

Meeting Date: Tuesday 27 November 2012
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 8.20pm (following the conclusion of the Open Workshop regarding Allengrove Major Project)

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

Apologies: Nil.

Leave of Absence: Councillor Perram.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Chief Financial Officer, Manager – Communications and Media, Service Unit Manager – Governance, Service Unit Manager – Urban Planning, Service Unit Manager – The Environment, Service Unit Manager – Asset Systems, Development Director, Team Leader – Major Development Team, Client Manager and Acting Section Manager - Governance.

PRAYER

Mr John Neish, General Manager offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

VERBAL MAYORAL MINUTE – REQUEST FOR INFORMATION

The Mayor, Councillor Petch tabled an email from the Group Manager – Corporate Services dated 27 November 2012 detailing information relating to a request for information regarding a complaint.

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That consideration of this matter be deferred to Confidential Session.

Record of Voting:

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

Against the Motion: The Mayor, Councillor Petch and Councillors Li, Salvestro-Martin and Simon

PRESENTATION OF AWARD FROM THE AUSTRALIAN INSTITUTE OF LANDSCAPE DESIGNERS AND MANAGERS AWARD

The Group Manager – Community Life, Ms Danielle Dickson presented The Mayor, Councillor Petch with an Award won by the City of Ryde for Council’s recently adopted Urban Forest Policy, Development Control Plan (DCP) 2010 Part 9.6 – Tree Preservation and Companion Technical Manual. The Award was won in the category of Landscape Management which focuses on projects that are concerned with the long term care and conservation of new and existing landscapes with policy and planning for future management and use.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Andrew Ludvik (representing N&G Projects Pty Ltd and Rutledge Properties Pty Ltd)	Item 11 – 7-9 Rutledge Street, Eastwood – LDA2011/0612 and Item 12 – 3-5 Trelawney Street, Eastwood – LDA2011/0611
Phil Peake	Item 15 – Civic Precinct Cost Analysis Report

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

That the late request to address Council on Items Listed on the Agenda be allowed to address the meeting at this time.

Record of Voting:

For the Motion: Unanimous

Note: Patrick Azizi (representing Alnox Pty Ltd) advised Council that he had requested to speak regarding Item 7 – Review of Macquarie Park Planning Controls, however he had decided not to address Council at this time.

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

That members of the public who had requested to address Council on Items Not Listed on the Agenda be allowed to address the meeting at this time.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
Don Bailey (representing himself and Janet Bailey)	Energy Efficient House Building (some tips and basic essentials)
Sherie Barton	Ryde Civic Centre
Beth Kosnik	Rezoning of the Civic Centre
V.J. Neilson	Removal of shrubs outside home
Julie Crane (representing Football Community at Ryde – Gladesville)	Confidential Meeting with Councillors – Golden Goal
Kevin Page	Rezoning of Civic Site and Matter of Urgency – both from previous Council Meeting on 13 November 2012

Note: Terry Palapanis advised Council that he had requested to speak regarding Items Not Listed on the Agenda, however he had decided not to address Council at this time.

MATTER OF URGENCY – REMOVAL OF SHRUBS AT 163 MORRISON ROAD, PUTNEY

Councillor Simon advised that he wished to raise a Matter of Urgency regarding the removal of shrubs at 163 Morrison Road, Putney.

The Mayor, Councillor Petch accepted this Item as an Urgent Item.

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillor Maggio and Yedelian OAM)

That Council now consider the following Items, the time being 9.00pm:-

- Item 15 – Civic Precinct Cost Analysis Report
- Item 11 – 7-9 Rutledge Street, Eastwood – LDA2011/0612
- Item 12 – 3-5 Trelawney Street, Eastwood – LDA2011/0611
- Matter of Urgency from Councillor Simon regarding Removal of Shrubs at 163 Morrison Road, Putney
- Update on Camperdown Bowling and Recreation Club - Liquidation

Record of Voting:

For the Motion: Unanimous

15 CIVIC PRECINCT COST ANALYSIS REPORT

Note: Phil Peake addressed the meeting in relation to this Item.

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

That Council consult with the Information Commissioner in respect of the Government Information Public Access Act (GIPA) with the objective of making all information in the report publicly available in respect of this matter.

Record of Voting:

For the Motion: Unanimous

11 7-9 RUTLEDGE STREET, EASTWOOD, LOT 23 DP 4231 and LOT 24 DP 653568. Local Development Application for a mixed use development, containing 6 retail/commercial tenancies, 79 units & basement parking for 155 cars & strata subdivision. LDA 2011/0612.

Note: Andrew Ludvik (representing N&G Projects Pty Ltd and Rutledge Properties Pty Ltd) addressed the meeting in relation to this Item.

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

- (a) That Local Development Application No. 2011/0612 at 7-9 Rutledge Street, Eastwood, being LOT 23 DP 4231 and LOT 24 DP 653568 be approved subject to the Conditions set out below:

DEFERRED COMMENCEMENT CONSENT CONDITIONS

Part 1 – Conditions Relating to a Deferred Commencement Consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979

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

This consent shall not become operative until the proposal demonstrates satisfactory compliance with the following items to the satisfaction of Council's Group Manager Environment & Planning and that the applicant is advised in writing:

- a. Amended plans are to be submitted which delete level 10 of the building.
- b. That the applicant shall submit a revised Voluntary Planning Agreement to Council to increase the cash contribution element of \$205,315 by 10% to \$225,000. The wordings of the VPA and the Explanatory Notes must comply with the *Environmental Planning and Assessment Act 1979*.
- c. An amended BASIX Certificate is to be submitted which reflects the changes in part a above.

- d. The new access driveway approved as part of Development Consent No.2007/0936 for the Eastwood Shopping Centre development, including the removal of the existing ramp along the northern boundary of the site, be established before this Consent can become operative.
- e. In relation to the access easement the consent of any other owners of the land that forms part of the easement are obtained for use of the easement (as amended) in relation to the development, where necessary, and evidence of such consent be submitted to Council.
- f. Units 109, 209, 309, 409, 509, 110, 210, 310, 410 and 510 must be reoriented/ resized in line with the alternate layout plan shown on page 12 of report dated 12 April 2012 submitted by Morris Bray Martin Ollmann Architects. This is to increase the solar access into the living areas within these units.
- g. A total of 8 adaptable units are to be provided within the development. The amended plans are to clearly identify the location of these units.
- h. To facilitate waste disposal from the site, the following shall be incorporated into plans and submitted to Council:
 - a. The hard waste storage area is relocated to a more accessible location for ease of residential access to the lifts as well as for collection.
 - b. The collection point for the servicing of the bins shall be located on the left side of the loading dock.

This information is to be submitted to Council within six months from the date of determination or the Consent will have lapsed, in accordance with the *Environmental Planning & Assessment Act, 1979*.

Part 2 GENERAL CONDITIONS OF CONSENT

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.

1. **Approved Plans.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the stamped approved plans and supporting documents submitted with the application.

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

- a) **Awning:** The height of the street awning shall not be less than 3 metres or greater than 4.5m measured from the finished pavement level of the footpath. Such awning must:
 - a. Be set back from the face of the kerb by 0.6m;
 - b. Have cut-outs of 1m wide by 1m deep to accommodate street trees, where the frontage is proposed to accommodate street trees in relation to proposed public domain improvement works;

- c. Be weather sealed to the face of the building to which they are attached and to the adjoining awnings;
 - d. Have a height clearance as stated above or consistent with adjacent awnings; and
 - e. Maintain sufficient clearances from any overhead electricity or telecommunications installations.
 - f. The awning must not be glazed.
- b) **Accessible Ramps:** Adequate *accessible* ramps (if required) must be provided at the entrance to all retail tenancies from the Trelawney Street and Rutledge Street frontages. The ramp must be wholly within the site and not encroach on Council's footpath.

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

2. **Voluntary Planning Agreement:** The Voluntary Planning Agreement between City of Ryde and Rutledge Properties Pty Ltd that is subject of this Development Consent must be registered on the title for 7-9 Rutledge Street EASTWOOD being Lots 23 DP4231 & Lot 24 DP653568 prior to the issue of any **Construction Certificate**.
3. **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.
4. **Excavation Works.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Advertising Signs:** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development" or approved under this consent.
6. **Security Grill:** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.
7. **Public Domain Works:** The applicant or the owner shall at their own expense carry out the following public domain improvement works on the road reserve fronting the subject site prior to the issue of any Occupation Certificate:

- (a) **Footpath Paving:** Public Footpaths in Trelawney Street and Rutledge Street are to be paved with clay pavers in accordance with the Public Domain Technical Manual Section 3 – Eastwood. The clay paving must comply with the Eastwood section of Council's Public Domain Technical Manual. Details must be submitted for Council's approval prior to issue of any Construction Certificate.
- (b) **Under grounding of overhead powerlines:** Overhead mains in Trelawney Street shall be placed underground, and Multifunction Poles with new street lighting provided along the Trelawney Street frontage. An Electrical Design for dismantling the existing network and installing the new network shall be prepared and submitted to Council and Ausgrid for approval prior to commencement of work. Such utility modifications will be carried out to the satisfaction of the responsible authority (e.g.AUSGRID/ Energy Australia) and cost borne by the applicant.
- (c) **The street trees on Rutledge Street** road reserve are to be *Angophora floribunda* (Rough Barked Apple) planted at approximately 7m intervals.
- (d) **The street trees on Trelawney Street** road reserve are to be *Acer negundo* planted at approximately 7m intervals.

Full engineering details, including plans, sections, finished levels and schedule of materials and finishes complying with the Public Domain Technical Manual must be submitted to Council and approval obtained prior to the issue of any **Construction Certificate**.

- 8. **Hours of work.** Building construction activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
- 9. **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.
- 10. **Public place kept lit:** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 11. **Construction within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structures shall encroach onto the adjoining properties including

any other public, private or land owned by the Roads and Maritime Services. Gates must be installed so they do not open onto any footpath.

12. **No obstruction to the public way.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
13. **Works on public road.** 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.
14. **Works in public road.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
15. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria* and relevant Development Control Plans except as amended by other conditions.
16. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
17. **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.
18. **Road Opening Permit.** The applicant shall apply for a road-opening permit where works are proposed to be constructed within the public road reserve, e.g. where connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No work shall be carried out on the road reserve without this permit being paid and a copy kept on the site.
19. **Queuing Space:** A minimum of 3 queuing spaces should be provided between car park's vehicular control point and the property boundary. Details demonstrating compliance is to be submitted with the Construction Certificate.
20. **No Stopping Signs:** Full time "No Stopping" restrictions are to be maintained on Rutledge Street and Trelawney Street frontages of the development site.

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

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

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

Telephone: 8848 2114
Fax: 8849 2766

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

22. **Existing Driveways:** The redundant driveways along Rutledge Street shall be removed and replaced with kerb and gutter to match existing.

The design and construction of the gutter crossing on Rutledge Street shall be in accordance with RMS's requirement. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Parramatta (Telephone 8849 2496).

