF RYDE -
Councillor Roy Maggio**

Note: Janice Elm-Smith, on behalf of Putney Public School P&C addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Petch)

That the General Manager investigate the feasibility of providing additional training facilities for women's netball in the City of Ryde. This investigation is to include discussions with local clubs (eg: Ravens Netball) and local schools. The resultant report should also include possible funding implications associated with improved and additional facilities.

Record of Voting:

For the Motion: Unanimous

**4 COMMEMORATIVE PLAQUE FOR NORTHERN DISTRICTS CRICKET
ASSOCIATION - Councillor Roy Maggio**

Note: John P Crane, on behalf of Northern District Cricket Association, addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That the General Manager endorses a commemorative plaque to be presented to the Northern Districts Cricket Association in recognition of their 100 seasons in the City of Ryde.
- (b) That the plaque be presented to the Northern Districts Cricket Association Committee at the next Sport and Recreation meeting with all Councillors invited.

Record of Voting:

For the Motion: Unanimous

5 IVANHOE ESTATE, MACQUARIE PARK - Councillor Sarkis Yedelian OAM

Note: Nicholas Laletin, on behalf of Ivanhoe Estate Tenant Group, Denise Pendleton and Marie Sillars, on behalf of Ivanhoe Estate Tenant Group, addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

- (a) That Council writes to our local member, The Honourable Victor Dominello MP and the Ministers for Housing (Honourable Pru Goward) and Finance (Honourable Greg Pearce), in relation to Ivanhoe Estate and request that they provide Council and tenants:
- with timely, honest and comprehensive explanation of their plans.
 - assurances that there will be a transparent consultative planning process.
 - assurances that no residents will be removed from their homes against their wishes as a result of any redevelopment.
- (b) That the redevelopment process (if any) includes tenants as stakeholders and listens to their voices and concerns and takes into account the strong sense of the Community in any decisions taken.
- (c) That Council request that the Ivanhoe Estate Tenant Group be represented on the taskforce.
- (d) That as a major stakeholder, City of Ryde Council be represented by all Central Ward Councillors on the taskforce.
- (e) That any correspondence received regarding this development or any development within Macquarie Park on government owned land be circulated through the Councillor Information Bulletin.

Record of Voting:

For the Motion: Unanimous

6 WATER BOTTLE REFILL STATIONS - Councillor Gabrielle O'Donnell

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

That Council investigate and report on the installation of water bottle refill stations in our major parks and/or centres.

Record of Voting:

For the Motion: Unanimous

7 BAN ON USE OF JET SKIS - Councillor Gabrielle O'Donnell

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

That Council write to the Local Members for Ryde and Lane Cove asking them to request that the State Government maintain the current ban on the use of jet skis on Sydney Harbour and its waterways.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 27 March 2012

RESOLUTION: (Moved by Councillors Petch and Campbell)

That the Minutes of the Council Meeting 4/12, held on 27 March 2012 be confirmed.

Record of Voting

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

Against the Motion: Councillor Tagg

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 4/12 held on 3 April 2012

RESOLUTION: (Moved by Councillors Pickering and Petch)

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

Record of Voting:

For the Motion: Unanimous

2 28 GERARD STREET, GLADESVILLE. LOT 40 DP 10598. Local Development Application for the erection of a 2 storey dual occupancy (attached). LDA2011/0328.

MOTION: (Moved by Councillors Pickering and Campbell)

- (a) That Local Development Application No. LDA2011/328 at No 28 Gerard Street Gladesville being LOT 40 DP10598 be approved subject to the **ATTACHED** conditions (Attachment 1 to Item 2 – Planning and Environment Committee of 3 April 2012).
- (b) That the persons who made submissions be advised of Council's decision.

AMENDMENT (Moved by Councillors Petch and Tagg)

That this development application be deferred to allow the Group Manager – Environment & Planning to undertake mediation between the applicant and the neighbours to address issues of concern regarding overshadowing of the properties at No. 26 and No. 30 Gerard Street.

The Amendment was put and **CARRIED** there being nine (9) votes For and one (1) vote Against. The Amendment then became the Motion.

Record of Voting:

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

Against the Amendment: Councillor Campbell

RESOLUTION: (Moved by Councillors Petch and Tagg)

That this development application be deferred to allow the Group Manager – Environment & Planning to undertake mediation between the applicant and the neighbours to address issues of concern regarding overshadowing of the properties at No. 26 and No. 30 Gerard Street.

