

Meeting Date: Tuesday 26 July 2016
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.00pm

Council Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. Council Meetings will also be webcast.

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1 CONFIRMATION OF MINUTES - Council Meeting held on 28 June 2016

Report prepared by: Senior Coordinator - Governance**File No.:** CLM/16/1/1/2 - BP16/815

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Council Meeting 7/16, held on 28 June 2016 be confirmed.

ATTACHMENTS

1 MINUTES - Ordinary Council Meeting - 28 June 2016

ITEM 1 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 7/16**

Meeting Date: Tuesday 28 June 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, Pickering, Simon, Stott and Yedelian OAM.

Apologies: Councillor Li.

Leave of Absence: Councillors Maggio and Perram.

Absent: Councillor Salvestro-Martin.

Staff Present: Acting General Manager, Acting Chief Operating Officer, Acting Director – Corporate and Community Services, Acting Director – City Strategy and Planning, Director – City Works and Infrastructure, General Counsel, Chief Financial Officer, Acting Manager – Communications, Customer Service and Events, Manager – Community Services, Executive Officer – Ryde Civic Hub, Senior Coordinator – Community Services, Coordinator – Community and Cultural Buildings, Senior Strategic Planner, Digital Communications Coordinator, Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

PRAYER

Reverend Nicholas Fried of the Eastwood Uniting Church was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

The Mayor, Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in Item 4(4) – Community Grants Program – Allocation of Funding 2015/2016, for the reason that he attends Macquarie Chapel regularly.

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Mayoral Minute 11/16 – Recognition of Ryde SES Following Recent Storms, for the reason that he is a volunteer on Ryde Emergency Service.

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Item 4(4) – Community Grants Program – Allocation of Funding 2015/2016, for the reason that he is a member of an organisation who has applied for a grant.

ITEM 1 (continued)

ATTACHMENT 1

Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Item 3 – Report of the Ryde Civic Hub Committee Meeting 5/16 held on 14 June 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.

TABLING OF PETITIONS

No Petitions were tabled.

PRESENTATION OF GOLD AWARD FOR 2014/2015 ANNUAL REPORT

The Acting General Manager presented the Mayor, Councillor Laxale with the Gold Award for Council's 2014/2015 Annual Report. This is the sixth year in a row that the City of Ryde has won the Gold Award for its Annual Report at the Australasian Reporting Awards (ARA). The City of Ryde was also a finalist in the Work Health and Safety Special Award.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Gavin Carrier (representing Holdmark Property Group)	Mayoral Minute 10/16 – Voluntary Planning Agreement / Planning Proposal 66-82 Talavera Road, Macquarie Park
Phil Jenkyn (representing Save Our Councils Coalition)	Notice of Motion 6 – Council Merger – Plebiscite of Residents
Phillip Ward (representing Ryde Hunters Hill Flora and Fauna Preservation Society)	Item 2(6) – Tree Preservation Review – Results of Exhibition of DCP Amendments AND Notice of Rescission 1 - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Lyndal Howison	Notice of Rescission 1 - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Sharon Burt	Notice of Rescission 1 - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Paul Luff	Notice of Rescission 1 - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde

ITEM 1 (continued)

ATTACHMENT 1

Name	Topic
Richard Shepherd	Notice of Rescission 1 - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Philip Peake	Item 3 - Report of the Ryde Civic Hub Committee Meeting 5/16 held on 14 June 2016 AND Notice of Rescission 1 - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Mark Whitfield	Notice of Rescission 1 - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Chris Turner	Notice of Rescission 1 - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Christopher Zanelli	Notice of Rescission 1 - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Sharon Bejjani	Notice of Rescission 1 - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Penny Pedersen (representing the Community)	Notice of Rescission 1 - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Justin Ng	Item 6 (CONFIDENTIAL) – Land and Environment Court Proceedings – 87 Bowden Street, Ryde – LDA2015/283
Doriana Donnelly (representing 87 Bowden Street Petitioners)	Item 6 (CONFIDENTIAL) – Land and Environment Court Proceedings – 87 Bowden Street, Ryde – LDA2015/283
Suellen Hazell	Item 6 (CONFIDENTIAL) – Land and Environment Court Proceedings – 87 Bowden Street, Ryde – LDA2015/283
Mark Swayn	Item 6 (CONFIDENTIAL) – Land and Environment Court Proceedings – 87 Bowden Street, Ryde – LDA2015/283
Tess Ballance	Notice of Rescission 1 - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde

Note: Paul Azizi (representing Raymond Azizi) was called to address Council, however was not present in the Chamber.

ITEM 1 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

That the speakers who submitted a Request to Address Council on Items Listed on the Agenda after the midday deadline and also on Items previously considered by the Planning and Environment Committee Meeting 5/16 held on 14 June 2016 and the Ryde Civic Hub Committee Meeting 5/16 held on 14 June 2016, be allowed to address the meeting, the time being 8.02pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons then addressed the Council:-

Name	Topic
Warren Smith (representing Ryde SES)	Mayoral Minute 11/16 - Recognition of Ryde SES following recent storms
Andrew O'Neill	Notice of Rescission 1 - Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde
Claire Saunders	Item 2(3) – 1 Woodbine Crescent, Ryde – LDA2015/0466
Dr Tania Sherlaimoff	Item 2(3) – 1 Woodbine Crescent, Ryde – LDA2015/0466
Rainey Grealley	Item 2(3) – 1 Woodbine Crescent, Ryde – LDA2015/0466
Tirzah Lim	Item 2(3) – 1 Woodbine Crescent, Ryde – LDA2015/0466

Note: Penny Dillon (representing Optus) was called to address Council, however was not present in the Chamber.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

LEAVE OF ABSENCE

Councillor Stott requested a Leave of Absence for the period 8 July 2016 to 17 July 2016 inclusive.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pendleton and Pickering)

That Councillor Stott's Leave of Absence for period 8 July 2016 to 17 July 2016 inclusive be approved.

Record of Voting:

For the Motion: Unanimous

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Yedelian OAM and Simon)

That Council now consider the following Items, the time being 8.23pm:

- Mayoral Minute 11/16 – Recognition of Ryde SES Following Recent Storms.
- Notice of Motion 6 – Council Merger – Plebiscite of Residents.
- Notice of Rescission 1 – Expansion of Blenheim Park to include 86 Blenheim Road and 12a-14 Epping Road, North Ryde.
- Item 2(3) – 1 Woodbine Crescent, Ryde – LDA2015/0466.
- Item 2(6) – Tree Preservation Review – Results of Exhibition of DCP Amendments.
- Item 3 – Report of the Ryde Civic Hub Committee Meeting 5/16 held on 14 June 2016.
- Questions with Notice.
- Item 6 – Land and Environment Court Proceedings – 87 Bowden Street, Ryde – LDA2015/283.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES

MM10/16 VOLUNTARY PLANNING AGREEMENT / PLANNING PROPOSAL 66-82 TALAVERA ROAD, MACQUARIE PARK - The Mayor, Councillor Jerome Laxale

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

ITEM 1 (continued)

ATTACHMENT 1

MM11/16 RECOGNITION OF RYDE SES FOLLOWING RECENT STORMS - The Mayor, Councillor Jerome Laxale

Note: Warren Smith (representing Ryde SES) addressed the meeting in relation to this Item.

Note: Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a volunteer on Ryde Emergency Service.

RESOLUTION: (Moved by The Mayor, Councillor Laxale and Councillor Yedelian OAM)

- (a) That the SES be thanked for its work in the Ryde LGA during the June storms.
- (b) That Council thank the SES for its ongoing work in the community during all times of natural disaster.

Record of Voting:

For the Motion: Unanimous

Note: The Mayor, Councillor Jerome Laxale then presented Ryde SES Member, Warren Smith with a Certificate of Appreciation for the ongoing work conducted by the SES in the community.

NOTICE OF MOTION

6 COUNCIL MERGER – PLEBISCITE OF RESIDENTS - Councillor George Simon

Note: Phil Jenkyn (representing Save Our Councils Coalition) addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Simon and Pendleton)

- (a) That Council notes the recent announcement by the Leader of the Federal Opposition, Bill Shorten, that a future Labor Government will budget up to \$20m to fund plebiscites for Councils to seek residents views on Council amalgamations.
- (b) That Ryde Council hold a plebiscite of all residents as soon as practicable to seek the views of residents on whether they support a forced merger of Ryde Council.

ITEM 1 (continued)

ATTACHMENT 1

AMENDMENT: (Moved by Councillors Pickering and Stott)

That consideration of this matter be deferred until after the Federal Election, 2 July 2016.

On being put to the Meeting, the voting on the Amendment was five (5) for and three (3) against. The Amendment was **CARRIED** and then became the Motion.

Record of Voting:

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

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

RESOLUTION: (Moved by Councillors Pickering and Stott)

That consideration of this matter be deferred until after the Federal Election, 2 July 2016.

Record of Voting:

For the Motion: Councillors Chung, Etmekdjian, Pickering, Stott and Yedelian OAM

Against the Motion: The Mayor, Councillor Laxale and Councillors Pendleton and Simon

NOTICE OF RESCISSION

1 NOTICE OF RESCISSION: EXPANSION OF BLENHEIM PARK TO INCLUDE 86 BLENHEIM ROAD AND 12A-14 EPPING ROAD, NORTH RYDE - Deputy Mayor, Councillor Roy Maggio, Councillor Jeff Salvestro-Martin, Councillor Artin Etmekdjian

Note: Phillip Ward (representing Ryde Hunters Hill Flora and Fauna Preservation Society), Lyndal Howison, Sharon Burt, Paul Luff, Richard Shepherd, Philip Peake, Mark Whitfield, Chris Turner, Christopher Zanelli, Sharon Bejjani, Penny Pedersen (representing the Community), Andrew O'Neill and Tess Ballance addressed the meeting in relation to this Item.

Note: A letter from Shirley Brown dated 20 June 2016 was tabled in relation to this Item and a copy is ON FILE.

ITEM 1 (continued)

ATTACHMENT 1

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

That Council rescind the previous resolution in relation to part (b) of Notice of Motion 2 – EXPANSION OF BLENHEIM PARK TO INCLUDE 86 BLENHEIM ROAD AND 12A-14 EPPING ROAD, NORTH RYDE, passed at the Council Meeting held on 26 April 2016, namely:-

NOTICE OF MOTION

2 EXPANSION OF BLENHEIM PARK TO INCLUDE 86 BLENHEIM ROAD AND 12A-14 EPPING ROAD, NORTH RYDE

(b) *That, consistent with the Council resolution of 8 March 2016, the General Manager be delegated authority to immediately proceed with the acquisition of 86 Blenheim Road and 12A-14 Epping Road, North Ryde.*

On being put to the Meeting, the voting on the Rescission Motion was a unanimous vote Against the Motion. The Rescission Motion was **LOST**.

Record of Voting:

Against the Motion: Unanimous

COUNCIL REPORTS

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 5/16 held on 14 June 2016

RESOLUTION: (Moved by Councillors Pendleton and Pickering)

That Council determine Items 3 and 6 of the Planning and Environment Committee report 5/16, held on 14 June 2016 noting that Items 1 and 7 were dealt with by the Committee within its delegated powers and Items 2, 4 and 5 will be dealt with later in the Meeting as detailed in these Minutes.

Record of Voting:

For the Motion: Unanimous

2 35A WENTWORTH ROAD, EASTWOOD. LOT 2 DP 1178968. Local Development Application for new dwelling. LDA2015/0470.

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

ITEM 1 (continued)

ATTACHMENT 1

3 1 WOODBINE CRESCENT, RYDE. LOT 57 DP 10373. Local Development Application for demolition, new dual occupancy (attached) and swimming pool. LDA2015/0466.

Note: Claire Saunders, Dr Tania Sherlaimoff, Rainey Greally and Tirzah Lim addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Strategy and Planning dated 24 June 2016 was tabled in relation to this Item and a copy is ON FILE.

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

MOTION: (Moved by Councillors Chung and Simon)

- (a) That Council approve the application at 1 Woodbine Crescent, Ryde – LDA2015/0466 as a deferred commencement consent, subject to the driveway of dwelling 1 being redesigned to be adjacent to the driveway of dwelling 1a, to improve road safety in Woodbine Crescent, to the satisfaction of the Acting Director City Strategy and Planning and that general conditions are then to apply as follows;

GENERAL

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

1. **Approved Plans/Documents.** To be provided to Council as per the deferred commencement above.

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

- a) **Balcony Screening.** The balcony privacy screen on the balcony of the First Floor Master Bedroom of Dwelling 1A – is to be raised to a height of at least 1.8m above the finished floor level of the first floor.
- b) **Dwelling 1A Garage.** The door on the Dwelling 1A garage to the foyer is to be deleted.
- c) **Street tree planting.** The Landscape Plan to be amended to show the following tree species to be planted in the nature strip along Woodbine Crescent in the following locations:
 - Two(2) narrow leaf apple myrtle (*Angophora bakerii*) trees to be planted to the east of the driveway of Dwelling 1A;

ITEM 1 (continued)

ATTACHMENT 1

- Three (3) Snow-in-summer (*Melaleuca linariifolia*) trees to be planted to the west of the driveway of Dwelling 1A and to the east of the existing electricity power pole;
 - All trees are to have a minimum pot size of 45L at the time of planting;
 - All trees are to be planted 2.5m from the street kerb;
 - All trees are to be planted no less than 3m from the edge of any driveway; and
 - All trees are to be spaced equidistant along the nature strip.
- d) **Screen planting.** Landscape Plan (Dwg No. A06 (2) Revision B dated 23/1/16) is to be amended to replace the “Syzygium Australe / Lilly Pilly / up to 18 metre” within the Plant/Tree Schedule with “Syzygium Australe – Select Form / Lilly Pilly / trimmed to 2m”

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. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 668636S_02, dated 19 February 2016 and 668552S_03, dated 19 February 2016.
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. **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.
6. **Hoardings.**
 - a) A hoarding or fence must be erected between the work site and any adjoining public place.

ITEM 1 (continued)

ATTACHMENT 1

- b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **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.
8. **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.
9. **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.
10. **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.
11. **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.
12. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
13. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
14. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
15. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.

ITEM 1 (continued)

ATTACHMENT 1

16. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the relevant Australian Standard and City of Ryde Development Control Plan 2014 Section 8 except as amended by other conditions.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
18. **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.
19. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

20. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work 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
 - (a) 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.

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ATTACHMENT 1

21. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
22. **Excavation**
 - (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
 - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
23. **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.
24. **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.
25. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
26. **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.
27. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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ATTACHMENT 1

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.

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,227.74
Open Space & Recreation Facilities	\$10,407.85
Civic & Urban Improvements	\$3,539.91
Roads & Traffic Management Facilities	\$482.86
Cycleways	\$301.62
Stormwater Management Facilities	\$958.70
Plan Administration	\$81.32
The total contribution is	\$20,000

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

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

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

ITEM 1 (continued)

ATTACHMENT 1

29. **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**.
30. **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**.
31. **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: dwelling houses with delivery of bricks or concrete or machine)
32. **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
33. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
34. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
35. **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 3 Woodbine Crescent, Ryde. 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**.
36. **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.

ITEM 1 (continued)

ATTACHMENT 1

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>

37. **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**.
38. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 – Fences, unless otherwise specified in this consent. Installation of boundary fencing is to be at the full cost of the developer. Details of compliance are to be provided in the plans for the **Construction Certificate**.
39. **Fencing and Lattice Screening.** Existing boundary fencing is to remain unless otherwise agreed to by the neighbouring property owners.

Lattice privacy screening is to be installed above the existing boundary fences with 3 Woodbine Crescent and 8 Greene Avenue, Ryde to a total fence height of 2.4m high measured from the finished ground level of 1 Woodbine Crescent. Installation of privacy fencing is to be at the full cost of the developer. Details of compliance are to be provided in the plans submitted with the **Construction Certificate**.

40. **Tree planting – location.** The trees required to be planted under this consent must be planted a minimum of 3m from any property boundary. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

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41. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.
42. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
43. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
44. **Provision of Pedestrian Sight Lines.** Clear pedestrian sight lines in accordance with Figure 3.3 of AS2890.1 :2004 Off Street Carparking are to be provided at the driveway entry to each dwelling.

This requires that there be no retaining/boundary wall or fence including landscaping higher than 900mm within 2.5m of the driveway entry at the boundary and to a distance of 2.0m within the site. Any walls, landscaping etc are to be adjusted in order to also comply with this. Full details are to be shown on the architectural and landscaping plans submitted for approval with the Construction Certificate.

45. **External Engineering Works.** To facilitate satisfactory and safe access to and from the proposed development, the following public infrastructure works shall be constructed at no cost to Council along the entire public road frontage of the site.
 - a. Standard concrete footpath paving along the frontage of the property in Woodbine Crescent.
 - b. Any other associated works required within the footpath/street due to the proposal.
 - c. Replacement of any damaged kerb and gutter within the property frontage and at the pipe outlet.

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Detailed engineering plans prepared by a qualified and experienced civil engineer in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works **are to be submitted to, and approved by Council**

46. **On-Site Stormwater Detention.** Stormwater runoff from the development site shall be collected and piped by gravity flow to a suitable onsite detention(OSD) system designed in accordance with the City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. The concept drainage design prepared by RCO Engineering Pty Ltd Dwg 229 S01 Rev 2 dated 1/2/16 shall be amended to incorporate but not be limited to the following:
- a. Provision of minimum 5.4m³ of OSD volume at a discharge rate of 3.0 L/s for each OSD tank. Orifice diameter to be revised to achieve this.
 - b. Provision of pits to collect surface runoff from the rear yards of Dwelling 1
 - c. Provision of external cleaning eyes for each pipe directed under the building.
 - d. All gutters, downpipes and pipeline conveying stormwater runoff to the BASIX tank are to be designed for the 1 in 100 year, 5 minute duration storm event.