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

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

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

Details should be forwarded to:
The Sydney Asset management
Roads and maritime Services
PO Box 973 Parramatta CBD 2124

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

24. **Additional Sightlines:** Vegetation and proposed landscaping/ fencing must not hinder sight lines to and from the proposed access driveways to pedestrians and cyclists.
25. **Car Parking Areas:** The layout of the proposed car parking areas associated with the subject development (including driveways, grades, sight distance requirements, and parking bay dimensions) should be in accordance with AS2890.1 – 2004, AS2890- 2002 for heavy vehicles and to Council satisfaction.
26. **Turning areas to be kept clear:** The proposed turning areas within the subject site are to be kept clear of any obstacles, including parked cars, at all times.
27. **Work Zone:** All construction vehicles and activities are to be contained wholly within the site. As no work zone permits will be permitted by RMS on Rutledge Street.
28. **Parking management:** An external (on-street) parking management plan to be prepared by the proponent (to Council's satisfaction which requires Technical Approval via the Ryde Local Traffic Committee) prior to the issue of Occupation Certificate.
29. **Car parking.** Disabled parking must be provided for both residential and retail activities on the site. 132 car parking spaces are to be provided on the site including 79 spaces for residential parking, 37 for retail parking, 16 visitor parking spaces and six *accessible* spaces, evenly distributed over all designated parking levels. Details are to be submitted on the Construction Certificate plans.
30. **Access to resident parking.** Access to residential parking should be restricted to residents and their visitors only. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
31. **Vehicles to enter & leave in forward direction:** All vehicles must enter and leave the property in a forward direction from the basement car park.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$209,461.89
Open Space & Recreation Facilities	\$474,055.89
Civic & Urban Improvements	\$188,111.91
Roads & Traffic Management Facilities	\$29,565.64
Cycleways	\$16,029.35
Stormwater Management Facilities	\$54,132.14
Plan Administration	\$4,316.78
The total contribution is	\$975,673.60

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>.

33. **Voluntary Planning Agreement.** Prior to the issue of any Construction Certificate, the contribution as identified in the Voluntary Planning Agreement referred to in Condition 2 of the General Conditions of Consent is to be paid to Council.

34. **Damage security.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan (category: other buildings with delivery of bricks or concrete or machine excavation).
35. **Payment of fees.** The following fees must be paid to Council in accordance with Council's Management Plan:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
36. **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**.
37. **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.
38. **Disabled Access & Adaptable Units:** Disabled access is to be provided within the development in accordance with the recommendations contained in the Access Review Report prepared by Mark Relf (Accessibility Solutions (NSW) Pty Ltd) dated 26 September 2011. Details indicating compliance with the AS1428 & AS4299, Building Code of Australia and the recommendations contained in the above Report are to be submitted to the Principal Certifying Authority (PCA) prior to the Construction Certificate being issued. Accessible parking spaces are to be allocated to the adaptable units and shown on the strata plan.
39. **Reflectivity.** Roofing and other external materials must be of low glare and reflectivity. Visible light reflectivity from building materials used on the façades of new buildings should not exceed 18%. Details of the approved finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority.
40. **BASIX Commitments.** The development must comply with all commitments listed in BASIX Certificate referred to in this Development Consent. The fittings, fixtures and materials installed in association with the retail tenancy (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Details are to be noted on the plans submitted with the **Construction Certificate**.
41. **Bicycle & Motorbike parking.** Sufficient area shall be designated for bicycle parking on the site within the lower ground level (the entrance level) and the ground floor level in accordance with the following:

- (a) Secure bicycle parking racks and manoeuvring area must be provided for at least 16 bicycles.
- (b) The bicycle parking area must be highly visible, adequately lit and easily accessible by residents and customers.
- (c) Bicycle parking and access must be designed so as to ensure potential conflicts with vehicles are minimised.
- (d) Additional bicycle parking shall be provided on the ground floor level in an area adjacent to pedestrian access way such that it is accessible without the need to access vehicle ramp or the basement parking level.
- (e) An area must be provided for motorbike parking on the site within the lower ground floor level.

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

- 42. **Services & Substation:** All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to issue of the Construction Certificate.
- 43. **Garbage Room Exhaust:** The garbage room exhaust must be designed so that it is suitably screened from view. Satisfactory screening device must be used and integrated with the architectural feature of the building. Details of all service infrastructure/utilities are to be approved prior to issue of the Construction Certificate.
- 44. **Adequate Sightlines:** The following measures must be provided in order to ensure adequate sightlines and the vehicular entrance of the proposed development located at the north western corner of the building:
 - (a) A convex mirror & warning light to be located adjacent to the ROW & the entrance to the building to improve visibility.
 - (b) Overhead signage to be provided at the vehicular entry to clearly differentiate the subject site, entry & exit lanes.
 - (c) Provide sufficient splay at the entrance to allow clear sightlines for drivers leaving the site.
 - (d) The roller shutter and access control must be moved to allow sufficient queuing by vehicles. The roller shutter must remain open between the hours of 7:00am and 9:00pm Monday to Saturday and 8:00am – 8:00pm on Sundays.
 - (e) Appropriate access arrangement must be in place to allow garbage collection trucks to access the site.
- 45. **Underground Gas Pipeline:** All excavation (including pot-holing by hand) should be performed in accordance with 'Work Near Underground Assets Guidelines' published in 2007 by the Work Cover Authority.

46. **Soil Depths:** Minimum soil depth of 800mm must be provided in all planter beds provided throughout the development
47. **Operable Windows:** Windows to the units must be operable where necessary to allow adequate cross ventilation and improved amenity.
48. **Storage Facility:** All residential units must be provided with sufficient secure storage facility (other than the kitchen cupboard areas at a rate of storage facilities at the following rates:
 - studio apartments 6m³
 - one-bedroom apartments 6m³
 - two-bedroom apartments 8m³
 - three bedroom apartments 10m³Storage facility must be lockable and allocated to individual units. The allocated storage facility must be shown on the strata plans.
49. **Seating:** Adequate seating, shading structures and BBQ facility must be provided within the communal open space area. Details to be provided in the plans submitted for Construction Certificate.
50. **Shop front:** The retail/commercial tenancies must have clear glazing along the street frontage.
51. **Grease Trap:** A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.
52. **Grease Trap Room:** The grease trap room must be constructed in accordance with the following requirements:
 - (a) The floor, walls and ceiling must be constructed of solid materials finished to a smooth even impervious surface free of any cracks, holes or other openings that may allow the escape of odours.
 - (b) The room must be fitted with an air-tight (eg. coolroom type) door.
 - (c) The room must be provided with an approved system of mechanical exhaust ventilation.
 - (d) The room must be provided with intrinsically safe artificial lighting.
 - (e) A hose tap with a backflow prevention device must be provided in or adjacent to the room to facilitate cleaning.Details are to be submitted on the Construction Certificate plans.
53. **Grease Trap Pump:** A fixed pump out line must be provided in accordance with the requirements of Sydney Water Corporation to facilitate servicing of the grease trap.

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

Details are to be submitted on the Construction Certificate plans.

55. **Storage of Discarded Items:** A separate room or caged area must be provided in the basement carpark of the residential flat building for the storage of bulky discarded items such as furniture and white goods.
56. **Delivery to Point of Collection:** Where necessary, staff or contractors must be employed to take the waste containers from garbage and recycling room to the container emptying point for servicing and to return the containers to the garbage room after servicing or an on-site building manager be responsible for the delivery of the bins to the allocated collection point for servicing.

57. **Garbage Collection Vehicle:** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for damage to the driveways and manoeuvring areas.
58. **Kitchen Exhaust:** Adequate provision must be made for the installation of kitchen exhaust systems to the proposed retail premises.
59. **Mechanical Ventilation:** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**. Such details must include:
 - (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems;
 - (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and
 - (c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications
60. **Air Handling:** All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.
61. **Water Cooling System:** All water-cooling and warm-water systems regulated under the *Public Health Act 1991* must be registered with Council within one (1) month of installation.
62. **Road Noise:** The residential flat building(s) must be designed and constructed so that road traffic noise levels inside the building(s) comply with the satisfactory design sound levels recommended in Australian/New Zealand Standard AS/NZS 2107: 2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*, when the windows and doors are closed. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person and submitted to the PCA prior to the issue of Occupation Certificate.
63. **Noise Attenuation Measures:** The recommendations contained under Section 6 of the Acoustic Report prepared by West & Associates Pty Ltd (Document No. 11183 Issue A dated 21 September 2011) must be incorporated in the Construction Certificate drawing prior to its approval.

64. **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, car parking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
65. **Road Anchors:** Where road anchors are proposed to support the proposed development excavation, detailed structural plans indicating the number of anchors are proposed are to be submitted to Council and road anchor fees are to be paid to Council in accordance with Council's Management Plan.
66. **Hoarding Fees.** Where hoarding are proposed, fees in accordance with Council's Management Plan are to be paid to Council prior to the issue of the Construction Certificate for the erection of a protective hoarding along the street frontage of the property. The fee is based on Council, schedule of fees and charges and is for a period of 6 months. If the time of use of Council's footpath varies from this an adjustment of the fee will be made on completion of the works.
67. **Dilapidation Report.** To determine the extent of restoration works that may be required, the applicant shall submit to Council a pre and post construction dilapidation report on the status of existing public infrastructures in the vicinity of the proposed development. The report is to include photographic records, description and location of any existing observable defects of the following infrastructure and others where applicable:
- (a) Road Pavement
 - (b) Kerb and gutter.
 - (c) Constructed footpath.
 - (d) Drainage pits.
 - (e) Traffic signs.
 - (f) Any other relevant infrastructure.

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

68. **Excavation.** To ensure the proposed site excavation will not impact on the adjoining property structures foundations and services.

The applicant shall submit to the Principal Certifying Authority for approval a geotechnical report prepared and certified by a chartered practicing geotechnical/structural engineer addressing, but not be limited to the following items:-

- a) *The likely impacts of the proposed excavations will have on structures and services of adjoining properties & Roadway*
- b) *Detail what measures are to be taken to protect the structures and services of adjoining properties from structural damage and undermining during construction*
- c) *A copy of the report including geotechnical/structural engineer certification should be submitted to Council.*

The above matters shall be completed prior to the issue of the construction certificate.

All recommendations of the Geotechnical Engineer 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.

69. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps etc shall comply with relevant section of AS 2890.1 & AS2890.2 where applicable. Detailed engineering plans including engineering certification indicating compliance with this condition are to be submitted with the Construction Certificate application.
70. **Car Parking & Access.** All internal driveways, vehicle turning areas, grades, parking space dimensions, headroom clearance etc shall be designed to comply with relevant sections of Australian Standards AS 2890 where applicable and shall incorporate but not be limited to the following additional requirement.
 - a. Internal signposting and line marking plan shall be provided to in accordance with relevant Australian Standard for the PCA approval. This shall be at no cost to Council or the RMS.
 - b. All loading and unloading must take place within the confines of the loading dock for at least a medium rigid vehicle MRV.
 - c. Yellow pedestrian zebra line marking in front of disabled parking space into lower ground floor leading to the double door lifts shall be provided to indicate pedestrian access (Ref DA-09 Issue 'C' to be updated to Council's satisfaction prior to the issue of Construction Certificate.
 - d. Provision of removable bollards at the shared spaces between disabled parking spaces in lower ground floor area with delineation of shared spaces in accordance with AS2890.6: 2009.
 - e. The northwest corner of the building and steps shall be modified to ensure there are will be a safe clear sight triangle to pedestrian of 2.5 X2m as per clause 3.2.4(b) and Figure 3.3 of ASNZS 2890.1 – 2004.

Detailed engineering plans including engineering certification confirming compliance with this condition is to be submitted with the Construction Certificate application.

71. **Traffic Management.** Traffic management plans must be prepared and procedures must be in place and practised during the construction period to ensure safety and minimise construction traffic conflict on adjoining pedestrian and vehicular traffic movement. These procedures and systems must be in accordance with AS 1742.3 1985 and the RTA's Manual – "Traffic Control at Work Sites" where applicable.

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

72. **Stormwater Runoff.** Stormwater runoff from site shall be collected and piped to Council's underground drainage system via an On-site detention (OSD) system designed in accordance with the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The design shall incorporate but not be limited to *the following*:

- a. All gutters, down pipes and pipeline conveying runoff to the OSD tank(s) are required to be designed for a 1 in 100 year storm.
- b. The design shall ensure back water flow will not occur or influence the functioning of the outlet pipe from the OSD tank for all storm events and durations, including preventing the ingress of overland flows into the OSD tank. Accordingly the invert level of the outlet pipe from the OSD tank shall be located at least equal to or higher than the 1 in 100 year flood level at the point of connection to Council's drainage system in the road reserve.

Detailed amended engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application.

73. **External Public Engineering Works.** To facilitate access to and from the proposed development for pedestrian and vehicular traffic, the following external engineering works shall be completed at no cost to Council.

- a. Submission of detailed engineering plans for the proposed extension of Council's existing pipeline in Trelawney Street to the site. The pipeline shall be designed for a minimum 1:20 year recurrence interval and plans shall specify the pit and pipe details including H.G.L levels and a longitudinal section of the pipeline showing all affected public utility services.
- b. The proposed "dished" crossing grate shall be positioned such that the centreline of the grate coincides with the kerb invert.
- c. All pit grates must be bicycle friendly heavy duty grates, as detailed in Aust Roads Publications.

- d. A traffic engineer shall prepare a detailed traffic management plan detailing how the above works can be conducted safely with minimal negative impacts on the existing vehicular and pedestrian movement at the site.
- e. The construction of any other works to make the construction effective.

Detailed engineering plans prepared by a chartered civil engineer with NPER registration with Engineers Australia, incorporating the above requirements are to be submitted to Council for approval. Please be advised engineering assessment and work inspection fees in accordance with Council's management plan are required to be paid, prior to written approval being given by Council.

74. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Department of Housing. These devices shall be maintained during the construction works and replaced where considered necessary.

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

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

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

75. 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.

76. 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.

77. Compliance Certificate. A Compliance Certificate must be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and the City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities.

78. Compliance Certificate. A Compliance Certificate must be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and the City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities.

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

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.

80. **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*.
81. **Noise and Vibration.** The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations. The 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.
82. **Survey of footings and walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
83. **Sediment, soil and dust.** No sediment, dust, soil or similar material shall leave the site during construction work.
84. **CCTV Surveillance** cameras must be installed throughout the retail complex and communal areas such as lobbies, lifts etc, and paying particular attention to the internal area of the shopping centre especially entry and exit points. CCIV should also be used around the loading dock area and car park entry and exit points. CCIV should be placed on the external area of the building capturing the area outside the retail stores along Trelawney Street and also capturing the area along Rutledge Street. Digital technology should be used to record images from the cameras. Installed surveillance equipment needs to be able to zoom in on a person without loss of focus. Management must ensure that the requirements of the Surveillance and Privacy Act are adhered to.
85. **Landscape maintenance plan must be prepared for the site.** Landscaping close to the building should be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building and trimmed to ensure concealment opportunities are eliminated.
86. **Lighting** shall be provided to all common areas including the car parking levels as well as the stairs and access to and including the public outdoor courtyard, communal gardens, in the recess along Rutledge Street and the bin storage rooms. Such lighting to be automatically controlled by time clocks, and where appropriate, sensors to provide an energy efficient and controlled environment for residents. Details of lighting shall be submitted for approval prior to issue of the **Construction Certificate**. The details are to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

87. **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.
88. **Other Signs:** Signs should be erected as follows:
- (a) In the car parks and near entry and exit points which details security measures and reminds people to lock their vehicles and remove valuables from their vehicles.
 - (b) Signage needs to be provided within the car park to provide way finding to users of these areas.
 - (c) Signage also needs to be provided on the fire exit doors warning users that the doors are to be used for emergency purposes only.
 - (d) Location maps should be used throughout the complex to indicate to patrons/visitors where they are and directional signage should be used.
 - (e) Clear signage identifying where the loading dock is located should be erected at the street entry, and it should prohibit unauthorized entry.
89. **Graffiti:** All surfaces on the street frontages that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.
90. **Access Control:** 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.
91. **Residential Access:** Access should be restricted to residents only to the lifts and stairs leading to the apartments.
92. **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.

93. **BASIX commitments.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate referred to in this Development Consent.
94. **Public domain.** All landscaping & public domain improvement works required to be carried out under condition 7 are to be completed.
95. **Consolidation.** All land titles within the site must be consolidated into one allotment. Documentary evidence of such consolidation shall be submitted prior to the issue of any Occupation Certificate under the Environmental Planning and Assessment Act 1979.
96. **Disabled access.** Access for disabled persons shall be provided in the building or portion of the building in accordance with the applicable legislation and the requirements set out in AS 1428.1. Documentary evidence is to be and certification obtained from a suitable qualified person confirming that the development meets these requirements is to be provided prior to the issue of any Occupation Certificate.
97. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

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

98. **Sewer Connection:** All sanitary fixtures must be connected to the sewerage system by gravity flow and documentary evidence of compliance must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.
99. **Sydney Water.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au 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.

100. **Design Verification:** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with design verification from a qualified designer. The statement must include verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.
101. **Post construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties.

102. **Disused Gutter Crossing.** All disused gutter and footpath crossings where occur shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
103. **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 all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.
 - Confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.
 - Confirming that the site drainage system servicing the development complies with the construction plan requirements and the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.
 - Confirming that the connection of the site drainage system to the trunk drainage system where applicable complies with Section 4.7 of *AS 3500.3 - 1990* (National Plumbing and Drainage Code).
 - 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.
 - From Council confirming that all external works have been completed to Council's satisfaction.
104. **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 the City of Ryde, Development Control Plan 2006: - 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.
105. **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. If there are proposed inter-allotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.

106. **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.

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.

107. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.
108. **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.
109. **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.
110. **Occupation Certificate.** A final occupation certificate in relation to this development must be in force. A copy of the Occupation Certificate is to be submitted with the application for final subdivision certificate.
111. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted with the application for final subdivision certificate.
112. **Utility provider – compliance documents.** The submission of documentary evidence of compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc).

OPERATIONAL CONDITIONS

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

113. **Garbage Collection:** Where necessary, staff or contractors must be employed to take the waste containers from garbage and recycling room to the container emptying point for servicing and to return the containers to the garbage room after servicing.
114. **Indemnity:** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for damage to the driveways and manoeuvring areas.
115. **Offensive noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
116. 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.
117. **Hours of operation.** The use of the retail part of the development is restricted to the following hours of operation: 7.00am and 9pm Monday to Saturday and 8.00am to 8pm on Sunday.
 - (b) That Council accept the developer's current VPA offer.
 - (c) That the persons who made submissions be advised of Council's decision.
 - (d) That the General Manager prepare a report on the possible uses of the VPA contributions for capital works projects in Eastwood.

AMENDMENT: (Moved by Councillors Laxale and Pendleton)

That Local Development Application No. 2011/0612 at 7-9 Rutledge Street, Eastwood, being LOT 23 DP 4231 and LOT 24 DP 653568 be deferred pending receipt of the information required by the deferred commencement conditions

including amended plans etc and exhibition of this information with a further report to Council for consideration in 2013.

On being put to the Meeting, the voting on the Amendment was seven (7) votes For and four (4) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Pickering and Simon

Against the Amendment: The Mayor, Councillor Petch and Councillors Maggio, Salvestro-Martin and Yedelian OAM

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

That Local Development Application No. 2011/0612 at 7-9 Rutledge Street, Eastwood, being LOT 23 DP 4231 and LOT 24 DP 653568 be deferred pending receipt of the information required by the deferred commencement conditions including amended plans etc and exhibition of this information with a further report to Council for consideration in 2013.

Record of Voting:

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

Against the Motion: The Mayor, Councillor Petch and Councillors Maggio, Salvestro-Martin and Yedelian OAM

- 12 3-5 TRELAWNEY STREET, EASTWOOD, LOTS A and B in DP 401296. Local Development Application for a mixed use development, containing 6 retail /commercial tenancies, 61 units & basement parking for 108 cars & strata subdivision. LDA 2011/0611.**

Note: Andrew Ludvik (representing N&G Projects Pty Ltd and Rutledge Properties Pty Ltd) addressed the meeting in relation to this Item.

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

That Local Development Application No. 2011/0611 at 3-5 Trelawney Street, Eastwood, being LOTS A and B in DP 401296 be approved subject to the conditions set out below:-

- (a) That Local Development Application No. 2011/0611 at 3-5 Trelawney Street, Eastwood, being LOTS A and B in DP 401296 be approved subject to the Conditions as set out below:

DEFERRED COMMENCEMENT CONSENT CONDITIONS

Part 1 – Conditions Relating to a Deferred Commencement Consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979

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

This consent shall not become operative until the proposal demonstrates satisfactory compliance with the following items to the satisfaction of Council's Group Manager Environment & Planning and that the applicant is advised in writing:

- a. Amended plans are to be submitted which delete the level 5 units. The size of the roof terraces and associated structures are not to be increased.
- b. An amended BASIX Certificate is to be submitted which reflects the changes in part a above.
- c. A total of 6 adaptable units are to be provided within the development. The amended plans are to clearly identify the location of these units.
- d. That the applicant shall submit a revised Voluntary Planning Agreement to Council to address the concerns raised by Council staff in relation to Clause 23.2 of the VPA. The wordings of the VPA and the Explanatory Notes must be revised to comply with the *Environmental Planning and Assessment Act 1979*.

This information is to be submitted to Council within six months from the date of determination or the Consent will have lapsed, in accordance with the *Environmental Planning & Assessment Act, 1979*.

Part 2 GENERAL CONDITIONS OF CONSENT

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.

