

Meeting Date: Tuesday 24 February 2015
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

Councillors Present: Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Simon and Yedelian OAM.

Apologies: The Mayor, Councillor Pickering.

Leave of Absence: Councillor Salvestro-Martin.

Staff Present: General Manager, Acting Group Manager – Community Life, Group Manager – Corporate Services, Group Manager – Environment and Planning, Group Manager – Public Works, General Counsel, Chief Financial Officer, Manager – Communications and Media, Section Manager – Property and Development, Section Manager – Governance and Governance, Risk and Audit Coordinator.

CHAIRPERSON

As the Mayor, Councillor Pickering was an apology for the meeting, the Deputy Mayor, Councillor Maggio assumed the Chair.

PRAYER

Pastor Dr Keith Ng of the Evangel Bible Church, Putney was present and offered prayer prior to the commencement of the meeting.

LEAVE OF ABSENCE

The Deputy Mayor, Councillor Maggio advised the meeting that Councillor Salvestro-Martin has requested a Leave of Absence for tonight's Council Meeting, 24 February 2015.

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That Council approve a Leave of Absence for Councillor Salvestro-Martin for tonight's Council Meeting, 24 February 2015.

Record of Voting:

For the Motion: Unanimous

DISCLOSURES OF INTEREST

There were no disclosures of interest.

TABLING OF PETITIONS

No Petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No addresses were made to Council.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

MATTER OF URGENCY

Councillor Laxale advised that he wished to raise a Matter of Urgency regarding the WW1 Memorial at Memorial Park, Meadowbank.

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

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

That Council consider a Matter of Urgency regarding an the WW1 Memorial at Memorial Park, Meadowbank, the time being 7.38pm.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – WW1 MEMORIAL AT MEMORIAL PARK, MEADOWBANK

Note: A Heritage Inventory Report and photographs were tabled in relation to this Item and copies are ON FILE.

RESOLUTION: (Moved by Councillors Laxale and Simon)

- (a) That the General Manager commission a condition report on all War Memorial sites across the City of Ryde, including the WW1 Memorial at Memorial Park, Meadowbank.
- (b) That the condition report be brought back to the Council Meeting on 10 March 2015 so that Council can consider any required works to be conducted in time for the Centenary of ANZAC on 25 April 2015.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 10 February 2015

RESOLUTION: (Moved by Councillor Etmekdjian and Chung)

That the Minutes of the Council Meeting 1/15, held on 10 February 2015 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 2/15 held on 17 February 2015

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

That Council determine Item 2 of the Planning and Environment Committee report 2/15, held on 17 February 2015 noting that Items 1 and 3 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

2 21-24 RAILWAY ROAD, MEADOWBANK. LOTS A & B DP 343831 and LOT 13 DP 7533. Local Development Application for a residential flat building containing a total of 71 residential apartments and basement car parking. LDA2014/0307

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That Local Development Application No. LDA2014/0307 at 21 to 24 Railway Road, Meadowbank being LOTS A and B DP343831 and LOT 13 DP7533 be approved subject to the conditions set out below:-

DEFERRED COMMENCEMENT CONDITION

This consent is not to operate until the applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

1. The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- a. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
- b. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- c. Cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail tunnel. All measurements are to be verified by a Registered Surveyor.
- d. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and tunnel location.
- e. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

GENERAL

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

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

Document Description	Date	Plan Number
Cover Plan	Sept 2014	DA00 Issue B
Basement 03	Sept 2014	DA03 Issue A
Basement 02	Sept 2014	DA04 Issue B
Basement 01	Sept 2014	DA05 Issue B
Ground Floor Plan	Oct 2014	DA06 Issue C
Level 1	Sept 2014	DA07 Issue A
Level 2	Sept 2014	DA08 Issue A
Level 3	Sept 2014	DA09 Issue B
Level 4	Sept 2014	DA10 Issue B
Level 5	Sept 2014	DA 11 Issue B
Level 6	Sept 2014	DA12 Issue B
Roof	Sept 2014	DA 13 Issue B
West and east elevations	Sept 2014	DA14 Issue B
North and south elevations	Sept 2014	DA15 Issue B
Sections	Sept 2014	DA16 Issue B

