

**Meeting Date:** Tuesday 24 May 2016  
**Location:** Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 7.00pm

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

**Apologies:** Councillor Pickering.

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

**Staff Present:** Acting General Manager, Acting Chief Operating Officer, Acting Director – Corporate and Community Services, Acting Director – City Strategy and Planning, General Counsel, Acting Chief Financial Officer, Acting Manager – Communications, Customer Service and Events, Manager – Risk, Audit and Governance, Manager – Strategic City, Manager – Community Services, Manager – Environmental Health and Building, Manager – Asset Systems, Executive Officer – Ryde Civic Hub, Acting Team Leader – Traffic Services, Planning Consultant (Creative Planning Solutions), Consultant Landscape Architect, Digital Communications Coordinator, Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

### **PRAYER**

Reverend Mal York of the West Ryde Anglican Church was present and offered a prayer prior to the commencement of the meeting.

### **DISCLOSURES OF INTEREST**

Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Item 4 – Report of the Ryde Civic Hub Committee Meeting 4/16 held on 10 May 2016 for the reason that her continued and consistent approach to the sale and redevelopment of the Civic Centre public land with the inclusion of high rise residential development is consistent with her core commitment made to the electorate at the 2012 elections.

Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in Item 5(3) – Winbourne Street, West Ryde – Road Widening and Footpath for the reason that the applicant's father is known to him through the community.

Councillor Simon disclosed a Less than Significant Non-Pecuniary Interest in Mayoral Minute 6/16 – Western Sydney Wanderers Football Club Pty Ltd for the reason that he is a member of the Wanderers Football Club.

### **LEAVE OF ABSENCE**

Councillor Perram requested a Leave of Absence for the period 25 May 2016 to 8 July 2016 inclusive.

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

That Councillor Perram's Leave of Absence for period 25 May 2016 to 8 July 2016 inclusive be approved.

### **Record of Voting:**

For the Motion: Unanimous

### **TABLING OF PETITIONS**

No Petitions were tabled.

### **PRESENTATION OF PLAQUE TO PRINCIPAL – HOLY CROSS COLLEGE**

The Mayor, Councillor Laxale presented a plaque to Adam Taylor, Principal of Holy Cross College, Michael Galanos, Holy Cross College Captain and Daniel Meredith, Holy Cross College Vice Captain to commemorate the 125<sup>th</sup> Anniversary of Holy Cross College, Ryde.

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

The following persons addressed the Council:-

<b>Name</b>	<b>Topic</b>
Ben Trupiano (representing Western Sydney Wanderers Football Club)	<b>MAYORAL MINUTE 6/16</b> – Western Sydney Wanderers Football Club Pty Ltd
Lindsay Donald (representing West Ryde Rovers Football Club)	<b>MAYORAL MINUTE 6/16</b> – Western Sydney Wanderers Football Club Pty Ltd
Hugh Lee (representing Eastwood Chinese Senior Citizens Club)	<b>MAYORAL MINUTE 8/16</b> – West Ryde Plaza – Smoke Free Zone Trial
Richard Williams	<b>NOTICE OF MOTION 4</b> – 461-495 Victoria – Proposed Modifications of Development Consent (MOD2016/0056) - Bunnings

Name	Topic
Peter McFarlane (representing Local Residents from the Streets surrounding the Bunnings Development)	<b>NOTICE OF MOTION 4</b> – 461-495 Victoria – Proposed Modifications of Development Consent (MOD2016/0056) - Bunnings
Lin Abbott	<b>MM9/16</b> – Eastwood Night Markets

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

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

That the speakers who submitted a Request to Address Council on Item 3(2) – 38 Conrad Street, North Ryde from the Planning and Environment Committee Meeting 4/16 held on 10 May 2016, be allowed to address the meeting, the time being 7.28pm.

**Record of Voting:**

For the Motion: Unanimous

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

The following persons then addressed the Council:-

Name	Topic
Robyn Slothouber (representing Bob and Milia Slothouber)	<b>Item 3(2)</b> – 38 Conrad Street, North Ryde – Section 96 Application No. MOD2015/77
Ian Falconer (representing Bob and Milia Slothouber)	<b>Item 3(2)</b> – 38 Conrad Street, North Ryde – Section 96 Application No. MOD2015/77
Robert Carbone	<b>Item 3(2)</b> – 38 Conrad Street, North Ryde – Section 96 Application No. MOD2015/77

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

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

That the speaker who submitted a Request to Address Council on Items Not Listed on the Agenda after the midday deadline, be allowed to address the meeting, the time being 7.42pm.

**Record of Voting:**

For the Motion: Unanimous

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

The following persons addressed the Council:-

<b>Name</b>	<b>Topic</b>
John Booth	The proposed last meeting of Ryde Council as an Alderman at the opening of this Ryde Civic Centre Administration Building

## **ORDER OF BUSINESS**

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

That Council now consider the following Items, the time being 8.10pm:

- Mayoral Minute 6/16 – Western Sydney Wanderers Football Club Pty Ltd.
- Mayoral Minute 8/16 – West Ryde Plaza – Smoke Free Zone Trial.
- Mayoral Minute 9/16 – Eastwood Night Markets.
- Notice of Motion 4 - 461-495 Victoria Road – Proposed Modification of Development Consent (MOD2016/0056) – Bunings.
- Item 3(2) from the Planning and Environment Committee Meeting 4/16 held on 10 May 2016 - 38 Conrad Street, North Ryde (MOD2015/77).

### **Record of Voting:**

For the Motion: Unanimous

## **MAYORAL MINUTES**

### **6/16 WESTERN SYDNEY WANDERERS FOOTBALL CLUB PTY LTD - The Mayor, Councillor Jerome Laxale**

Note: Ben Trupiano (representing Western Sydney Wanderers Football Club) and Lindsay Donald (representing West Ryde Rovers Football Club) addressed the meeting in relation to this Item.

Note: Councillor Simon disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a member of the Wanderers Football Club.

**RESOLUTION:** (Moved by The Mayor, Councillor Laxale and Councillor Simon)

- (a) That Council enter into a 3 year Memorandum of Understanding with the Western Sydney Wanderers Pty Ltd for the hosting of the Schools Cup Tournament within the City of Ryde for the period 2016-2018 (incl.).
- (b) That Council support this tournament by waiving the associated ground hire and bond fees for the 3 year period up to a value of \$9000.00.

- (c) That Council further support the event by promoting it through its regular media channels including the Mayoral Column and website.

**Record of Voting:**

For the Motion: Unanimous

**7/16 PROPOSED NAMING OF PARK - THE MARKET GARDENS - 45-61 WATERLOO ROAD - The Mayor, Councillor Jerome Laxale**

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

**8/16 WEST RYDE PLAZA - SMOKE FREE ZONE TRIAL - The Mayor, Councillor Jerome Laxale**

Note: Hugh Lee (representing Eastwood Chinese Senior Citizens Club) addressed the meeting in relation to this Item.

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

- (a) That consultation with local community, business groups and residents occur prior to the commencement of a trial Smoke Free Zone in West Ryde Plaza.
- (b) That a 6 month trial Smoke Free Zone be implemented in West Ryde Plaza, subject to the results of community consultation, as soon as is practicable following the handover of the Plaza to Council.
- (c) That local businesses and residents be provided an opportunity to provide feedback on the Smoke Free Zone during the trial period.

**Record of Voting:**

For the Motion: Unanimous

**9/16 EASTWOOD NIGHT MARKETS - The Mayor, Councillor Jerome Laxale**

Note: Lin Abbott addressed the meeting in relation to this Item.

**MOTION:** (Moved by The Mayor, Councillor Laxale and Councillor Etmekdjian)

- (a) That Council approve the continuation of night markets at Eastwood Plaza on Saturdays until June 2017, excluding days Council activities are planned like the Granny Smith Festival.