1. **Approved Plans.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the stamped approved plans and supporting documents submitted with the application.

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

- (a) **Awning:** The height of the street awning shall not be less than 3 metres or greater than 4.5 metres measured from the finished pavement level of the footpath. Such awning must:

- i) Be set back from the face of the kerb by 0.6m;
- ii) Have cut-outs of 1m wide by 1m deep to accommodate street trees, where the frontage is proposed to accommodate street trees in relation to proposed public domain improvement works;
- iii) Be weather sealed to the face of the building to which they are attached and to the adjoining awnings;
- iv) Have a height clearance as stated above or consistent with adjacent awnings; and
- v) Maintain sufficient clearances from any overhead electricity or telecommunications installations.
- vi) The street awning should continue the full length of the street and must not be glazed.

- (b) **Accessible Ramps:** *Accessible* ramps must be provided at the entrance to all retail tenancies from the Trelawney Street frontage. The ramp must be wholly within the site and not encroach on Council's footpath.

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

2. **Voluntary Planning Agreement:** The Voluntary Planning Agreement between City of Ryde and N & G Projects Pty Ltd that is subject of this Development Consent must be registered on the title of Lots A & B in DP401296 prior to the issue of any **Construction Certificate**.
3. **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.
4. **Excavation Works.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Advertising Signs:** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".
6. **Security Grill:** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.

7. **Public Domain Works:** The applicant or the owner shall at their own expense carry out the following public domain improvement works on the road reserve fronting the subject site prior to the issue of any Occupation Certificate:
- (a) **Footpath Paving:** Public Footpaths in Trelawney Street and Rutledge Street are to be paved with clay pavers in accordance with the Public Domain Technical Manual Section 3 – Eastwood. The clay paving must comply with the Eastwood section of Council's Public Domain Technical Manual. Details must be submitted for Council's approval prior to issue of any Construction Certificate.
 - (b) **Under grounding of overhead powerlines:** Overhead mains in Trelawney Street shall be placed underground, and Multifunction Poles with new street lighting provided along the Trelawney Street frontage. An Electrical Design for dismantling the existing network and installing the new network shall be prepared and submitted to Council and Ausgrid for approval prior to commencement of work. Such utility modifications will be carried out to the satisfaction of the responsible authority (e.g.AUSGRID/ Energy Australia) and cost borne by the applicant.
 - (c) **Multifunction Light Poles:** The multifunction light poles along Trelawney Street frontage shall be erected within the road reserve adjacent to the premises at locations approved by Council. All costs are to be borne by the applicant.
 - (d) **Street Trees Rutledge Street:** The street trees in Rutledge Street are to be *Angophora floribunda* (Rough Barked Apple) planted at approximately 7m intervals.
 - (e) **Street Trees on Trelawney Street:** The street trees in Trelawney Street road reserve are to be *Acer negundo* planted at approximately 7m intervals.

Full engineering details, including plans, sections, finished levels and schedule of materials and finishes complying with the Public Domain Technical Manual must be submitted to Council and approval obtained prior to the issue of any **Construction Certificate**.

8. **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.
9. **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.

10. **Public place kept lit:** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
11. **Construction within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structures shall encroach onto the adjoining properties including any other public, private or land owned by the Roads and Maritime Services. Gates must be installed so they do not open onto any footpath.
12. **No obstruction to the public way.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
13. **Works on public road.** 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.
14. **Works in public road.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
15. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria* and relevant Development Control Plans except as amended by other conditions.
16. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
17. **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.
18. **Road Opening Permit.** The applicant shall apply for a road-opening permit where works are proposed to be constructed within the public road reserve, e.g. where connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No work shall be carried out on the road reserve without this permit being paid and a copy kept on the site.

19. **Waste Disposal** To facilitate waste disposal from the site, the site Building Manager shall co-ordinates with the Council and the Waste Collection Contractor to ensure that the loading dock area is accessible at the relevant times.
20. **Parking Management Plan:** An external (on-street) parking management plan to be prepared by the proponent (to Council's satisfaction which requires approval via the Ryde Local Traffic Committee prior to the issue of any Occupation Certificate. An internal signposting and line marking plan shall be provided for Council's approval.
21. **Vehicle Entry:** All vehicles must enter and leave the property in a forward direction from the basement car park.
22. **Construction Traffic Management:** The Applicant must submit a Construction Traffic Management Plan to Council prior to the issue of Construction Certificate.
23. **Queuing Space:** A minimum of 3 queuing spaces should be provided for more than 100 cars at a car park with control point at entrances as per AS2890.1 – 2004 Clause 3.4. Details are to be submitted on the Construction Certificate plans which ensure compliance.
24. **No Stopping Signs:** Full time "No Stopping" restrictions are to be maintained on Rutledge Street and Trelawney Street frontages of the development site.
25. **Design and Geotech Reports:** The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment. The developer is to meet the full cost of the assessment by the RMS. The Report would need to address the following key issues:
 - (a) The impact of excavation/ rock anchors on the stability of Rutledge Street and detailing how the carriageway would be monitored for settlement.
 - (b) The impact of the excavation on the structural stability of Rutledge Street.

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

Telephone: 8848 2114
Fax: 8849 2766

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

26. **Existing Driveways:** The redundant driveways along Rutledge Street shall be removed and replaced with kerb and gutter to match existing.

The design and construction of the gutter crossing on Rutledge Street shall be in accordance with RMS's requirement. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Parramatta (Telephone 8849 2496).

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

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

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

Details should be forwarded to:

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

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

28. **Additional Sightlines:** Vegetation and proposed landscaping/ fencing must not hinder sight lines to and from the proposed access driveways to pedestrians and cyclists.
29. **Layout of parking and circulation:** The layout of the proposed car parking areas associated with the subject development (including driveways, grades, sight distance requirements, and parking bay dimensions) should be in accordance with AS2890.1 – 2004, AS2890-2002 for heavy vehicles and to Council satisfaction.
30. **Turning areas to be kept clear:** The proposed turning areas within the subject site are to be kept clear of any obstacles, including parked cars, at all times.

31. **Work Zone:** All construction vehicles and activities are to be contained wholly within the site. As no work zone permits will be permitted by RMS on Rutledge Street.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$148,925.54
Open Space & Recreation Facilities	\$342,277.37
Civic & Urban Improvements	\$132,146.14
Roads & Traffic Management Facilities	\$20,311.82
Cycleways	\$11,260.22
Stormwater Management Facilities	\$37,653.81
Plan Administration	\$3,033.15
The total contribution is	\$695,608.04

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>.

33. **Voluntary Planning Agreement.** Prior to the issue of any Construction Certificate, the contribution as identified in the Voluntary Planning Agreement referred to in Condition 2 of the General Conditions of Consent is to be paid to Council.
34. **Damage security.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan (category: other buildings with delivery of bricks or concrete or machine excavation).
35. **Payment of fees.** The following fees must be paid to Council in accordance with Council's Management Plan:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
36. **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**.
37. **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.
38. **Disabled Access & Adaptable Units:** Disabled access is to be provided within the development in accordance with the recommendations contained in the Access Review Report prepared by Mark Relf (Accessibility Solutions (NSW) Pty Ltd) dated 20th October 2011. Details indicating compliance with the AS1428 & AS4299, Building Code of Australia and the recommendations contained in the above Report are to be submitted to the Principal Certifying Authority (PCA) prior to the Construction Certificate being issued.
39. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*).
40. **Reflectivity.** Roofing and other external materials must be of low glare and reflectivity. Details of the approved finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority.

41. **Bicycle & Motorbike parking.** Sufficient area shall be designated for bicycle parking on the site within the lower ground level (the entrance level) in accordance with the following:
 - (a) Secure bicycle parking racks and manoeuvring area must be provided for at least eleven bicycles.
 - (b) The bicycle parking area must be highly visible, adequately lit and easily accessible by residents and customers.
 - (c) Bicycle parking and access must be designed so as to ensure potential conflicts with vehicles are minimised.
 - (d) Provision for motorbike parking on the site must also be provided.

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

42. **Lighting.** 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 are to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
43. **BASIX Commitments.** The development must comply with all commitments listed in amended BASIX Certificate to be submitted with the amended plans. The fittings, fixtures and materials installed in association with the retail tenancy (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Details are to be noted on the plans submitted with the **Construction Certificate**.
44. **Car parking.** Disabled parking must be provided for both residential and retail activities on the site. 108 car parking spaces are to be provided on the site including 73 residential parking spaces, 22 retail parking spaces, 13 visitor parking spaces and six *accessible* spaces, evenly distributed over all designated parking levels. Details are to be submitted on the Construction Certificate plans.
45. **Access to resident parking.** Access to residential parking should be restricted to residents and their visitors only. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
46. **Services & Substation:** All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to issue of the Construction Certificate.

47. **Garbage Room Exhaust:** The garbage room exhaust must be designed so that it is suitably screened from view. Satisfactory screening device must be used and integrated with the architectural feature of the building. Details of all service infrastructure/utilities are to be approved prior to issue of the Construction Certificate.
48. **Tree Removal:** Adjoining owners consent must be obtained prior to the removal of the tree located on the adjoining site.
49. **Underground Gas Pipeline:** All excavation (including pot-holing by hand) should be performed in accordance with 'Work Near Underground Assets Guidelines' published in 2007 by the Work Cover Authority.
50. **Soil Depths:** Minimum soil depth of 800mm must be provided in all planter beds provided throughout the development
51. **Operable Windows:** Windows to the units must be operable where necessary to allow adequate cross ventilation and improved amenity.
52. **Delete tree adjacent to fire door:** The tree planting in front of the fire door is to be deleted so that the area is kept clear.
53. **Seating:** Adequate seating, shading structures and BBQ facility must be provided within the communal open space area. Details to be provided in the plans submitted for Construction Certificate.
54. **Storage Facility:** All residential units must be provided with sufficient secure storage facility (other than the kitchen cupboard areas at a rate of storage facilities at the following rates:
 - studio apartments 6m³
 - one-bedroom apartments 6m³
 - two-bedroom apartments 8m³
 - three bedroom apartments 10m³Storage facility must be lockable and allocated to individual units.
The allocated storage facility must be shown on the strata plans.
55. **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.

56. **Remediation Work:** All remediation work must be carried out in accordance with:
 - (a) *State Environmental Planning Policy No. 55 - Remediation of Land*;
 - (b) any relevant guidelines published under the *Contaminated Land Management Act 1997*; and
 - (c) any council policy or development control plan relating to the remediation of land.

57. **Site Audit:** 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.

58. **Grease Trap:** A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.

59. **Grease Trap Room:** The grease trap room must be constructed in accordance with the following requirements:
 - (a) The floor, walls and ceiling must be constructed of solid materials finished to a smooth even impervious surface free of any cracks, holes or other openings that may allow the escape of odours.
 - (b) The room must be fitted with an air-tight (eg. coolroom type) door.
 - (c) The room must be provided with an approved system of mechanical exhaust ventilation.
 - (d) The room must be provided with intrinsically safe artificial lighting.
 - (e) A hose tap with a backflow prevention device must be provided in or adjacent to the room to facilitate cleaning.