Cross ventilation diagrams	Sept 2014	DA18 Issue B
Finishes Schedule	June 2014	DA20 Issue A
Planter Sections	Oct 2014	DA24 Issue A
Planter Sections	Oct 2014	DA 25 Issue A
Landscape Plan: Ground floor + typical detail	7/7/14	DA-L101 Rev A
Landscape Plan: Level 06 + typical detail	7/7/14	DA-L102 Rev A
Landscape composite plan: ground floor + Level 06	7/7/14	DA-L103 Rev A

2. **Voluntary Planning Agreement** – Prior to the issue of any Construction Certificate, the Voluntary Planning Agreement between the Council of the City of Ryde and DEP Shepherd Bay Pty Limited, John O'Brien and Joanne Rhook and that relates to the development application the subject of this consent, must be lodged for registration on the title of the property.
3. The applicant is to comply with all of the VPA obligations entered into between Council and DEP Shepherd Bay Pty Limited, John O'Brien and Joanne Rhook.
4. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
5. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 555606M_04, dated 16 September 2014.
6. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
8. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.

- (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
9. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 10. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
 11. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
 12. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
 13. **Parking/bicycle Spaces.** Ninety one (91) parking spaces are to be provided, with seventy seven (77) spaces for residents and fourteen (14) for visitor parking. The car parking spaces are to be clearly line marked with the visitor spaces clearly marked "Visitor Parking". Twelve (12) bicycle spaces are to be provided within the development. Details demonstrating compliance are to be shown on the Construction Certificate plans.
 14. **Discovery of Additional Information.** Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination. If additional information is discovered about site contamination, the proponent must comply with any reasonable requirements of Council.
 15. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements specified within Council's Development Control Plan 2014 Part 8.5 Public Civil Works except otherwise as amended by conditions of this consent.
 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. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
18. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.
19. **Engineering plans assessment and works inspection fees –** The applicant is to pay to Council for assessment of all engineering and public domain plans and works inspection fees, in accordance with Council's Schedule of Fees & Charges, prior to any approval being granted by Council.

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

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

- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
23. **Waste management plan.** A Demolition Waste Management Plan for the management of demolition material must be prepared and submitted to Council prior to the commencement of works.
24. **Identification and removal of hazardous materials** - Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
25. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
26. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
27. **Disposal of demolition waste.** All demolition waste must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes.
28. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.
29. **Classification of wastes** - All wastes including soil excavated during demolition or construction work must be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.

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.

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$171,043.52
Open Space & Recreation Facilities	\$421,074.65
Civic & Urban Improvements	\$143,215.77
Roads & Traffic Management Facilities	\$19,535.37
Cycleways	\$12,202.73
Stormwater Management Facilities	\$38,786.56
Plan Administration	\$3,289.90
The total contribution is	\$809,148.50

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>.

31. **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**.
32. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: Other buildings with delivery of bricks or concrete or machine excavation)

33. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
- (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
34. **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.
35. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the Construction Certificate, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

36. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
37. **Disabled access:** Prior to the issue of a Construction Certificate, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate Drawings fully comply with the Building Code of Australia and Australian Standards AS1428.1, AS4299, AS1735.12 and AS2890.6. The report is to be provided to the PCA and Council (if Council is not the PCA).
38. **Adaptable Units:** A total of 7 adaptable units are to be provided within the development. These apartments are to comply with all of the spatial requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the Construction Certificate, a suitably qualified access consultant is to certify that the development achieves the spatial requirements of AS4299.

39. **Acoustic Requirements.** The recommendations contained in Section 4.3 of the Acoustic Report prepared by Acoustic Logic dated 23 June 2014 are to be demonstrated on the Construction Certificate plans. Details indicating compliance with these requirements are to be submitted to the PCA prior to the Construction Certificate being issued. Prior to the occupation of the development, a suitably qualified acoustic consultant is to verify that the development complies with these recommendations in the above report.
40. **Sydney Trains.** An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines".
41. **Sydney Trains.** Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the PCA with the application for a Construction Certificate.
42. **Sydney Trains.** The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.