- (b) That Council undertake community consultation during this time to resolve any issues, with the view to formalise an agreement with the Contractor.
- (c) That Council promote the markets through all regular media channels.

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

- (a) That Council extend the trial period by 3 months, to allow for the operator to address current issues reported regarding the Eastwood Night Markets.
- (b) That Council undertake community consultation during this time to resolve any issues, with the view to formalise an agreement with the Contractor.
- (c) That Council promote the markets through all regular media channels.

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

**Record of Voting:**

For the Amendment: Councillors Pendleton, Perram, Salvestro-Martin and Stott

Against the Amendment: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Simon and Yedelian OAM

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

- (a) That Council approve the continuation of night markets at Eastwood Plaza on Saturdays until June 2017, excluding days Council activities are planned like the Granny Smith Festival.
- (b) That Council undertake community consultation during this time to resolve any issues, with the view to formalise an agreement with the Contractor.
- (c) That Council promote the markets through all regular media channels.

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Pendleton, Simon, Stott and Yedelian OAM

Against the Motion: Councillors Salvestro-Martin and Perram

## **NOTICE OF MOTION**

### **4 461-495 VICTORIA ROAD - PROPOSED MODIFICATION OF DEVELOPMENT CONSENT (MOD2016/0056) - BUNNINGS - Councillor Craig Chung**

Note: Richard Williams and Peter McFarlane (representing Local Residents from the Streets surrounding the Bunnings Development) addressed the meeting in relation to this Item.

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

- (a) That the City of Ryde call on Bunnings to withdraw its application (MOD2016/0056), which seeks to renege on the commitment to provide adequate traffic infrastructure to support the development of the site and to mitigate the traffic impacts on the local community by removing construction of the access ramp from Stage 1 of the project.
- (b) That the Mayor and interested Councillors seek a meeting with representatives of Bunnings to discuss concerns that Bunnings are renegeing on the commitment to provide adequate traffic infrastructure to support the development of the site.
- (c) That the Mayor write to Wesfarmers' Board of Directors to express Council's disappointment that Bunnings would abdicate its responsibility to the community and to seek the Board's intervention to resolve this matter in the best interests of the future users of the site and the surrounding community by ensuring full compliance with the conditions of consent negotiated and agreed with the City of Ryde, and endorsed by the Joint Regional Planning Panel, in the original approval.

**Record of Voting:**

For the Motion: Unanimous

### **3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 4/16 held on 10 May 2016**

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

That Council determine Item 2 of the Planning and Environment Committee report 4/16, held on 10 May 2016 noting that Item 1 was dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous



**2 38 CONRAD STREET, NORTH RYDE. LOT 23 DP 222878. Further Report. Section 96 application (MOD2015/77) to modify development consent LDA2011/343 for alterations and additions to dwelling.**

Note: Robyn Slothouber (representing Bob and Milia Slothouber), Ian Falconer (representing Bob and Milia Slothouber) and Robert Carbone addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Strategy and Planning dated 20 May 2016 was tabled in relation to this Item and a copy is ON FILE.

Note: Documentation from Robyn Slothouber was tabled in relation to this Item and a copy is ON FILE.

Note: Documentation from Robert Carbone was tabled in relation to this Item and a copy is ON FILE.

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

That the Section 96 application number MOD2015/0077 to modify Local Development Application No. 2011/343 at 38 Conrad Street, North Ryde being LOT 23 DP 222878 be refused for the following reasons:

- (a) The proposed modifications are not considered to be 'of minimal environmental impact' and therefore they are not appropriate to be approved in accordance with the provisions of Section 96(1A) of the Environmental Planning and Assessment Act 1979.
- (b) The proposed modifications are unacceptable in terms of impacts on the neighbouring property to the west of number 36 Conrad Street. Specifically:
  - (i) The proposed replacement of the approved garage at first floor level within internal living area requires vehicles to park on the approved elevated driveway. This will result in unacceptable privacy and amenity impacts on the adjoining property.
  - (ii) The proposed method of ameliorating these impacts through provision of a 1.8m high privacy screen along the western edge of the driveway, will have unacceptable visual impacts on the adjoining property.
- (c) In the circumstances of the case, approval of the development is not in the public interest.



**Record of Voting:**

For the Motion: The Mayor, Councillor Laxale and Councillors Etmekdjian, Pendleton, Perram, Salvestro-Martin, Simon, Stott and Yedelian OAM

Against the Motion: Councillor Chung

- 3 58 DENISTONE ROAD, DENISTONE. LOT 19 SEC 4 DP 7997. Local Development Application for demolition, construction of two storey (with attic above) new child care centre with 46 places, 11 car parking spaces, fencing and business identification signage. LDA2015/0209.**

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

**MAYORAL MINUTE**

**7/16 PROPOSED NAMING OF PARK - THE MARKET GARDENS - 45-61 WATERLOO ROAD - The Mayor, Councillor Jerome Laxale**

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

- (a) That Council initiate the naming of the park to be located at 45-61 Waterloo Road, Macquarie Park.
- (b) That Council consult the community on the three (3) names proposed by staff; “The Market Gardens”, “Hamlin Park” and “Marie Byles Park” and also allow a People’s Choice Competition for an appropriate name in conjunction with a Draft Concept Design.
- (c) That a further report be provided to Council before the proposed name is forwarded to the Geographical Naming Board.

**Record of Voting:**

For the Motion: Unanimous

**COUNCIL REPORTS**

**1 CONFIRMATION OF MINUTES - Council Meeting held on 26 April 2016**

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

That the Minutes of the Council Meeting 4/16, held on 26 April 2016 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 17 May 2016**

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

That the Minutes of the Extraordinary Council Meeting 5/16, held on 17 May 2016 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 4/16 held on 10 May 2016**

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

That Council determine Item 3 of the Planning and Environment Committee report 4/16, held on 10 May 2016 noting that Item 1 was dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

- 2 38 CONRAD STREET, NORTH RYDE. LOT 23 DP 222878. Further Report. Section 96 application (MOD2015/77) to modify development consent LDA2011/343 for alterations and additions to dwelling.**

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

- 3 58 DENISTONE ROAD, DENISTONE. LOT 19 SEC 4 DP 7997. Local Development Application for demolition, construction of two storey (with attic above) new child care centre with 46 places, 11 car parking spaces, fencing and business identification signage. LDA2015/0209.**

Note: A Memorandum from the Acting Director – City Strategy and Planning dated 20 May 2016 was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That Local Development Application No. 2015/209 at 58 Denistone Road, Denistone, being LOT 19 Section 14 DP 7997 be approved subject to the conditions set out below:

**DEFERRED COMMENCEMENT**

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

1. **Drainage Easement.** An easement to drain stormwater must be created over the adjoining properties of No. 476 Blaxland Road (Lot B of DP 373408) and No. 472 – 474 Blaxland Road (SP 62603) located generally as shown on the Concept Stormwater Plan by United Consulting Engineers Pty Ltd. (Refer to Project No. 15MB6493 Dwgs D01 & D02 Rev B. dated 27 March 2015). Documentary evidence of registration with the Land & Property Information Authority, including the terms of the drainage easement and its location on the burdened lots must be submitted to Council prior to this Development Consent being activated.
2. **Stormwater Management.** Stormwater runoff from the development must be collected and piped by gravity flow to the public drainage infrastructure in Blaxland Road. To assure this is achieved in accordance with Council's DCP and any further revisions required in the acquisition of the drainage easement, a revised stormwater management plan must be submitted to Council for approval prior to activation of this development consent.

The submitted plans must be prepared by a suitably qualified and practising engineer and are to be generally in accordance with the plans by United Consulting Engineers Pty Ltd. (Refer to Project No. 15MB6493 Dwgs D01 & D02 Rev B. dated 27 March 2015), subject to the following variation(s);

- A grass swale is to be provided along the downstream boundary to ensure that any sheet flow is to be arrested and diverted to the surface inlet pit located in the southeastern corner, prior to the point of discharge from the site.
- A site catchment plan is to be included, depicting the areas discharging through the OSD and those bypassing the system.
- Further to the above point, the OSD design parameters (SSR & PSD) are to be recalculated consistent with the nominated determined catchment Councils simplified OSD design procedure and the OSD design revised to be consistent with the plans.