60. **Grease Trap Pump:** A fixed pump out line must be provided in accordance with the requirements of Sydney Water Corporation to facilitate servicing of the grease trap.

61. **Garbage and Recycling Room:** A garbage and recycling room must be provided in an approved location in the basement carpark of the residential flat building. The garbage and recycling rooms must be constructed in accordance with the following requirements:
 - (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;

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

Details to be submitted on the Construction Certificate plans which ensure compliance with this requirement.

- 62. **Storage of Discarded Items:** A separate room or caged area with minimum 5m² floor area must be provided in the basement carpark of the residential flat building for the storage of bulky discarded items such as furniture and white goods. Details are to be submitted on the plan submitted for Construction Certificate.
- 63. **Kitchen Exhaust:** Adequate provision must be made for the installation of kitchen exhaust systems to the proposed retail premises.
- 64. **Mechanical Ventilation:** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**. Such details must include:
 - (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems;
 - (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and

- (c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications
65. **Air Handling:** All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.
66. **Water Cooling System:** All water-cooling and warm-water systems regulated under the *Public Health Act 1991* must be registered with Council within one (1) month of installation.
67. **Road Noise:** The residential flat building(s) must be designed and constructed so that road traffic noise levels inside the building(s) comply with the satisfactory design sound levels recommended in Australian/New Zealand Standard AS/NZS 2107: 2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*, when the windows and doors are closed.
68. **Noise Attenuation Measures:** The recommendations contained under Section 6 of the Acoustic Report prepared by West & Associates Pty Ltd (Document No. 11183 Issue A dated 21 September 2011 must be incorporated in the Construction Certificate drawing prior to its approval.
69. **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, car parking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
70. **Road Anchors:** Where road anchors are proposed to support the proposed development excavation, detailed structural plans indicating the number of anchors are proposed are to be submitted to Council and road anchor fees are to be paid to Council in accordance with Council's Management Plan.
71. **Hoarding Fees.** Where hoarding are proposed, fees in accordance with Council's Management Plan are to be paid to Council prior to the issue of the Construction Certificate for the erection of a protective hoarding along the street frontage of the property. The fee is based on Council, schedule of fees and charges and is for a period of 6 months. If the time of use of Council's footpath varies from this an adjustment of the fee will be made on completion of the works.

72. **Dilapidation Report.** To determine the extent of restoration works that may be required, the applicant shall submit to Council a pre and post construction dilapidation report on the status of existing public infrastructures in the vicinity of the proposed development. The report is to include photographic records, description and location of any existing observable defects of the following infrastructure and others where applicable:

- (a) Road Pavement
- (b) Kerb and gutter.
- (c) Constructed footpath.
- (d) Drainage pits.
- (e) Traffic signs.
- (f) Any other relevant infrastructure.

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

73. **Excavation.** To ensure the proposed site excavation will not impact on the adjoining property structures foundations and services.

The applicant shall submit to the Principal Certifying Authority for approval a geotechnical report prepared and certified by a chartered practicing geotechnical/structural engineer addressing, but not be limited to the following items:-

- a) *The likely impacts of the proposed excavations will have on structures and services of adjoining properties & Roadway*
- b) *Detail what measures are to be taken to protect the structures and services of adjoining properties from structural damage and undermining during construction*
- c) *A copy of the report including geotechnical/structural engineer certification should be submitted to Council.*

The above matters shall be completed prior to the issue of the construction certificate.

All recommendations of the Geotechnical Engineer 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.

74. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps etc shall comply with relevant section of AS 2890.1 & AS2890.2 where applicable. Detailed engineering plans including

engineering certification indicating compliance with this condition are to be submitted with the Construction Certificate application.

75. **Car Parking.** All internal driveways, vehicle turning areas, grades, parking space dimensions, headroom clearance etc shall be designed to comply with relevant sections of Australian Standards AS 2890 where applicable and shall incorporate but not be limited to the following additional requirement.
- a. Internal signposting and line marking plan shall be provided to in accordance with relevant Australian Standard for the PCA approval.
 - b. All loading and unloading must take place within the confines of the loading dock for at least a medium rigid vehicle MRV.

Detailed engineering plans including engineering certification confirming compliance with this condition is to be submitted with the Construction Certificate application.

76. **Traffic Management.** Traffic management plans must be prepared and procedures must be in place and practised during the construction period to ensure safety and minimise construction traffic conflict on adjoining pedestrian and vehicular traffic movement. These procedures and systems must be in accordance with AS 1742.3 1985 and the RTA's Manual – "Traffic Control at Work Sites" where applicable.

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

77. **Stormwater Runoff.** Stormwater runoff from site shall be collected and piped to Council's underground drainage system via an On-site detention (OSD) system designed in accordance with the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The design shall incorporate but not be limited to *the following*:
- a. All gutters, down pipes and pipeline conveying runoff to the OSD tank(s) are required to be designed for a 1 in 100 year storm.
 - b. The design shall ensure back water flow will not occur or influence the functioning of the outlet pipe from the OSD tank for all storm events and durations, including preventing the ingress of overland flows into the OSD tank.
 - c. Discharge from the site shall be limited to a single point discharge at maximum of 30l/s to the street kerb and gutter. Should this be exceeded, the discharge shall be to the nearest Council's underground drainage system, in which case extension of Council's existing drainage system may be required to facilitate this solution. Where extension of Council's existing stormwater line is required detailed engineering plans shall be submitted to and approved by Council with payment of all applicable fees in accordance with Council's management plan, prior to written approval being given by Council.

Accordingly, detailed amended engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application.

78. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual “*Managing Urban Stormwater, Soils and Construction*” prepared by the Department of Housing. These devices shall be maintained during the construction works and replaced where considered necessary.

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

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

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

79. 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.
80. **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.
81. **Compliance Certificate.** A Compliance Certificate must be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and the City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities.
82. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

DURING CONSTRUCTION

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

83. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
84. **Noise and Vibration.** The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.
85. **Noise and Vibration.** 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.

86. **Survey of footings and walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
87. **Sediment, soil and dust.** No sediment, dust, soil or similar material shall leave the site during construction work.
88. **CCTV Surveillance** cameras must be installed in and around the property to maximise surveillance opportunities. CCTV should be used throughout the retail complex and communal areas such as lobbies, lifts etc, and paying particular attention to the internal area of the shopping centre especially entry and exit points. CCIV should also be used around the loading dock area and car park entry and exit points. CCIV should be placed on the external area of the building capturing the area outside the retail stores along Trelawney Street and also capturing the area along Rutledge Street. Digital technology should be used to record images from the cameras. Installed surveillance equipment needs to be able to zoom in on a person without loss of focus. Management must ensure that the requirements of the Surveillance and Privacy Act are adhered to.
89. **Landscape maintenance plan must be prepared for the site.** Landscaping close to the building should be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building and trimmed to ensure concealment opportunities are eliminated.
90. **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.
91. **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.
92. **Security Signs:** Signs should 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.
93. **Graffiti:** All surfaces on the street frontages that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.
94. **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.

95. **Access control to residential lifts:** Access should be restricted to residents only to the lifts and stairs leading to the apartments.
96. **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.

97. **Basix commitments.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate referred to in this Development Consent.
98. **Public domain.** All landscaping & public domain improvement works required to be carried out under condition 7 are to be completed.

99. **Consolidation.** All land titles within the site must be consolidated into one allotment. Documentary evidence of such consolidation shall be submitted prior to the issue of any Occupation Certificate under the Environmental Planning and Assessment Act 1979.
100. **Disabled access.** Access for disabled people shall be provided in the building or portion of the building in accordance with the applicable standards and the requirements set out in AS 1428.1. Documentary evidence is to be and certification obtained from a suitable qualified person confirming that the development meets these requirements is to be provided prior to the issue of any Occupation Certificate.
101. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

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

102. **Sewer Connection:** All sanitary fixtures must be connected to the sewerage system by gravity flow and documentary evidence of compliance must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.
103. **Sydney Water.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au 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.

104. **Design Verification:** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with design verification from a qualified designer. The statement must include verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.
105. **Post construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties.
106. **Disused Gutter Crossing.** All disused gutter and footpath crossings where occur shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
107. **Parking Management Plan:** An external (on-street) parking management plan to be prepared by and submitted to Council's for the Local Traffic Committee approval prior to the issue of OC.
108. **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 all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.
 - Confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.

- Confirming that the site drainage system servicing the development complies with the construction plan requirements and the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.
 - Confirming that the connection of the site drainage system to the trunk drainage system where applicable complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).
 - 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.
 - From Council confirming that all external works have been completed to Council's satisfaction.
109. **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 the City of Ryde, Development Control Plan 2006: - 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.
110. **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. If there are proposed interallotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.
111. **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.

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.

112. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.
113. **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.
114. **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.
115. **Occupation Certificate.** A final occupation certificate in relation to this development must be in force. A copy of the Occupation Certificate is to be submitted with the application for final subdivision certificate.
116. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted with the application for final subdivision certificate.
117. **Utility provider – compliance documents.** The submission of documentary evidence of compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc).

OPERATIONAL CONDITIONS

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

118. **Garbage Collection:** Where necessary, staff or contractors must be employed to take the waste containers from garbage and recycling room to the container emptying point for servicing and to return the containers to the garbage room after servicing.
119. **Gym to be used by residents only:** The use of the Gym within the building shall only be used by the residents living within the site.

120. **Indemnity:** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for damage to the driveways and manoeuvring areas.
121. **Offensive noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
122. **Noise from Plant & Machinery:** 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.
123. **Hours of operation.** The use of the retail part of the development is restricted to the following hours of operation: 7.00am and 9pm Monday to Saturday and 8.00am to 8pm on Sunday.
- (b) That Council accept the developer's current VPA offer.
 - (c) That the persons who made submissions be advised of Council's decision.

AMENDMENT: (Moved by Councillors Pendleton and Laxale)

That Local Development Application No. 2011/0611 at 3-5 Trelawney Street, Eastwood, being LOTS A and B in DP 401296 be deferred pending receipt of the information required by the deferred commencement conditions including amended plans etc and exhibition of this information with a further report to Council for consideration in 2013.

On being put to the Meeting, the voting on the Amendment was seven (7) votes For and four (4) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Pickering and Simon

Against the Amendment: The Mayor, Councillor Petch and Councillors Maggio, Salvestro-Martin and Yedelian OAM

RESOLUTION: (Moved by Councillors Pendleton and Laxale)

That Local Development Application No. 2011/0611 at 3-5 Trelawney Street, Eastwood, being LOTS A and B in DP 401296 be deferred pending receipt of the information required by the deferred commencement conditions including amended plans etc and exhibition of this information with a further report to Council for consideration in 2013.