Record of Voting:

For the Motion: Unanimous

- 3 33 LOVELL ROAD, DENISTONE EAST. LOT 24 DP 6182. Local Development Application for multi dwelling (attached) development containing 3 villa homes (1 x 3 bedroom two storey villa at the front, 2 x 3 bedroom villas at the rear). LDA2011/0505.**

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That Local Development Application No. 2011/0505 at No. 33 Lovell Road, Denistone East, being LOT 24, DP 6182 be approved, subject to the Conditions of Consent as set out below:-

GENERAL

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

Approved Plans

1. Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Architectural Plans prepared by G & A Draftline	14 August 2011	1011/11-1-4 to 1011/11-4-4 (incl)
Stormwater Concept Plans prepared by Storm Civil	2 September 2011	D1 to D4 (Issue A)
Landscaping Plan prepared by Peta Gillard Landscape Design	12 August 2011	L001(A)
Arborist's Report prepared by Vic's Tree Service	18 May 2011	

Prescribed Conditions

2. All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. Compliance with all commitments listed in BASIX Certificate(s) numbered 394822M, dated 6 September 2011.

Protection of Adjoining and Public Land

4. 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.
5. The development must be constructed wholly within the boundaries of the

premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

Stormwater

6. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
7. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
8. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
9. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

Imported fill

10. All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

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.

11. 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	5,502.29
Open Space & Recreation Facilities	13,545.48
Civic & Urban Improvements	4,607.20
Roads & Traffic Management Facilities	628.56
Cycleways	392.54
Stormwater Management Facilities	1,248.06
Plan Administration	105.83
The total contribution is	26,029.97

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

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

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

12. 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.
13. The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan (category: other buildings with delivery of bricks or concrete or machine excavation)

14. The following fees must be paid to Council in accordance with Council's Management Plan:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
15. 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**.

Road Opening Permit

16. The Council must be provided with evidence that there has been compliance with all matters that are required by the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993 to be complied with prior to issue of the **Construction Certificate**.
17. The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.

Fencing

18. Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**. The side boundary fence between the subject site and No. 31 Lovell Street shall be a minimum of 1.8m high shall contain an additional 300mm high lattice on top of the fence. Details are to be shown on the Construction Certificate drawings, and shall be at no cost to the adjoining owner.

Lighting of Common Areas (driveways etc)

19. Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
20. The width of the landscape strip along the eastern and southern boundary within each courtyard is to be increased to 1.2m wide. Details are to be submitted on the Construction Certificate plans.
21. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
22. **Driveway Grades.** The maximum grade of all internal driveways and

vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.

23. **Manoeuvring Area.** The southern end of the driveway near unit 3 shall be extended by 1.5m to the south to provide additional room for vehicles to manoeuvre and exit in a forward direction. This area shall be paved with grass crete or similar porous paving. The landscaping area adjoining shall be reduced as amended in red on the architectural plan Job No 1010/11>1>4 dated 27 July 2011 prepared by G + A Draftline. Prior to issue of the Construction Certificate, all plans shall be amended to reflect these amendments.
24. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.

Accordingly, revised engineering plans prepared by a qualified engineer shall be submitted with the construction certificate application, addressing, but not be limited to the following:

- a. Design the orifice size using the correct head within the detention basin.

The pipes, down pipes and gutters are to be designed to carry the 100 year ARI 5 minute storm flow from roof areas to the detention basin. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties.

25. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.
26. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the

Erosion and Sediment Control Plan

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

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

Prescribed Conditions

27. Site Sign

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

28. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

29. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.

- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

Safety Fencing

- 30. The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

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

- 32. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities

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

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent

applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

Critical stage inspections

34. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

Noise and vibration

35. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.
36. The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.

Survey of footings and walls

37. 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.
38. No sediment, dust, soil or similar material shall leave the site during construction work.
39. Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
40. All materials associated with construction must be retained within the site.

41. 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.

42. 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 equivalent 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.
43. 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".

Tree Protection

44. This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.
45. Trees that are shown on the approved plans as being retained must be protected against damage during construction.
46. Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
47. A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.
48. Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

Drop-edge Beams

49. Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

PRIOR TO OCCUPATION CERTIFICATE

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

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

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining

compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

Prescribed Condition

50. The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 392311, dated 1 September 2011.
51. All landscaping works approved by condition 1 are to be completed.
52. The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent.

Sydney Water

53. 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.