- Signed Undertaking.** A signed undertaking by the applicant, licensee or proposed licensee that certifies the proposal has been designed to comply with respect to the Children (Education and Care Services) Supplementary Provisions Regulation 2012 and Department of Education and Communities requirements is to be submitted to Council for approval prior to this development consent being activated.

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

## GENERAL

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

- 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 No/Reference
Site Plan	20.11.15	DA 01 – Issue D
Demolition and Construction Management	17.04.15	DA 03 – Issue A
Lower Ground Level	28.07.15	DA 11 – Issue C
Ground Floor	28.07.15	DA 12 – Issue C
Elevations – East & North	20.11.15	DA 21 – Issue D
Elevations – South & West	20.11.15	DA 22 – Issue D
Section AA	20.11.15	DA 31 – Issue D
Section BB & Signage	20.11.15	DA 32 – Issue D
Fence Detail 1	28.07.15	DA 33 – Issue C
Fence Detail 2	28.07.15	DA 34 – Issue C
Schedule of Finishes	17.04.15	DA 91 – Issue A
Landscape Plan - Surfacing	18 Aug. 2015	Dwg no. 1/5
Landscape Plan – Plants	18 Aug. 2015	Dwg no. 2/5
Landscape Plan – Details	28 April 2015	Dwg no. 3/5
Landscape Plan – Details	28 April 2015	Dwg no. 4/5
Landscape Plan – Details	28 April 2015	Dwg no. 5/5
Site and Roof Drainage Plan	-	1 of 2 – Issue B
Lower Ground Floor Drainage Plan	-	2 of 2 – Issue B
Noise Impact Assessment	April 2015	Prepared by: Noise & Sound Services

Arboricultural Impact Assessment	27 March 2015	Prepared by: Australis Tree Management
BCA Compliance Assessment	24 March 2015	Prepared by: BCA Vision
Plan of Management	-	Prepared by: David Farrugia

Prior to the issue of a **Construction Certificate**, the following amendments shall be made:

- (a) The parking area design and allocation of parking spaces must be reconfigured in accordance with the condition "Vehicle Access and Accommodation" so as to improve the safety and efficiency of the parking area.
- (b) The pedestrian pathway along the southern side boundary is to be widened to 1.2m for a length of 10m commencing at the front boundary.
- (c) The exit driveway is to be shifted 500mm north to avoid damage/impacts on tree 1.
- (d) The driveway cross-over adjacent to Tree 1 (as identified in the Arboricultural Impact Assessment, dated 27 March 2015 and prepared by Australis Tree Management) shall be constructed from a permeable product such as crushed granite.
- (e) All Perspex material fitted on top of boundary fencing is to be frosted to prevent overlooking.
- (f) Within the entry and foyer, an area is to be allocated and marked for the parents / carers to store prams.
- (g) All glass in the playroom windows and doors is to be 6mm thick.
- (h) Sound absorptive treatment is to be provided to the flooring of the outdoor play area which is under the first floor level
- (i) Each playroom is to be provided with 2.4m high wall tiles.
- (j) Boundary Fencing shall be timber lap and cap fencing that has a minimum thickness of 15mm.
- (k) The fencing on the southern and eastern boundaries is to have a minimum height of 2.6m, and 2.4m on the northern boundary.
- (l) **Size of cot rooms.** The size of the cot rooms shall be modified to comply with the controls contained in Section 7.1(d) of Ryde DCP 2014.

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

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **Energy Efficiency.** The fittings, fixtures and materials installed in association with the development (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**.
4. **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.
5. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".

#### **Protection of Adjoining and Public Land**

6. **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.
7. **Hoardings.**
  - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
8. **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.

9. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
10. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

#### **Works on Public Road**

11. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
12. **Roads Act.** 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.

#### Conditions imposed by Environmental Health Officer:

13. **Construction and fit-out of kitchen** – Kitchen must be constructed and fitted-out in accordance with the requirements of:
  - (a) Food Safety Standard 3.2.3: *Food Premises and Equipment*, and
  - (b) Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*.
14. **Construction of walls** - The walls of the proposed kitchen must be constructed of brick, concrete blocks, preformed panels filled with suitable material or other solid materials.
15. **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.

#### Conditions imposed by Senior Development Engineer:

16. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.



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 Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Councils website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.
  - a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
  
  - b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
  
  - c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
  
  - d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.

- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips within the carriageway of any public road.

## 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.

- 19. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
  - (a) Council must be notified of the following particulars:
    - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
    - (ii) The date the work is due to commence and the expected completion date
  - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
- 20. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

21. **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.
22. **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.
23. **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.
24. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
25. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.
26. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
27. **Imported fill – validation.** All imported fill must be supported by a validation from a qualified environmental consultant that the fill constitutes Virgin Excavated Natural Material. Records of the validation must be provided upon request by the Council.
28. **Delivery dockets to be provided.** Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.
29. **Delivery dockets – receipt and checking on site.** A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.

30. **Delivery docket – forward to PCA on demand.** The delivery docket must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.

Conditions imposed by Tree Management Officer:

31. Prior to demolition, Tree 1's trunk and branches are to be protected in accordance with the Arboricultural Impact Assessment, dated 27 March 2015 and prepared by Australis Tree Management for Tree 1 must be undertaken and inspected and certified by the site Arborist prior to work occurring..

**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. **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**.
33. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
34. **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)

35. **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
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. **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 namely, No. 56 and 60 Denistone Rd. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.
38. **Sydney Water Tap in™.** The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

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

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

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

39. **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**.

40. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
41. **Plan of Management.** The Plan of Management is to be updated to include all child care centre operational recommendations contained within the approved consultant reports detailed in Condition 1. An updated Plan of Management is to be submitted to Council for approval prior to issue of a **Construction Certificate**.
42. **Exterior Lighting** – Installation of exterior lighting is to be undertaken in accordance with the provisions of the Ryde Development Control Plan 2014. Lighting details are to be submitted to the Principal Certifying Authority prior to issue of the **Construction Certificate**. The lighting details are to include certification from an appropriately qualified person that there will be no offensive glare or adverse impact onto adjoining properties.
43. **Access Control.** An electronic key pad to all access points is required to ensure there is no unauthorised access to the child care centre. Details of compliance are to be provided in the plans for the **Construction Certificate**.
44. **Screen Doors and Windows.** Insect screens are to be installed to all operable windows and doors. Plans detailing the insect screens are to be approved by Principal Certifying Authority prior to the issue of the **Construction Certificate**.
45. The garbage storage area is to be relocated adjacent to the northern wall of the child care centre within the Director's car space. Details of this revised location must be submitted for approval with the application for the Construction Certificate.

Conditions imposed by Environmental Health Officer:

46. **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.



Conditions imposed by Senior Development Engineer:

47. **Boundary Alignment Levels.** The applicant is to apply to Council for site specific boundary alignment levels prior to the issue of the Construction Certificate. The application would need to be accompanied by engineering plans of any civil works along the frontage of the development site. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
48. **Vehicle Footpath Crossing(s).** New footpath crossings and associated gutter crossovers must generally be constructed fronting the approved vehicle access location(s). The exit driveway access and crossover is to be constructed at least 500mm clear of the adjoining street tree of a permeable pavement treatment such as crushed granite (detail subject to consultation and approval with Council's Public Works). Otherwise the entry driveway must be constructed in plain reinforced concrete with location, design and construction conforming to Council requirements and AS 2890.1 – 2004 (Offstreet Parking). Accordingly, prior to the issue of a Construction Certificate, an application shall be made to Council's Public Works division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.
49. **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 and safety of pedestrians in the parking area, the parking area is to be reconfigured as follows;
  - All 4 staff parking spaces must be reduced to 2.4m wide and occupy parking spaces P8 to P11.
  - The additional clearance provided by the reduced width of the spaces P7 to P11 (500mm) is to be applied to widen the driveway exit, allowing the gutter crossover to be offset from the trunk of the tree and facilitating egress movements.
  - In accordance with a separate condition of this consent, the Director's space is to be deleted and the bin area relocated to this area.
  - All remaining spaces six (6) (excluding delivery bay) adjoining the building are to be allocated for parent pickup / dropoff. All spaces, accept the disabled parking space and shared bay which are to remain at 2.4m width, are to be no less than 2.6m wide.