Detailed engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application.(Note the owner/Builder should not be the certifying engineer)

47. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.
48. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary. The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*
- a. Existing and final contours
 - b. The location of all earthworks, including roads, areas of cut and fill

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- c. Location of all impervious areas
 - d. Location and design criteria of erosion and sediment control structures,**
 - e. Location and description of existing vegetation
 - f. Site access point/s and means of limiting material leaving the site
 - g. Location of proposed vegetated buffer strips
 - h. Location of critical areas (drainage lines, water bodies and unstable slopes)
 - i. Location of stockpiles
 - j. Means of diversion of uncontaminated upper catchment around disturbed areas
 - k. Procedures for maintenance of erosion and sediment controls
 - l. Details for any staging of works
 - m. Details and procedures for dust control.
49. **Tree Planting on Council's verge.** Five (5) trees are to be planted equidistant along the nature strip along Woodbine Crescent in the following locations:
- a. Two(2) narrow leaf apple myrtle (*Angophora bakerii*) trees to be planted to the east of the driveway of Dwelling 1A;
 - b. Three (3) Snow-in-summer (*Melaleuca linariifolia*) trees to be planted to the west of the driveway of Dwelling 1A and to the east of the existing electricity power pole;
 - c. All trees are to have a minimum pot size of 45L at the time of planting;
 - d. All trees are to be planted 2.5m from the street kerb;
 - e. All trees are to be planted no less than 3m from the edge of any driveway;
 - f. Trees to be planted in accordance with Section 6 of Councils Urban Forest Technical Manual.
 - g. A \$1,500 bond shall be paid to Council prior to issue of the Construction Certificate. Details of payment are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
 - h. The trees shall be maintained by the applicant or owner of the site for a minimum period of 12 months after the Occupation Certificate has been issued.

Note: An inspection by a Council Tree Management shall be undertaken to ensure that this condition has been met and the tree is of good health and vigour prior to release of the bond. Should the tree fail to survive and thrive it will be at the cost of the applicant to replace the tree and the bond time period of 12 months shall recommence.

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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.

50. 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.

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

52. Residential building work – provision of information.

- Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

53. 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.

54. 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.

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

56. Compliance Certificate. A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities.

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57. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained within the subject site and on neighbouring allotments. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council **prior to the commencement of construction.**
58. **Street trees.** Prior to the street trees being planted, the location of existing electrical services and underground services shall be determined so as not to plant the tree in such a location that it will in the future affect the any services running into the subject site or adjoining properties.

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.

59. **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*.
60. **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 the City of Ryde Council on completion of the project.

Tree Protection Schedule

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment

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2	Establishment of tree protection fencing and additional root, trunk and/or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

61. **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.
62. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
63. **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.
64. **Construction materials.** All materials associated with construction must be retained within the site.
65. **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.

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66. 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.

67. 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".

68. Tree removal. This consent does not authorise the removal of trees unless specifically authorised by a condition of this consent. This consent authorises the removal of the following trees:

Street trees

Tree 1 – Scribbly Gum (*Eucalyptus haemastoma*)

Tree 2 – Butterfly Tree (*Bauhinia prupurea*)

Site trees

Tree 3 – Flowering Ash (*Fraxinus griffithii*)

Tree 4 – False Cypress (*Cupressus sp.*)

Tree 5 – Peach Tree (*Prunius persica*)

All tree removal work is to be carried out in accordance NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

69. 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 to be retained and protected

Tree 6 and 7 – Blue Jacaranda (*Jacaranda mimosifolia*)

70. Tree protection – during construction. Trees that are shown on the approved plans as being retained must be protected against damage during construction.

71. Tree works – Australian Standards. Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.

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72. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

73. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 668636s_02, dated 19 February 2016 and 668552S_03, dated 19 February 2016.
74. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
75. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of any **Occupation Certificate**.
76. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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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.

77. **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**.
78. **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.
79. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
80. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council’s City Works and Infrastructure. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.
81. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property in Woodbine Crescent adjacent to the front property boundary. Levels of the footpath paving shall conform with plans approved by Council’s City Works and Infrastructure.

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82. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
83. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels is to be submitted to the Principal Certifying Authority (PCA) and to Ryde City Council if Council is not the nominated PCA.
84. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Dwg 229 S01 Rev 2 dated 1/2/16 and S02 & S03 Rev 2 dated 18/2/16 prepared by RCO Engineering Pty Ltd and as amended in red by Council and conditions of this consent.
- Compliance Certificates – Engineering. Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and submitted to the PCA:
 - Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's Development Control Plan 2014: - Part 8.3; Driveways
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2014: - Part 8.3; Driveways.
 - Confirmation from Council that concrete footpath paving along Woodbine Crescent has been constructed and satisfactory.
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management

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- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's Development Control Plan 2014: - Part 8.3 Driveways

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

The applicant shall submit the works as executed drawing and the compliance certificate for drainage from the hydraulic engineer to Council with the documents for the Positive Covenant.

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.

86. **Dual occupancy only.** The dual occupancy is not to be used or adapted for use as a boarding house.
87. **Pool fencing.** The pool fence is to be maintained in accordance with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*.
88. **Tree maintenance.** The owner of the property is to water and maintain the five (5) street trees required under Conditions 1(c) and 49 on the nature strip in front of the property for first 12 months after planting has been completed.

Note: The tree bond is redeemable no sooner than 12 months after the Occupation Certificate has been issued. Council Tree Management Officer is to inspect the trees prior to the bond being released. The tree shall be in good health and vigour upon inspection. Should the tree fail to survive and thrive it will be at the cost of the applicant to replace the tree and the bond time period of 12 months shall recommence.

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89. **Use of study in Dwelling 1 and Dwelling 1A.** The study within Dwelling 1 and Dwelling 1A of the development is not to be used for the purpose of a home business or home occupation.

- (b) That the traffic and parking issues raised by the residents in the submissions in respect of LDA2015/0466 be referred to Council's Traffic Department and the Traffic Committee if required, for further consideration. Those residents who made a submission should be advised of any outcome of any subsequent Traffic Committee meeting.

AMENDMENT: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council approve the application at 1 Woodbine Crescent, Ryde – LDA2015/0466 subject to the following conditions:-

GENERAL

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

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

Document Description	Date	Plan No/Reference
Site Plan (For Demolition)	15/03/2016	Dwg No A00 Rev C
Site Plan	15/03/2016	Dwg No A01 Rev C
Sediment Control Plan	15/03/2016	Dwg No A02 Rev C
Ground Floor Plan	15/03/2016	Dwg No A03(1) Rev C
First Floor Plan	15/03/2016	Dwg No A03(2) Rev B
North East Elevation	23/01/2016	Dwg No A04(1) Rev B
South West Elevation	23/01/2016	Dwg No A04(2) Rev B
North West Elevation	23/01/2016	Dwg No A04(3) Rev B
South East Elevation	23/01/2016	Dwg No A04(4) Rev B
Section AA	23/01/2016	Dwg No A05(1) Rev B
Landscape Plan	15/03/2016	Dwg No A06(1) Rev C
Landscaping Notes	23/01/2016	Dwg No A06(2) Rev B
Schedule of Finishes (1)	20/09/2015	Dwg No A08(1)
Windows Schedule	23/01/2016	Dwg No A09 Rev A
Driveway Profile Dwelling 1	21/11/2015	Dwg No A14(1)
Driveway Profile Dwelling 1A	21/11/2015	Dwg No A14(2)
Stormwater Concept Plan	01/02/2016	Dwg No. 229 S01
Stormwater Concept Plan – Below Ground Tank Section AA Detail OSD 1	18/02/2016	Dwg No. 229 S02
Stormwater Concept Plan – Below Ground Tank Section AA Detail OSD 2	18/02/2016	Dwg No. 229 S03

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

- b) **Balcony Screening.** The balcony privacy screen on the balcony of the First Floor Master Bedroom of Dwelling 1A – is to be raised to a height of at least 1.8m above the finished floor level of the first floor.
- c) **Dwelling 1A Garage.** The door on the Dwelling 1A garage to the foyer is to be deleted.
- d) **Street tree planting.** The Landscape Plan to be amended to show the following tree species to be planted in the nature strip along Woodbine Crescent in the following locations:
 - Two(2) narrow leaf apple myrtle (*Angophora bakerii*) trees to be planted to the east of the driveway of Dwelling 1A;
 - Three (3) Snow-in-summer (*Melaleuca linariifolia*) trees to be planted to the west of the driveway of Dwelling 1A and to the east of the existing electricity power pole;
 - All trees are to have a minimum pot size of 45L at the time of planting;
 - All trees are to be planted 2.5m from the street kerb;
 - All trees are to be planted no less than 3m from the edge of any driveway; and
 - All trees are to be spaced equidistant along the nature strip.
- e) **Screen planting.** Landscape Plan (Dwg No. A06 (2) Revision B dated 23/1/16) is to be amended to replace the “Syzygium Australe / Lilly Pilly / up to 18 metre” within the Plant/Tree Schedule with “Syzygium Australe – Select Form / Lilly Pilly / trimmed to 2m”

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. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 668636S_02, dated 19 February 2016 and 668552S_03, dated 19 February 2016.

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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. **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.
6. **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.
7. **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.
8. **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.
9. **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.
10. **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.
11. **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.

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12. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
13. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
14. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
15. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.
16. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the relevant Australian Standard and City of Ryde Development Control Plan 2014 Section 8 except as amended by other conditions.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant’s expense.
18. **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.
19. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

ITEM 1 (continued)

ATTACHMENT 1

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

20. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work 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.
21. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
22. **Excavation**
 - (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
 - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
23. **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.
24. **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.

ITEM 1 (continued)

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25. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
26. **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.
27. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,227.74
Open Space & Recreation Facilities	\$10,407.85
Civic & Urban Improvements	\$3,539.91
Roads & Traffic Management Facilities	\$482.86
Cycleways	\$301.62
Stormwater Management Facilities	\$958.70
Plan Administration	\$81.32
The total contribution is	\$20,000

ITEM 1 (continued)

ATTACHMENT 1

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

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

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

29. **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**.
30. **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**.
31. **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: dwelling houses with delivery of bricks or concrete or machine)
32. **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
33. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.

ITEM 1 (continued)

ATTACHMENT 1

34. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
35. **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 3 Woodbine Crescent, Ryde. 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**.
36. **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>

37. **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**.
38. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 – Fences, unless otherwise specified in this consent. Installation of boundary fencing is to be at the full cost of the developer. Details of compliance are to be provided in the plans for the **Construction Certificate**.

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39. **Fencing and Lattice Screening.** Existing boundary fencing is to remain unless otherwise agreed to by the neighbouring property owners.

Lattice privacy screening is to be installed above the existing boundary fences with 3 Woodbine Crescent and 8 Greene Avenue, Ryde to a total fence height of 2.4m high measured from the finished ground level of 1 Woodbine Crescent. Installation of privacy fencing is to be at the full cost of the developer. Details of compliance are to be provided in the plans submitted with the **Construction Certificate**.

40. **Tree planting – location.** The trees required to be planted under this consent must be planted a minimum of 3m from any property boundary. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

41. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.

42. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.

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

44. **Provision of Pedestrian Sight Lines.** Clear pedestrian sight lines in accordance with Figure 3.3 of AS2890.1 :2004 Off Street Carparking are to be provided at the driveway entry to each dwelling.

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This requires that there be no retaining/boundary wall or fence including landscaping higher than 900mm within 2.5m of the driveway entry at the boundary and to a distance of 2.0m within the site. Any walls, landscaping etc are to be adjusted in order to also comply with this. Full details are to be shown on the architectural and landscaping plans submitted for approval with the Construction Certificate.

45. **External Engineering Works.** To facilitate satisfactory and safe access to and from the proposed development, the following public infrastructure works shall be constructed at no cost to Council along the entire public road frontage of the site.
- a. Standard concrete footpath paving along the frontage of the property in Woodbine Crescent.
 - b. Any other associated works required within the footpath/street due to the proposal.
 - c. Replacement of any damaged kerb and gutter within the property frontage and at the pipe outlet.

Detailed engineering plans prepared by a qualified and experienced civil engineer in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works **are to be submitted to, and approved by Council**

46. **On-Site Stormwater Detention.** Stormwater runoff from the development site shall be collected and piped by gravity flow to a suitable onsite detention(OSD) system designed in accordance with the City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. The concept drainage design prepared by RCO Engineering Pty Ltd Dwg 229 S01 Rev 2 dated 1/2/16 shall be amended to incorporate but not be limited to the following:
- a. Provision of minimum 5.4m³ of OSD volume at a discharge rate of 3.0 L/s for each OSD tank. Orifice diameter to be revised to achieve this.
 - b. Provision of pits to collect surface runoff from the rear yards of Dwelling 1
 - c. Provision of external cleaning eyes for each pipe directed under the building.
 - d. All gutters, downpipes and pipeline conveying stormwater runoff to the BASIX tank are to be designed for the 1 in 100 year, 5 minute duration storm event.

ITEM 1 (continued)

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Detailed engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application. (Note the owner/Builder should not be the certifying engineer)

47. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.
48. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary. The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*
 - a. Existing and final contours
 - b. The location of all earthworks, including roads, areas of cut and fill
 - c. Location of all impervious areas
 - d. **Location and design criteria of erosion and sediment control structures,**
 - e. Location and description of existing vegetation
 - f. Site access point/s and means of limiting material leaving the site
 - g. Location of proposed vegetated buffer strips
 - h. Location of critical areas (drainage lines, water bodies and unstable slopes)
 - i. Location of stockpiles
 - j. Means of diversion of uncontaminated upper catchment around disturbed areas
 - k. Procedures for maintenance of erosion and sediment controls
 - l. Details for any staging of works
 - m. Details and procedures for dust control.
49. **Tree Planting on Council's verge.** Five (5) trees are to be planted equidistant along the nature strip along Woodbine Crescent in the following locations:
 - a. Two(2) narrow leaf apple myrtle (*Angophora bakerii*) trees to be planted to the east of the driveway of Dwelling 1A;
 - b. Three (3) Snow-in-summer (*Melaleuca linariifolia*) trees to be planted to the west of the driveway of Dwelling 1A and to the east of the existing electricity power pole;
 - c. All trees are to have a minimum pot size of 45L at the time of planting;

ITEM 1 (continued)

ATTACHMENT 1

- d. All trees are to be planted 2.5m from the street kerb;
- e. All trees are to be planted no less than 3m from the edge of any driveway;
- f. Trees to be planted in accordance with Section 6 of Councils Urban Forest Technical Manual.
- g. A \$1,500 bond shall be paid to Council prior to issue of the Construction Certificate. Details of payment are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- h. The trees shall be maintained by the applicant or owner of the site for a minimum period of 12 months after the Occupation Certificate has been issued.

Note: An inspection by a Council Tree Management shall be undertaken to ensure that this condition has been met and the tree is of good health and vigour prior to release of the bond. Should the tree fail to survive and thrive it will be at the cost of the applicant to replace the tree and the bond time period of 12 months shall recommence.

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.

50. 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.

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

ITEM 1 (continued)

ATTACHMENT 1

52. Residential building work – provision of information.

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

- (a) in the case of work for which a principal contractor is required to be appointed:
 - a. the name and licence number of the principal contractor; and
 - b. the name of the insurer by which the work is insured under Part 6 of that Act.
- (b) in the case of work to be done by an owner-builder:
 - a. the name of the owner-builder; and
 - b. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

53. 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.

54. 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.

ITEM 1 (continued)

ATTACHMENT 1

55. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan prior to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
56. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities.
57. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained within the subject site and on neighbouring allotments. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council **prior to the commencement of construction.**
58. **Street trees.** Prior to the street trees being planted, the location of existing electrical services and underground services shall be determined so as not to plant the tree in such a location that it will in the future affect the any services running into the subject site or adjoining properties.

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.

59. **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*.

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60. **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 the City of Ryde Council on completion of the project.

Tree Protection Schedule

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2	Establishment of tree protection fencing and additional root, trunk and/or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

61. **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.
62. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

ITEM 1 (continued)

ATTACHMENT 1

63. **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.
64. **Construction materials.** All materials associated with construction must be retained within the site.
65. **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.
66. **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.
67. **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".
68. **Tree removal.** This consent does not authorise the removal of trees unless specifically authorised by a condition of this consent. This consent authorises the removal of the following trees:

Street trees

Tree 1 – Scribbly Gum (*Eucalyptus haemastoma*)

Tree 2 – Butterfly Tree (*Bauhinia prupurea*)

Site trees

Tree 3 – Flowering Ash (*Fraxinus griffithii*)

Tree 4 – False Cypress (*Cupressus sp.*)

Tree 5 – Peach Tree (*Prunius persica*)

ITEM 1 (continued)

ATTACHMENT 1

All tree removal work is to be carried out in accordance NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

69. **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 to be retained and protected

Tree 6 and 7 – Blue Jacaranda (*Jacaranda mimosifolia*)

70. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
71. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
72. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

73. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 668636s_02, dated 19 February 2016 and 668552S_03, dated 19 February 2016.
74. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

ITEM 1 (continued)

ATTACHMENT 1

75. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of any **Occupation Certificate**.
76. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

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

77. **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**.
78. **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.
79. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.

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ATTACHMENT 1

80. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's City Works and Infrastructure. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.
81. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property in Woodbine Crescent adjacent to the front property boundary. Levels of the footpath paving shall conform with plans approved by Council's City Works and Infrastructure.
82. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
83. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels is to be submitted to the Principal Certifying Authority (PCA) and to Ryde City Council if Council is not the nominated PCA.
84. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Dwg 229 S01 Rev 2 dated 1/2/16 and S02 & S03 Rev 2 dated 18/2/16 prepared by RCO Engineering Pty Ltd and as amended in red by Council and conditions of this consent.
 - Compliance Certificates – Engineering. Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and submitted to the PCA:

ITEM 1 (continued)

ATTACHMENT 1

- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's Development Control Plan 2014: - Part 8.3; Driveways
- Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Council's Development Control Plan 2014: - Part 8.3; Driveways.
- Confirmation from Council that concrete footpath paving along Woodbine Crescent has been constructed and satisfactory.
- Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management
- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's Development Control Plan 2014: - Part 8.3 Driveways

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

The applicant shall submit the works as executed drawing and the compliance certificate for drainage from the hydraulic engineer to Council with the documents for the Positive Covenant.

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.

86. **Dual occupancy only.** The dual occupancy is not to be used or adapted for use as a boarding house.

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87. **Pool fencing.** The pool fence is to be maintained in accordance with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*.

88. **Tree maintenance.** The owner of the property is to water and maintain the five (5) street trees required under Conditions 1(c) and 49 on the nature strip in front of the property for first 12 months after planting has been completed.

Note: The tree bond is redeemable no sooner than 12 months after the Occupation Certificate has been issued. Council Tree Management Officer is to inspect the trees prior to the bond being released. The tree shall be in good health and vigour upon inspection. Should the tree fail to survive and thrive it will be at the cost of the applicant to replace the tree and the bond time period of 12 months shall recommence.

89. **Use of study in Dwelling 1 and Dwelling 1A.** The study within Dwelling 1 and Dwelling 1A of the development is not to be used for the purpose of a home business or home occupation.