54. An **Occupation Certificate** must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Letterboxes and street/house numbering

55. All letterboxes 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.
56. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
57. **On-Site Stormwater Detention System - Marker Plate.** Each on-site

detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.

58. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
59. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No 107033 Drawing D1 to D4 dated 18/8/11 Issue A prepared by Storm civil engineering Solutions.
60. **Footpath Paving Construction.** The applicant shall, at no cost to Council, replace any damaged concrete path paving across the frontage of the property.
61. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA**:
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
 - Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's *Environmental Standards Development Criteria -1999 section 4*
 - Confirming that damaged footpath paving has been reconstructed in accordance with Council's *Environmental Standards Development Criteria -1999 section 4*

62. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

POST OCCUPATION CERTIFICATE

63. Within 2 days of issuing a final Occupation Certificate, the Principal Certifying Authority (PCA) is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP & A Regulation 2000. The PCA is to refer to the BASIX Completion Receipt tool at www.basix.nsw.gov.au/administration/login.jsp in order to generate the BASIX Completion Receipt and a printed copy of the receipt is to be placed on the PCA file.

Record of Voting:

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

Against the Motion: Councillor Perram

- 4 35 LOVELL ROAD, DENISTONE EAST. LOT 25 DP 6182. Local Development Application for multi dwelling (attached) development containing 3 villa homes (1 x 3 bedroom two storey villa at the front, 2 x 3 bedroom villas at the rear). LDA2011/0504.**

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That Local Development Application No. 2011/0504 at No. 35 Lovell Road, Denistone East, being LOT 25, DP 6182 be approved, subject to the Conditions of Consent as set out below:-

GENERAL

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

Approved Plans

1. Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Architectural Plans prepared by G & A Draftline	7 August 2011	1010/11-1 to 1010/11-4 (incl)

Stormwater Concept Plans prepared by Storm Civil	18 August 2011	D1 to D4 (Issue A)
Landscaping Plan prepared by Peta Gillard Landscape Design	12 August 2011	L001(A)
Arborist's Report prepared by Vic's Tree Service	7 August 2011	

Prescribed Conditions

2. All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. Compliance with all commitments listed in BASIX Certificate(s) numbered 392311M, dated 1 September 2011.

Protection of Adjoining and Public Land

4. 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.
5. The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

Stormwater

6. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
7. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
8. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

9. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

Imported fill

10. All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

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.

11. 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	5,502.29
Open Space & Recreation Facilities	13,545.48
Civic & Urban Improvements	4,607.20
Roads & Traffic Management Facilities	628.56
Cycleways	392.54
Stormwater Management Facilities	1,248.06
Plan Administration	105.83
The total contribution is	26,029.97

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section

94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

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

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

12. 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.
13. The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan (category: other buildings with delivery of bricks or concrete or machine excavation)
14. The following fees must be paid to Council in accordance with Council's Management Plan:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
15. 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**.

Road Opening Permit

16. The Council must be provided with evidence that there has been compliance with all matters that are required by the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993 to be complied with prior to issue of the **Construction Certificate**.
17. The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.

Fencing

18. Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**. The side boundary fence between the subject site and No. 37 Lovell Street shall be a minimum of 1.8m high shall contain an additional 300mm high lattice on top of the fence. Details are to be shown on the Construction Certificate drawings, and shall be at no cost to the adjoining property owner.

Lighting of Common Areas (driveways etc)

19. Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
20. The width of the landscape strip along the eastern and southern boundary within each courtyard is to be increased to 1.2m wide. Details are to be submitted on the Construction Certificate plans.
21. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
22. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
23. **Manoeuvring Area.** The southern end of the driveway near unit 3 shall be extended by 1.5m to the south to provide additional room for vehicles to manoeuvre and exit in a forward direction. This area shall be paved with grass crete or similar porous paving. The landscaping area adjoining shall be reduced as amended in red on the architectural plan Job No 1010/11>1>4 dated 27 July 2011 prepared by G + A Draftline. Prior to issue of the Construction Certificate, all plans shall be amended to reflect these amendments.
24. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site

detention system in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties. The pipes, down pipes and gutters are to be designed to carry the 100 year ARI 5 minute storm flow from roof areas to the detention basin.

25. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.
26. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

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

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

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

Prescribed Conditions

27. **Site Sign**
 - (a) A sign must be erected in a prominent position on site:
 - (i) showing the name, address and telephone number of the

- Principal Certifying Authority for the work,
- (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
28. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
29. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

Safety Fencing

30. The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
31. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

32. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities
33. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

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.