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



50. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the public drainage infrastructure in Blaxland Road without impact to the subject site, neighbouring properties or receiving drainage system.

To assure this, detailed plans, documentation and certification of the proposed Stormwater Management system must be prepared by a chartered civil engineer and submitted with the application for a Construction Certificate. The documentation is to comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

51. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by NSW Department – Office of Environment and Heritage and must contain the following information;

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

The ESCP must be submitted with the application for a Construction Certificate. This condition is imposed to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

Conditions imposed by Council's Heritage Officer:

52. **Salvage of materials and building elements.** Traditional building materials and architectural elements (such as windows, doors, internal and external joinery, masonry, tiles etc) are to be dismantled, salvaged and sold to an established dealer in second-hand heritage building materials.

Prior to the issue of any Construction Certificate and the commencement of any works, documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

Conditions imposed by Consultant Landscape Architect:

53. The proposed fence will mean minor encroachment into the TPZ of Tree 4 (as identified in the Arboricultural Impact Assessment prepared by Australis Tree Management) and shrubs along the western rear boundary and protective measures are recommended. Fence footings can be designed to span over roots to minimise the impact of root disturbance to a level that is considered acceptable. The Project Arborist is to recommend measures to protect the trees throughout the construction process.
54. New retaining walls are required on the site due to the slope of the lot. The location and extent of retaining walls is to be indicated on the Landscape Plans. Top and Bottom Wall Heights are to be indicated along the length of retaining walls. This information is also to be included as part of the Architectural fencing elevations. This information is to be reviewed and coordinated with the Project Arborist to review the potential impact on neighbouring trees. The Arborist is to recommend measures to protect the trees throughout the construction process in accordance with AS 4970-2009 Australian Standard – Protection of trees on development sites.
55. **Tree works – provision of arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

56. Access for people with disabilities must be provided from the building(s) to kerb ramps and footpaths by means of a continuous path of travel in accordance with Australian Standard AS1428.1. The Landscape Plans fulfil the requirement at this level of documentation. Further detail on the following items listed in Section 4.2 of the Accessibility Report will be included as part of the Construction Certificate documentation:

- Tactile indicators
- Accessible ground surfaces
- Grates within the accessible path of travel
- Stairways (handrails)
- Accessible parking.

### **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.

#### **57. 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.

#### **58. 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.

59. **Pre-commencement dilapidation report.** The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties namely No. 56 and 60 Denistone Rd, and public infrastructure (including roads, gutters, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining private properties, prior to the commencement of construction.
60. **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.

### 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.

61. **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*.
62. **Construction noise.** The L<sub>10</sub> noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
63. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
64. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
65. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
  - (a) Fill is allowed under this consent;
  - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
  - (c) the material is reused only to the extent that fill is allowed by the consent.

66. **Construction materials.** All materials associated with construction must be retained within the site.
67. **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.
68. **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.
69. **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".
70. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

Conditions imposed by Consultant Landscape Architect:

71. **Tree removal.** This consent authorises the removal of the following trees:  
- Tree 3 is a mature *Jacaranda mimosifolia* (Jacaranda)

All tree removal work is to be carried out in accordance with NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 2 qualifications.

72. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans. Trees shown on the approved plans as being retained must be protected against damage during construction.

Neighbouring Trees

- Tree 1 is a mature *Podocarpus elatus* (Brown Pine)  
- Tree 2 is a semi-mature *Melaleuca bracteata* 'Golden Gem' (Melaleuca)  
- Tree 3 is a semi-mature *Jacaranda mimosifolia* (Jacaranda)

73. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
74. An AQF Level 5 Arborist is to be engaged to monitor the trees throughout the development process and ensure compliance with the tree protection measures.
75. **Hold points and certification.** The Tree Protection Schedule provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to Ryde City Council on completion of the projection.
76. Any damage caused to Council property (during construction) within the public domain (Road Reserve) along Denistone Road shall be rectified at the expense of the Applicant.
77. The location of underground services and any on-site detention tanks is to be coordinated in consultation with the Project Arborist to minimise the potential impact on site trees.
78. **Replacement Fencing.** Replacement of all boundary fencing is to be at the full cost of the developer.

Conditions imposed by Tree Management Officer:

79. **Tree protection.** All work is to comply with AS4790 “Protection of Tree on Development Sites.”
80. Tree protection measures are to be undertaken and construction activity is to be managed in accordance with the Arboricultural Impact Assessment, dated 27 March 2015 and prepared by Australis Tree Management.
81. Existing soil levels within council land must be maintained.
82. All tree roots within Tree 1’s (as identified in the Arboricultural Impact Assessment, dated 27 March 2015 and prepared by Australis Tree Management) Structural Root Zone must be left in situ. Any excavation within the Structural Root Zone of Tree 1 must be undertaken by non-destructive methods such as hand digging, air knife, air spade and hydro jet.



Conditions imposed by Senior Development Engineer:

83. **Traffic Management Plan.** To ensure safe construction traffic flow on site a Traffic Management Plan (TMP) and report shall be prepared by a RMS accredited person and submitted to and approved by Council prior to issue of **Construction Certificate**.

The TMP shall be prepared in accordance with Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, the RMS’s Manual – “Traffic Control at Work Sites” and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. The TMP is to address but not be limited to the loss of on-street parking, construction vehicles travel routes, safety of the public, materials storage, handling and deliveries including construction traffic parking.

Additionally, all traffic controllers on site must be RMS accredited traffic controllers and a minimum of seven (7) days notice shall be given to residents if their access will be affected by proposed construction activities. All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and to be paid at the time that the TMP is submitted.

84. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.
85. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan submitted in compliance to the condition labelled “Stormwater Management.”
86. **Stormwater Management – Works in the new easement.** To ensure there is minimal imposition and loss of amenity to the owner/ occupants of the property burdened by the new drainage easement in construction of new drainage services, the builder/ developer must;
- (i) provide a minimum 14 days notification to the burdened property owner and occupants prior to the commencement of works in the neighbouring property.
  - (ii) ensure the works are completed in a timely manner.
  - (iii) comply with any terms agreed upon by both parties in regard to the construction of the drainage services and restoration of the land, in the granting of the easement.



## 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.

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

89. **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](http://www.sydneywater.com.au) then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

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

90. **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, prior to the issue of any **Occupation Certificate**.
91. **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**.
92. **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.
93. **Emergency Evacuation.** Prior to the issue of an Occupation Certificate for the child care centre, a “Fire Safety and Evacuation Plan” complying with Australian Standard AS3745 is to be prepared by a suitably qualified person and submitted to the Principal Certifying Authority.

The Fire Safety and Evacuation Plan is to address:

The mobility of children and how this is to be accommodated during an

- i. Evacuation;
- ii. The location of a safe congregation area, away from the evacuated building, busy roads and other hazards, and away from evacuation points for use by other occupants/tenants of the same building or of surrounding buildings; and
- iii. The supervision of children during the evacuation and at the congregation area with regard to the capacity of the child care centre including child to staff ratios.

Conditions imposed by Environmental Health Officer:

94. **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.