(b) That the traffic and parking issues raised by the residents in the submissions in respect of LDA2015/0466 be referred to Council's Traffic Department and the Traffic Committee if required, for further consideration. Those residents who made a submission should be advised of any outcome of any subsequent Traffic Committee meeting.

On being put to the Meeting, the voting on the Amendment was five (5) for and three (3) against. The Amendment was **CARRIED** and then became the Motion.

Record of Voting:

For the Amendment: The Mayor, Councillor Laxale and Councillors Etmekdjian, Pickering, Stott and Yedelian OAM

Against the Amendment: Councillors Chung, Pendleton and Simon

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

(a) That Council approve the application at 1 Woodbine Crescent, Ryde – LDA2015/0466 subject to the following conditions:-

GENERAL

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

ITEM 1 (continued)

ATTACHMENT 1

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

Document Description	Date	Plan No/Reference
Site Plan (For Demolition)	15/03/2016	Dwg No A00 Rev C
Site Plan	15/03/2016	Dwg No A01 Rev C
Sediment Control Plan	15/03/2016	Dwg No A02 Rev C
Ground Floor Plan	15/03/2016	Dwg No A03(1) Rev C
First Floor Plan	15/03/2016	Dwg No A03(2) Rev B
North East Elevation	23/01/2016	Dwg No A04(1) Rev B
South West Elevation	23/01/2016	Dwg No A04(2) Rev B
North West Elevation	23/01/2016	Dwg No A04(3) Rev B
South East Elevation	23/01/2016	Dwg No A04(4) Rev B
Section AA	23/01/2016	Dwg No A05(1) Rev B
Landscape Plan	15/03/2016	Dwg No A06(1) Rev C
Landscaping Notes	23/01/2016	Dwg No A06(2) Rev B
Schedule of Finishes (1)	20/09/2015	Dwg No A08(1)
Windows Schedule	23/01/2016	Dwg No A09 Rev A
Driveway Profile Dwelling 1	21/11/2015	Dwg No A14(1)
Driveway Profile Dwelling 1A	21/11/2015	Dwg No A14(2)
Stormwater Concept Plan	01/02/2016	Dwg No. 229 S01
Stormwater Concept Plan – Below Ground Tank Section AA Detail OSD 1	18/02/2016	Dwg No. 229 S02
Stormwater Concept Plan – Below Ground Tank Section AA Detail OSD 2	18/02/2016	Dwg No. 229 S03

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

- a) **Balcony Screening.** The balcony privacy screen on the balcony of the First Floor Master Bedroom of Dwelling 1A – is to be raised to a height of at least 1.8m above the finished floor level of the first floor.
- b) **Dwelling 1A Garage.** The door on the Dwelling 1A garage to the foyer is to be deleted.
- c) **Street tree planting.** The Landscape Plan to be amended to show the following tree species to be planted in the nature strip along Woodbine Crescent in the following locations:
 - a. Two(2) narrow leaf apple myrtle (*Angophora bakerii*) trees to be planted to the east of the driveway of Dwelling 1A;

ITEM 1 (continued)

ATTACHMENT 1

- b. Three (3) Snow-in-summer (*Melaleuca linariifolia*) trees to be planted to the west of the driveway of Dwelling 1A and to the east of the existing electricity power pole;
 - c. All trees are to have a minimum pot size of 45L at the time of planting;
 - d. All trees are to be planted 2.5m from the street kerb;
 - e. All trees are to be planted no less than 3m from the edge of any driveway; and
 - f. All trees are to be spaced equidistant along the nature strip.
- d) **Screen planting.** Landscape Plan (Dwg No. A06 (2) Revision B dated 23/1/16) is to be amended to replace the “Syzygium Australe / Lilly Pilly / up to 18 metre” within the Plant/Tree Schedule with “Syzygium Australe – Select Form / Lilly Pilly / trimmed to 2m”

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. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 668636S_02, dated 19 February 2016 and 668552S_03, dated 19 February 2016.
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. **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.
6. **Hoardings.**
 - a. A hoarding or fence must be erected between the work site and any adjoining public place.

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- b. Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **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.
8. **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.
9. **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.
10. **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.
11. **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.
12. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
13. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
14. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
15. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.

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16. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the relevant Australian Standard and City of Ryde Development Control Plan 2014 Section 8 except as amended by other conditions.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
18. **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.
19. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

20. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work 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.

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ATTACHMENT 1

21. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
22. **Excavation**
 - (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
 - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
23. **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.
24. **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.
25. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
26. **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.
27. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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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.

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,227.74
Open Space & Recreation Facilities	\$10,407.85
Civic & Urban Improvements	\$3,539.91
Roads & Traffic Management Facilities	\$482.86
Cycleways	\$301.62
Stormwater Management Facilities	\$958.70
Plan Administration	\$81.32
The total contribution is	\$20,000

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

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

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

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29. **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**.
30. **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**.
31. **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: dwelling houses with delivery of bricks or concrete or machine)
32. **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
33. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
34. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
35. **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 3 Woodbine Crescent, Ryde. 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**.
36. **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.

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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>

37. **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**.
38. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 – Fences, unless otherwise specified in this consent. Installation of boundary fencing is to be at the full cost of the developer. Details of compliance are to be provided in the plans for the **Construction Certificate**.
39. **Fencing and Lattice Screening.** Existing boundary fencing is to remain unless otherwise agreed to by the neighbouring property owners.

Lattice privacy screening is to be installed above the existing boundary fences with 3 Woodbine Crescent and 8 Greene Avenue, Ryde to a total fence height of 2.4m high measured from the finished ground level of 1 Woodbine Crescent. Installation of privacy fencing is to be at the full cost of the developer. Details of compliance are to be provided in the plans submitted with the **Construction Certificate**.

40. **Tree planting – location.** The trees required to be planted under this consent must be planted a minimum of 3m from any property boundary. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

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41. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.
42. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
43. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
44. **Provision of Pedestrian Sight Lines.** Clear pedestrian sight lines in accordance with Figure 3.3 of AS2890.1 :2004 Off Street Carparking are to be provided at the driveway entry to each dwelling.

This requires that there be no retaining/boundary wall or fence including landscaping higher than 900mm within 2.5m of the driveway entry at the boundary and to a distance of 2.0m within the site. Any walls, landscaping etc are to be adjusted in order to also comply with this. Full details are to be shown on the architectural and landscaping plans submitted for approval with the Construction Certificate.

45. **External Engineering Works.** To facilitate satisfactory and safe access to and from the proposed development, the following public infrastructure works shall be constructed at no cost to Council along the entire public road frontage of the site.
 - a. Standard concrete footpath paving along the frontage of the property in Woodbine Crescent.
 - b. Any other associated works required within the footpath/street due to the proposal.
 - c. Replacement of any damaged kerb and gutter within the property frontage and at the pipe outlet.

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Detailed engineering plans prepared by a qualified and experienced civil engineer in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works **are to be submitted to, and approved by Council**

46. **On-Site Stormwater Detention.** Stormwater runoff from the development site shall be collected and piped by gravity flow to a suitable onsite detention(OSD) system designed in accordance with the City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. The concept drainage design prepared by RCO Engineering Pty Ltd Dwg 229 S01 Rev 2 dated 1/2/16 shall be amended to incorporate but not be limited to the following:
- a. Provision of minimum 5.4m³ of OSD volume at a discharge rate of 3.0 L/s for each OSD tank. Orifice diameter to be revised to achieve this.
 - b. Provision of pits to collect surface runoff from the rear yards of Dwelling 1
 - c. Provision of external cleaning eyes for each pipe directed under the building.
 - d. All gutters, downpipes and pipeline conveying stormwater runoff to the BASIX tank are to be designed for the 1 in 100 year, 5 minute duration storm event.

Detailed engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application.(Note the owner/Builder should not be the certifying engineer)

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

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- b. The location of all earthworks, including roads, areas of cut and fill
 - c. Location of all impervious areas
 - d. Location and design criteria of erosion and sediment control structures,**
 - e. Location and description of existing vegetation
 - f. Site access point/s and means of limiting material leaving the site
 - g. Location of proposed vegetated buffer strips

 - h. Location of critical areas (drainage lines, water bodies and unstable slopes)
 - i. Location of stockpiles
 - j. Means of diversion of uncontaminated upper catchment around disturbed areas
 - k. Procedures for maintenance of erosion and sediment controls
 - l. Details for any staging of works
 - m. Details and procedures for dust control.
49. **Tree Planting on Council's verge.** Five (5) trees are to be planted equidistant along the nature strip along Woodbine Crescent in the following locations:
- a. Two(2) narrow leaf apple myrtle (*Angophora bakerii*) trees to be planted to the east of the driveway of Dwelling 1A;
 - b. Three (3) Snow-in-summer (*Melaleuca linariifolia*) trees to be planted to the west of the driveway of Dwelling 1A and to the east of the existing electricity power pole;
 - c. All trees are to have a minimum pot size of 45L at the time of planting;
 - d. All trees are to be planted 2.5m from the street kerb;
 - e. All trees are to be planted no less than 3m from the edge of any driveway;
 - f. Trees to be planted in accordance with Section 6 of Councils Urban Forest Technical Manual.
 - g. A \$1,500 bond shall be paid to Council prior to issue of the Construction Certificate. Details of payment are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
 - h. The trees shall be maintained by the applicant or owner of the site for a minimum period of 12 months after the Occupation Certificate has been issued.

Note: An inspection by a Council Tree Management shall be undertaken to ensure that this condition has been met and the tree is of good health and vigour prior to release of the bond. Should the tree fail to survive and thrive it will be at the cost of the applicant to replace the tree and the bond time period of 12 months shall recommence.

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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.

50. 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.

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

52. Residential building work – provision of information.

- Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - a. the name and licence number of the principal contractor; and
 - b. the name of the insurer by which the work is insured under Part 6 of that Act.
 - (b) in the case of work to be done by an owner-builder:
 - a. the name of the owner-builder; and
 - b. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

53. 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.

54. 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.

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

56. Compliance Certificate. A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities.

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57. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained within the subject site and on neighbouring allotments. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council **prior to the commencement of construction.**
58. **Street trees.** Prior to the street trees being planted, the location of existing electrical services and underground services shall be determined so as not to plant the tree in such a location that it will in the future affect the any services running into the subject site or adjoining properties.

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.

59. **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*.
60. **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 the City of Ryde Council on completion of the project.

Tree Protection Schedule

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment

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2	Establishment of tree protection fencing and additional root, trunk and/or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

61. **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.
62. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
63. **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.
64. **Construction materials.** All materials associated with construction must be retained within the site.
65. **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.

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66. 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.

67. 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".

68. Tree removal. This consent does not authorise the removal of trees unless specifically authorised by a condition of this consent. This consent authorises the removal of the following trees:

Street trees

Tree 1 – Scribbly Gum (*Eucalyptus haemastoma*)

Tree 2 – Butterfly Tree (*Bauhinia prupurea*)

Site trees

Tree 3 – Flowering Ash (*Fraxinus griffithii*)

Tree 4 – False Cypress (*Cupressus sp.*)

Tree 5 – Peach Tree (*Prunius persica*)

All tree removal work is to be carried out in accordance NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

69. 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 to be retained and protected

Tree 6 and 7 – Blue Jacaranda (*Jacaranda mimosifolia*)

70. Tree protection – during construction. Trees that are shown on the approved plans as being retained must be protected against damage during construction.

71. Tree works – Australian Standards. Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.

ITEM 1 (continued)

ATTACHMENT 1

72. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

73. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 668636s_02, dated 19 February 2016 and 668552S_03, dated 19 February 2016.
74. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
75. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of any **Occupation Certificate**.
76. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

ITEM 1 (continued)

ATTACHMENT 1

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.

77. **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**.
78. **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.
79. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
80. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council’s City Works and Infrastructure. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.
81. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property in Woodbine Crescent adjacent to the front property boundary. Levels of the footpath paving shall conform with plans approved by Council’s City Works and Infrastructure.

ITEM 1 (continued)

ATTACHMENT 1

82. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
83. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels is to be submitted to the Principal Certifying Authority (PCA) and to Ryde City Council if Council is not the nominated PCA.
84. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Dwg 229 S01 Rev 2 dated 1/2/16 and S02 & S03 Rev 2 dated 18/2/16 prepared by RCO Engineering Pty Ltd and as amended in red by Council and conditions of this consent.
- Compliance Certificates – Engineering. Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and submitted to the PCA:
 - Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's Development Control Plan 2014: - Part 8.3; Driveways
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2014: - Part 8.3; Driveways.
 - Confirmation from Council that concrete footpath paving along Woodbine Crescent has been constructed and satisfactory.
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management

ITEM 1 (continued)

ATTACHMENT 1

- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's Development Control Plan 2014:
- Part 8.3 Driveways

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

The applicant shall submit the works as executed drawing and the compliance certificate for drainage from the hydraulic engineer to Council with the documents for the Positive Covenant.

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.

86. **Dual occupancy only.** The dual occupancy is not to be used or adapted for use as a boarding house.
87. **Pool fencing.** The pool fence is to be maintained in accordance with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*.
88. **Tree maintenance.** The owner of the property is to water and maintain the five (5) street trees required under Conditions 1(c) and 49 on the nature strip in front of the property for first 12 months after planting has been completed.

Note: The tree bond is redeemable no sooner than 12 months after the Occupation Certificate has been issued. Council Tree Management Officer is to inspect the trees prior to the bond being released. The tree shall be in good health and vigour upon inspection. Should the tree fail to survive and thrive it will be at the cost of the applicant to replace the tree and the bond time period of 12 months shall recommence.

ITEM 1 (continued)

ATTACHMENT 1

89. **Use of study in Dwelling 1 and Dwelling 1A.** The study within Dwelling 1 and Dwelling 1A of the development is not to be used for the purpose of a home business or home occupation.

- (b) That the traffic and parking issues raised by the residents in the submissions in respect of LDA2015/0466 be referred to Council's Traffic Department and the Traffic Committee if required, for further consideration. Those residents who made a submission should be advised of any outcome of any subsequent Traffic Committee meeting.

Record of Voting:

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

Against the Motion: Councillors Chung and Pendleton

4 MACQUARIE PARK - CAR PARKING REVIEW

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

5 MACQUARIE PARK CAR PARKING - PLANNING PROPOSAL

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

6 TREE PRESERVATION REVIEW- RESULTS OF EXHIBITION OF DCP AMENDMENTS

Note: Phillip Ward (representing Ryde Hunters Hill Flora and Fauna Preservation Society) addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council adopt the amendments to Ryde Development Control Plan 2014- Part 9.5: Tree Preservation as shown at **ATTACHMENT 1**.
- (b) That Council give public notice in a local newspaper of its decision with respect to the draft amending Ryde Development Control Plan (RDCP) 2014 within 28 days of its decision, and provide the Secretary of the Department of Planning and Environment with a copy of the plan in accordance with the Environmental Planning and Assessment Regulation 2000.
- (c) That Council conduct a review of the 4 metre exemption for tree removal 12 months after the RDCP amendments become effective.

ITEM 1 (continued)

ATTACHMENT 1

AMENDMENT: (Moved by Councillors Pendleton and Simon)

- (a) That Council adopt the amendments to Ryde Development Control Plan 2014- Part 9.5: Tree Preservation except in regards to the 4 metre exemption for tree removal on private property being reverted back to 3 metres.
- (b) That Council give public notice in a local newspaper of its decision with respect to the draft amending Ryde Development Control Plan (RDCP) 2014 within 28 days of its decision, and provide the Secretary of the Department of Planning and Environment with a copy of the plan in accordance with the Environmental Planning and Assessment Regulation 2000.

On being put to the Meeting, the voting on the Amendment was three (3) for and five (5) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of Voting:

For the Amendment: The Mayor, Councillor Laxale and Councillors Pendleton and Simon

Against the Amendment: Councillors Chung, Etmekdjian, Pickering, Stott and Yedelian OAM

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council adopt the amendments to Ryde Development Control Plan 2014- Part 9.5: Tree Preservation as shown at **ATTACHMENT 1**.
- (b) That Council give public notice in a local newspaper of its decision with respect to the draft amending Ryde Development Control Plan (RDCP) 2014 within 28 days of its decision, and provide the Secretary of the Department of Planning and Environment with a copy of the plan in accordance with the Environmental Planning and Assessment Regulation 2000.
- (c) That Council conduct a review of the 4 metre exemption for tree removal 12 months after the RDCP amendments become effective.

For the Motion: Councillors Chung, Etmekdjian, Pickering, Stott and Yedelian OAM

Against the Motion: The Mayor, Councillor Laxale and Councillors Pendleton and Simon

ITEM 1 (continued)

ATTACHMENT 1

COUNCIL REPORTS

3 REPORT OF THE RYDE CIVIC HUB COMMITTEE MEETING 5/16 held on 14 June 2016

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

Note: Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in this Item 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 Stott and Pickering)

That Council determine all Items 1 and 2 of the Ryde Civic Hub Committee Meeting 5/16, held on 14 June 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 10 May 2016

RESOLUTION: (Moved by Councillors Stott and Pickering)

That the Minutes of the Ryde Civic Hub Committee 4/16, held on 10 May 2016, be confirmed.

Record of Voting:

For the Motion: Unanimous

2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS REPORT 9 (JUNE 2016)

MOTION: (Moved by Councillors Stott and Pickering)

That the Ryde Civic Hub Committee receives and notes the content of this Status Report 9 (June 2016).

AMENDMENT: (Moved by Councillors Pendleton and Simon)

That Council independently review the design competition:

- (a) The execution of the requirements and goals identified in the Design Brief in Stage 1 and foreshadowed at Stage 2;

ITEM 1 (continued)

ATTACHMENT 1

- (b) The compliance of the 3 jury shortlisted concepts with the original Design Brief and in particular the community benefits and real outcomes in terms of improved infrastructure and facilities at the site;
- (c) A detailed assessment of the Stage 1 shortlisted concepts' level of community infrastructure benefit including improved public transport options and, in particular, a bus interchange; improved pedestrian accessibility and connectivity to surrounding areas; and community meeting and performance spaces;
- (d) The relevance of the Jury Chair's supplementary requirements in relation to the original Design Brief goals and objectives and in particular community infrastructure benefit including improved public transport options and, in particular, a bus interchange; improved pedestrian accessibility and connectivity to surrounding areas; and community meeting and performance spaces;
- (e) A report of this review is to be returned to the July 2016 Council Meeting for decision.

On being put to the Meeting, the voting on the Amendment was three (3) for and five (5) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of Voting:

For the Amendment: The Mayor, Councillor Laxale and Councillors Pendleton and Simon

Against the Amendment: Councillors Chung, Etmekdjian, Pickering Stott and Yedelian OAM

RESOLUTION: (Moved by Councillors Stott and Pickering)

That the Ryde Civic Hub Committee receives and notes the content of this Status Report 9 (June 2016).