Critical stage inspections

34. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

Noise and vibration

35. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.
36. The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.

Survey of footings and walls

37. 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.
38. No sediment, dust, soil or similar material shall leave the site during construction work.
39. Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;

- (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
- (c) the material is reused only to the extent that fill is allowed by the consent.

40. All materials associated with construction must be retained within the site.

41. 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.

42. 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 equivalent 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.

43. 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".

Drop-edge Beams

44. Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

Prescribed Condition

45. The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 392311, dated 1 September 2011.
46. All landscaping works approved by condition 1 are to be completed.
47. The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent.

Sydney Water

48. 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.

49. An **Occupation Certificate** must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Letterboxes and street/house numbering

50. All letterboxes 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.
51. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
52. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be

fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.

53. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
54. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No 107034 Drawing D1 to D4 dated 18/8/11 Issue A prepared by Storm civil engineering Solutions.
55. **Footpath Paving Construction.** The applicant shall, at no cost to Council, replace any damaged concrete path paving across the frontage of the property.
56. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA**:
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
 - Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's *Environmental Standards Development Criteria -1999 section 4*
 - Confirming that damaged footpath paving has been reconstructed in accordance with Council's *Environmental Standards Development Criteria -1999 section 4*
57. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property.

The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

POST OCCUPATION CERTIFICATE

58. Within 2 days of issuing a final Occupation Certificate, the Principal Certifying Authority (PCA) is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP & A Regulation 2000. The PCA is to refer to the BASIX Completion Receipt tool at www.basix.nsw.gov.au/administration/login.jsp in order to generate the BASIX Completion Receipt and a printed copy of the receipt is to be placed on the PCA file.

Record of Voting:

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

Against the Motion: Councillors Perram and Tagg

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 4/12 held on 3 April 2012

RESOLUTION: (Moved by Councillors Perram and Petch)

1. That Council determine Items 3 and 5 of the Works and Community Committee report, noting that Items 1, 2 and 4 were dealt with by the Committee within its delegated powers.
2. That Council note that the Minutes of the Works and Community Committee are to be amended at the Works and Community Committee Meeting to be held 17 April 2012 as part of Item 1 – Confirmation of Minutes - to reflect that apologies had been received from Councillor Campbell.

Record of Voting:

For the Motion: Unanimous

3 TREE MANAGEMENT REVIEW - 35 ELSTON AVENUE, DENISTONE

RESOLUTION: (Moved by Councillors Perram and Petch)

- (a) That Council indicate its support for the removal of the two *Eucalyptus saligna* (Sydney Blue Gum) at 35 Elston Avenue, Denistone subject to a copy of a Section 91 Licence being submitted to Council prior to an approval being issued by Council for the removal.

- (b) That the applicant agree to replace the trees with two species that are endemic to the locally Endangered Ecologically Community that attain a minimum height of no less than 15m at maturity.

Record of Voting:

For the Motion: Unanimous

5 PLAYGROUND UPDATE

RESOLUTION: (Moved by Councillors Perram and Maggio)

- (a) That Council endorse the proposed engagement with the community and the Council Committees as part of the development of the Children's Play Implementation Plan.
- (b) That Council defer consideration for the replacement of equipment until the draft Children's Play Implementation Plan is reported to Council.
- (c) That the draft Children's Play Implementation Plan list the locations of playgrounds where equipment has been removed.
- (d) That Council implement the removal of the playground equipment identified as unsafe in the report.
- (e) That Council implement the Media Plan emphasising Council's management of playgrounds.

Record of Voting:

For the Motion: Unanimous

4 MOTIONS FOR CONSIDERATION AT THE NATIONAL GENERAL ASSEMBLY - 17 to 20 June 2012

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

That Council endorse Motions 1, 2 and 3 as detailed in the report for submission to the National General Assembly of Local Government held in Canberra on 17 to 20 June 2012.

Record of Voting:

For the Motion: Unanimous

Note: ITEM 5 – ADVICE ON COURT ACTIONS was considered following consideration of ITEM 6 – ARGYLE CENTRE – BUILDING CONDITION AND PROPOSED ACTIONS

LATE ITEM

6 ARGYLE CENTRE – BUILDING CONDITION AND PROPOSED ACTIONS

MOTION: (Moved by Councillors Campbell and Pickering)

1. That Council endorse the relocation of all Community Life staff from the Argyle Centre and cease the usage of the Argyle Hall for the reasons as stated in the report.
2. That Council delegate to the General Manager the authority to determine the most effective option for the staff relocation as detailed in the report.
3. That Council endorse the allocation of \$1.19 million, as the preliminary estimate, to meet the fitout and relocation costs to be funded from the Property Investment Reserve.
4. That once all staff have been relocated, the Argyle Centre (offices and Hall) be permanently closed and secured, pending a further report to Council on the future use of the site.
5. That Council advise the public, community and users the reasons for Council's closure of the Argyle Hall and Centre.