95. **Certification of fit-out work** - Where Council is not the Principal Certifying Authority, the PCA must inspect the completed fit-out and issue a compliance certificate certifying that the fit-out complies with Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*, and a copy of the compliance certificate must be submitted to Council, before the issue of an Occupation Certificate.

Conditions imposed by Senior Development Engineer:

96. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform to levels issued by Council's Engineering Services Division.
97. **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.
98. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's terms for these systems as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title. Note that completed WAE plans as well as certification of the completed stormwater management system must be provided with the application, prior to it being endorsed by Council.
99. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).

- b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- d) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
- e) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

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

#### **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.

101. The maximum number of children permitted in the child care centre is forty-six (46).

102. **Hours of operation.** The hours of operation are to be restricted to:

- (a) The hours of operation of the child care centre are restricted to 7:00am to 6:00pm Monday to Friday.
- (b) The child care centre is not permitted to operate on, Saturdays, Sundays or Public Holidays.

103. Warning signs informing motorists to be aware of pedestrians / children are to be installed in the vicinity of the child care centre parking spaces.

104. The outdoor play area must be fenced at all times. Any entry or exit proposed along the fence around these areas must incorporate child proof gates.
105. Any noise generated from air conditioning units is not to impact on the children at the child care centre.
106. The main entry door providing access to the internal areas of the child care centre shall be clearly marked to avoid confusion for the patrons visiting.
107. The child care centre is to comply with the licensing requirements of the NSW Department of Community Services (i.e. Education & Care Services National Regulation and Children (Education and Care Services) Supplementary Provisions Regulation 2012).
108. A total of ten (10) car parking spaces must be allocated on the site (as shown on the approved plan) for exclusive use by the child care centre. Four (4) spaces are to be allocated for staff parking and six (6) spaces are to be allocated for the drop off / pick up of children.

Note: One (1) delivery space is to be provided in addition to these ten (10) car parking spaces.

109. The designated staff parking spaces must be sign posted for exclusive use by the child care centre staff.
110. **Waste storage/disposal – hours of collection.** Waste and recyclable material generated by these premises must not be collected between the hours of 9pm and 8am on any day.
111. **Waste storage/disposal – method.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
112. **Waste storage/disposal – containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
113. **Waste storage/disposal – recycling.** Wastes for recycling should be the stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used.
114. **Delivery times.** All deliveries to and from the child care centre are not to occur between the hours of 7pm and 9am on any day.
115. **Loading area.** The delivery bay is to be used for the loading and unloading of goods, materials etc. only and no other purpose.

116. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property.
117. **Noise and Vibration.** A validation report must be obtained from a suitably qualified and experienced consultant in acoustics three (3) months after the business commences trading and from time to time as reasonably requested by Council. The report should demonstrate and certify that noise and vibration intrusion within the development and from the development to adjoining sensitive receivers satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Office of Environment & Heritage / Environment Protection Authority Noise Control Manual & Industrial Noise Policy, NSW Department of Environment and Conservation's Assessing Vibration: a technical guideline 2006 and conditions of Council's development consent.

The report is to be forwarded to and approved by Council. This report must address (but not be limited to) the level of noise intrusion from road traffic noise within the building and the accumulation effect of mechanical plant and equipment and noise generated from all children in the outdoor play area on adjoining residential properties. Any recommendations outlined in the acoustic report are to be implemented in accordance with the report.

118. **Signage – English language.** All advertising signs are to be displayed in the English language but may include a translation into another language using letters or characters that are no larger than the English language letters or characters.

Any translated message must be accurate and complete.

No amendment to the size of a sign will be permitted to allow for both the English and translated language to be displayed.

119. Illumination of any sign on the site is prohibited.
120. No approval is granted in this consent for general or third party advertising which is prohibited.
121. The balcony on the ground floor plan is not to be used by any children as a designated outdoor play area.

Conditions imposed by Environmental Health Officer:

122. **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*.



123. **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.
124. **Noise Limits** - The noise level emitted from the premises generally must not exceed the background noise level by more than 5dBA. As a minimum, all the noise control recommendations nominated in the report by *Noise and Sound Services, Report No. nss 22220-Drft C, April 2015* submitted with the development application must be implemented. The outdoor air conditioner condenser units are not to exceed a noise emission level (LAeq 15 minute) of 45dBA at the nearest residential boundary.
125. **Outdoor Areas** - No music, musical instruments or amplified sound equipment can be used in outdoor areas, including balconies.
126. **Waste Containers** - An adequate number of suitable waste containers must be provided on the premises for the storage of all wastes generated on the premises between collections.
127. **Maintenance of waste storage areas** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
128. **Nappy Wastes** - Suitable specialist contractors must be employed for the collection and disposal or processing of soiled nappies and associated articles.

**Registration and Notification Requirements:**

129. **Notification to the NSW Food Authority** - The operator must notify their business details to the NSW Food Authority before trading commences. Notifications may be lodged on-line at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au).

130. **Registration with Council** - The operator of the business must register the premises with Council's Environmental Health Unit before trading commences. Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.

### ADVISORY NOTES

#### Health Inspection Services:

1. **Inspections and fees** - Council officers may carry out periodic inspections of the premises to ensure compliance with relevant environmental health standards and Council may charge an approved fee for this service in accordance with Section 608 of the *Local Government Act 1993*.

The approved fees are contained in Council's Management Plan and may be viewed or downloaded at [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au).

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

#### Record of Voting:

For the Motion: Unanimous

## 4 **REPORT OF THE RYDE CIVIC HUB COMMITTEE MEETING 4/16 held on 10 May 2016**

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

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

That Council determine all Items 1 and 2 of the Ryde Civic Hub Committee Meeting 4/16, held on 10 May 2016 in accordance with the Ryde Civic Hub Committee Terms of Reference.

#### Record of Voting:

For the Motion: Unanimous

**1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 12 April 2016**

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

That the Minutes of the Ryde Civic Hub Committee 3/16, held on 12 April 2016, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS REPORT 8 (MAY 2016)**

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

That the Ryde Civic Hub Committee receives and notes the content of Status Report 8 (May 2016).

**Record of Voting:**

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Perram, Salvestro-Martin, Simon, Stott and Yedelian OAM

Against the Motion: Councillor Pendleton

**5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 4/16 held on 17 May 2016**

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

That Council determine Items 2, 3, 4 and 5 of the Works and Community Committee report 4/16, held on 17 May 2016 noting that Items 1, 6 and 7 were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

**2 GENERIC PLAN OF MANAGEMENT - PUBLIC EXHIBITION OF THE AMENDMENT TO THE LAND CATEGORISATION OF CHRISTIE PARK**

Note: A Memorandum from the Acting Director – City Strategy and Planning dated 20 May 2016 was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That Council endorse OPTION 1 of the proposed amendment to the *Generic Plan of Management* land categorisation at Christie Park for public exhibition as set out in this report.
- (b) That Council, by endorsing OPTION 1 and the amendments to the *Generic Plan of Management*, does not give any intention for a future Club that includes the provision of liquor and gaming facilities at Christie Park.

**Record of Voting:**

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

Against the Motion: Councillors Salvestro-Martin and Stott

**3 WINBOURNE STREET, WEST RYDE - ROAD WIDENING AND FOOTPATH**

Note: Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that the applicant's father is known to him through the community.

Note: A Memorandum from the Director – City Works and Infrastructure dated 24 May 2016 was tabled in relation to this Item and a copy is ON FILE.

**RESOLUTION:** (Moved by Councillors Perram and The Mayor, Councillor Laxale)

- (a) That the Winbourne Street road widening upgrade works for the estimated value of \$570,000 plus Project Management Fee be approved for inclusion in the 2016-2017 Road Kerb Program of the 2016-2020 Delivery Plan.
- (b) That the Winbourne Street footpath expansion works for the value of \$36,000 be carried over to 2016-17 Footpath Expansion program.
- (c) That the Traffic Management Plan submitted for a proposed Child Care Centre at 21 Winbourne Street, West Ryde be approved to satisfy deferred commencement conditions Nos. 1 & 2 of LDA 2013/420.
- (d) That the childcare centre is not to operate until such time that all line marking and signage improvements (both internal and external to the development proposal) associated with the proposal and all of the improvements detailed in this report in this location are completed in full and to the satisfaction of the Director of City Works and Infrastructure.