Record of Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Pickering, Simon and Stott

Against the Motion: Councillors Pendleton and Yedelian OAM

ITEM 1 (continued)

ATTACHMENT 1

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Denise Pendleton

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

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

Record of Voting:

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

Against the Motion: Councillor Pendleton

Question 1:

How many individual votes did each of the Ryde Civic Hub concepts receive?

Answer 1:

2,653

ITEM 1 (continued)

ATTACHMENT 1

	Total	In-Person	Website
Total Number of Individual Votes Received In-Person and by Website	2,653	556	2097
excluding Votes that did not provide min. info or complete declaration~	2,619	522	2097
illegible paper votes	34		

Total Number of Individual Votes Received on each Design (excluding Votes that did not provide min. info or complete declaration but including invalids)

	Total	In-Person	Website
Design 543	1021	8	1013
Design 16	122	27	95
Design 455	108	4	104
Design 308	77	1	76
Design 25	73	0	73
Design 283	71	35	36
Design 194	61	12	49
Design Jury	50	0	50
Design 509	46	38	8
Design 551	36	1	35
Design 32	34	26	8
Design 22	30	9	21
Design 264	30	1	29
Design 354	30	3	27
Design 462	24	15	9
Design 418	23	20	3
Design 352	23	13	10
Design 491	22	0	22
Design 372	21	18	3
Design 222	21	3	18
Design 81	21	3	18
Design 239	21	7	14
Design 223	19	12	7
Design Jury	18	14	4
Design 5	18	3	15
Design 441	17	12	5
Design 78	17	3	14
Design 368	16	0	16
Design 512	16	7	9
Design 125	15	0	15
Design 396	15	0	15
Design 486	15	8	7
Design 82	15	3	12
Design 119	15	1	14
Design 142	14	12	2
Design 334	14	1	13
Design 211	13	11	2
Design 304	13	1	12
Design 328	13	0	13
Design 108	12	12	0

ITEM 1 (continued)

ATTACHMENT 1

Design 235	12	9	3
Design 535	12	2	10
Design 356	12	0	12
Design 122	11	4	7
Design 74	10	9	1
Design 103	10	4	6
Design 411	9	1	8
Design 537	9	1	8
Design 366	8	5	3
Design 454	8	3	5
Design 100	8	6	2
Design 39	7	1	6
Design 184	7	3	4
Design 341	7	3	4
Design 364	7	1	6
Design 138	7	1	6
Design 171	7	4	3
Design 440	7	1	6
Design 86	6	5	1
Design 185	6	3	3
Design 186	6	1	5
Design 370	6	6	0
Design 161	6	2	4
Design 557	6	4	2
Design 164	5	3	2
Design 232	5	4	1
Design 253	5	5	0
Design 343	5	4	1
Design 188	5	5	0
Design 245	5	2	3
Design 9	5	3	2
Design 182	5	2	3
Design 307	5	2	3
Design 85	4	4	0
Design 208	4	3	1
Design 225	4	2	2
Design 229	4	0	4
Design 531	4	2	2
Design 562	4	4	0
Design 519	4	0	4
Design 15	3	1	2
Design 70	3	2	1
Design 95	3	2	1
Design 174	3	2	1
Design 187	3	1	2
Design 198	3	1	2
Design 267	3	3	0
Design 326	3	3	0
Design 348	3	3	0
Design 414	3	0	3

ITEM 1 (continued)

ATTACHMENT 1

Design 436	3	0	3
Design 443	3	0	3
Design 54	3	1	2
Design 116	3	1	2
Design 559	3	3	0
Design 314	3	1	2
Design 63	2	0	2
Design 83	2	0	2
Design 166	2	0	2
Design 192	2	2	0
Design 216	2	1	1
Design 275	2	2	0
Design 301	2	0	2
Design 379	2	2	0
Design 402	2	0	2
Design 428	2	2	0
Design 439	2	0	2
Design 466	2	2	0
Design 477	2	1	1
Design 288	2	2	0
Design 312	2	0	2
Design 536	2	1	1
Design 131	2	0	2
Design Jury	1	0	1
Design 35	1	0	1
Design 41	1	0	1
Design 46	1	0	1
Design 66	1	1	0
Design 84	1	1	0
Design 118	1	1	0
Design 123	1	0	1
Design 128	1	0	1
Design 135	1	1	0
Design 148	1	1	0
Design 262	1	0	1
Design 265	1	1	0
Design 289	1	1	0
Design 295	1	0	1
Design 298	1	1	0
Design 323	1	0	1
Design 333	1	0	1
Design 382	1	1	0
Design 384	1	1	0
Design 398	1	1	0
Design 422	1	0	1
Design 438	1	1	0
Design 460	1	0	1
Design 490	1	0	1
Design 563	1	1	0
Design 2	1	1	0

ITEM 1 (continued)

ATTACHMENT 1

Design 3	1	1	0
Design 316	1	0	1
Design 518	1	0	1
Total Count for Designs	2619	522	2097

Question 2:

How many votes did the top 10 scoring and 3 jury shortlisted concepts receive (presented as totals) from:

- a) Ryde LGA postcodes
- b) Surrounding LGA postcodes e.g. Hunters Hill, Lane Cove, Parramatta, Canada Bay
- c) Remainder of NSW
- d) Other states?

Answer 2:

The Jury, consisting of eminent architectural and design professionals, evaluated all 175 designs with regards to the objectives, aims and criteria of the Competition Design Brief and the Competition Conditions as endorsed by the Australian Institute of Architects.

Their review included the architectural excellence, sustainability and the potential of the designs. At the time the Jury undertook their deliberations in making their selection of their three shortlisted designs, they had no knowledge of the public selected design.

The Jury selected three designs based on the above criteria which ended up accompanying the most popular public design into Stage 2 of the Competition, which closes Monday 27 June, 2016.

ITEM 1 (continued)

ATTACHMENT 1

Total Number of VALID Votes by Postcode Location	Total		Ryde LGA Postcodes	Surrounding LGA PC ^w	Remainder NSW	Other States
Design 16	110	BY LOCATION	27	34	30	19
Design 455	98		16	38	44	0
Design 283	68		56	7	5	0
Design 25	61		5	16	38	2
Design 194	60		22	22	16	0
Design Jury*	46		1	10	7	28
Design 509	43		31	7	5	0
Design 32	32		16	7	8	1
Design 22	26		6	0	16	4
Design 264	26		2	5	3	16
Design Jury*	18		9	3	5	1
Design Jury*	1		1	0	0	0

^w Surrounding LGAs considered were Hunter's Hill, Lane Cove, Parramatta, Canada Bay, Hornsby, Ku-ring-gai and Willoughby.

*Please note the Design Jury shortlist remains anonymous to ensure there is no prejudice during the next Stage 2 of the competition.

Questions 3:

How many individual votes were received via postcode, in person and website?

Answer 3:

No votes were collected via post however 556 votes were received in person and 2,097 were received via the website.

Question 4:

How many individual votes were received for each of the 10 highest scoring concepts and the 3 final shortlisted concepts by:

- a) Postcard
- b) In person
- c) Website?

ITEM 1 (continued)

ATTACHMENT 1

Answer 4:

Note: Postcard voting was not a voting option in the competition.

	Total	BY VOTING METHOD	In-Person	Website
Design 16	122		27	95
Design 455	108		4	104
Design 283	71		35	36
Design 25	73		0	73
Design 194	61		12	49
Design Jury*	50		0	50
Design 509	46		38	8
Design 32	34		26	8
Design 22	30		9	21
Design 264	30		1	29
Design Jury*	18		14	4
Design Jury*	1		0	1

Question 5:

How many votes were discounted and on what basis?

Answer 5:

To ensure that the votes were valid and authentic, extensive checks were carried out by Council staff with the assistance of an external validation service. The Probity Advisor had oversight of this process and advice from the General Counsels of the Australian Institute of Architects and the City of Ryde, provided additional support. 1,300 votes proved invalid and were removed from the tally for failing to meet the validation process including email verification, Australian postcodes, authentic mobile numbers, automated voting patterns, removal of duplicates and manual contact was made to confirm participation in the voting.

Question 6:

How many hours was the voting website function not available, how was it identified and what were the causes?

Answer 6:

At no time was the website voting function not available. The voting function was available during the entire competition. A promotional banner on the homepage of the City of Ryde website was removed by a glitch on the website Content Management System which was a 'shortcut' to the voting page. From 11.59pm Wednesday 4 May 2016 to 9.40am Thursday 5 May 2016, the promotional banner 'shortcut' was not up on the website. However, there is evidence of votes continuing to be submitted during this time even in the absence of the banner on the homepage of the website.

ITEM 1 (continued)

ATTACHMENT 1

Question 7:

What definition is used for the terms “community” and “public” when analysing the votes received from members of the “Ryde community” and in relation to the competition’s original objective to the Ryde Civic Hub Committee presented on 11 August 2015?

Answer 7:

The Competition Design Brief, a fully public document, accepted by the Committee and Council, states on page 11 "the general public will be canvassed for their preferred submission". The "community" in terms of this international ideas competition means the general public. It does not differentiate between current residents, past residents, relatives of residents, people who work in Ryde, own businesses here or are landlords of Ryde properties. In short, the competition allowed those members of the public who are interested in Ryde to have a say in its potential future.

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

That Council bring consideration of Item 6 into Open Council.

Record of Voting:

For the Motion: Unanimous

LATE CONFIDENTIAL ITEM

6 LAND AND ENVIRONMENT COURT PROCEEDINGS – 87 BOWDEN STREET, RYDE – LDA2015/283

Note: Justin Ng, Doriana Donnelly (representing 87 Bowden Street Petitioners), Suellen Hazell and Mark Swayn addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Pickering and Chung)

That Council resolves to instruct the General Counsel in accordance with the instructions provided in Confidential Session.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

MAYORAL MINUTES

MM10/16 VOLUNTARY PLANNING AGREEMENT / PLANNING PROPOSAL 66-82 TALAVERA ROAD, MACQUARIE PARK - The Mayor, Councillor Jerome Laxale

Note: Gavin Carrier (representing Holdmark Property Group) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

That this matter be considered by Council in Closed Confidential Session.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 24 May 2016

RESOLUTION: (Moved by Simon and Pendleton)

That the Minutes of the Council Meeting 6/16, held on 24 May 2016 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 5/16 held on 14 June 2016

RESOLUTION: (Moved by Councillors Pendleton and Pickering)

That Council determine Items 2, 4 and 5 of the Planning and Environment Committee report 5/16, held on 14 June 2016 noting that Items 1 and 7 were dealt with by the Committee within its delegated powers and Items 3 and 6 were dealt with earlier in the Meeting as detailed in these Minutes.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

2 35A WENTWORTH ROAD, EASTWOOD. LOT 2 DP 1178968. Local Development Application for new dwelling. LDA2015/0470.

RESOLUTION: (Moved by Councillors Pendleton and Etmekdjian)

- (a) That Local Development Application No. LDA2015/470 at 35A Wentworth Road, Eastwood being LOT 2, DP 1178968 be approved subject to Condition 6 being amended to include that all dividing fences are to be erected on the boundary of the site, to be confirmed by survey with the construction certificate, to be submitted to the PCA and Council, where Council is not the PCA. Any works to retaining walls related to the dividing fences is to be in full consultation with adjoining owners.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

3 1 WOODBINE CRESCENT, RYDE. LOT 57 DP 10373. Local Development Application for demolition, new dual occupancy (attached) and swimming pool. LDA2015/0466.

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

4 MACQUARIE PARK - CAR PARKING REVIEW

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

- (a) That Council endorses an increase in the all day car parking cap in Macquarie Park Corridor from \$11.00 to \$18.00, commencing in 2016-17; with the cap phased out from 2017-18;
- (b) That Council endorses the following car parking fee structure in Macquarie Park Corridor:
 - 2016-17 - car parking fees increase from \$2.50 to \$3.00 p/hr (while maintain the all day cap)
 - 2017-18 – all day car parking cap is removed (car parking fees remain at \$3.00 p/hr)
 - 2018-19 – car parking fees increase from \$3.00 to \$3.50p/hr (no cap)
- (c) That Council endorse the amendment to the draft 2016-17 Fees and Charges to indicate that the all day cap be \$18.00 and the parking rate be \$3.00 p/hr;

ITEM 1 (continued)

ATTACHMENT 1

- (d) That Council communicate these changes with a supporting information awareness campaign, for a minimum period of 4 weeks prior to implementing enforcement activity;
- (e) That Council undertake a study as the basis for converting on-street long-term pay parking to short - term pay parking in Macquarie Park and this study is funded from the Macquarie Park Special Levy and that this be subject to a further report to Council, identifying the locations for the short term parking, in November 2016;
- (f) Any revenue which is derived from the increased hourly rate and removal of the cap be directed to transport and pedestrian initiatives in Macquarie Park.

Record of Voting:

For the Motion: Councillors Chung, Etmekdjian, Pendleton, Pickering, Simon, Stott and Yedelian OAM

Against the Motion: The Mayor, Councillor Laxale

5 MACQUARIE PARK CAR PARKING - PLANNING PROPOSAL

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

- (a) That Council note the Planning Proposal for the Macquarie Park Corridor car parking rates as outlined in **ATTACHMENT 2**.
- (b) That Council forward the Planning Proposal to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
- (c) That, in the event of a Gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.
- (d) That the proposed amendments to Ryde DCP 2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls be exhibited concurrently with the Planning Proposal.
- (e) That the outcomes of the community consultation for both the Planning Proposal and DCP amendments are reported to Council as soon as practicable after the exhibition.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillor Pickering

6 TREE PRESERVATION REVIEW- RESULTS OF EXHIBITION OF DCP AMENDMENTS

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

3 REPORT OF THE RYDE CIVIC HUB COMMITTEE MEETING 5/16 held on 14 June 2016

1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 10 May 2016

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

2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS REPORT 9 (JUNE 2016)

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

4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 5/16 held on 21 June 2016

Note: Councillor Yedelian OAM left the meeting at 10.59pm and was not present for the consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pendleton and Stott)

That Council determine Items 3 and 4 of the Works and Community Committee report 5/16, held on 21 June 2016 noting that Items 1, 2, 5 and 6 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

3 CITY OF RYDE YOUTH HUB - Governance Review and Anchor Tenant Licensing

Note: Councillor Yedelian OAM was not present for the consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pendleton and Stott)

- (a) That Council endorse the continuation of the Youth Hub for a further 5 years from the Council-owned building at 167 Shaftsbury Road, Eastwood.
- (b) That Council endorse the Anchor Tenancy EOI Evaluation Report (ATTACHED) and license Christian Community Aid (CCA) on a 5 year period to deliver youth services from the Youth Hub according to the following key terms:
 - License Fee: \$11,984 p.a as per community buildings licensing policy
 - License Hours: 7am and 10pm everyday
 - Designated Use: Delivery of Youth Services
- (c) That Council endorses the revised governance model documented in the draft Memorandum of Understanding (ATTACHED).
- (d) That Council delegates Acting General Manager to sign the Youth Hub Licence.
- (e) That a review of the Youth Hub is undertaken after 2 year period of this licence to evaluate its effectiveness and be reported to Council. That the report include alternative models and strategies for supporting youth service in Ryde.
- (f) That Council develops a long-term strategy for this property.
- (g) That the Acting Director – City Strategy and Planning investigate and report back to Council on the status and use of the car park adjoining 167 Shaftsbury Road, Eastwood and explore opportunities for improving pedestrian access to the Glen Street Reserve via this property.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

4 COMMUNITY GRANTS PROGRAM - ALLOCATION OF FUNDING 2015/2016

Note: The Mayor, Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he attends Macquarie Chapel regularly.

Note: Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a member of an organisation who has applied for a grant. He was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pendleton and Stott)

- (a) That Council endorse the allocation of the 2015-2016 City of Ryde Sports and Recreation Community Grant Category as follows:

Organisation	Project Name	Amount \$
Eastwood Ryde Netball Association Inc	Fitness, Fun & Skills	3,500
Ryde Hunters Hill Netball Club	2016 / 2017 Netball Season	1,250
Macquarie Combined Sports Club Incorporated - Macquarie Dragons FC	Training and skill building - female players and children 5-13	3,500
Little Heroes Swim Academy Limited	Putney Heroes Program	3,500
Wheelchair Sports NSW Incorporated	Weekly Wheelchair Fencing Program	3,000
	Total	14,750

- (b) That Council endorse the allocation of the 2015-2016 City of Ryde Seniors Grant Category as follows:

Organisation	Project Name	Amount \$
Italian Leisure Group	Social Events	2,000
Putney Tennyson Probus Club Inc.	Social Outings	2,000
Italian Womens Group Marsfield	Health Promotions Initiatives	500
Korean Day Centre	Music in Life	1,935

ITEM 1 (continued)

ATTACHMENT 1

IWA Senior Group	Senior Care and Info	1,500
Eastwood Chinese Senior Citizens Club	Healthy Ageing and Dieting with Fun	2,000
Ryde Multicultural Centre Inc.	Informed Seniors 2016	2,000
Macquarie Chapel Breakfast Club	Breakfast Club	1000
Eastwood Ladies Probus Club Inc	Presentation Equipment to aid our Speaker Program	1,050
Probus Club Of Ryde	Subsidy For Transportation Costs	2,000
Italo-Australian Senior Citizens Group	Social Activities for Seniors	2,000
Probus Club of Gladesville and District	Transport Assistance	2,000
Eastwood-Epping branch of Country Women's Association of NSW	Promotional Leaflet	1,500
	Total	21,485

- (c) That Council endorse the allocation of the 2015-16 City of Ryde Capacity Building Grant – Event Category as follows:

Organisation	Project Name	Amount \$
Eastwood Patchwork Quilters Inc	Eastwood Patchwork Quilters Inc. 2017 Biennial Exhibition	3,000
Reach Community Initiatives Incorporated	Christmas Eve Celebration	3,000
Language Festival Association	Ryde Language Festival 2016	1,000
Rotary Club of Macquarie Park Incorporated – Light Up East Ryde	Light Up East Ryde	3,000
Australian South Asia Forum Incorporated	South Asia Arts, Film and Literature (SAFAL) Festival	2,000
Rotary Club of North Ryde Inc.	Seniors Xmas Party	1,000
Ryde Community Forum	Moon Festival Celebrations/Pre-Aussie Day Luncheon	3,500
	Total	16,500

- (d) That Council endorse the allocation of the 2015-16 City of Ryde Capacity Building Grant – Emerging/Small Groups Category as follows:

ITEM 1 (continued)

ATTACHMENT 1

Organisation	Organisation Support	Amount \$
Australian Korean Art Therapy Association Inc.	To develop life management skills for socio-financially disadvantaged Korean women.	3,450
Artisans Ryde Inc	Need financial assistance to meet operating expenses and support for governance to achieve their vision.	3,500
Australia Han In Saeng Myung Line Inc	Need financial assistance to maintain the service and manage volunteers. Need support to develop governance structure and risks management.	3,500
Ryde Hunters Hill Symphony Orchestra	Financial assistance until such time that the patronage grows to allow subscription tickets.	3,500
Macquarie ADHD Parent Support Group Inc.	Aim to establish a website linking parents to other parent support groups and community organizations, and making the latest research and access to resources available online.	3,410
Neighborhood Watch EW11, EW4, EW40 - RYDE NEIGHBOURHOOD WATCH	Conducts awareness information stalls at City of Ryde festivals and sessions with local volunteers and service groups.	2,000
Total		19,360

- (e) That Council endorse the allocation of the 2015-16 City of Ryde Capacity Building Grant – General Category as follows:

Organisation	Project Name	Amount \$
Ryde Business Forum Incorporated	Re-branding Ryde Business Forum (RBF)	3,500
Autism Community Network	Ryde Arts About Autism Club	2,357
Kyds Youth Development Service Incorporated	Supporting KYDS Counselling Services	3,240
Ryde Regional Radio Co-operative Limited	Radio Training Scholarships	1,275
Total		10,372

ITEM 1 (continued)

ATTACHMENT 1

- (f) That That Council endorse the allocation of the 2015-16 City of Ryde Community Projects Grant Category as follows:

Organisation	Project Name	Amount \$
SydneySiders Express Inc	SydneySiders Express Men's Chorus	2,611
Hunters Hill Ryde Community Services - Ryde Chinese Carers Support Group	'You You Club'	3,000
Differently Abled People Association Incorporation (DAPA)	Community connect for People with disabilities and people with CALD background(PWD/CALD Talent Connect)	3,000
Ivanhoe Estate Tenant Group Inc.	Footprints Project Ivanhoe Estate	3,000
Settlement Services International	Afghan Women Wellbeing and Inclusion Project	3,990
St Andrews Socio Religious Justice, Harmony of FITA Inc.	"Keep Ryde Beautiful & Clean Together "(Litter Less, Act for Local)	2,000
2realise Inc.	2realise your career	4,500
Sydney Korean Women's Association	" Helping Hands"	2,000
Giant Steps Sydney	Waste Warriors- Environmental Education Project	1,000
Sydney Latin American Film Festival Inc.	Human Rights in Latin America Film Event	2,000
Bawurra Foundation	Ryde Schools Project	2,000
Royal Rehab	Return2Sport Cardio Tennis	3,000
Hunters Hill Ryde Community Services - Korean Cockatoos	Out and About	3,000
St John's North Ryde	ESL Program	3,000
Taldumande Youth Services	Intensive Family Support Program	4,000
Macquarie Chapel Presbyterian Church	Macquarie Chapel Playtime	2,000
Australia Korean Welfare Association	School Performance and Mental Health	3,000

ITEM 1 (continued)

ATTACHMENT 1

Feng Huang Yuan Spiritual Cultivation Centre Inc	Eco Enzyme in Ryde	1,600
Total		48,701

- (g) That Council endorse the allocation of June 2016 Small Grants Category as follows:

Organisation	Project Name	Amount \$
Michael Hughes Foundation	Ryde Community Defibrillator & CPR Information Sessions	1,000
Enactus Macquarie	Vertical Planet	1,000
Young At Heart Seniors Group St Charles Borromeo Parish, RYDE	Socialization for elderly clients	1,000
Total		3,000

- (h) That the successful and unsuccessful grant applicants be informed in writing of the outcome of their applications.
- (i) That \$18,832 being the remainder of the funding unallocated from current Grant round be transferred into Community Grant Reserve Fund.
- (j) That the Community Grant Reserve Fund now accumulated to \$39,290 continues to be used to provide Small Grants funding through the year.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Yedelian OAM returned to the meeting at 11.05pm.

EXTENSION OF TIME – COMPLETION OF BUSINESS

RESOLUTION: (Moved by Councillors Stott and Pickering)

That Council extend the meeting closing time to allow the completion of all business, the time being 11.05pm.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

COUNCIL REPORTS

**5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
5/16 held on 21 June 2016**

RESOLUTION: (Moved by Councillors Pendleton and Etmekdjian)

That Council determine all Items 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of the Finance and Governance Committee Meeting 5/16, held on 21 June 2016 in accordance with the Finance and Governance Committee Terms of Reference.

Record of Voting:

For the Motion: Unanimous

**1 CONFIRMATION OF MINUTES - Finance and Governance
Committee Meeting held on 17 May 2016**

RESOLUTION: (Moved by Councillors Pendleton and Chung)

That the Minutes of the Finance and Governance Committee 4/16, held on 17 May 2016, be confirmed.

Record of Voting:

For the Motion: Unanimous

2 INVESTMENT REPORT - May 2016

RESOLUTION: (Moved by Councillors Pendleton and Chung)

That Council endorse the report of the Acting Chief Financial Officer dated 1 June 2016 on Investment Report – May 2016.

Record of Voting:

For the Motion: Unanimous

3 CARRYOVER FUNDS/PROJECTS 2015/2016 TO 2016/2017

RESOLUTION: (Moved by Councillors Pendleton and Chung)

- (a) That Council endorse the proposed carryovers, totalling \$12.92 million and include them in the 2016/2017 Budget, detailed as follows:

ITEM 1 (continued)

ATTACHMENT 1

- \$0.05 million for projects that will benefit from broader scope for efficiencies
 - \$0.24 million for projects that Council has previously approved
 - \$1.19 million for projects that have been delayed for reasons detailed in this report
 - \$5.44 million for projects that were substantially commenced, tendered and/or contracts signed
 - \$6.00 million for Macquarie Park, Waterloo Rd project due to circumstances beyond Council's control
- (b) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Reserves of \$12.49 million be adopted.

Record of Voting:

For the Motion: Unanimous

4 FOUR YEAR DELIVERY PLAN 2016-2020 INCLUDING ONE YEAR OPERATIONAL PLAN 2016/2017

RESOLUTION: (Moved by Councillors Etmekdjian and Chung)

- (a) That Council note the public submissions received during the public exhibition period and the responses to the submissions, as detailed in the report under separate cover.
- (b) That in accordance with Sections 404 & 405 of the Local Government Act (1993), the Draft Four Year Delivery Plan 2016-2020 including One Year Operational Plan 2016/2017 be adopted as the Four Year Delivery Plan 2016-2020 including One Year Operational Plan 2016/2017, incorporating the amendments described in this report, and all changes consequential thereunto.
- (c) That, in accordance with Sections 534, 535 and 538 of the Local Government Act, 1993, Council makes the following rates and charges for every parcel of rateable land within the City of Ryde for the year commencing 1 July 2016 as detailed in the Four Year Delivery Plan 2016-2020 including One Year Operational Plan 2016/2017.
- (i) A Residential Ordinary Rate of zero point one one nine four five two five five (0.11945255) cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as residential in accordance with Section 516 of the Local Government Act, 1993 subject to a minimum amount of five hundred and four dollars and seventy three cents (\$504.73).

ITEM 1 (continued)

ATTACHMENT 1

- (ii) A Business Ordinary Rate of zero point eight one one four one six six seven (0.81141667) cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as business in accordance with Section 518 of the Local Government Act, 1993, (excepting land sub-categorised as Business - Major Retail Centre - Macquarie Park or sub-categorised as Business - Major Retail Centre - Top Ryde, subject to a minimum amount of five hundred and four dollars and seventy three cents (\$504.73).
- (iii) A Business - Major Retail Centre - Macquarie Park Ordinary Rate of one point three zero three one five zero two (1.3031502) cents in the dollar levied on the land value of all rateable land within the City of Ryde sub-categorised as Business - Major Retail Centre - Macquarie Park in accordance with Section 529(2)(d).
- (iv) A Business - Major Retail Centre - Top Ryde Ordinary Rate of one point three zero three one five zero two (1.3031502) in the dollar levied on the land value of all rateable land within the City of Ryde sub-categorised as Business - Major Retail Centre – Top Ryde in accordance with Section 529(2)(d).
- (v) An Environmental Management Rate of zero point zero two one five five six five three (0.02155653) cents in the dollar be levied on the value of all rateable land within the City of Ryde subject to a base amount of fifty five dollars and seventy six cents (\$55.76), which will levy thirty sixty percent (36%) of the total amount raised within this rate.
- (vi) An Infrastructure Renewal and Maintenance Special Rate of Zero point zero one two six eight four nine (0.0126849) cents in the dollar be levied on the value of all rateable land within the City of Ryde subject to a base amount of fifty eight dollars and thirty three cents (\$58.33), which will levy Fifty percent (50%) of the total amount raised within this rate.
- (vii) A Macquarie Park Corridor Special Rate of zero point one six four seven six three (0.164763) cents in the dollar be levied on the land value of all rateable land categorised as business in accordance with Sections 518 or 529(2) (d) and included in the Macquarie Park Corridor, as identified by the map contained in the Four Year Delivery Plan 2016-2020 including One Year Operational Plan 2016/2017.
- (viii) That aggregation of parcels of land, subject to a minimum or base amount, be permitted in accordance with Section 548A of the Local Government Act 1993.

ITEM 1 (continued)

ATTACHMENT 1

(d) That, in accordance with Section 496 (1) of the Local Government Act 1993, Council makes the charge for the Domestic Waste Management Service for each rateable residential property to be set at:

- Seven hundred and thirty one dollars (\$731.00) per service per annum for a premium service (includes 240 litre bin)
- Four hundred and thirty two dollars (\$432.00) per service per annum for a standard service (includes 140 litre bin)
- Three hundred and seventy dollars (\$370.00) per service per annum for an Eco-service (includes 80 litre bin) and
- the following additional services be provided, on request, to each rateable residential property, for the following annual charges:

(i) Additional 80 litre Garbage Bin	\$263.00
(ii) Additional 140 litre Garbage bin	\$328.00
(iii) Additional 240 litre Garbage bin	\$642.00
(iv) Additional Recycle bin	\$ 52.00
(v) Additional Green bin	\$ 52.00

(e) That, in accordance with Section 496 (2) of the Local Government Act 1993, Council makes the charge for the Domestic Waste Management Service, on request, to Non-rateable residential properties to be set at:

- Seven hundred and thirty one dollars (\$731.00) per service per annum for a premium service (includes 240 litre bin)
- Four hundred and thirty two dollars (\$432.00) per service per annum for a standard service (includes 140 litre bin)
- Three hundred and seventy dollars (\$370.00) per service per annum for an Eco-service (includes 80 litre bin) and
- the following additional services be provided, on request, to each non-rateable residential property, for the following annual charges:

(i) Additional 80 litre Garbage Bin	\$263.00
(ii) Additional 140 litre Garbage bin	\$328.00
(iii) Additional 240 litre Garbage bin	\$642.00
(iv) Additional Recycle bin	\$ 52.00
(v) Additional Green bin	\$ 52.00

ITEM 1 (continued)

ATTACHMENT 1

- (f) That, in accordance with Section 501 (1) of the Local Government Act 1993, Council makes the standard charge for the Other Waste Management service provided, on request, to non-rateable non-residential properties be set at four hundred and thirty two dollars (\$432.00) per service per annum and the following additional services be provided, on request, to each non-rateable non-residential property, for the following annual charges:

(i)	Additional 140 litre Garbage bin	\$328.00
(ii)	Additional 240 litre Garbage bin	\$642.00
(iii)	Additional Recycle bin	\$ 52.00
(iv)	Additional Green bin	\$ 52.00

- (g) That in accordance with Section 496A of the Local Government Act 1993, Council makes the Stormwater Management Service Charge be levied at the following rates:

(i)	Strata titled residential home units	\$12.50 per unit
(ii)	Other residential property	\$25.00 per rateable property
(iii)	Business rateable properties	\$25.00 per 350 sq metres of land area
(iv)	Strata titled business units	\$12.50 per unit

- (h) That, in accordance with Section 611 of the Local Government Act 1993, the following annual charges be made:

- (i) the use of Council land for the vehicle overbridge situated in Herring Road be charged in accordance with the legal agreement between the City of Ryde and the owners of Macquarie Shopping Centre (anticipated income is \$84,920 including GST for 2016/2017).
- (ii) the use of Council land for the Shell Oil company pipeline in the City of Ryde be charged in accordance with the pricing formula agreed with the Company, (anticipated income is \$66,880 including GST for 2016/2017).
- (iii) the use of Council land for AGL Gas Mains in the City of Ryde be charged at a rate based on an annual review by KPMG of AGL's revenue (anticipated income is \$64,990 for 2016/2017).

ITEM 1 (continued)

ATTACHMENT 1

- (i) That Council sets the rate of interest payable in respect of rates and charges that remain unpaid after they become due and payable be set at eight percent (8.0%) per annum.
- (j) That the Schedule of Fees and Charges, annexed to the Draft Four Year Delivery Plan 2016-2020 including One Year Operational Plan 2016/2017 as amended in terms of this report, be made and fixed as Council's Fees and Charges for 2016/2017.

Record of Voting:

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

Against the Motion: Councillor Pendleton

**5 3RD ANNUAL AFFORDABLE HOUSING SUMMIT - MELBOURNE
14-15 JULY 2016**

RESOLUTION: (Moved by Councillors Pendleton and Simon)

That Council endorse the attendance of the Mayor, Councillor Laxale at the '3rd Annual Affordable Housing Summit' in Melbourne 14-15 July 2016, including payment of his travel and accommodation expenses.

Record of Voting:

For the Motion: Unanimous

**6 PUBLIC SECTOR CHANGE MANAGEMENT CONFERENCE -
MELBOURNE 3-4 AUGUST 2016**

RESOLUTION: (Moved by Councillors Pendleton and Chung)

That Council endorse Councillor Pickering's request to attend this program, including attendance fees, accommodation, travel and other associated expenses.

Record of Voting:

For the Motion: Unanimous

7 REPORTS DUE TO COUNCIL

RESOLUTION: (Moved by Councillors Pendleton and Pickering)

That the report on Outstanding Council Reports be endorsed.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

8 REQUEST FOR TENDER - LEASE OF THE KIOSK WITHIN THE RYDE AQUATIC LEISURE CENTRE COR-RFT-02/16

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

- (a) That Council accepts the tender from Advanced Catering Systems Holdings Pty Ltd for the Operation of the Kiosk at the Ryde Aquatic Leisure Centre, for a three (3) year period with an option to extend for a further two (2) years as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with Advanced Catering Systems Holdings Pty Ltd on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advise all the respondents of Council's decision.

Record of Voting:

For the Motion: Unanimous

9 ADVICE ON COURT ACTIONS

Note: Councillor Chung left the meeting at 11.11pm and was not present for the consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

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

Record of Voting:

For the Motion: Unanimous

10 LONG TERM FINANCIAL PLAN 2016/2026

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

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That Council adopt the Long Term Financial Plan 2016/2026 and incorporate it into Council's overall Resourcing Strategy Plan.

Record of Voting:

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

Against the Motion: Councillor Pendleton

Note: Councillor Chung returned to the meeting at 11.12pm.

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 CORRESPONDENCE FROM HUNTERS HILL COUNCIL - FORCED COUNCIL AMALGAMATIONS

MOTION: (Moved by Councillors Yedelian OAM and Chung)

That the correspondence be received and noted.

AMENDMENT: (Moved by Councillors Simon and Pendleton)

- (a) That the correspondence be received and noted.
- (b) That Council support Hunters Hill Council's resolution to conduct a plebiscite regarding the proposed merger of Hunters Hill, Lane Cove and the City of Ryde.

On being put to the Meeting, the voting on the Amendment was three (3) for and five (5) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of Voting:

For the Amendment: The Mayor, Councillor Laxale and Councillors Pendleton and Simon

Against the Amendment: Councillors Chung, Etmekdjian, Pickering, Stott and Yedelian OAM

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

That the correspondence be received and noted.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 DEFERRED NOTICE OF MOTION: CITY OF RYDE SPORTSGROUNDS - Deputy Mayor, Councillor Roy Maggio

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

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

Record of Voting:

For the Motion: Unanimous

2 DEFERRED NOTICE OF MOTION: SIGNATURE BANNER POLICY - Deputy Mayor, Councillor Roy Maggio

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

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

Record of Voting:

For the Motion: Unanimous

3 DEFERRED NOTICE OF MOTION: PARKING DEMANDS - ELS HALL PARK - Deputy Mayor, Councillor Roy Maggio

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

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

Record of Voting:

For the Motion: Unanimous

4 NEW CRICKET PRACTICE NETS AT MEADOWBANK PARK - Deputy Mayor, Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Stott and Pickering)

- (a) That Council Officers explore funding options from Councils Section 94 reserve that could be allocated for the purpose of constructing new Cricket Practice Nets at Meadowbank Park.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That subject to the availability of funds, Council includes in its 2016/17 Operational Plan capital works program the Cricket Practice Nets project at Meadowbank Park and allocates a budget of \$50,000 for this purpose.
- (c) That should confirmation of funding as above occur, Council accept the already received written offers of contributions from Cricket NSW (\$25,000), West Ryde Rovers Cricket Club (\$5,000) and Northern District Cricket Association (\$5,000) for this project to assist Council in fast tracking the construction of this project.
- (d) That Council thank Cricket NSW, the Northern District Cricket Association and the West Ryde Rovers for their collaboration in delivering these facilities in the Ryde community.

Record of Voting:

For the Motion: Unanimous

5 FLOOD DAMAGE AT 37 SOBRAON ROAD, MARSFIELD - Councillor Justin Li

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

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

Record of Voting:

For the Motion: Unanimous

6 COUNCIL MERGER – PLEBISCITE OF RESIDENTS - Councillor George Simon

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

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: EXPANSION OF BLENHEIM PARK TO INCLUDE 86 BLENHEIM ROAD AND 12A-14 EPPING ROAD, NORTH RYDE - Deputy Mayor, Councillor Roy Maggio, Councillor Jeff Salvestro-Martin, Councillor Artin Etmekdjian

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

ITEM 1 (continued)

ATTACHMENT 1

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Denise Pendleton

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

CLOSED SESSION

MAYORAL MINUTE 10/16 – VOLUNTARY PLANNING AGREEMENT / PLANNING PROPOSAL 66-82 TALAVERA ROAD, MACQUARIE PARK - The Mayor, Councillor Jerome Laxale

Confidential

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

ITEM 5(9) – 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.