AMENDMENT: (Moved by Councillors Perram and Petch)

1. That Council endorse the relocation of all Community Life staff from the Argyle Centre and cease the usage of the Argyle Hall for the reasons as stated in the report.
2. That the General Manager report to Council on the most effective option for the staff relocation as detailed in the report.
3. That Council endorse the allocation of \$1.19 million, as the preliminary estimate, to meet the fitout and relocation costs to be funded from the Property Investment Reserve.
1. That once all staff have been relocated, the Argyle Centre (offices and Hall) be permanently closed and secured, pending a further report to Council on the future use of the site
5. That Council advise the public, community and users the reasons for Council's closure of the Argyle Hall and Centre.

Record of Voting

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

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

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

FURTHER AMENDMENT: (Moved by Councillors Petch and Tagg)

1. That Council endorse the relocation of all Community Life staff from the Argyle Centre and cease the usage of the Argyle Hall for the reasons as stated in the report.
2. That Council immediately relocate Community Life staff to the West Ryde facility
3. That Council endorse the allocation of \$1.1 million, as the preliminary estimate, to meet the fitout and relocation costs to be funded from the Property Investment Reserve.
4. That once all staff have been relocated, the Argyle Centre (offices and Hall) be permanently closed and secured, pending a further report to Council on the future use of the site.

Record of Voting

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

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

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

RESOLUTION: (Moved by Councillors Campbell and Pickering)

1. That Council endorse the relocation of all Community Life staff from the Argyle Centre and cease the usage of the Argyle Hall for the reasons as stated in the report.
2. That Council delegate to the General Manager the authority to determine the most effective option for the staff relocation as detailed in the report.
3. That Council endorse the allocation of \$1.19 million, as the preliminary estimate, to meet the fitout and relocation costs to be funded from the Property Investment Reserve.

4. That once all staff have been relocated, the Argyle Centre (offices and Hall) be permanently closed and secured, pending a further report to Council on the future use of the site.
5. That Council advise the public, community and users the reasons for Council's closure of the Argyle Hall and Centre.

Record of Voting

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

Against the Motion: Councillors Li, Petch and Tagg

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

There were no Precis of Correspondence for Consideration.

NOTICES OF MOTION

**1 REMOVAL OF PLAYGROUND EQUIPMENT FROM PUBLIC PARKS -
Councillor Terry Perram**

This Motion was withdrawn by Councillor Perram

**2 FEASIBILITY STUDY ON MULTIPURPOSE SYNTHETIC (ARTIFICIAL)
FIELDS - Councillor Roy Maggio**

**3 TRAINING FACILITIES FOR WOMEN'S NETBALL IN THE CITY OF RYDE -
Councillor Roy Maggio**

**4 COMMEMORATIVE PLAQUE FOR NORTHERN DISTRICTS CRICKET
ASSOCIATION - Councillor Roy Maggio**

5 IVANHOE ESTATE, MACQUARIE PARK - Councillor Sarkis Yedelian OAM

6 WATER BOTTLE REFILL STATIONS - Councillor Gabrielle O'Donnell

7 BAN ON USE OF JET SKIS - Councillor Gabrielle O'Donnell

All Notices of Motions were considered earlier in the Meeting as set out previously in these Minutes.

NOTICES OF RESCISSION

There were no Notices of Rescission.

QUESTIONS BY COUNCILLORS AS PER POLICY

There were no Questions by Councillors as per Policy.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Leslie Toemoe and Lee Cummings addressed the meeting in relation to Items not Listed on the Agenda earlier in the Meeting as detailed in these Minutes.

5 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Perram and Campbell)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

VERBAL REPORT BY GENERAL MANAGER – TENDERS RECEIVED

The General Manager gave a verbal report advising that in relation to RFT2/12 - CIVIC CENTRE REDEVELOPMENT two formal tenders were received from:

- Billbergia; and
- Lendlease

NATIONAL ANTHEM

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

The meeting closed at 10.35pm.

CONFIRMED THIS 24TH DAY OF APRIL 2012

Chairperson