The PCA is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

43. **Sydney Trains.** If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The PCA is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
44. **Sydney Trains.** Prior to the issuing of a Construction Certificate the applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The PCA is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

45. **Sydney Trains.** If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The PCA is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
46. **Design verification:** Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.
47. **Service infrastructure/utilities:** 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 the issue of the Construction Certificate.
48. **Vehicular entry.** The vehicular entry is to have high quality finishes and detailing to the walls and ceiling. No service ducts or pipes are to be provided within the vehicular entry. Details demonstrating compliance is to be submitted on the Construction Certificate plans.
49. **BASIX Details to be included on the Construction Certificate:** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
50. **Soil Depth Over Structures.** Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Residential Flat Design Code. Information verifying that the development complies with these requirements to be provided on the Construction Certificate plans.
51. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

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

- a) To facilitate vehicle access to/ from ramps in the basement garage levels, the ramps must have a splay, no less than 1m by 1m. , on the inside swept path of a vehicle where possible. Specific locations include the base of the ramp leading to basement lower level 2 and the crest of the ramp leading to the upper basement level 01.
- b) The visitor space No. 6 is allocated as a disabled space however is impractical due to the convoluted access to/ from the space. Given this demand is served by the provision of visitor space No. 4, the space should be reconfigured as a standard carspace.

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

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

Stormwater runoff on the site shall be collected and piped by gravity flow to Councils inground drainage infrastructure located in Faraday Lane, generally in accordance with the plans by Engineering Studio (Civil & Structural) (Refer to Project No. 14335 Dwgs C00.01 & C02.01–C05.01 Rev C dated 9 July 2014).

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

- The certification must state that the submitted design (including any associated components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde – DCP 2014 Part 8.2 (Stormwater Management).
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- The subsurface drainage system must be designed to generally preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network as well as avoid impacts such as foundation consolidation that may result from dewatering practises.

53. **Stormwater Management – Connection to Council Drainage System.** The connection to Council's in-ground stormwater drainage infrastructure located in Faraday Lane will require the assessment, approval and inspection by Council's Public Works section to ensure the integrity of this Council asset is maintained. Engineering plans detailing the method of connection and an inspection fee in accordance with Council's current fees and charges must be paid to Council prior to the issue of the Construction Certificate. Council must be notified when the connection has been made to the pit / pipe and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.
54. **Geotechnical – Design, Certification and Monitoring Program.** The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Civil or Structural Engineer specialising in geotechnical and the hydrogeological field to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
 - provide appropriate support and retention to neighbouring property,
 - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
 - ensure that the treatment and drainage of groundwater will be undertaken in a manner which generally maintains the predeveloped groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.

- b) A Geotechnical Report and Monitoring Program to be implemented during construction that;
 - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;

- details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
- details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

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

55. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work (within the zone of influence of excavation), namely 11 Bay Drive. A copy of the dilapidation survey is to be submitted to the Accredited Certifier *and Council* prior to the release of the Construction Certificate.
56. **Mechanical ventilation details** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted for approval 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; and
 - (b) A design certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and the conditions of this Consent.
57. **Detailed site investigation report** – Following the demolition of the current buildings on the site, the proponent must submit a detailed site investigation report for Council’s consideration. This report is to be submitted to Council prior to the issue of any Construction Certificate. The detailed site investigation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate and clearly state that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.
58. **Remediation of land following detailed site investigation** - If required by the detailed site investigation report, 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, excluding those works required for the remediation of the site, 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.

Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of *State Environmental Planning Policy No. 55 - Remediation of Land*.