Record of Voting:

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

Against the Motion: The Mayor, Councillor Petch and Councillors Maggio, Salvestro-Martin and Yedelian OAM

MATTER OF URGENCY – REMOVAL OF SHRUBS AT 163 MORRISON ROAD, PUTNEY

RESOLUTION: (Moved by Councillors Simon Yedelian OAM)

That Council delegates the General Manager to take the following action regarding the removal of the shrubs at 163 Morrison Road, Putney:

- (a) Investigate all the matters regarding the planting, pruning and removal of the shrubs on the nature strip in front of 163 Morrison Road, Putney including whether there were any unnecessary delays in dealing with this matter when complaints were raised by the resident Darryl Fung at 161 Morrison Road, Putney.
- (b) Immediate consultation be undertaken with Ms Neilson on the types of shrubs that will be replaced on the nature strip in front of her house with the dates for the replacement shrubs being planted to be determined.

Record of Voting:

For the Motion: Unanimous

UPDATE ON CAMPERDOWN BOWLING AND RECREATION CLUB – LIQUIDATION

RESOLUTION: (Moved by Councillors Etmekdjian and Simon)

That consideration of this matter be deferred to Confidential Session to be dealt with in conjunction with Item 19.

Record of Voting:

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

Against the Motion: Councillor Maggio

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 13 November 2012

RESOLUTION: (Moved by Councillors Pendleton and Pickering)

That the Minutes of the Council Meeting 21/12, held on 13 November 2012 be confirmed, subject to an amendment being made to Part (iii) of the Resolution relating to Mayoral Minute 14/12 – Macquarie-Ryde Futures Partnership (page 6) to now read as follows:-

- (i) That Council endorse the continuation of the Macquarie Ryde Futures Partnership; and
- (ii) That Council host a reception on 11 December 2012 prior to the commencement of the Council meeting and that Professor Downton and other members of the steering committee be invited to attend.
- (iii) That council receives a brief prior to the dinner on 11 December 2012, that includes an itemised list of projects undertaken and proposed to be undertaken, detailing all Council's costs relating to the partnership.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 13/12 held on 20 November 2012

RESOLUTION: (Moved by Councillors Simon and Maggio)

That Council determine Items 3, 4 and 5 of the Planning and Environment Committee report, noting that Items 1 and 2 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

3 50 FARNELL STREET, WEST RYDE. LOT 19 DP 30394. Local Development Application for Demolition, construct multi-dwelling housing containing 4 strata titled dwellings. LDA2012/0137.

RESOLUTION: (Moved by Councillors Simon and Maggio)

- (a) That Local Development Application No. 2012/137 at No. 50 Farnell Street, West Ryde, being LOT 19 in DP 30394, be approved subject to the **ATTACHED** conditions (Attachment 2).
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Pendleton

4 66A PELLISIER ROAD, PUTNEY. LOT B DP 419543. Local Development Application for new dual occupancy. LDA2012/0106.

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

That Local Development Application No. 2012/106 at 66A Pellisier Road, Putney, being LOT B DP 419543 be refused for the following reasons:

1. The development fails to satisfy Clause 4.5(2) of Ryde Local Environmental Plan 2010 in that the subject site is short of the required 580m² for dual occupancy development. The reduced site area makes the site unsuitable for dual occupancy.
2. The proposed development does not meet the objectives of Clause 2.14.1 and Clause 2.10 of Development Control Plan 2010 in that the proposal will have a detrimental impact upon the streetscape of Pellisier Road given that the proposed garage of Unit 1 is forward of the dwelling.
3. The proposed development does not comply with the minimum rear setback requirement prescribed under Clause 2.8.3(a) of DCP 2010.

4. The proposal fails to provide adequate levels of visual privacy to the adjoining northern property and does not satisfy the objectives of Clause 2.13.2 – Visual Privacy of DCP 2010.
5. The proposal fails to provide adequate solar access to Unit 1 private open space areas. The proposal is therefore considered to be inconsistent with the objectives of Clause 2.13.1 of DCP 2010.

AMENDMENT: (Moved by Councillors Simon and Chung)

- (a) That Local Development Application No. 2012/106 at No. 66A Pellisier Road, Putney, being LOT B DP 419543, be deferred for the Group Manager Environment and Planning to undertake a mediation with the applicant and objectors to bring the dual occupancy into closer compliance with DCP 2010 and a further report be presented to the Planning and Environment Committee within three (3) months.
- (b) That the persons who made submissions be advised of Council's decision.

On being put to the Meeting, the voting on the Amendment was seven (7) votes For and four (4) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Pickering and Simon

Against the Amendment: The Mayor, Councillor Petch and Councillors Maggio, Salvestro-Martin and Yedelian OAM

RESOLUTION: (Moved by Councillors Simon and Chung)

- (a) That Local Development Application No. 2012/106 at No. 66A Pellisier Road, Putney, being LOT B DP 419543, be deferred for the Group Manager Environment and Planning to undertake a mediation with the applicant and objectors to bring the dual occupancy into closer compliance with DCP 2010 and a further report be presented to the Planning and Environment Committee within three (3) months.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

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

Against the Motion: The Mayor, Councillor Petch and Councillors Maggio, Salvestro-Martin and Yedelian OAM

5 64 PELLISIER ROAD, PUTNEY. LOT 102, DP 86680. Local Development Application for alterations and additions to the existing dwelling and new cabana. LDA2011/0493.

Note: A Memorandum from the Group Manager, Environment and Planning dated 26 November 2012 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Simon and Maggio)

- (a) Local Development Application No. LDA2011/493 for alterations and additions to the existing dwelling and construction of a cabana at No. 64 Pellisier Road, Putney be approved as a deferred commencement subject to amended plans. The amended plans and supporting information shall incorporate the following details:
- i. Reduction of balcony/terrace. The Ground Floor balcony/terrace immediately adjoining the family and dining room shall be reduced by a minimum of 4 metres from the rear and the surplus area be replaced with roofing material to the lower ground floor level below and is not to be accessible.
 - ii. Setback of proposed additions from northern boundary. The proposed additions must be stepped back to be in line with the existing kitchen and dining room side wall (this will equate to a setback of about 1 metre from the northern (side) boundary).
 - iii. Tree Management Plan – adjoining Fig Tree:
The submission of a report and plans from a suitably qualified practicing Arborist which provides details of management of impacts on the adjoining Fig Tree. The report shall include details of the following matters:
 - Details (including a site plan and photographs) regarding investigation to determine the location of the structural roots of the adjoining Fig Tree.
 - Structural Plans of columns of the proposed additions in relation to the structural roots of the adjoining Fig Tree (based on the investigations above) – which minimises construction impacts on the Fig Tree.
 - Structural Plans – cabana: The cabana is to be constructed with pier and beam or other construction methods which minimises impacts within the Tree Protection Zone of the Fig Tree. Subfloor infill walling is not acceptable.
 - Proposed physical management of the Fig Tree before, during and post construction, to ensure its longevity.
 - That any proposed pruning of the Fig Tree be limited to 10% of the tree canopy as supervised by an arborist.

- (b) Upon submission of satisfactory details to Council regarding the above matters, the General Manager be the delegated authority to make the consent operational subject to standard conditions of consent to be provided at the Ordinary Meeting of Council 27 November 2012.
- (c) That the persons who made submissions be notified of Council's decision.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 14/12 held on 20 November 2012

Note: Councillor Salvestro-Martin left the meeting at 10.40pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Laxale and Li)

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

Record of Voting:

For the Motion: Unanimous

2 SHRIMPTONS CREEK - UPGRADE TO WATERLOO ROAD ENTRANCE

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

RESOLUTION: (Moved by Councillors Laxale and Etmekdjian)

- (a) That Council approve the draft concept plan for the Waterloo Road entry to Shrimptons Creek.
- (b) That Council allocate the amount of \$120,000 from the Macquarie Park Special Levy for the purpose of undertaking the additional works proposed, and that the amount also be consolidated into the next Quarterly Review.
- (c) That Council allocate an additional amount of \$50,000 from the Macquarie Park Special Levy to fully pave the area between Byfield Street and Cottonwood Crescent.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Salvestro-Martin returned to the meeting at 10.42pm.

4 WESTMINSTER OVAL – CAPITAL WORKS UPDATE

MOTION: (Moved by Councillors Laxale and Etmekdjian)

- (a) That Council continue with the scheduled maintenance for Westminster Oval as planned.
- (b) That Council limit the use of the Westminster Oval for 2013 winter season to 30 hours per week with additional maximum 4 hours of school use.
- (c) That the users of the ground be informed of Council's decision to limit the use of Westminster Oval for the 2013 winter season.

AMENDMENT: (Moved by Councillors Maggio and Chung)

- (a) That the 1,500 square metres of turfing referred to in the report be adjusted to an estimated 5,000 square metres of turfing.
- (b) That Council continue with the scheduled maintenance for Westminster Oval as planned.
- (c) That Council limit the use of the Westminster Oval for 2013 winter season to 30 hours per week with additional maximum 4 hours of school use.
- (d) That the users of the ground be informed of Council's decision to limit the use of Westminster Oval for the 2013 winter season.

On being put to the Meeting, the voting on the Amendment was four (4) votes For and seven (7) votes Against. The Amendment was LOST.

Record of Voting:

For the Amendment: The Mayor, Councillor Petch and Councillors Li, Maggio and Pickering

Against the Amendment: Councillors Chung, Etmekdjian, Laxale, Pendleton, Salvestro-Martin, Simon and Yedelian OAM

Note: A further Amendment was then moved by Councillors Etmekdjian and Simon.

FURTHER AMENDMENT: (Moved by Councillors Etmekdjian and Simon)

That the increase in the turfing be deferred until the first meeting of the Sports and Recreation Advisory Committee

On being put to the Meeting, the voting on the Further Amendment was eight (8) votes For and three (3) votes Against. The Further Amendment was CARRIED. The Further Amendment then became the Motion.

Record of Voting:

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

Against the Amendment: The Mayor, Councillor Petch and Councillors Maggio and Yedelian OAM

RESOLUTION: (Moved by Councillors Etmekdjian and Simon)

That the increase in the turning be deferred until the first meeting of the Sports and Recreation Advisory Committee.

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Don Bailey (representing himself and Janet Bailey), Sherie Barton, Beth Kosnik, V.J. Neilson, Julie Crane (representing Football Community at Ryde – Gladesville) and Kevin Page addressed the meeting in relation to Items not Listed on the Agenda earlier in the Meeting as detailed in these Minutes.

CLOSED SESSION

VERBAL MAYORAL MINUTE – REQUEST FOR INFORMATION

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (a) personnel matters concerning particular individuals (other than Councillors).

UPDATE ON CAMPERDOWN BOWLING AND RECREATION CLUB - LIQUIDATION

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: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

RESOLUTION: (Moved by Councillors Pickering and Simon)

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 10.59pm. The public and media left the Chamber.

VERBAL MAYORAL MINUTE – REQUEST FOR INFORMATION

Note: The General Manager left the meeting at 11.01pm and was not present for consideration of this Item.