LATE ITEM 6 – LAND AND ENVIRONMENT COURT PROCEEDINGS – 87 BOWDEN STREET, RYDE – LDA2015/283

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 Chung and Yedelian OAM)

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

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

Note: The Council closed the meeting at 11.22pm. The public and media left the chamber.

MAYORAL MINUTE

MM10/16 VOLUNTARY PLANNING AGREEMENT / PLANNING PROPOSAL 66-82 TALAVERA ROAD, MACQUARIE PARK - The Mayor, Councillor Jerome Laxale

Note: Gavin Carrier (representing Holdmark Property Group) addressed the meeting in relation to this Item.

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

- (a) That Council endorse the community benefits as detailed in the report relating to the Planning Proposal for 66-82 Talavera Road, Macquarie Park.
- (b) That the process, as detailed in the report be adopted, subject to agreement by Holdmark Property Group to the community benefits;
- (c) That Council advise the applicant and the owner of Council's decision.

Record of Voting:

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

Against the Motion: Councillor Pendleton

COUNCIL REPORT

5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 5/16 held on 21 June 2016

9 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Simon and Yedelian OAM)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

LATE CONFIDENTIAL ITEM

6 LAND AND ENVIRONMENT COURT PROCEEDINGS – 87 BOWDEN STREET, RYDE – LDA2015/283

Note: Justin Ng, Doriana Donnelly (representing 87 Bowden Street Petitioners), Suellen Hazell and Mark Swayn addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Chung and Pendleton)

That Council resolves to instruct the General Counsel in accordance with the instructions provided in Confidential Session.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 12.24am.

RESOLUTION: (Moved by Councillors Simon and Pickering)

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 12.26am on Wednesday 29 June 2016.

CONFIRMED THIS 26TH DAY OF JULY 2016

Chairperson

**2 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 6/16
held on 19 July 2016**

Report prepared by: Senior Coordinator - Governance

File No.: CLM/16/1/2/2 - BP16/880

REPORT SUMMARY

The Minutes of the Works and Community Committee Meeting 6/16 held on 19 July 2016 are to be circulated on Thursday, 21 July 2016 after the meeting has been conducted. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

A report detailing Items which were dealt with by the Committee within its delegated powers, together with any Committee recommendations will be circulated at the same time as the Minutes on Thursday, 21 July 2016.

**3 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
6/16 held on 19 July 2016**

Report prepared by: Senior Coordinator - Governance
File No.: CLM/16/1/5/2 - BP16/881

REPORT SUMMARY

The Minutes of the Finance and Governance Committee Meeting 6/16 held on 19 July 2016 are to be circulated on Thursday, 21 July 2016 after the meeting has been conducted. The Minutes will be listed for confirmation at the next Finance and Governance Committee Meeting.

In accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees, a report detailing the Committee recommendations will be circulated at the same time as the Minutes on Thursday, 21 July 2016.

4 PLANNING PROPOSAL - 87 BOWDEN STREET RYDE - OUTCOME OF EXHIBITION

Report prepared by: Strategic Planner
File No.: LEP2016/2/3 - BP16/582

REPORT SUMMARY

This report summarises the outcomes of community consultation for the planning proposal for land at 87 Bowden Street Ryde.

Council officers prepared a Planning Proposal (PP) in response to the Council resolution of 23 February 2016 to list the property 87 Bowden Street Ryde (Lot 17 DP 663261) as an item of local heritage significance within Ryde LEP 2014.

This requires:

- Amending *LEP 2014 Schedule 5 Environmental heritage* to include the site as an item environmental heritage and
- Amending *LEP 2014 Heritage Map* to identify the site.

The Planning Proposal is **ATTACHMENT 1**.

To support the preparation of the PP Council engaged an independent heritage consultant Paul Davies Pty Ltd Architects Heritage Consultants to undertake a study of the site (the Davies Report).

The Davies Report states in part the following:

“The property at 87 Bowden Street including “Harwood” house built 1913, is of local historical significance as a substantial Federation period property comprising a substantial brick Federation Queen Anne style house...”

The Davies Report concludes:-

“It is recommended that as this report has established the local heritage significance of the property at 87 Bowden Street, Ryde, the City of Ryde Council proceed with the heritage listing of the site by amending the Ryde LEP 2014 to include the site as a heritage item under Schedule 5 Part 1: Heritage Items of that LEP”. (Davies Report pg 22)

The Davies Report is **ATTACHMENT 2**.

Council wrote to the Department of Planning and Environment (DPE) on 12 April 2016 requesting a Gateway Determination. The Gateway Determination was issued by the DPE on 29 April 2016 and required community consultation for a minimum of 28 days and consultation with the Office of Environment and Heritage (OEH).

ITEM 4 (continued)

The Planning Proposal and Independent Heritage Assessment were publicly exhibited from Monday 9 May to Thursday 9 June 2016 in accordance with the terms of the Gateway Determination. The exhibition was notified in the media and documentation made available on council's website. Copies of the PP and Heritage Assessment were provided to the owners of the property.

A total of 13 submissions were received from the community in response to the exhibition with 11 submissions being in support of listing the property as a heritage item within LEP 2014, one submission stating they strongly oppose any development of the subject site and one submission stating they do not oppose development of the site but are concerned with streetscape presentation and pedestrian accessibility within the area.

A submission was also received from the the Heritage Division of the OEH that states the following:-

“Heritage listings provide statutory protection to assist with conservation and management of significant places. The Heritage Council of NSW supports the listing of items of local heritage significance where they are supported by a robust heritage assessment.

The proposal is based upon a comprehensive heritage assessment prepared by Paul Davies Pty Ltd. that sufficiently demonstrates how the property meets the significance criteria for local heritage listing. The heritage assessment report states, the house “Harwood” is of local aesthetic significance as a fine representative Federation Queen Anne Style house designed to address both street frontages taking advantage of its corner position, and in a remarkably intact condition...

The Heritage Council of NSW therefore supports the inclusion of 87 Bowden St, Ryde as a heritage item in Schedule 5 of the Ryde Local Environmental Plan 2014”.

Based on the Davies Report findings and recommendations, submission comments from the Heritage Division of the OEH and the response to the exhibition of the PP this report recommends that the PP to amend Ryde LEP 2014 to include 87 Bowden Street Ryde as an item of environmental heritage be forwarded to the Department of Planning and Environment for notification on the NSW Legislation website.

RECOMMENDATION:

- (a) That Council endorse that Ryde LEP 2014 be amended by including 87 Bowden Street Ryde (Lot 17 DP 663261) in *Schedule 5 Environmental Heritage* as an item of Local heritage significance and amending *Ryde LEP 2014 Heritage Map* to include the property .

ITEM 4 (continued)

- (b) That Council endorse that the Planning Proposal for 87 Bowden Street Ryde be forwarded to the Department of Planning and Environment with a request that the Plan be notified on the NSW Legislation website.

ATTACHMENTS

- 1 Planning Proposal - 87 Bowden Street, Ryde
- 2 Independent Heritage Assessment - 87 Bowden Street, Ryde
- 3 Table 1 - Submission Summary - 87 Bowden Street, Ryde

Report Prepared By:

Susan Wotton
Strategic Planner

Report Approved By:

Lexie Macdonald
Senior Coordinator - Strategic Planning

Liz Coad
Acting Director - City Strategy and Planning

ITEM 4 (continued)

Background

The history of the proposed heritage listing of the property 87 Bowden Street Ryde is outlined below:

- Ryde Heritage Study 2010 was commenced in 2003 and approximately 71 properties were identified and recommended to be added to Council's existing heritage listings, together with amendments to existing heritage listings. The site 87 Bowden Street, Ryde was identified in the Ryde Heritage Study 2010 as follows:-

An intact Federation style dwelling in excellent condition, representative of better class of dwelling in Meadowbank at the turn of the twentieth century. Dwelling is located on a prominent corner site with local landmark qualities and is one of a number of houses of similar age and scale in Bowden St. Recommendation: To be included as a heritage item in the Comprehensive LEP.

- Council on 17 August 2010 resolved when considering the Draft Ryde Heritage Study 2010, not to pursue the heritage listing of any property unless the land owner specifically applied for a heritage listing of that property. As a result the subject property was not listed in LEP 2014 Schedule 5 Heritage Items.
- A development application was submitted in June 2015 for 87 Bowden Street Ryde (LDA 2015/0283) to demolish the existing structures on the site and to construct a new two storey building with basement level parking comprising nineteen (19) car parking spaces to be used as a childcare centre for 90 children.

The development application was refused by Council on the 23 February 2016 on the grounds that:-

- Insufficient information had been submitted to enable Council to make a full and proper assessment of the application.
- The development is unacceptable in terms of non-compliance with Ryde Development Control Plan 2014.
- The proposal is unacceptable in terms of traffic issues, extent of excavation proposed and loss of amenity on neighbouring properties (in particular noise).
- Council on the 23 February 2016 resolved to:-
 - impose an Interim Heritage Order over the property; and
 - to list the property 87 Bowden Street Ryde as an item of local heritage significant within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014.

ITEM 4 (continued)

- Interim Heritage Order No.2 (IHO) which relates to the subject property was published in Government Gazette No.19 dated 11 March 2016.
- Council on the 12 April 2016 resolved to forward the PP to the Department of Planning and Environment to receive a Gateway Determination and if supported by DPE, to exhibit the PP. The PP was submitted to the DPE on 13 April 2016.
- A Gateway Determination was issued by DPE on 29 April 2016 which required community consultation for a minimum of 28 days and consultation with the Heritage Division of the OEH. The Gateway Determination also required that the landowner be provided a copy of the planning proposal and independent heritage study during consultation.
- A Class 1 appeal against the deemed refusal of the development application for the demolition of existing structure and construction of a new child care centre was lodged with the Land and Environment Court. A Section 34 conference was adjourned until 24 June 2016 to allow the applicant to submit amended plans. Amended plans were submitted to Council including the following amendments:-

SCHEDULE OF DIFFERENCES

Between the Original DA (LDA 2015/0283) and the Concept Design retaining the existing Residence on 87 Bowden St

DESIGN ISSUE	LDA 2015/0283	PROPOSAL for RETAINING THE EXISTING HOUSE, 87 BOWDEN ST
DEMOLITION	Demolish both existing houses and associated sheds.	Retain existing residence at 87 Bowden Street, except for part of southern addition and demolish minor sheds . Demolish all structures at 2 MacPherson Street.
CAR PARK	On grade to MacPherson Lane with access from MacPherson Street. Covered over by landscaped Playground. Vehicle capacity of 20 spaces.	As for LDA 2015/0283 except for minor replanning of lift and stair access to Reception. Vehicle capacity of 20 spaces remains unchanged.
HEIGHT	8.51M	9.41M
FSR	0.47:1	0.494:1
TWO STOREY BUILDING	Minor area for Staff Room, Kitchen and Laundry.	First Floor in new wing to include Playrooms as well as Staff Room, Kitchen & Laundry.
FIRST FLOOR PLAYGROUND	Located above the single storey wing facing Bowden and MacPherson Streets.	None.
ELEVATED PLAYGROUND FACING MACPHERSON LANE	Playground located to the north and southern parts of the elevated landscaped garden.	Playground extends the full length of the landscaped deck. Voids and boundary setbacks from common boundaries remain unchanged.

Extract - LDA2015/0283 (ecosystem architecture)

ITEM 4 (continued)

The amended plans were exhibited on a “without prejudice” basis in June 2016 and 36 submissions were received. This means that the applicant is not bound to rely on these plans should the conciliation process be terminated and the matter proceed to a hearing.

- The applicant has also lodged two appeals in the Land and Environment Court against the two IHOs. These appeals will more than likely be held concurrently with the Class 1 Appeal for the child care centre application.

Gateway Plan-Making Process

1. **Planning proposal** – this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether or not to proceed at this stage.
2. **Gateway** – determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.
3. **Community Consultation** – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days). The consultation for this Planning proposal was undertaken between 9 May to 9 June 2016.
4. **Assessment** – the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. **Council is currently at this stage.**
5. **Decision** – the making of the plan by the Minister (or delegate).

Discussion

The report addresses the outcomes of the community consultation related to the Planning Proposal to list the 87 Bowden Street Ryde (Lot 17 DP 663261) (Figures 1 and 2) as an item of local heritage significance within LEP 2014.



Figure 1

ITEM 4 (continued)



Figure 2

Community Consultation

Consultation with the community regarding the Planning Proposal was carried out in accordance with legislative requirements and the gateway determination. Key dates and events of the community consultation are as follows:

- Public exhibition for a period of 32 days between 9 May to 9 June 2016.
- An exhibition notice placed in the Northern District Times with circulation across the Ryde Local Government Area.
- A copy of the exhibition notice, Planning Proposal and all supporting material was available for public viewing at Ryde Library, and the Civic Centre. The documents were also made available on Council's website.
- A copy of the Planning Proposal and independent Heritage Assessment were provided to the owners of the property together with an invitation to meet with Council staff to discuss the PP.
- Letters advising surrounding owners of the PP and the exhibition period.

Consultation with relevant external bodies

The Office of Environment and Heritage were consulted and provided with a copy of both the PP and independent Heritage Assessment. A submission was received from the Heritage Division of the NSW Office of Environment & Heritage that states the following:-

"Heritage listings provide statutory protection to assist with conservation and management of significant places. The Heritage Council of NSW supports the listing of items of local heritage significance where they are supported by a robust heritage assessment."

ITEM 4 (continued)

The proposal is based upon a comprehensive heritage assessment prepared by Paul Davies Pty Ltd. that sufficiently demonstrates how the property meets the significance criteria for local heritage listing. The heritage assessment report states, the house "Harwood" is of local aesthetic significance as a fine representative Federation Queen Anne Style house designed to address both street frontages taking advantage of its corner position, and in a remarkably intact condition...

The Heritage Council of NSW therefore supports the inclusion of 87 Bowden St, Ryde as a heritage item in Schedule 5 of the Ryde Local Environmental Plan 2014".

Outcomes of Consultation

Feedback from the community was gathered from written submissions. A total of 13 submissions were received from the community in response to the exhibition.

Of the submissions received eleven (11) are in support of listing the property as a heritage item within LEP 2014, one (1) submission states they strongly oppose any development of the subject site and one submission states they do not oppose development of the site but are concerned with streetscape presentation and pedestrian accessibility within the area generally.

A Submission Table (Table 1) summarising the contents of all submissions received and outlining Council's response to the submissions is **ATTACHED** (Attachment 3).

Financial Implications

Should Council endorse the planning proposal, there will be no financial implications for Council.

Critical Dates and Timeframe

The gateway determination requires completion of the plan-making process for this amending LEP by the DPE by 6 February 2017, which is within 9 months from the week following the date of the gateway determination (29 April 2016).

In order to meet this timeframe, Council must refer its request to Parliamentary Counsel (under delegation) to draft and finalise the LEP approximately 6 weeks prior to the finalisation date).

Options

Option 1: That Council supports the planning proposal as exhibited

This is the recommended option as it is considered that all issues raised during the public exhibition period have been adequately addressed in this report.

ITEM 4 (continued)

Option 2: That Council decides not to proceed with the planning proposal.

This option would afford no protection to the property whereby the property could be demolished or substantially altered resulting in the loss of a building that has been identified as having local heritage significance.

ITEM 4 (continued)

ATTACHMENT 1



 City of Ryde
Lifestyle and opportunity @ your doorstep



Strategic City Department

**Planning Proposal
87 Bowden Street Ryde
(Lot 17 DP 663261)**

ITEM 4 (continued)

ATTACHMENT 1

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ATTACHMENTS		
1	Ryde Local Environmental Plan 2014 - Amendment No. 9: Site Identification Map	
2	Interim Heritage Order No.2 (IHO) published in Government Gazette 19 dated 11 March 2016.	
3	Council Minutes 23 February 2016	
4	Heritage Study – to be attached	
5	Schedule 5 Environmental heritage and Draft	

ITEM 4 (continued)

ATTACHMENT 1

Strategic City Department	Planning Proposal for 87 Bowden Street Ryde	Page 3
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	Heritage Map	
6	Communication/Consultation Program – to be attached	

ITEM 4 (continued)

ATTACHMENT 1

Strategic City Department

Planning Proposal for
87 Bowden Street Ryde

Page 4

1.0 Introduction

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. This planning proposal has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (in particular section 55) and relevant guidelines produced by the Department of Planning and Infrastructure.

The Department of Planning and Infrastructure requires a Planning Proposal to cover six main parts which form the basis of this document as follows:

- Part 1 – Statement of Objectives and Intended Outcomes of the proposed LEP (refer 2.0)
- Part 2 – Explanation of the Provisions to be included in the LEP (refer 3.0)
- Part 3 – Justification of objectives, outcomes and process for implementation (refer 4.0)
- Part 4 – Maps to identify intent and applicable area (refer 5.0)
- Part 5 – Community Consultation proposed to be undertaken on the Draft LEP (refer 6.0)
- Part 6 – Project timeline - anticipated timeframe for the making of the LEP (refer 7.0)

Planning Proposal

This planning proposal aims to amend the existing planning controls to:-

- o to conserve and protect the heritage of the built environment of the property to which this plan applies,
- o to ensure that any new development on the land does not adversely affect the heritage significance of the building(s) or their setting and
- o Include the property 87 Bowden Street Ryde in LEP 2014 as a Heritage Item in *Schedule 5 Environmental heritage*

1.1 Site Description and Context

This planning proposal applies to land known as the 87 Bowden Street Ryde (Lot 17 in DP 663261) identified on the map titled "Ryde Local Environmental Plan 2014 - Amendment No. 9: Site Identification Map" contained in Attachment 1.

The subject site which is approximately 975m² (1.65ha) contains an intact Federation style dwelling and associated garden is identified in **Figure 1**.

ITEM 4 (continued)

ATTACHMENT 1

Strategic City Department	Planning Proposal for 87 Bowden Street Ryde	Page 5
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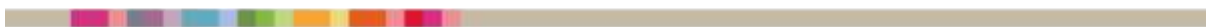


Figure 1

A site location plan of the site is shown at **Figure 2** and an aerial photo of the site is shown at **Figure 3**.



Figure 2 (The site in red)



ITEM 4 (continued)

ATTACHMENT 1

Strategic City Department

Planning Proposal for
87 Bowden Street Ryde

Page 6



Figure 3 – Aerial photograph of the site

Photographs of the existing buildings on the site are shown at **Figure 4**.