- (e) That a post-operative review of traffic & pedestrian movements be undertaken after 3 months of operation in a school term period to gauge the effectiveness of the proposed traffic management measures and determine if further alterations are required to be undertaken by Council.
- (f) That in 12 months, the effectiveness of the road widening be investigated to see whether a further extension in this location would be beneficial to the traffic and pedestrian movements, particularly in the location of Hermoyne Street.

**Record of Voting:**

For the Motion: Unanimous

**4 TREE MANAGEMENT APPLICATION REVIEW - VILLA 5/1-3 BELL AVENUE, WEST RYDE**

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

That Council approves the removal of the tree and that the applicant be required to plan a nominated mature replacement tree.

**Record of Voting:**

For the Motion: Unanimous

**5 ENDORSEMENT OF PREFERRED SWIM SITES FOR THE RYDE LGA**

**RESOLUTION:** (Moved by Councillors Perram and The Mayor, Councillor Laxale)

That the Parramatta River Catchment Group be advised that the Parramatta River foreshore areas of Kissing Point Park, Meadowbank Wharf and Putney Park be considered as potential swim sites in the Ryde LGA.

**Record of Voting:**

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

Against the Motion: Councillors Salvestro-Martin and Stott

**6 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING  
4/16 held on 17 May 2016**

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

That Council determine all Items 1, 2, 3, 4, 5, 6 and 7 of the Finance and Governance Committee Meeting 4/16, held on 17 May 2016 in accordance with the Finance and Governance Committee Terms of Reference, noting that Item 8 was previously determined by Council at its Extraordinary Council Meeting on 17 May 2016.

**Record of Voting:**

For the Motion: Unanimous

**1 CONFIRMATION OF MINUTES - Finance and Governance  
Committee Meeting held on 19 April 2016**

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

That the Minutes of the Finance and Governance Committee 3/16, held on 19 April 2016, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**2 INVESTMENT REPORT - April 2016**

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

That Council endorse the report of the Chief Financial Officer dated 2 May 2016 on Investment Report – April 2016.

**Record of Voting:**

For the Motion: Unanimous

**3 MARCH QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY  
PLAN 2015-2019 AND 2015/2016 OPERATIONAL PLAN**

**RESOLUTION:** (Moved by Councillors Pendleton and The Mayor, Councillor Laxale)

- (a) That the report of the Acting Chief Financial Officer dated 31 March 2016 on the March Quarterly Review Report - Four Year Delivery Plan 2015-2019 and One Year Operational Plan 2015/2016, *Quarter Three, January – March 2016* be received and endorsed.



- (b) That the proposed budget adjustments included in this report resulting in a net increase of \$0.18 million to Council's Working Capital for a projected balance as at 30 June 2016 of \$3.29 million, be endorsed and included in the 2015/2016 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 \$14.10 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer dated 29 April 2016 be endorsed.
- (e) That Council endorse the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over as detailed in the Report.
- (f) That if an amalgamation occurs, the Special Rate Variation (SRV) funding can only be expended within the current Ryde Local Government Area.

**Record of Voting:**

For the Motion: Unanimous

**4 LOCAL GOVERNMENT REMUNERATION TRIBUNAL  
DETERMINATION - Councillors and Mayoral fees for 2016/17**

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

That Council adopt the following increases to Councillor and Mayoral fees effective from 1 July 2016:

- (a) 2.5% increase to Councillor fees from \$23,370 to \$23,950 per annum.
- (b) 2.5% increase to Mayoral fees from \$62,090 to \$63,640 per annum; in addition to the Councillor fees.

**Record of Voting:**

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Perram, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillors Pendleton and Salvestro-Martin

## 5 HISTORICAL GRANTS (COMMUNITY AID) REVIEW

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

- (a) That Council endorses the replacement of Historical Grants Program allocated to the community aid organisations with a new grant category known as the Social Support Grants.
- (b) That Council endorses an increase in the funding from \$80,000 to \$120,000 per annum allocated to Social Support Grants Program, and that Council allocate \$40,000 from General Revenue and Working Capital for this purpose.
- (c) That Council endorses the Social Support Grants which:
  - Allocates \$80,000 to community aid organisations comprising CCA, NRCA and HHRCS.
  - Allocates \$40,000 that is available to all organisations active in the provision of social support services within Ryde.
- (d) That Social Support Grants program commence in July 2017.

**AMENDMENT:** (Moved by Councillors Chung and Stott)

- (a) That Council endorses the replacement of Historical Grants Program allocated to the community aid organisations with a new grant category known as the Social Support Grants.
- (b) That Council endorses an increase in the funding from \$80,000 to \$120,000 per annum allocated to Social Support Grants Program, and that Council allocate \$40,000 from General Revenue and Working Capital for this purpose.
- (c) That Council endorses Option 3 as the preferred option for the Social Support Grants which:
  - Allocates \$60,000 to community aid organisations comprising CCA, NRCA and HHRCS and these funds are to be equally divided between the three organisations.
  - Allocates \$60,000 that is available to all organisations active in the provision of social support services within Ryde.
- (d) That Social Support Grants program commence in July 2017.

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

**Record of Voting:**

For the Amendment: Councillors Chung, Etmekdjian, Stott and Yedelian OAM

Against the Amendment: The Mayor, Councillor Laxale and Councillors Pendleton, Perram, Salvestro-Martin and Simon

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

- (a) That Council endorses the replacement of Historical Grants Program allocated to the community aid organisations with a new grant category known as the Social Support Grants.
- (b) That Council endorses an increase in the funding from \$80,000 to \$120,000 per annum allocated to Social Support Grants Program, and that Council allocate \$40,000 from General Revenue and Working Capital for this purpose.
- (c) That Council endorses the Social Support Grants which:
  - Allocates \$80,000 to community aid organisations comprising CCA, NRCA and HHRCS.
  - Allocates \$40,000 that is available to all organisations active in the provision of social support services within Ryde.
- (d) That Social Support Grants program commence in July 2017.

**Record of Voting:**

For the Motion: Unanimous

**6 COMMUNITY HALLS AND MEETING ROOMS HIRE POLICY**

Note: A Memorandum from the Acting Director – Corporate and Community Services dated 23 May 2016 was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That the definition of a ‘poor public citizen’ be redefined.
- (b) That Council approve the Draft Community Halls and Meeting Rooms Hire Policy, for the purposes of public consultation.
- (c) That a further report be presented back to Council.

**Record of Voting:**

For the Motion: Councillors Chung, Etmekdjian, Pendleton, Perram, Salvestro-Martin, Simon, Stott and Yedelian OAM

Against the Motion: The Mayor, Councillor Laxale

**7 ADVICE ON COURT ACTIONS**

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

That this matter be deferred for consideration in Closed Confidential Session.

**Record of Voting:**

For the Motion: Unanimous

**LATE ITEMS**

**8 NSROC CONSTITUTION DURING THE INTERIM COUNCIL PERIOD**

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

- (a) That Council endorse the proposed amendment to the Constitution of the Northern Sydney Regional Organisation of Councils and direct City of Ryde Council representatives on the NSROC Board to support this decision at the Extraordinary NSROC Board meeting to be held on 2 June 2016; and
- (b) That Council nominate The Mayor, Councillor Laxale and Councillor Yedelian OAM to be the Councils representatives on the NSROC Board should clause 5 of the NSROC constitution come into effect.
- (c) That Council nominate Councillors Etmekdjian and Stott to be the Councils alternate representatives on the NSROC Board should clause 5 of the NSROC constitution come into effect.