All remediation work must be carried out in accordance with the requirements of:

- (a) *State Environmental Planning Policy No. 55 - Remediation of Land*;
 - (b) any relevant guidelines published by the NSW Environment Protection Authority; and
 - (c) any council policy or development control plan relating to the remediation of land.
59. **Council may require site audit report** - If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the detailed site investigation and/or validation report.
60. **Evidence of connection by gravity flow** - Documentary evidence from a professional hydraulic engineer or other suitably qualified person demonstrating that all of the premises will be connected directly to the sewerage system by gravity flow must be submitted with the application for the Construction Certificate.
61. **Roadway Excavation.** The proposed development will result in substantial excavation adjacent to the roadway (or road embankment). The applicant shall construct a retaining wall within the property to support the roadway (or road embankment). The proposed excavation has been approved subject to the following matters being satisfied:-
- a) The owner lodging with Council a \$50,000 cash bond or bank guarantee, prior to the issue of a construction certificate, to ensure that the work is carried out in accordance with the approved plans. The bond will be refunded upon satisfactory completion of the retaining wall.
 - b) Fully detailed design drawings and calculations shall be prepared by a Geotechnical Engineer for the retaining wall and submitted to Council for approval prior to the issue of a Construction Certificate
 - c) On completion of construction of the retaining wall a Geotechnical Engineers Certificate shall be submitted to Council which states that the engineer has inspected the work during construction and that the works have been carried out in accordance with the approved design. If no certificate is produced on completion of the retaining wall, then no further work shall proceed on the site until such certificate is produced.

- d) If the certificate referred to above is found to be unacceptable, no work shall proceed on the site until the applicant has satisfied Council's Group Manager Public Works that the retaining wall has been constructed in accordance with the approved design.
- e) The applicant shall inform Council at least seven (7) days before commencing any excavation works.

These conditions are to ensure that the applicant and or landowner complies with Section 91 of the Roads Act 1993 and provides adequate support for the public road. The applicant should also be aware that under Section 93 of the Roads Act 1993 Council may direct the landowner to fill an excavation that threatens the stability of the roadway.

62. **Public domain** - The public domain is to be upgraded in Faraday Lane, Underdale Lane and Railway Road frontages of the development site, in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank, unless varied by the requirements listed below. This work is to include but not be limited to paving, multifunction light poles, street furniture and plantings. A Public Domain plan is to be submitted to Council for approval by Council, as the Road Authority, prior to the issue of the Construction Certificate.

The plans shall include all details relevant to the public domain works including:

- a) The provision of street trees in Underdale Lane in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank.
- b) The construction of grey granite footway along the Railway Road, Faraday Lane and Underdale Lane frontages of the site in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank.
- c) The construction of grey granite paving in Railway Road at the junction of the Upgraded Link 3 in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank.
- d) The replacement of the existing asphalt and brick banding section on the footpath in Railway Road at the southern extent of the site (being the junction of the pedestrian pathway) with a grey granite footway and grey granite banding.
- e) The undergrounding of all telecommunication and utility services along the Faraday Lane, Underdale Lane and Railway Road frontages of the site. Plans prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network are to be submitted to Council and Ausgrid for approval prior to commencement of work.

- f) The provision of new street lighting serviced by metered underground power and on multifunction poles (MFP), to be designed and installed to Australian Standard AS1158.3.1-1999 Road Lighting, with vehicular luminance category V5 and pedestrian luminance category P2. Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank. Plans are to be submitted to Council for approval prior to lodgement of the scheme with Ausgrid for their approval. Prior to submission of the plans to Council liaison with Council's Public Works Group is advisable so as to obtain Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter box.

Note: Council has prepared a schema for the provision of the street lighting on MFPS. A copy of the schema can be made available to the electrical design consultant upon request to Council's Public Works Group.

63. **Public Infrastructure Works** – Engineering drawings prepared by a Chartered Civil Engineer (with NPER registration with Engineers Australia) are to be submitted to Council for approval prior to issue of a Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 Public Civil Works & Part 8.2 - Stormwater Management where applicable.

The drawings shall include plans, sections, existing and finished levels, new property alignment, and other relevant details for the following works:

- a) The proposed improvements in Faraday Lane along the frontage of the development to provide a road carriageway width of 6.5m between kerbs and a footway width of 3.0m in accordance with DCP 2014 Part 4.2 Shepherd's Bay, Meadowbank Figure 4.2.04a.
- b) The proposed improvements along the frontage of the development in Underdale Lane to provide a road carriageway width, kerb and gutter alignment and footway width consistent with that provided along the section of Underdale Lane at No. 2 Underdale Lane.
- c) The removal of all redundant vehicular crossings and the construction of new kerb and gutter along the Railway Road, Faraday Lane and Underdale Lane frontages of the site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter.
- d) The extent of road pavement reconstruction along the Railway Road, Faraday Lane and Underdale Lane frontages of the site.