RESOLUTION: (Moved by Councillors Simon and Maggio)

That all staff leave the Chamber with the exception of the Group Manager – Corporate Services, General Counsel and the Acting Section Manager – Governance (Minute Taker).

Record of Voting:

For the Motion: Unanimous

Note: All staff with the exception of the Group Manager – Corporate Services, General Counsel and Acting Section Manager – Governance, left the meeting the time being 11.24pm.

VERBAL MAYORAL MINUTE – REQUEST FOR INFORMATION

Note: An email from the Group Manager – Corporate Services dated 27 November 2012 was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

RECOMMENDATION: (Moved by Councillors Simon and Yedelian OAM)

- (a) That the requested information as detailed in the Memo be provided to the Mayor.
- (b) That this information be supplied to any Councillor that requests the information.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Pickering

Note: The General Manager and Group Manager – Community Life returned to the meeting at 11.40pm.

Note: The Group Manager – Environment and Planning, Service Unit Manager – Governance and Manager – Communications and Media returned to the meeting at 11.46pm.

UPDATE ON CAMPERDOWN BOWLING AND RECREATION CLUB – LIQUIDATION

Note: A Memorandum from the Group Manager – Community Life dated 27 November 2012 was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

RECOMMENDATION: (Moved by Councillors Simon and Laxale)

That the update dated 27 November 2012 be received and noted and Council advertise for the forthcoming season.

Record of Voting:

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

Against the Motion: Councillor Maggio

Note: A Rescission Motion in relation to this matter was lodged by Councillors Maggio, Pickering and Chung at 7.45pm on 29 November 2012.

OPEN SESSION

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

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 12.07am.

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

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

ADJOURNMENT

The Mayor, Councillor Petch adjourned this meeting to Tuesday, 4 December 2012, to commence at 7.30pm in the Council Chambers, Level 6, Civic Centre, 1 Devlin Street Ryde, the time being 12.10am on 28 November 2012.

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

Leave of Absence: Councillor Perram.

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 4 December 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Simon and Yedelian OAM.

Councillor Maggio left the meeting at 10.54pm and did not return. He was not present for consideration of Items 18, 19 and the Notice of Rescission.

Leave of Absence: Councillor Salvestro-Martin.

Staff Present: General Manager, Group Manager – Community Life, Acting Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Service Unit Manager – Governance, Service Unit Manager – Urban Planning, Service Unit Manager – Asset Systems and Acting Section Manager - Governance.

DISCLOSURES OF INTEREST

Councillor Simon declared a less than significant, non-pecuniary interest in the Matter of Urgency – Golden Goal and Ryde City Bowling Club, for the reason that his nephew plays with Golden Goal.

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council suspend standing orders to deal with a Matter of Urgency regarding Golden Goal and Ryde City Bowling Club and to allow Julie Crane to address the meeting, the time being 7.33pm.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – GOLDEN GOAL AND RYDE CITY BOWLING CLUB

Note: Councillor Simon declared a less than significant, non-pecuniary interest in this Item for the reason that his nephew plays with Golden Goal.

Note: Julie Crane addressed the meeting in relation to this Item.

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

Note: Documentation was tabled by Councillor Maggio in relation to this Item and copies are ON FILE.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That the General Manager provide an immediate detailed report and recommendations to Council on the continuation of sporting activities currently being conducted by the existing provider (Golden Goal) for local community sporting organisations at the Ryde City Bowling Club.
- (b) This report also is to include immediate actions that would allow Golden Goal under agreement with the City of Ryde Council, to restart the co-ordination and conduct of sporting activities at the earliest possible opportunity to release Council from interim management responsibilities.
- (c) That the circumstances surrounding the displacement of Golden Goal, and where possible, this organisation's financial commitment to physical improvements at the Ryde City Bowling Club and support to the local community, be detailed for Councillors.

Record of Voting:

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

Against the Motion: Councillors Laxale and Li

4 **ADVISORY COMMITTEES - APPOINTMENT OF REPRESENTATIVES**

Note: A Memorandum from the Manager Governance dated 30 November 2012 was tabled in relation to this Item and a copy is ON FILE - CONFIDENTIAL.

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

That Council deal with nominations for each of the City of Ryde Advisory Committees in seriatim.

Record of Voting:

For the Motion: Unanimous

Note: The nominations for each Advisory Committee were then dealt with in seriatim.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That Council receive and accept all nominations for the Access Advisory Committee, in accordance with the Terms of Reference.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

That Council receive and accept all nominations for the Bicycle Advisory Committee, in accordance with the Terms of Reference.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Yedelian OAM and Simon)

That Council receive and accept all nominations for the Community Harmony Reference Group, in accordance with the Terms of Reference.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

That Council receive and accept all nominations for the Eastwood Events and Promotions Advisory Committee, in accordance with the Terms of Reference.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

That Council receive and accept all nominations for the Heritage Advisory Committee, in accordance with the Terms of Reference.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

That Council receive and accept all nominations for the Sport and Recreation Advisory Committee (including Wheeled Sports), in accordance with the Terms of Reference.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Yedelian OAM and Pendleton)

That Council receive and accept all nominations for the Status of Women Advisory Committee, in accordance with the Terms of Reference.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That with regard to the Economic development Advisory Committee, the following action be taken:

- (i) That a further report be provided to the Council Meeting of Tuesday, 11 December 2012 presenting nominations for both the Economic Development Advisory Committee and the Macquarie Park Forum.
- (ii) That all nominees be contacted regarding the splitting of the Economic Development Advisory Committee and the Macquarie Park Forum into two separate Committees and requesting that they nominate which Committee they would like to join.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Li, Maggio, Pickering and Yedelian OAM

Against the Motion: Councillors Laxale, Pendleton, Perram and Simon

MOTION: (Moved by Councillors Laxale and Perram)

(b) That the following Councillor delegates be appointed as Chairs to the respective Advisory Committees until September 2013:

COMMITTEE	COUNCILLOR CHAIRS
Access Committee	Councillor Pendleton
Bicycle Advisory Committee	Councillor Perram
Community Harmony Reference Group	Councillor Simon
Eastwood Events and Promotions	Councillor Li
Economic Development Committee (including Macquarie Park Forum)	To be determined, subject to a further report
Heritage Advisory Committee	The Mayor, Councillor Petch
Sport and Recreation Advisory Committee (including Wheeled Sports)	Councillor Laxale
Status of Women Advisory Committee	Councillor Pendleton

AMENDMENT: (Moved by Councillors Maggio and Yedelian OAM)

(b) That the following Councillor delegates be appointed to the respective Advisory Committees until September 2013, noting that where two Councillors are nominated, they will be co-chairs.

COMMITTEE	COUNCILLOR CHAIRS
Access Committee	Councillor Pendleton
Bicycle Advisory Committee	Councillor Perram
Community Harmony Reference Group	Councillor Yedelian OAM and Councillor Simon
Eastwood Events and Promotions	Councillor Li and Councillor Etmekdjian
Economic Development Committee (including Macquarie Park Forum)	To be determined, subject to a further report
Heritage Advisory Committee	The Mayor, Councillor Petch
Sport and Recreation Advisory Committee (including Wheeled Sports)	Councillor Laxale and Councillor Maggio
Status of Women Advisory Committee	Councillor Pendleton and Councillor Maggio

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

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Maggio, Pickering and Yedelian OAM

Against the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton, Perram and Simon

RESOLUTION: (Moved by Councillors Laxale and Perram)

(b) That the following Councillor delegates be appointed as Chairs to the respective Advisory Committees until September 2013:

COMMITTEE	COUNCILLOR CHAIRS
Access Committee	Councillor Pendleton
Bicycle Advisory Committee	Councillor Perram
Community Harmony Reference Group	Councillor Simon
Eastwood Events and Promotions	Councillor Li
Economic Development Committee (including Macquarie Park Forum)	To be determined, subject to a further report
Heritage Advisory Committee	The Mayor, Councillor Petch
Sport and Recreation Advisory Committee (including Wheeled Sports)	Councillor Laxale
Status of Women Advisory Committee	Councillor Pendleton

Record of Voting:

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

Against the Motion: Councillors Pickering and Yedelian OAM

RESOLUTION: (Moved by Councillors Perram and Laxale)

- (c) That following Council's endorsement of the above recommendations, each Advisory Committee be requested to review their Terms of Reference at their first meeting and report back to Council for confirmation on this matter.
- (d) That Council defer the Country Council Partnership Committee being established pending further details being provided by Central Darling Council.
- (e) That any Councillors wishing to nominate as delegates for Advisory Committees advise the Councillor HelpDesk.

Record of Voting:

For the Motion: Unanimous

RESOLUTION:

- (a) That Council receive and accept all nominations from the following Advisory Committees:-

That Council receive and accept all nominations for the Access Advisory Committee, in accordance with the Terms of Reference.

That Council receive and accept all nominations for the Bicycle Advisory Committee, in accordance with the Terms of Reference.

That Council receive and accept all nominations for the Community Harmony Reference Group, in accordance with the Terms of Reference.

That Council receive and accept all nominations for the Eastwood Events and Promotions Advisory Committee, in accordance with the Terms of Reference.

That Council receive and accept all nominations for the Heritage Advisory Committee, in accordance with the Terms of Reference.

That Council receive and accept all nominations for the Sport and Recreation Advisory Committee (including Wheeled Sports), in accordance with the Terms of Reference.

That Council receive and accept all nominations for the Status of Women Advisory Committee, in accordance with the Terms of Reference.

That with regard to the Economic Development Advisory Committee, the following action be taken:

- (i) That a further report be presented to Council next Tuesday, 11 December 2012 presenting nominations for both the Economic Development Advisory Committee and the Macquarie Park Forum.
 - (ii) That all nominees be contacted regarding the splitting of the Economic Development Advisory Committee and the Macquarie Park Forum into two separate Committees and request that they nominate which Committee they would like to join.
- (b) That the following Councillor delegates be appointed as Chairs to the respective Advisory Committees until September 2013:

COMMITTEE	COUNCILLOR CHAIRS
Access Committee	Councillor Pendleton
Bicycle Advisory Committee	Councillor Perram
Community Harmony Reference Group	Councillor Simon
Eastwood Events and Promotions	Councillor Li
Economic Development Committee (including Macquarie Park Forum)	To be determined, subject to a further report
Heritage Advisory Committee	The Mayor, Councillor Petch
Sport and Recreation Advisory Committee (including Wheeled Sports)	Councillor Laxale
Status of Women Advisory Committee	Councillor Pendleton

- (c) That following Council's endorsement of the above recommendations, each Advisory Committee be requested to review their Terms of Reference at their first meeting and report back to Council for confirmation on this matter.
- (d) That Council defer the Country Council Partnership Committee being established pending further details being provided by Central Darling Council.
- (e) That any Councillors wishing to nominate as delegates for Advisory Committees advise the Councillor HelpDesk.

5 INVESTMENT REPORT - October 2012

Note: Councillor Simon left the meeting at 9.09pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Perram)

That Council endorse the report of the Chief Financial Officer dated 5 November 2012 on Investment Report – October 2012.