87 Bowden St.

Figure 4

ITEM 4 (continued)

ATTACHMENT 1

Strategic City Department

Planning Proposal for
87 Bowden Street Ryde

Page 7

Context

The site is located at the corner of Bowden and Macpherson Streets in the suburb of Ryde.

Northern Sydney Institute of TAFE is located to the west of the site whilst Ryde Town Centre is located to the east, Meadowbank Urban Village and the Parramatta River to the south. Victoria Road is to the north of the site and directly opposite the site is the Ryde Presbyterian Church which itself is identified as a heritage item under Ryde LEP 2014.

The site is in the vicinity of a number of local heritage items listed under RLEP 2014, the closest being :

- Church (Item 2)) - 74A Bowden Street Ryde (Ryde Presbyterian Church)
- House (Item 21) – 95 Bowden Street Ryde
- Church (Item 64) – 7-9 McPherson Street West Ryde
- Fountain (Item 115) – Corner See and Angus Streets Meadowbank
- Attached dwellings (Item 116) – 1A Angus and 34 See Street Meadowbank

Location of local heritage items in the vicinity of the site are shown in **Fig 5**



Fig 5

ITEM 4 (continued)

ATTACHMENT 1

Strategic City Department	Planning Proposal for 87 Bowden Street Ryde	Page #
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1.2 Current Planning Controls

Environmental Planning Instruments

Ryde LEP 2014 is the principle planning instrument applying to the site.

Zoning

The site is currently zoned R2 Residential Low Density under RLEP 2014. The R2 zone provides for a broad range of residential uses.

Under the zone the following uses are permitted:-

Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Home occupations; Hospitals; Multi dwelling housing; Places of public worship; Recreation areas; Residential care facilities; Respite day care centres; Roads; Secondary dwellings (see **Figure 6** below)



Figure 6

Building Height

The maximum building height relating to the site, is 9.5m as per Ryde LEP 2014 Height of Buildings Map . (see **Figure 7** below)

ITEM 4 (continued)

ATTACHMENT 1

Strategic City Department	Planning Proposal for 87 Bowden Street Ryde	Page 9
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Figure 7

Floor Space Ratio

The maximum floor space ratio relating to the site, is 0.5m:1 as per Ryde LEP 2014 Floor Space Ratio Map . (see Figure 8 below)



Figure 8

ITEM 4 (continued)

ATTACHMENT 1

Strategic City Department

Planning Proposal for
87 Bowden Street Ryde

Page 10

1.3 Background

- Ryde Heritage Study 2010 was commenced in 2003 and approximately 71 properties were identified and recommended for heritage listing, together with amendments to existing heritage listings. The site 87 Bowden Street Ryde was identified in the Heritage Study 2010 as follows:-

An intact Federation style dwelling in excellent condition, representative of better class of dwelling in Meadowbank at the turn of the twentieth century. Dwelling is located on a prominent corner site with local landmark qualities and is one of a number of houses of similar age and scale in Bowden St.

Recommendation: To be included as a heritage item in the Comprehensive LEP

- Council on 17 August 2010 resolved when considering the Draft Ryde Heritage Study 2010, not to pursue the heritage listing of any property unless the land owner specifically applied for a heritage listing of that property. As a result the subject property was not listed in LEP 2014 Schedule 5 Heritage Items.
- A development application was submitted in June 2015 for 87 Bowden Street Ryde to demolish the existing structures on the site and to construct a new two storey building with basement level parking for nineteen (19) car parking spaces to be used as a childcare centre for 90 children.

The development application was refused on the 23 February 2016 on a number of grounds including traffic and amenity issues, non-compliance with Development Control Plan 2014 and insufficient information being submitted.

- Council on the 23 February 2016 resolved in part to:-
 - impose an Interim Heritage Order over the property and
 - list the property 87 Bowden Street Ryde as an item of local heritage significant within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014. (Attachment 3)

An IHO is a temporary heritage protection measure against the demolition of a potential heritage item. It also provides time to assess the heritage significance of a potential item and take the appropriate steps to list the item if warranted.

Interim Heritage Order No.2 (IHO) which relates to the subject property was published in Government Gazette No.19 dated 11 March 2016. (Attachment 2)

- To evaluate the heritage significance of the property in more detail a consultant was engaged by Council to undertake an assessment of the property.

Details of consultant and (Attachment 4) :- to be included

ITEM 4 (continued)

ATTACHMENT 1

Strategic City Department	Planning Proposal for 87 Bowden Street Ryde	Page 11
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2.0 Objectives and Intended Outcomes

This part of the planning proposal responds to Section 55(1) of the Environmental Planning and Assessment Act 1979 which requires an explanation of what is planned to be achieved by the proposed amendments to Ryde LEP 2010.

The Planning Proposal seeks to amend RLEP 2014 by including the property 87 Bowden Street Ryde as a Heritage item in *Schedule 5 Environmental heritage* and including the property in *Ryde LEP 2014 Heritage Map*.

The intended outcome of the Planning Proposal is :-

- To ensure the protection of the dwelling and its curtilage at 87 Bowden Street Ryde from development that would adversely affect the heritage significance of the property and
- To conserve the contribution the site makes to the environmental heritage of Ryde.
- To permit future use of the building (including adaptive re-use) that is consistent with the cultural significance of the item.

ITEM 4 (continued)

ATTACHMENT 1

Strategic City Department	Planning Proposal for 87 Bowden Street Ryde	Page 12
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3.0 Explanation of Provisions

The planning proposal seeks to:

- amend *Ryde LEP 2014 Schedule 5 Environmental heritage* to include the property 87 Bowden Street Ryde (Lot 17 in DP 663261) (see Fig 9)
- amend *Ryde LEP 2014 Heritage Map* – to include 87 Bowden Street Ryde (Lot 17 in DP 663261) (see Fig 10).

Figure 9 – Amendment to Ryde LEP 2014 Schedule 5 Environmental heritage

(Amendment in **Red**)

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Ryde	Hattons Cottage	158 Blaxland Road	Lot P, DP 443304	Local	17
Ryde	Church	74A Bowden Street	Lots 23 and 24, DP 8677	Local	20
Ryde	House and garden	87 Bowden Street Ryde	Lot 17 DP 663261		222
Ryde	House	95 Bowden Street	Lot 101, DP 1055980	Local	21

Figure 10 - Amendment to Ryde LEP 2014 Heritage Map (Amendment Item No 222)

ITEM 4 (continued)

ATTACHMENT 1

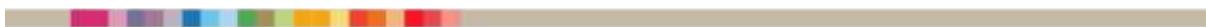
Strategic City Department	Planning Proposal for 87 Bowden Street Ryde	Page 13
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Proposed Heritage Map
Sheet HER_003

- Heritage**
-  Conservation Area - General
 -  Item - General
 -  Item - Archaeological

A draft Schedule 5 Environmental heritage and Draft Heritage Map are included at **Attachment 5**.



ITEM 4 (continued)

ATTACHMENT 1

Strategic City Department

Planning Proposal for
87 Bowden Street Ryde

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4.0 Justification

Section 55 (3) of the Environmental Planning and Assessment Act 1979 enables the Director-General to issue requirements with respect to the preparation of a planning proposal. This section responds to all matters to be addressed in a planning proposal – including Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land).

4.1 Need for the Planning Proposal

4.1.1 Is the planning proposal a result of any strategic study or report?

The property was originally recognised in City of Ryde Heritage Study 2010 and was identified as an intact Federation style dwelling in excellent condition, representative of better class of dwelling in Ryde at the turn of the twentieth century.

The recommendation of the study was that the property be included as a heritage item in LEP 2014.

A draft Heritage Inventory Sheet was updated and revised to reflect the additional heritage assessment undertaken by Council's Heritage Advisor in March 2016.

A consultant was engaged by Council to provide a detailed heritage assessment of the site (Attachment 4).

4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes?

The Planning Proposal represents the only means of ensuring the heritage significance of the site is recognised and protected from development that may adversely affect the significance of the site and its contribution to the environmental heritage of the City of Ryde.

ITEM 4 (continued)

ATTACHMENT 1

Strategic City Department	Planning Proposal for 87 Bowden Street Ryde	Page 15
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4.2 Relationship to strategic planning framework

4.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The strategic planning context for the consideration of this Planning Proposal includes:

- A Plan for Growing Sydney - December 2014.
- the draft *Inner North Draft Subregional Strategy (draft Subregional Strategy)* exhibited between 18 July to 17 September 2007.
- A Plan for Growing Sydney

A Plan for Growing Sydney is the NSW's State Governments plan for the future growth and prosperity of the Greater Sydney Region. The Plan includes 4 main goals which are underpinned by several key actions. Goal 3 – *A great place to live with communities that are strong, healthy and well connected* reflects the Plans desire to build on Sydney's reputation of a vibrant cosmopolitan culture by requiring quality public spaces, green spaces, sports facilities and precincts that engage people and reflect the city's heritage and history. (A Plan for Growing Sydney Pge 9) Goal 3 is supported by a number of Directions.

Direction 3.4: *Promote Sydney's heritage, areas and culture* of the Plan builds on Sydney's reputation of being a vibrant cosmopolitan culture by requiring quality public spaces, green spaces, sports facilities and precincts that engage people and reflect the city's heritage and history our sense of place and identity and help us to understand and learn about our past,

Community life is often centred around significant places such as heritage buildings. These buildings provide a connection to our past and collectively tell our city's story. Heritage buildings and sites contribute to our sense of place and identity and help us to understand and learn about our past,(Plan for Growing Sydney Pge 90)

- Subregional Plan

A Key Direction of the draft Subregional Strategy is the protection of the cultural and heritage elements of the subregion. (pge 84). The Strategy identifies the need to consider the conservation of places and streetscapes of heritage value that contribute to the subregion. (page 89)

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The recognition and protection of 87 Bowden St Ryde as containing a building and grounds which are representative of dwellings at the turn of the twentieth century and are a contributing item to the heritage of the City of Ryde supports the Goals and Directions of A Plan for Growing Sydney and the Subregional Plan.

4.2.2 Is the planning proposal consistent with the local council's local strategy, or other local strategic plan?

City of Ryde Strategic Plans:

1. The City of Ryde 2025 Community Strategic Plan

The Community Strategic Plan sets out the future vision for the City of Ryde. The plans set the desired outcomes and the aspirations of the community, and the goals and strategies on how they will be achieved. The seven outcomes for the City of Ryde are:

- A City of Liveable Neighbourhoods
- A City of Wellbeing
- A City of Prosperity
- A City of Environmental Sensitivity
- A City of Connections
- A City of Harmony and Culture
- A City of Progressive Leadership

The Planning Proposal is in line with goals and strategies of the Community Strategic Plan in that it is responding to the community's sense of identity to their neighbourhood and a desire for liveable neighbourhoods by protecting local heritage. (see below extract)

"A City Of Harmony and Culture

"Goal One

Our residents are proud of their diverse community ,celebrating their similarities and differences.

STRATEGIES

.....

To bring people together in their local neighbourhoods to encourage connection and belonging.

To create a distinct local identity built on our city's character and cultural heritage." (Pge 23 City of Ryde 2025 Community Strategic Plan)"

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2. Local Planning Study (LPS)

Council adopted *Local Planning Study (December 2010)* in response to the NSW Government's *Metropolitan Strategy* and draft *Inner North Draft Subregional Strategy* to outline a vision for development of Ryde over the next 20 years. The Local Planning Study was the basis for the development of Ryde LEP 2014. One of the aims of Ryde LEP that was derived from the Local Planning Study is:-

(d) to identify, conserve and promote Ryde's natural and cultural heritage as the framework for its identity, prosperity, liveability and social development, (RLEP 2014 Clause 1.2 (d))

The Planning Proposal is consistent with both the Study and Ryde LEP 2014.

4.2.3 Is there a net community benefit?

The Planning Proposal will facilitate the retention of the an item of local heritage significance that contributes to the overall character of the City of Ryde

The amendments under this Planning Proposal will enable the Council to ensure:

- The protection of an item of local heritage significance to the City of Ryde from any development that would adversely impact on the heritage value of the buildings and grounds.

The above outcome of the proposal is considered to be in the public interest.

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4.2.4 Is the planning proposal consistent with applicable state environmental planning policies?

A summary assessment of the Planning Proposal in terms of State Environmental Planning Policies is contained in the table below (Table 1).

This assessment indicates that the draft LEP contained in this Planning Proposal is consistent with all relevant State environmental planning policies.

Table 1 – Consistency with relevant SEPPs

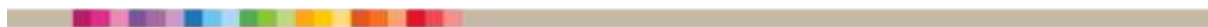
State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
EPP No 19 Bushland in Urban Areas			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 21 Caravan Parks			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 30 Intensive Agriculture			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)			✓	Applies to all urban land. . Not relevant to proposed amendment.
SEPP No 33 Hazardous and Offensive Development			✓	Applies to all urban land. . Not relevant to proposed amendment.
SEPP No 50 Canal Estate Development			✓	Applies to the whole of the State. Not relevant to proposed amendment. .
SEPP No 55 Remediation of Land			✓	Applies to all land. . Not relevant to proposed amendment.
SEPP No.62 Sustainable Aquaculture			✓	Applies to the whole of the State. Not relevant to proposed amendment .
SEPP No 64 Advertising and signage			✓	Applies land. . Not relevant to proposed amendment.
SEPP No 65 Design Quality of Residential Flat Development			✓	Applies to the whole of the State Not relevant to proposed amendment
SEPP (Affordable Rental Housing) 2009			✓	Applies to all land. Not relevant to proposed amendment.
SEPP(BASIX) 2004			✓	Applies to all land. Not relevant to proposed amendment.

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State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP (Exempt and Complying Development Codes) 2008			✓	Applies to all urban land. . Not relevant to proposed amendment.
SEPP(Housing for Seniors or People with a Disability) 2004			✓	Applies to all residential land. . Not relevant to proposed amendment.
SEPP (Infrastructure) 2007			✓	Applies to all urban land. . Not relevant to proposed amendment.
SEPP (Major Development) 2005			✓	Applies to all urban land. . Not relevant to proposed amendment.
SEPP (Temporary Structures) 2007			✓	Applies to all urban land. . Not relevant to proposed amendment.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP (State and Regional Development) 2011			✓	Applies to all land. .Not relevant to proposed amendment.
Deemed SEPPs				
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005			✓	Applies to all urban land. . Not relevant to proposed amendment.



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4.2.5 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

A summary assessment of the Planning Proposal in terms of the Directions issued by the Minister for Planning under Section 117 of the *EP&A Act* (last update 1 February 2011) is contained in the Table 2).

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning and Infrastructure on or after the date the particular direction was issued:

Consideration of Relevant Section 117 Directions applying to planning proposals

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
1. Employment and Resources				
1.1 Business and Industrial Zones Objectives are:- <ul style="list-style-type: none"> o Encourage employment growth in suitable locations o Protect employment land in business and industrial zones and o Support the viability of identified strategic centres. 			x	
1.2 Rural Zones Objective: To protect the agricultural production value of rural land.			x	
1.3 Mining, Petroleum Production and Extractive Industries Objective: To ensure that the future extraction of significant materials is not compromised by inappropriate development.			x	
1.4 Oyster Aquaculture Objective: To protect oyster aquaculture from development that may result in adverse impact on water quality.			x	
1.5 Rural Lands Objective: To protect and facilitate economic development of rural lands.			x	
2. Environment and Heritage				
2.1 Environment Protection Zones Objective: To protect and conserve			x	

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Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
environmentally sensitive areas.				
2.2 Coastal Protection Objective: To implement the principles in the NSW Coastal Policy.			x	Ryde is not a coastal zone under the Coastal Protection Act 1979.
2.3 Heritage Conservation Objective: To conserve items ,areas, objects and places of environmental heritage significance and indigenous heritage significance.	x			The PP aims to heritage list a property of heritage significance.
2.4 Recreation Vehicle Areas Objective: To protect sensitive land from adverse impacts from recreation vehicles.			x	Not relevant to PP
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones Objectives are: <ul style="list-style-type: none"> ○ To encourage a variety and choice of housing types to provide for existing and future housing needs ○ To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services and ○ To minimise the impact of residential development on the environment and resource lands. Comment The subject land is currently zoned <i>R2 Residential Low Density</i> residential development is permitted in the zone with Council consent. The land subject of the PP is currently used as a dwelling house. The intent of the PP is to identify the land as a heritage item in Schedule 5 of Ryde LEP 2014.	x			See adjacent comment

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Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
3.2 Caravan Parks and Manufactured Home Estates Objective: To provide a variety of housing types.			x	
3.3 Home Occupations Objective: To encourage the carrying out of low impact small businesses in dwelling houses.			x	
3.4 Integrating Land Use and Transport Objectives are: <ul style="list-style-type: none"> o Improving access to housing , jobs and services by walking, cycling and public transport o Support of public transport services and reduce travel demand. 			x	
3.5 Development Near Licensed Aerodromes Objective: To ensure safe and effective operation of aerodromes.			x	
3.6 Shooting Ranges Objective: To reduce land use conflict, maintain appropriate levels of public safety and amenity.			x	
4. Hazard and Risk				
4.1 Acid Sulfate Soils Objective: To avoid significant adverse impacts from use of land that contains acid sulfate soils.	x			
4.2 Mine Subsidence and Unstable Land Objective: To prevent damage to life, property and the environment on land identified as subject to mine subsidence.			x	
4.3 Flood Prone Land Objective: To ensure an LEP includes consideration of appropriate flood impacts.			x	
4.4 Planning for Bushfire Protection Objective: To encourage sound management of bush fire prone areas.			x	
5. Regional Planning				
5.1 Implementation of Regional Strategies Objective: To give legal affect to the regional strategies.			x	
5.2 Sydney Drinking Water Catchments Objective: To protect water quality in the Sydney drinking water catchment.			x	

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Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast Objective: To ensure the best agricultural land will be available for current and future generations.			x	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast Objective: To manage commercial and retail development along the Pacific Hwy.			x	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)				
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)				
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)				
5.8 Second Sydney Airport: Badgerys Creek Objective: To avoid incompatible development in the vicinity of any future second Sydney airport.			x	
6. Local Plan Making				
6.1 Approval and Referral Requirements Objective: To ensure that LEP provisions encourage the efficient and appropriate assessment of development.	x			
6.2 Reserving Land for Public Purposes Objective: To facilitate the provision of public services and facilities.	x			
6.3 Site Specific Provisions Objective: To discourage unnecessary restrictive site specific planning controls.			x	
7. Metropolitan Planning				
7.1 Implementation of the Metropolitan Plan for Sydney 2036. Objective: To give legal affect to the vision contained in the A Plan for Growing Sydney (December 2014) Comment The recognition and protection of 87 Bowden St Ryde as containing a building and grounds which	x			See adjacent comment

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Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
are representative of dwellings at the turn of the twentieth century and are a contributing item to the heritage of the City of Ryde supports the Goals and Directions of A Plan for Growing.				