- e) The installation of a new threshold across the Railway Road entrance to Underdale Lane in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank.
- f) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to council and their requirements being fully complied with.

64. **Vehicle Footpath Crossings** - Footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicular traffic. The crossing(s) are to be constructed to match the paving style along the frontage of the development site and conform to the boundary alignment levels issued by Council's Public Works Division. The location, design and construction shall comply with the City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works, and all relevant Australian Codes and Standards.

In order to avoid the access driveway looking like a public road, kerbs shall not be returned to the boundary alignment line.

The applicant shall provide Council with certification from a Chartered Civil Engineer (with NPER registration with Engineers Australia) confirming that the vehicle crossing design meets Council requirements and the relevant standards, prior to the issue of the Construction Certificate.

65. **Boundary Alignment Levels** - The applicant is to apply to Council for site specific boundary alignment levels prior to the issue of the Construction Certificate. The application shall be accompanied by engineering plans of the proposed civil works along the frontage of the development site. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.

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.

66. **Site Sign**
- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,

- (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
 - (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- 67. **Excavation adjacent to adjoining land**
 - (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
 - (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
 - (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 68. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
- 69. **Construction Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Management Plan (CMP) must be submitted to Council for approval by Councils Public Works section, prior to the commencement of any works on the site. The CMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

The CMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and

pedestrian traffic.

- Be in accordance with Council's DCP 2014 Part 8.1 (Construction Activities)
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street tree's.
- Take into consideration the construction effects of current or potential development on adjoining sites and specify a contingency plan to be undertaken.

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

70. **Ground Anchors.** The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's Public Works department, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan.
71. **Dilapidation Report.** To ensure Council's infrastructures are adequately protected a dilapidation report on the existing public infrastructure in the vicinity of the proposed development and within 100m of the site is to be submitted to Council. The report shall detail, but not be limited to the location, description and photographic record of any observable defects but to the following infrastructure where applicable.
- (a) Road pavement,
 - (b) Kerb and gutter,
 - (c) Footpath,
 - (d) Drainage pits,
 - (e) Traffic signs, and
 - (f) Any other relevant infrastructure.

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

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

72. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by Engineering Studio (Civil & Structural) (Refer to Project No. 14335 Dwgs C00.01 & C01.01 Rev C dated 9 July 2014) at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Any dewatering of the site involving the pumping of site water to a kerb inlet pit, will require implementation of soil and sediment settlement / filtration measures as well as consent from Council under Section 138 of the Roads Act.
73. If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

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.

74. **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*.
75. **Construction noise.** 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.
76. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
77. **Construction materials.** All materials associated with construction must be retained within the site.

78. Site Facilities

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

79. Site maintenance

The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
- (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (c) the site is clear of waste and debris at the completion of the works.

80. Work within public road. At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

81. CCTV Cameras. CCTV cameras will be required to be installed in the following locations:

- The residents carpark;
- The ground floor lobby and lifts
- The car park entry/exit points.

Digital technology will be required to be used to record images from the camera and this is to be located in a secure location. The surveillance equipment will need to be able to zoom in and out on a person without losing focus. It must be maintained in working order at all times and installed by a qualified and reputable company.

82. Car parking security. Vehicular entry to residential parking and visitor's parking areas is to be through a secured roller shutter with an intercom system for visitor's access. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park.

83. Lighting. Lighting is to be provided around the site and all lighting is to comply with the following requirements:

- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
- A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
- Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.

- Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.
- 84. **Graffiti.** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.
- 85. **Security.** To enhance the physical security of doors, all glass doors are to be laminated and the main entry/exit doors to individual units on the ground floor, including balcony doors and fire exit doors to the development are to be fitted with a single cylinder lockset (Australian and New Zealand Standard - Lock Sets), which comply with the Building Code of Australia. Windows to individual units on the ground floor should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
- 86. **Intercom 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. 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.
- 87. **Balcony doors to units.** Balcony doors to units are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units.
- 88. **Unit windows.** The windows to individual units are to be fitted with key operated locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units.
- 89. **Lift access and security.** Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident residents on, to the car parking levels and to the Ground Floor.
- 90. **Studies.** All studies within the development are to be provided with the internal joinery for the construction of a desk and storage areas. At no times are the studies to be used as a bedroom.
- 91. **Construction of garbage rooms.** All garbage rooms must be constructed in accordance with the following requirements:
 - a. 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.
 - b. The floor waste must be provided with a fixed screening in

- accordance with the requirements of Sydney Water Corporation.
- c. 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.
 - d. The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with light coloured washable paint.
 - e. 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.
 - f. 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.
 - g. The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation.
 - h. The room must be provided with adequate artificial lighting.
 - i. A hose cock must be provided in or adjacent to the room to facilitate cleaning.
92. **Traffic Management.** Any traffic management procedures and systems must be in accordance with *AS 1742.3 1996* and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.
- Accordingly, a detailed plan of traffic management prepared by a traffic engineer including certification indicating compliance are to be submitted with the Construction Certificate application.
93. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.
94. **Geotechnical – Implementation of Geotechnical Monitoring.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

95. **Construction Management Plan – Compliance.** All works and construction activities are to be undertaken in accordance with the approved Construction Management Plan (CMP). All controls in the CMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. A copy of the approved CMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
96. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Engineering Studio (Civil & Structural) (Refer to Project No. 14335 Dwgs C00.01 & C02.01– C05.01 Rev C dated 9 July 2014) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in connection to the trunk drainage system.
97. **Mechanical ventilation of rooms** - If the airborne noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed.
98. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.

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.

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

100. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

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

101. **Public domain – work-as-executed plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of the **Occupation Certificate**.
102. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
103. **BASIX Commitments.** Prior to the issue of the Occupation Certificate, the Principle Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. Note: Certificates from suitably qualified persons are to be submitted to the Principle Certifying Authority (if Council is the PCA) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX 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 a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154 of the *Environmental Planning and Assessment Regulations 2000*.

105. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
106. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to Section 88 E of the Conveyancing Act (1919), providing for the ongoing maintenance of the pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the 88 E instrument are to be in accordance with the Council's draft terms for these systems as specified in City of Ryde DCP 2010 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title.
107. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2010, Part 9.3 “Car Parking”.
 - b) Confirming that the Stormwater Management system (including any ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2010, Part 8.2, “Stormwater Management” and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
 - c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
 - d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code) and the relevant sections of the City of Ryde DCP 2010, Part 8.2 “Stormwater

Management” and associated annexure.

- e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual “*Managing Urban Stormwater: Soils and Construction*” by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2010, Part 8.1 “Construction Activities”.
 - f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
 - g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
 - h) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council’s satisfaction.
108. **Certification of mechanical ventilation work** - Where any mechanical ventilation systems have been installed or altered, an installation certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
109. **Signage and Line Marking - Internal.** The applicant must submit to, and have approved by Council, a signage and line marking plan for the operation of the basement levels, specifically addressing the concerns regarding the ramp operation prior to the issue of an Occupation Certificate.
110. **Signage and Line Marking - External.** The applicant must submit to, and have approved by Council, a signage and line marking plan identifying the proposed parking restrictions and line markings, prior to the issue of an Occupation Certificate.
111. **Road widening – Faraday Lane** - The dedication of a strip of land for the widening of Faraday Lane to provide a road carriageway width of 6.5m between kerbs and a footway width of 3.0m in accordance with DCP 2014 Part 4.2 Shepherd’s Bay, Meadowbank Figure 4.2.04a. The dedication and associated administrative registration costs where applicable shall be borne by the applicant and should only be initiated after Council has provided written confirmation of a satisfactory final inspection and acceptance of the completed public infrastructure works.