**Record of Voting:**

For the Motion: Unanimous

## **PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

### **1 PRECIS OF CORRESPONDENCE - MEADOWBANK WHARF AND INTERCHANGE UPGRADE**

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

## **NOTICES OF MOTION**

### **1 CITY OF RYDE SPORTSGROUNDS - Deputy Mayor, Councillor Roy Maggio**

Note: A Memorandum from the Director – City Works and Infrastructure dated 23 May 2016 was tabled in relation to this Item and a copy is ON FILE.

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

That consideration of this matter be deferred until the next Council Meeting.

**Record of Voting:**

For the Motion: Unanimous

### **2 SIGNATURE BANNER POLICY - Deputy Mayor, Councillor Roy Maggio**

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

That consideration of this matter be deferred until the next Council Meeting.

**Record of Voting:**

For the Motion: Unanimous

### **3 NATIONAL TRUST HERITAGE AWARDS - Councillor Jane Stott**

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

- (a) That Council formally congratulate staff and members of the Heritage Advisory Committee for receiving a Highly Commended Award at the National Trust 22<sup>nd</sup> Annual Heritage Awards for the walking tour – “Ryde Heritage Walking Trail”, and for this purpose the Mayor host a morning tea for committee members and staff involved in the project.

- (b) That staff continue working with the Heritage Advisory Committee to develop walking guides that promote the history of our City.

**Record of Voting:**

For the Motion: Unanimous

**4 461-495 VICTORIA ROAD - PROPOSED MODIFICATION OF DEVELOPMENT CONSENT (MOD2016/0056) - BUNNINGS - Councillor Craig Chung**

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

**5 PARKING DEMANDS - ELS HALL PARK - Deputy Mayor, Councillor Roy Maggio**

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

That consideration of this matter be deferred until the next Council Meeting.

**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 Etmekdjian)

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

**Record of Voting:**

For the Motion: Unanimous

The below questions relate to Morrison Road:-

Question 1:

**What are the findings/options/recommendations in the assessment?**

Answer 1:

The Roads and Maritime Service (RMS) is funding investigations into a potential upgrade of the intersection of Morrison Road, Parry Street and Acacia Avenue as part of the Morrison Road local area traffic scheme project. The assessment is due to be finalised by the end of May 2016 and therefore the findings are unknown at this stage.

Question 2:

**Does the public get to see the findings/options/recommendations before they are tabled at the Traffic Committee Meeting? If no, why not?**

Answer 2:

All proposals are available for the public to view on City of Ryde's website one week before all Ryde Traffic Committee (RTC) meetings.

Questions 3:

**When is the Traffic Committee Meeting to be held?**

Answer 3:

Pending receipt of the study, the assessment has been scheduled to be tabled at the RTC meeting to be held on 21 July 2016 for technical approval, before being presented at the Works and Community Committee.

Question 4:

**When will the Traffic Committee reach a decision?**

Answer 4:

RTC will review the information presented by City of Ryde at the 21 July 2016 meeting, where they may choose to support a particular option or options for Council to consider at the Works and Community Committee.

Question 5:

**Will the public have access to the decisions made by the Traffic Committee? If no, why not?**

Answer 5:

RTC is a committee of RMS, administered by Council, and operates under RMS's mandatory guidelines, which currently allow a public gallery and members of the public can address the committee regarding an item on the agenda before the committee deliberates. The Minutes of Ryde Traffic Committee meetings are not released until they are published for presentation to the Works and Community Committee meeting, the Agenda of which is publically available.



Question 6:

**If it is highlighted that there are major safety concerns yet the RMS does not endorse any recommendations, what is the next cause of action from City of Ryde?**

Answer 6:

Given that RMS is supporting the analysis undertaken by City of Ryde, staff will be liaising with RMS to ensure the solutions being developed are technically sound before the matter is formally tabled at Ryde Traffic Committee. On this basis it would be highly unlikely that RMS would not support a solution or solutions tabled by City of Ryde.

Question 7:

**If it is highlighted that there are major safety concerns and the RMS endorses the proposal but is not prepared to fund any recommendations, what is the next cause of action from City of Ryde?**

Answer 7:

RMS is yet to confirm funding for the 2016/17 portion of the Morrison Road local area traffic scheme project. If RMS supports a proposal through the Ryde Traffic Committee and is unable to fund the works in 2016/17, then alternative funding may be sought, but this would be highly unlikely.

Question 8:

**When in 2016/2017 will the proposal be implemented?**

Answer 8:

The timing for implementation will be dependent on:

- funding;
- any further approvals that may be required from RMS;
- procurement processes;
- the impact of the works on the area; and
- possible savings that may be gained by undertaking nearby works concurrently.

Although the project is subject to confirmation of RMS funding, the majority of works for the Morrison Road local area traffic management scheme are planned to be completed by the end of the 2016/17 Financial Year.

**MATTER OF URGENCY**

Councillor Chung advised that he wished to raise a Matter of Urgency regarding Fernleigh Residential Care facility – 8-14 Sherbrooke Road/78-82 Mons Avenue, West Ryde.

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

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

That Council consider a Matter of Urgency raised by Councillor Chung regarding Fernleigh Residential Care facility – 8-14 Sherbrooke Road/78-82 Mons Avenue, West Ryde, the time being 9.35pm.

**Record of Voting:**

For the Motion: Unanimous

**MATTER OF URGENCY – FERNLEIGH RESIDENTIAL CARE FACILITY – 8-14 SHERBROOKE ROAD/78-82 MONS AVENUE, WEST RYDE**

Note: Councillor Simon left the meeting at 9.36pm and was not present for the consideration and voting on this Item.

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

That Council defend (in Land and Environment Court Proceedings No. 10388 of 2016) the refusal of LDA2014/0419, which seeks approval for the “demolition of the existing buildings and construction of a new residential aged care facility” at 8-14 Sherbrooke Road and 78-82 Mons Avenue, West Ryde.

**Record of Voting:**

For the Motion: Unanimous

**MATTER OF URGENCY**

Councillor Chung advised that he wished to raise a Matter of Urgency regarding Administrative Arrangements to be put in place upon any Proclamation taking Effect which Merges the City of Ryde with any other Council.

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

Note: Councillor Simon was not present for the consideration and voting on this Item.

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

That Council consider a Matter of Urgency raised by Councillor Chung regarding Administrative Arrangements to be put in place upon any Proclamation taking Effect which Merges the City of Ryde with any other Council, the time being 9.37pm.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Simon returned to the meeting at 9.39pm.

**MATTER OF URGENCY – ADMINISTRATIVE ARRANGEMENTS TO BE PUT IN PLACE UPON ANY PROCLAMATION TAKING EFFECT WHICH MERGES THE CITY OF RYDE WITH ANY OTHER COUNCIL**

**MOTION:** (Moved by Councillors Chung and Stott)

That upon any proclamation taking effect which merges the City of Ryde with any other Council, the following administrative arrangements will be put in place for any current City of Ryde Councillor so desiring (referred to as “former Councillors” below and only includes current City of Ryde Councillors as at the date of the proclamation):

- (a) That former Councillors shall have the option of providing alternative contact details which will then be used for a minimum of 60 days following the proclamation taking effect. An auto response to email enquiries to the former Councillors Council email will include the former Councillors alternative contact details;
- (b) That emails to a former Councillors Council email address shall continue to be forwarded to an alternate email address for a period of 60 days;
- (c) That a former Councillors’ web page shall be created detailing alternative contact details;
- (d) That where requested by a member of the public, a former Councillors contact details shall be provided for a period of 30 days;
- (e) That any Help Desk request submitted by a Councillor prior to any proclamation taking effect shall be actioned in accordance with normal procedures, notwithstanding that a proclamation may take effect before the resolution of the help desk request. This includes responding to the former Councillor as a part of the resolution;
- (f) That the Help Desk shall continue to receive email requests from former Councillors for 30 days following any proclamation taking effect and these requests shall be actioned in accordance with normal procedure with the exception of providing the former Councillor with a response.