Record of Voting:

For the Motion: Unanimous

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

6 SEPTEMBER 2012 QUARTERLY REVIEW REPORT - DELIVERY PLAN 2012-2016 AND 2012/2013 OPERATIONAL PLAN

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

- (a) That the report of the Chief Financial Officer, dated 9 November 2012 on SEPTEMBER 2012 QUARTERLY REVIEW REPORT – 2012/2016 DELIVERY PLAN AND 2012/2013 OPERATIONAL PLAN be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in a net reduction of \$0.29 million in Council's Working Capital, to a projected balance as at 30 June 2013 of \$3.42 million, be endorsed and included in the 2012/2013 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net decrease in Transfers from Reserves of \$0.13 million be endorsed.

- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 9 November 2012 be endorsed.
- (e) That in lieu of the public WiFi feasibility study that Council undertakes a trial of free WiFi at the Eastwood public domain in 2012/2013 up to a cost of \$50,000.
- (f) That Councillors receive a detailed report on the performance review system as identified in the September 2012 Quarterly Review Report (page 77 of the attachment).
- (g) That a separate report be provided drawing Council's attention to any and all items relating to community benefit in the One Year Operational Plan that have been abandoned or down-scaled as a result of the Quarterly Review and that this information be included in all future Quarterly Reports.

Record of Voting:

For the Motion: Unanimous

7 REVIEW OF MACQUARIE PARK PLANNING CONTROLS

RESOLUTION: (Moved by Councillors Pendleton and Perram)

- (a) That the Macquarie Park Corridor Planning Proposal not be placed on community consultation at this time.
- (b) That a Councillor workshop be conducted to enable Councillors to consider this matter further.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton, Perram and Simon

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

8 SUBMISSION ON PROPOSED AMENDMENTS TO THE CODES SEPP

RESOLUTION: (Moved by Councillors Simon and Etmekdjian)

That Council endorse the submission at **Attachment 1** to go into the Department of Planning and Infrastructure in response to the proposed amendments to the Codes SEPP.

Record of Voting:

For the Motion: Unanimous

9 PLAN MAKING PROCESS - DELEGATIONS AND INDEPENDENT REVIEWS OF PLAN MAKING DECISIONS

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

- (a) That Council advises the Department of Planning and Infrastructure it accepts the Ministers delegations with respect to *Section 59 Making of local environmental plans by Minister of the Environmental Planning and Assessment Act 1979*.
- (b) That the General Manager or his representative be approved to accept the Ministers delegations with respect to *Section 59 Making of local environmental plans by Minister of the Environmental Planning and Assessment Act 1979*.

Record of Voting:

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

Against the Motion: Councillor Maggio

10 CHANGES TO OPERATIONAL PROCEDURES AND OTHER MATTERS FOR JOINT REGIONAL PLANNING PANEL (JRPP)

RESOLUTION: (Moved by Councillors Simon and Laxale)

- (a) That the contents of this report be noted.
- (b) That Council write to the Minister for Planning noting Council's concerns regarding the reduction of time from 90 to 60 days as being unrealistic and having too much impact on Council resources.

Record of Voting:

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

Against the Motion: Councillor Pickering

11 7-9 RUTLEDGE STREET, EASTWOOD, LOT 23 DP 4231 and LOT 24 DP 653568. Local Development Application for a mixed use development, containing 6 retail / commercial tenancies, 79 units & basement parking for 155 cars & strata subdivision. LDA2011/0612

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

**12 3-5 TRELAWNEY STREET, EASTWOOD, LOTS A and B in DP 401296.
Local Development Application for a mixed use development, containing 6
retail / commercial tenancies, 61 units & basement parking for 108 cars &
strata subdivision. LDA2011/0611**

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

13 STATE OF ENVIRONMENT REPORT 2011/12

RESOLUTION: (Moved by Councillors Yedelian OAM and Simon)

- (a) That NSROC Regional State of the Environment Report (Supplementary) 2011/12 be received and noted.
- (b) That the draft 2011/12 State of the Environment Report Community Newsletter for Ryde be endorsed.
- (c) That the NSROC Regional State of the Environment Report (Supplementary) 2011/12 and associated Ryde Community Newsletter be placed on the City of Ryde website and promoted in the Ryde City View.
- (d) That Council libraries and all secondary and tertiary educational institutions in the City of Ryde LGA, be provided with two copies of the NSROC Regional State of the Environment Report (Supplementary) 2011/12 SoE report.

Record of Voting:

For the Motion: Unanimous

14 GRAFFITI MANAGEMENT SERVICES

RESOLUTION: (Moved by Councillors Pickering and Maggio)

- (a) That Council accepts the tender from Graffiti Clean Pty Limited for Graffiti Management services within the City of Ryde to the amount of \$87,000 per annum, for a one (1) year period with an option to extend for a further one (1) year as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with Graffiti Clean Pty Limited on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advise all the respondents of Council's decision.

Record of Voting:

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

Against the Motion: Councillor Laxale

15 CIVIC PRECINCT COST ANALYSIS REPORT

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

16 STAFF CULTURE SURVEY - RESULTS

MOTION: (Moved by Councillors Simon and Laxale)

That Council notes the report.

AMENDMENT: (Moved by Councillors Etmekdjian and Maggio)

That Council notes the significant improvements in the past two years in the Staff Culture Survey as independently assessed by the Voice Project and receives the report.

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

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Maggio, Pickering and Yedelian OAM

Against the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton, Perram and Simon

RESOLUTION: (Moved by Councillors Simon and Laxale)

That Council notes the report.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram and Simon

Against the Motion: Councillors Maggio, Pickering and Yedelian OAM

17 GENERAL MANAGER'S PERFORMANCE OBJECTIVES 2012/13

RESOLUTION: (Moved by Councillors Etmekdjian and Pendleton)

That a sub-committee comprising all Councillors work with the General Manager to prepare the performance objectives for 2012/2013 and report back to the first Council meeting in 2013.

Record of Voting:

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

Against the Motion: Councillor Pickering

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 HOUSING ACCELERATION FUND TO ASSIST IN FUNDING LOCAL INFRASTRUCTURE

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

2 MEADOWBANK FINE ARTS COLLEGE

RESOLUTION: (Moved by Councillors Maggio and Chung)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 EFFECTIVENESS OF THE RYDE CITY VIEW - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the General Manager review the effectiveness of the Ryde City View as a means of communicating with ratepayers and presents a report to Council which examines options for wider and more effective communication with the Ryde community.

Record of Voting:

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

Against the Motion: Councillors Laxale, Li, Pendleton, Perram and Simon

2 LGA CONFERENCE IN DUBBO - Councillor Bill Pickering

Note: Councillor Li left the meeting at 10.36pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That the City of Ryde write to the Mayor of Dubbo and the LGA to congratulate them on the excellent conduct of the conference held in Dubbo. Specific mention needs to be made of the professional manner in which the conference was chaired to get through the business of the conference, the line-up of external speakers and the conduct of social activities.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Li returned to the meeting at 10.38pm.

3 COMMUNICATING APPOINTMENTS WITH COUNCILLORS - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Li)

That Council review its method of communicating proposed appointments with Councillors. It is proposed that Council books meeting appointments and the programming of interviews through Councillors electronic calendars, so that Councillors can choose to accept, decline or amend proposed appointments to fit in with their existing schedules. This will provide Councillors with the opportunity to operate more efficiently by being able to access these appointments via mobile devices such as smart phones, electronic tables and laptop computers.

Record of Voting:

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

Against the Motion: The Mayor, Councillor Petch and Councillor Simon

4 ESTABLISHING A SISTER CITY RELATIONSHIP WITH THE RUSSIAN FEDERATION REPUBLIC OF BASHKORDASTAN - Councillor Jeff Salvestro-Martin

Note: The Mayor, Councillor Petch advised that Councillor Salvestro-Martin has withdrawn this Notice of Motion.

CLOSED SESSION

ITEM 18 - ALLENGROVE MAJOR PROJECT - LEGAL ADVICE RECEIVED ON OPTIONS TO APPEAL THE APPROVAL GRANTED

Confidential

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

ITEM 19 - ADVICE ON COURT ACTIONS

Confidential

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

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

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

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

Note: The Council closed the meeting at 10.49pm. The public and media left the chamber.

Note: Councillor Maggio left the meeting at 10.54pm and did not return.

18 ALLENGROVE MAJOR PROJECT - LEGAL ADVICE RECEIVED ON OPTIONS TO APPEAL THE APPROVAL GRANTED

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

Note: A copy of legal advice from Pikes Verekers Lawyers was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

RECOMMENDATION: (Moved by Councillors Simon and Chung)

- (a) That the legal opinion received from Pikes Verekers Lawyers be noted;
- (b) That the Member for Ryde (the Hon. Victor Dominello) and residents who spoke on this matter to Council's meeting of October 23 2012 be notified that based on the above legal opinion, Council is not in a position to pursue a legal challenge to the approval granted for the Allengrove Major Project; and
- (c) That Council make representations to the NSW Minister for Planning and Infrastructure and the State Member for Ryde seeking support to retain and protect the current low density residential zonings on the southern side of Epping Road until such time as a strategic planning review of the area is undertaken that includes a full engagement of the local community in the process.
- (d) That Council write to the Environmental Defenders Office seeking that they take this matter on board.
- (e) That Council write to the Attorney General, the Honourable Greg Smith seeking his support for funding for the Environmental Defenders Office beyond March 2013.
- (f) That Council write to the Minister for Planning, the Honourable Brad Hazzard seeking his endorsement to a change in procedure in dealing with mediated outcomes on Part 3A appeals to ensure that all objectors (including Councils) be consulted prior to agreement on any amended plans and further that where amendments to plans are significant they be re-exhibited prior to Court Orders being issued.

Record of Voting:

For the Motion: Unanimous

19 ADVICE ON COURT ACTIONS

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

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Simon)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Simon and Etmekdjian)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.05pm.

RESOLUTION: (Moved by Councillors Simon and Etmekdjian)

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

NOTICES OF RESCISSION

NOTICE OF RESCISSION: UPDATE ON CAMPERDOWN BOWLING AND RECREATION CLUB - LIQUIDATION

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

Note: The Motion to rescind the previous resolution in relation to the Update on Camperdown Bowling and Recreation Club – Liquidation lapsed for want of a Mover and Seconder.

The previous Resolution set out below stands:

That the update dated 27 November 2012 be received and noted and Council advertise for the forthcoming season.

QUESTIONS BY COUNCILLORS AS PER POLICY

QUESTIONS WITH NOTICE - Councillor Roy Maggio

Note: As Councillor Maggio had left the meeting, the Questions with Notice will be tabled at the next Council Meeting to be held on 11 December 2012.

NATIONAL ANTHEM

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

The meeting closed at 11.10pm on 4 December 2012.

CONFIRMED THIS 11TH DAY OF DECEMBER 2012

Chairperson