112. **Right of Footway (Limited in Stratum) - Underdale Lane** – A Right of Footway (Limited in Stratum) of minimum 1.2m wide shall be created along the Underdale Lane frontage of the development site consistent with that created at No. 2 Underdale Lane. The dedication and associated administrative registration costs where applicable shall be borne by the applicant and should only be initiated after Council has provided written confirmation of a satisfactory final inspection and acceptance of the completed public infrastructure works.
113. **Public Domain – Work as Executed plan** – A works-as-executed plan for works carried out in the public domain must be provided to Council and endorsed by Council, as the Road Authority, prior to the issue of the Occupation Certificate. All public domain works are to be completed to Council's satisfaction prior to the issue of the Occupation Certificate.
114. **Indemnity.** As it will be 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. Evidence that this has occurred is to be issued to the PCA and Council prior to the issue of any Occupation Certificate.
115. **Public Art.** Prior to the issue of any Occupation Certificate, the public art is to be completed in accordance with plan and documentation provided by Richard Goodwin Pty Ltd.

OPERATIONAL CONDITIONS

116. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- 77 residential spaces
 - 14 visitor spaces.
117. **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*.
118. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment 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, or computed for, the most affected point, on or within the boundary of the most affected receiver. 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.

119. **Hard Waste Storage Room.** Only material contained with the bulky goods room on the ground floor will be collected. No material is to be left outside of this room as this would impede access to the waste room. Consideration should be given to providing a second bulky goods room for the storage of bulky goods. If a second room is provided, material from this room will be required to be transported to the bulky goods room adjacent to the waste room for collection by the building manager.
120. **VPA requirements.** The affordable housing unit identified in the VPA referred to in condition 2 is to be dedicated to Council prior to the earlier occurrence of the issue of any Occupation Certificate for any part of the development or the occupation of any part of the development.

PRIOR TO SUBDIVISION CERTIFICATE

121. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.
122. **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.
123. **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.
124. **Completion of the Development.** The development is to be completed in accordance with the requirements of this development consent before the issue of any Subdivision Certificate.

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

Record of Voting:

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

Against the Motion: Councillor Laxale

3 DECEMBER QUARTERLY REVIEW REPORT - DELIVERY PLAN 2014-2018 AND 2014/2015 OPERATIONAL PLAN

RESOLUTION: (Moved by Councillors Pendleton and Etmekdjian)

- (a) That the report of the Chief Financial Officer dated 31 December 2014 on the *Quarterly Review Report. Four Year Delivery Plan 2014-2018 and One Year Operational Plan 2014/2015, Quarter Two, October – December 2014* be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in a net decrease of \$0.73 million in Council's Working Capital, to a projected balance as at 30 June 2015 of \$3.02 million, be endorsed and included in the 2014/2015 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Transfers to Reserves of \$18.66 million be endorsed.
- (d) That Council approve the use of loan funds for the amount of \$275k, for the purposes as detailed in the list of budget adjustments included in this report.
- (e) That the Certificate of the Responsible Accounting Officer dated 31 December 2014 be endorsed.
- (f) That Council endorse the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over as detailed in the Report.
- (g) That a quarterly report regarding the status of the Surf Ryder Attraction be provided to Councillors through the Councillors Information Bulletin.
- (h) That a report regarding the proposed demolition of the Pony Club Building in Marsfield Park be provided to the next Works and Community Committee Meeting.

Record of Voting:

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

Against the Motion: Councillors Laxale and Simon

4 INVESTMENT REPORT - January 2015

RESOLUTION: (Moved by Councillors Etmekdjian and Chung)

That Council endorse the report of the Chief Financial Officer dated 3 February

2015 on Investment Report – January 2015.

Record of Voting:

For the Motion: Unanimous

5 REPORTS DUE TO COUNCIL

RESOLUTION: (Moved by Councillors Li and Simon)

That the report on Outstanding Council Reports be endorsed.

Record of Voting:

For the Motion: Unanimous

LATE ITEMS

7 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 17 February 2015

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That the Minutes of the Extraordinary Council Meeting 2/15, held on 17 February 2015 be confirmed.

Record of Voting:

For the Motion: Unanimous

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE – Deputy Mayor, Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Yedelian OAM and Perram)

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

Record of Voting:

For the Motion: Unanimous

Question 1:

Damage to a home due to growing tree roots is not known to be covered by any insurer. What liability does Ryde Council hold after refusing the removal of a tree which is responsible for structural damage to a house which results to the need for extensive repairs?