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

That this Item be dealt with in Seriatim.

**Record of Voting:**

For the Motion: The Mayor, Councillor Laxale and Councillors Etmekdjian, Pendleton, Perram, Simon, Stott and Yedelian OAM

Against the Motion: Councillors Chung and Salvestro-Martin

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

That this matter be deferred for consideration in Closed Confidential Session.

**Record of Voting:**

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Pendleton, Perram, Salvestro-Martin, Stott and Yedelian OAM

Against the Motion: Councillor Simon

**CLOSED SESSION**

**MATTER OF URGENCY – ADMINISTRATIVE ARRANGEMENTS TO BE PUT IN PLACE UPON ANY PROCLAMATION TAKING EFFECT WHICH MERGES THE CITY OF RYDE WITH ANY OTHER COUNCIL**

**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 6(7) – 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.

## **ITEM 7 – CODE OF CONDUCT MATTER**

### **Confidential**

As this matter relates to a Code of Conduct matter, the Local Government Act 1993 section 10A(2)(i) now provides for Code of Conduct matters to be considered in the closed session of Council.

## **ITEM 9 - COURT ACTION - HUNTERS HILL COUNCIL CHALLENGE TO AMALGAMATION**

### **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 Yedelian OAM and Pendleton)

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

### **Record of Voting:**

For the Motion: Unanimous

Note: The Council closed the meeting at 9.46pm. The public and media left the chamber.

## **MATTER OF URGENCY – ADMINISTRATIVE ARRANGEMENTS TO BE PUT IN PLACE UPON ANY PROCLAMATION TAKING EFFECT WHICH MERGES THE CITY OF RYDE WITH ANY OTHER COUNCIL**

Note: This Item was dealt with in Seriatim.

**RECOMMENDATION:** (Moved by Councillors Chung and Stott)

That upon any proclamation taking effect which merges the City of Ryde with any other Council, the following administrative arrangements will be put in place for any current City of Ryde Councillor so desiring (referred to as “former Councillors” below and only includes current City of Ryde Councillors as at the date of the proclamation):

- (a) That former Councillors shall have the option of providing alternative contact details which will then be used for a minimum of 60 days following the proclamation taking effect. An auto response to email enquiries to the former Councillors Council email will include the former Councillors alternative contact details;

**Record of Voting:**

For the Motion: Unanimous

**RECOMMENDATION:** (Moved by Councillors Chung and Stott)

That upon any proclamation taking effect which merges the City of Ryde with any other Council, the following administrative arrangements will be put in place for any current City of Ryde Councillor so desiring (referred to as “former Councillors” below and only includes current City of Ryde Councillors as at the date of the proclamation):

- (b) That emails to a former Councillors Council email address shall continue to be forwarded to an alternate email address for a period of 60 days;

**Record of Voting:**

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Perram, Salvestro-Martin, Simon, Stott and Yedelian OAM

Against the Motion: Councillor Pendleton

**RECOMMENDATION:** (Moved by Councillors Chung and Stott)

That upon any proclamation taking effect which merges the City of Ryde with any other Council, the following administrative arrangements will be put in place for any current City of Ryde Councillor so desiring (referred to as “former Councillors” below and only includes current City of Ryde Councillors as at the date of the proclamation):

- (c) That a former Councillors’ web page shall be created detailing alternative contact details;

**Record of Voting:**

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

Against the Motion: Councillor Perram

**RECOMMENDATION:** (Moved by Councillors Chung and Stott)

That upon any proclamation taking effect which merges the City of Ryde with any other Council, the following administrative arrangements will be put in place for any current City of Ryde Councillor so desiring (referred to as “former Councillors” below and only includes current City of Ryde Councillors as at the date of the proclamation):

- (d) That where requested by a member of the public, a former Councillors contact details shall be provided for a period of 30 days;

**Record of Voting:**

For the Motion: Unanimous

**RECOMMENDATION:** (Moved by Councillors Chung and Stott)

That upon any proclamation taking effect which merges the City of Ryde with any other Council, the following administrative arrangements will be put in place for any current City of Ryde Councillor so desiring (referred to as “former Councillors” below and only includes current City of Ryde Councillors as at the date of the proclamation):

- (e) That any Help Desk request submitted by a Councillor prior to any proclamation taking effect shall be actioned in accordance with normal procedures, notwithstanding that a proclamation may take effect before the resolution of the help desk request. This includes responding to the former Councillor as a part of the resolution;

**Record of Voting:**

For the Motion: Unanimous

**RECOMMENDATION:** (Moved by Councillors Chung and Stott)

That upon any proclamation taking effect which merges the City of Ryde with any other Council, the following administrative arrangements will be put in place for any current City of Ryde Councillor so desiring (referred to as “former Councillors” below and only includes current City of Ryde Councillors as at the date of the proclamation):

- (f) That the Help Desk shall continue to receive email requests from former Councillors for 30 days following any proclamation taking effect and these requests shall be actioned in accordance with normal procedure with the exception of providing the former Councillor with a response.

**Record of Voting:**

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Salvestro-Martin, Simon, Stott and Yedelian OAM.

Against the Motion: Councillors Pendleton and Perram

**RECOMMENDATION:** (Moved by Councillors Chung and Stott)

That upon any proclamation taking effect which merges the City of Ryde with any other Council, the following administrative arrangements will be put in place for any current City of Ryde Councillor so desiring (referred to as “former Councillors” below and only includes current City of Ryde Councillors as at the date of the proclamation):



- (a) That former Councillors shall have the option of providing alternative contact details which will then be used for a minimum of 60 days following the proclamation taking effect. An auto response to email enquiries to the former Councillors Council email will include the former Councillors alternative contact details;
- (b) That emails to a former Councillors Council email address shall continue to be forwarded to an alternate email address for a period of 60 days;
- (c) That a former Councillors' web page shall be created detailing alternative contact details;
- (d) That where requested by a member of the public, a former Councillors contact details shall be provided for a period of 30 days;
- (e) That any Help Desk request submitted by a Councillor prior to any proclamation taking effect shall be actioned in accordance with normal procedures, notwithstanding that a proclamation may take effect before the resolution of the help desk request. This includes responding to the former Councillor as a part of the resolution;
- (f) That the Help Desk shall continue to receive email requests from former Councillors for 30 days following any proclamation taking effect and these requests shall be actioned in accordance with normal procedure with the exception of providing the former Councillor with a response.

**6 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING  
4/16 held on 17 May 2016**

**7 ADVICE ON COURT ACTIONS**

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

That the report of the General Counsel be received.

**Record of Voting:**

For the Motion: Unanimous

## 7 CODE OF CONDUCT MATTER

Note: A verbal update on this matter was provided by the Acting General Manager and Council's Complaints Coordinator.

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

That Council receive and note the verbal update provided by the Acting General Manager and Council's Complaints Coordinator.

**Record of Voting:**

For the Motion: Unanimous

## 9 COURT ACTION - HUNTERS HILL COUNCIL CHALLENGE TO AMALGAMATION

**RECOMMENDATION:** (Moved by Councillors Chung and Stott)

- (a) That Council resolve in accordance with Option 2 as outlined in the report; and
- (b) That Council advise Hunters Hill Council accordingly as to its resolution with respect to (a) above.

**Record of Voting:**

For the Motion: Councillors Chung, Etmekdjian, Pendleton, Perram, Salvestro-Martin, Simon and Stott

Against the Motion: The Mayor, Councillor Laxale and Councillors Yedelian OAM

## OPEN SESSION

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

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous

Note: Open Council resumed at 10.29pm.

**RESOLUTION:** (Moved by Councillors Stott 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 10.30pm.

CONFIRMED THIS 28TH DAY OF JUNE 2016

Chairperson