Answer 1:

Council's General Counsel has advised that Council may be generally protected under the provisions of the Civil Liability Act 2002, provided that when it made the relevant decision to refuse the removal of the tree it took into account a number of matters, including but not limited to:

- (a) The information at hand when Council made that decision;
- (b) The availability to Council of appropriate resources (both financial and technical) for it to make that decision;
- (c) Whether the decision was reasonable having regard to all the matters at hand; and
- (d) Council's compliance with its established procedures for the determination of tree removal applications.

Question 2:

What is the scope of Council liability where the removal of a tree has been refused and there is an unfortunate incident which results to injury to a passing pedestrian or car?

Answer 2:

Every case is considered on its own merits. However, if Council has taken into consideration, amongst other things, the elements raised in answer 1 above in making its decision to refuse the removal of the tree, it is reasonable to expect that Council may be protected as to any liability under the relevant provisions of the Civil Liability Act 2002.

Question 3:

How does the Urban Forest Policy support the safety of residents with sizeable trees on their property who have been refused tree removal to avoid potential danger? How does the resident meet safety hazard criteria which will result to the removal of the tree in question?

Answer 3:

Council's administration of the Tree Preservation DCP is undertaken by qualified arborists who undertake assessment in accordance with the industry best practise standards to determine if tree requires removal.

It needs to be understood that large trees in suburbia do not immediately equate to a significant danger. Trees, like all assets located on private property, require maintenance. Maintenance includes regular pruning and inspection and if undertaken can significantly reduce future hazards.

The pruning and maintenance of the tree is the responsibility of the owner.

Any resident can obtain and submit an independent arborist report to Council for consideration, if they believe that the tree is likely to present a potential danger.

Question 4:

While the 10/50 vegetation clearing code of practice reduces the impact of bush fires, other conditions such as torrential weather can also prove to have catastrophic effects on lives and homes. What safety measures are in place to afford a similar level of safety to residents affected by large trees in close proximity to their home?

Answer 4:

Council's Development Control Plan 9.5 – Tree Preservation, allows for trees located within 3 metres of a dwelling to be removed without application to Council, so long as:

- The Tree is not part of a Threatened Ecological Community; and/or
- The tree or property does not fall within a Heritage Conservation Area or is not a Heritage Listed Item.

Council also offers an urgent tree assessment process, if the resident believes that the tree poses imminent danger. This is a guaranteed 3 day turn around and in most cases, if the tree is found dangerous, permission is granted on the same day of application and urgent application fee refunded.

Question 5:

In light of recent discussions about the SRV to address the costs of maintaining or upgrading infrastructure, cost is a critical factor. How does Ryde Council substantiate the costs of trees including pruning by a qualified arborist, removing fallen branches and structural repairs to homes and other hidden/unexpected costs?

Answer 5:

Trees, like all assets located on private property, require maintenance. Maintenance includes regular pruning and inspection and if undertaken, can significantly reduce future issues. Like a dwelling that requires annual maintenance which comes at a cost, a healthy tree also requires maintenance pruning approximately every 5 years.

The maintenance cost of the tree is market driven. Residents are encouraged to obtain at least two quotes to ensure they are getting value for money.

For Council owned street and park trees, this is a resourcing issue, subject to a funding allocation.

CLOSED SESSION

ITEM 6 - PROPERTY MATTER

Confidential

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

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

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

Record of Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 8.20pm. The public and media left the chamber.

6 PROPERTY MATTER

RECOMMENDATION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That the Department of Planning & Environment be advised that Council will accept the offer of the subject land, for nominal consideration, subject to terms to be negotiated and agreed and expressed in an appropriate Deed of Agreement as detailed in the report.
- (b) That the General Manager be authorised to negotiate, finalise and execute the terms of acquisition and the accompanying Deed and to affix Council's seal to any documentation, as required.
- (c) That Council resolves to classify the land as Operational in accordance with the provisions of Section 31(2) of the Local Government Act.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 8.32pm.

RESOLUTION: (Moved by Councillors Etmekdjian and Pendleton)

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

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 8.35pm.

CONFIRMED THIS 10TH DAY OF MARCH 2015

Chairperson