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4.3 – Environment, social and economic impact

4.3.1 Impact on Critical Habitat, Threatened Species and Ecological Communities

The land is situated in a suburban context and is currently used for a dwelling house and the wider area has historically been developed for urban purposes.

The Planning Proposal will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats nor is it expected to have any adverse environmental effects.

4.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Environmental effects

The subject site is not subject to flooding, bushfire hazard, noise impact, or soil instability and does not contain critical habitat or threatened species populations or ecological communities, or their habitats

As such the Planning Proposal will not affect any nor is it expected to have any adverse environmental effects.

Heritage

The Planning Proposal aims to list the property 87 Bowden Street Ryde as a heritage item within Ryde LEP 2014 and as such the property will be protected through *Clause 5.10 Heritage conservation* of LEP 2014 from any work that would adversely affect the heritage significance of the site.

4.3.3 Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal provides an opportunity for the site to be protected from any development that would adversely impact on the significance of the site to the heritage of the City of Ryde.

4.4 State and Commonwealth interests

4.4.1 Is there adequate public infrastructure for the planning proposal?

There is extensive public utility service infrastructure available in this area which supports the existing residential use of the site and the surrounding development.

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4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Any State or Commonwealth authority who is identified in the gateway determination as needing to be consulted, will be consulted following that determination being:

- The Office of Environment and Heritage.

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5.0 Mapping

Proposed Draft Ryde LEP 2014 Heritage Map- Amendment 9, indicating the proposed amendment being sought is provided in Attachment 3.

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6.0 Community Consultation

This section provides details of the community consultation that is to be undertaken on the planning proposal:

The community consultation process to be undertaken for this Planning Proposal is expected to be undertaken in the following manner for a 28 day period :-

- written notice given
 - in the local newspaper circulating in the area,
 - on Council's webpage and
 - to adjoining landowners (where this involves strata's a letter will be sent to the body corporate)
 - to local state government representatives
 - consultations considered necessary by the Department of Planning and Infrastructure with relevant State and Commonwealth authorities
- the written notice will
 - provide a brief description of the objectives and intended outcomes,
 - indicate the land affected,
 - state where the planning proposal can be inspected,
 - indicate the last date for submissions and
 - confirm whether the Minister has chosen to delegate the making of the LEP.
- The following materials will be placed on exhibition: -
 - the planning proposal
 - the gateway determination

A communication/consultation program for the planning proposal is found at **Attachment 6** (to be attached).

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7.0 Project Timeline

- | | |
|---|----------------------------|
| 1. Planning Proposal presented to Council | 12 April 2016 |
| 2. Planning Proposal submitted to Gateway | |
| 3. Gateway determination received by Council | 6 May 2016 |
| 4. Community consultation (28days) | 18 May 2016 – 17 June 2016 |
| 5. Outcomes of Community consultation
Presented to Council | 26 July 2016 |
| 6. Planning Proposal submitted to DoPE
requesting notification on Government website | 1 August 2016 |

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ATTACHMENT 2

**“HARWOOD”
87 BOWDEN STREET RYDE
HERITAGE ASSESSMENT REPORT**



For

CITY OF RYDE COUNCIL

MAY 2016



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FIGURES

Cover: No. 87 Bowden Street taken from Bowden Street, April 2016, photo taken by Paul Davies Pty Ltd

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Source: NSW Land & Property Information Six Maps..... 3

Figure 2: Aerial photo of the site in 1943 (shaded yellow, outlined in red) Source: NSW Land & Property Information Six
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Figure 3: Recent satellite view of the site (shaded yellow, outlined in red). Note addition of rear wing and outbuildings
since 1943 Source: NSW Land & Property Information Six Maps 4

Figure 4: Undated map of the local parish (Hunters Hill) depicting the location of Balmain's (combined) and Kent's grants
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Figure 5: Detail of a commercial map of the local government area of Ryde dated 1893. The map succinctly demonstrated
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1931 comprised Lots 17-18 in this subdivision (highlighted in red line). Source: NSW Land and Property Information 9

Figure 8: Detail from the Water Board's Ryde Sheet 87, dated 1939. The property prior to 1931 comprised the area
highlighted in red line. The subdivision in 1931 created the allotment of present day No. 2 Macpherson Street, and
another subdivision in 1949 created the allotment of present day No. 89 Bowden Street. Note the early outbuilding
(possibly a fernery) identified in photos in Section 3.0 of this report appears on this plan to the right of the house, as well
as a since-demolished rear outbuilding. Source: Ryde Library Local Studies Collection 10

Figure 9: Detail from aerial photography dated 1943. The property prior to 1931 comprised the area highlighted in red
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ATTACHMENT 2

1.0 INTRODUCTION & BACKGROUND

1.1. THE BRIEF

This heritage assessment report has been prepared on behalf of City of Ryde Council to assess the heritage significance of the property at 87 Bowden Street, Ryde.

1.2. APPROACH AND METHODOLOGY

The methodology used in this report is in accordance with the guidelines of the NSW Heritage Manual and in accordance with the latest version of The NSW Heritage Division, Office of Environment & Heritage (OEH) Assessing Heritage Significance guidelines. This report is also in accordance with the principles and definitions set out in the Australia ICOMOS Burra Charter 2013 and its Practice Notes.

1.3. LIMITATIONS

The site was visited by Chery Kemp, Heritage Specialist and Liz Duck-Chong, Graphics/photography assistant, of Paul Davies Pty Ltd on 28 April 2016. The subject site was photographed from the adjacent public streets and from within the grounds of the property (while in the company of Council's Heritage Advisor Michael Edwards), but the interior of the buildings on the property was not accessed.

The historical background in this report has been thoroughly researched by a professional historian, from a mix of primary (e.g. *Sand's Directory*, Lands Titles) and secondary sources.

1.4. AUTHOR IDENTIFICATION

This report was prepared by Paul Davies Pty Ltd, Architects and Heritage Consultants, 180 Darling St Balmain NSW 2041.

This report was authored by Chery Kemp, Heritage Specialist, with historical research undertaken and history written by Nicholas Jackson, Historian sub-consultant.

1.5. ACKNOWLEDGEMENTS

Angela Phippen, Local Studies & Family History Librarian, City of Ryde, assisted with historical research undertaken by Nicholas Jackson for this report, particularly in supplying the Water Board plan used in this report (Figure No. 8 in this report).

1.6. DEFINITIONS

For the purposes of this report:

Local refers to City of Ryde Council area; and

State refers to New South Wales.

The following definitions used in this report and are from *Article 1: Definitions* of The Burra Charter 2013, the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance.

Place means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.

Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

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ATTACHMENT 2

Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.

Places may have a range of values for different individuals or groups.

Fabric means all the physical material of the place including elements, fixtures, contents and objects.

Conservation means all the processes of looking after a place so as to retain its cultural significance.

Maintenance means the continuous protective care of a place and its setting.

Maintenance is to be distinguished from repair which involves restoration or reconstruction.

Preservation means maintaining a place in its existing state and retarding deterioration.

Restoration means returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.

Reconstruction means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material.

Adaptation means changing a place to suit the existing use or a proposed use.

Use means the functions of a place, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

Compatible use means a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance.

Setting means the immediate and extended environment of a place that is part of or contributes to its cultural significance and distinctive character.

Related place means a place that contributes to the cultural significance of another place.

Related object means an object that contributes to the cultural significance of a place but is not at the place.

Associations mean the connections that exist between people and a place.

Meanings denote what a place signifies, indicates, evokes or expresses to people.

Interpretation means all the ways of presenting the cultural significance of a place.

1.7. SITE LOCATION

The real property description of the property at 87 Bowden Street, Ryde, is Lot 17, DP663261. The site is located on the north-western side of Bowden Street, at the corner of Macpherson Street, and is opposite the heritage-listed St James Presbyterian Church at 74A Bowden Street (corner Squire Street).

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Figure 1 Location of site at 87 Bowden Street Ryde on the corner of Macpherson Street (shaded yellow, outlined in red) Source: NSW Land & Property Information Six Maps

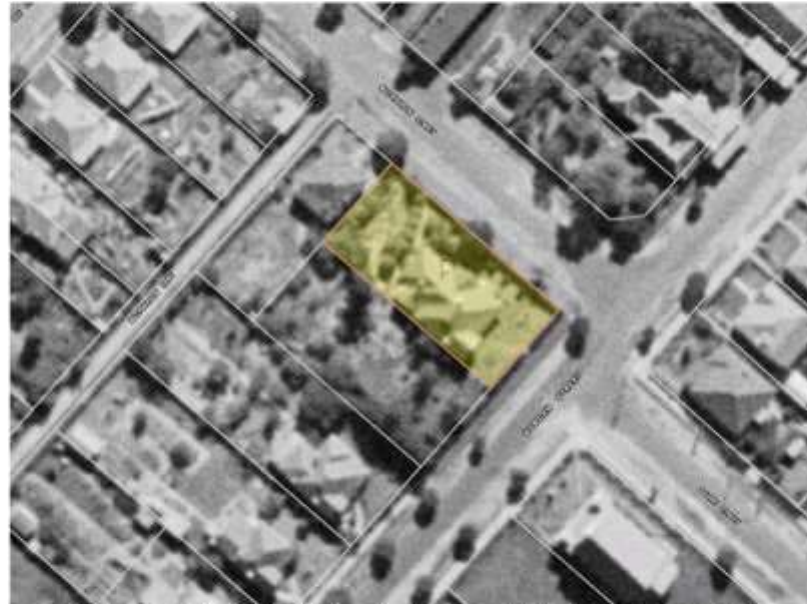


Figure 2: Aerial photo of the site in 1943 (shaded yellow, outlined in red) Source: NSW Land & Property Information Six Maps

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Figure 3: Recent satellite view of the site (shaded yellow, outlined in red). Note addition of rear wing and outbuildings since 1943
Source: NSW Land & Property Information Six Maps

1.8. STATUTORY LISTINGS AND CONTROLS

NSW HERITAGE ACT 1977

The property at 87 Bowden Street Ryde is not included on the State Heritage Register (SHR).

There are no State heritage listed items in the vicinity of the site.

LOCAL ENVIRONMENTAL PLAN (RYDE LEP 2014)

The property is not included as a heritage item in the Ryde LEP 2014.

The property is in the vicinity of a heritage item (St James Presbyterian Church, Heritage Item No. I20) listed in Schedule 5 of the Ryde LEP 2014.

INTERIM HERITAGE ORDER

A Development Application affecting the property involving demolition of the existing house on the property (LDA2015/283) and the development of a child care centre was refused by City of Ryde Council at its Planning & Environment Committee meeting of 9 February 2016.

The property at 87 Bowden Street Ryde is the subject of an Interim Heritage Order placed over the property on 26 February 2016, and a second Interim Heritage Order, which took effect on 11 March 2016.

1.9. NON-STATUTORY LISTINGS

No National Trust listings have been noted for the subject property or nearby buildings.

ITEM 4 (continued)**ATTACHMENT 2****2.0 HISTORICAL BACKGROUND****2.1. ABORIGINAL HISTORY OF THE RYDE AREA**

Aboriginal people inhabited the Sydney basin for thousands of years prior to the arrival of Europeans. The northern coastal area of Sydney was home to the Guringai people, western Sydney was home to the Dharug clans, and southern Sydney was inhabited by the Dharawal clans. The Guringai lived primarily along the foreshores of the harbour, and fished and hunted in the waters and hinterlands of the area. All clans harvested food from their surrounding bush. Self-sufficient and harmonious, they had no need to travel far from their lands, since the resources around them were so abundant, and trade with other tribal groups was well established. The British arrival in 1788 had a dramatic impact on all of the Sydney clans. Food resources were quickly diminished by the invaders, who had little understanding of the local environment. As a result, the Aboriginal people throughout the Sydney Basin were soon close to starvation. The Sydney clans fought back against the invaders, but the introduction of diseases from Europe and Asia, most notably smallpox, destroyed over half the population. The clearing of land for settlements and farms displaced local tribes and reduced the availability of natural food resources, leaving Aboriginal people reliant on white food and clothing. The French surgeon and pharmacist Rene Primavere Lesson, who visited Sydney in 1824, wrote: "the tribes today are reduced to fragments scattered all around Port Jackson, on the land where their ancestors lived and which they do not wish to leave."¹

2.2. EARLY LAND GRANTS AT MEADOWBANK

While the property address is Ryde, the history of the property relates more to the suburb of Meadowbank. This Sydney suburb is located within the land grants of 105 acres and 220 acres made to Surgeon William Balmain in 1798 and 1799, and the 160 acres granted to William Kent in 1796.

Balmain (1762-1803) named his grants Meadow Bank. They included frontage to Parramatta River and Charity Creek. Prior to Balmain returning to England in 1801 he appointed D'Arcy Wentworth to look after his affairs in the colony. Isaac Shepherd acquired most of Kent's grant east of the present day railway line in stages between 1835 and 1838,² and erected *Helenie* about 1842 (demolished in 1939).³

¹ Information taken from City of Ryde Aboriginal Site Management Report, Aboriginal Heritage Office, 2011

² Torrens Title Primary Application 8231

³ 'Helenie', Sydney Morning Herald, 3/6/1939, p.13

ITEM 4 (continued)

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Figure 4: Undated map of the local parish (Hunters Hill) depicting the location of Balmain's (combined) and Kent's grants at present day Meadowbank. Bowden Street is located within Kent's 360 acres (outlined in red circle). Source: NSW Land and Property Information

2.3. THE SUBURB OF MEADOWBANK

The impetus for suburban settlement at Meadowbank was the coming of the railway and the building of the stations at Meadowbank and West Ryde. The railway line from Strathfield was completed in 1887 and the railway station at Meadowbank (Meadow Bank prior to 1927) was opened. The line had been under discussion for some years, and the final route with the bridge crossing at Charity Point was determined in 1880.

WESTERN SUBDIVISIONS

The first suburban subdivision of this era was the Meadow Bank Estate sale of 1883. This comprised land west of the railway line and was undertaken by the Bennett family. Some substantial houses were erected subsequently in this area and an example is Fernleigh at 8A Sherbrooke Road of 1890 by nurseryman Edward Atkins.

This western area comprised part of Balmain's grant that had been sold in 1818 to John Bennett, a former convict who lived nearby (north of Victoria Road at Chatham Farm). On the death of Bennett in 1829, his estate was inherited by his nephew, Captain William Bennett, master mariner.

In 1838 another Balmain grant was sold to William Bennett.⁴ While land north of Victoria Road was sold in 1855 to Major William Darvall, the southern portion was retained by the Bennett family until the early 1880s.

EASTERN SUBDIVISIONS

The area east of the railway line was retained by the Shepherd family through the nineteenth century by the marriage of Isaac Shepherd's daughter Mary Elizabeth to Thomas Kendall Bowden in 1861. The couple resided at Addington on Victoria Road for a time, which the

⁴ Recited in Torrens Title Primary Application 4075

ITEM 4 (continued)

ATTACHMENT 2

Shepherds had erected in the early 1830s. Mr Bowden died in 1879, and Mrs Bowden died in 1901.

Mrs Bowden subdivided and sold Hellenie in 1893 as the Hellenie Estate (Deposited Plan 2929). Most of the estate was purchased by the Meadowbank Manufacturing Company.⁵ This company had been established by the Mellor Bros in 1890.⁶

Bowden Street (then Terrace) was formed in this Hellenie Estate (Deposited Plan 2929) subdivision. However, Sections 4, 5 & 6 of Deposited Plan 2929 were extinguished later by Deposited Plan 4773, which relates to the subject property No. 87 Bowden Street.



Figure 5: Detail of a commercial map of the local government area of Ryde dated 1893. The map succinctly demonstrated the extent and location of the late Victorian era subdivisions at Meadowbank and south-west Ryde. The subject property No. 87 Bowden Street is located within a Federation subdivision of 1906 (this map depicted an earlier subdivision of Deposited Plan 2929 of 1893 of approximately the same area). The map plotted the areas owned by the Meadowbank Manufacturing Company prior to 1893; it purchased Hellenie and its grounds of about 18 acres in 1893. Source: State Library of New South Wales (Z/M4 811.142/1893/1)

⁵ Torrens Title Vol. 153 Fol. 245

⁶ Martin, M, *A Pictorial History: Ryde*, Kingsclear Books, 1998

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Figure 6: Detail from Deposited Plan 2929 (the Hellenie Estate subdivision of 1893). In this subdivision the location of the property comprised Lots 1-3 in Section 5 (highlighted in red circle). Source: NSW Land and Property Information

The Meadowbank Manufacturing Company from 1903 was owned by John Howard Angas, Susanne Angas, John Alexander Thomson, and Leonard William Bakewell.⁷ That company conveyed 64 acres of its property (inclusive of Hellenie) to the Meadowbank Land Syndicate Ltd in late 1905.⁸ The company re-subdivided part of the aforementioned Deposited Plan 2929 to form the (1st) Meadowbank Township (Deposited Plan 4773); the subject property No. 87 Bowden Street is located within this land release.

THE MEADOWBANK LAND SYNDICATE

The Meadowbank Land Syndicate Ltd was formed about 1905 and registered as a limited liability company in 1906 with a capital of 5,000 pounds.⁹ It was wound up in 1914.¹⁰ The syndicate included Thomas Robert Moxham (the MLA for Parramatta between 1901 and 1916), and Thomas Henley (the MLA for Burwood between 1904 and 1920 and then Ryde until his death in 1935.)¹¹

MEADOWBANK TOWNSHIP SUBDIVISION

The subject property No. 87 Bowden Street originally comprised Lots 17 and 18 in the (1st) Meadowbank Township subdivision and sale of February 1906 (Deposited Plan 4773). The land release comprised 60 building blocks in total located to the north of Hellenie from present day Underdale Lane to Macpherson Street. The premises of the Meadowbank

⁷ State Records of NSW Index to Firms

⁸ 'The Land Boom', *Cumberland Argus*, 4/11/1905, p.4

⁹ *Evening News*, 16/1/1906, p.3

¹⁰ Notes and Comments, *Sydney Morning Herald*, 7/3/1914, p.25

¹¹ 'The Land Boom', *Cumberland Argus*, 4/11/1905, p.4

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Engineering (now part of the TAFE site) were at the north-western corner of the estate and on the north the estate was bounded by the Australian Gas Company's depot.

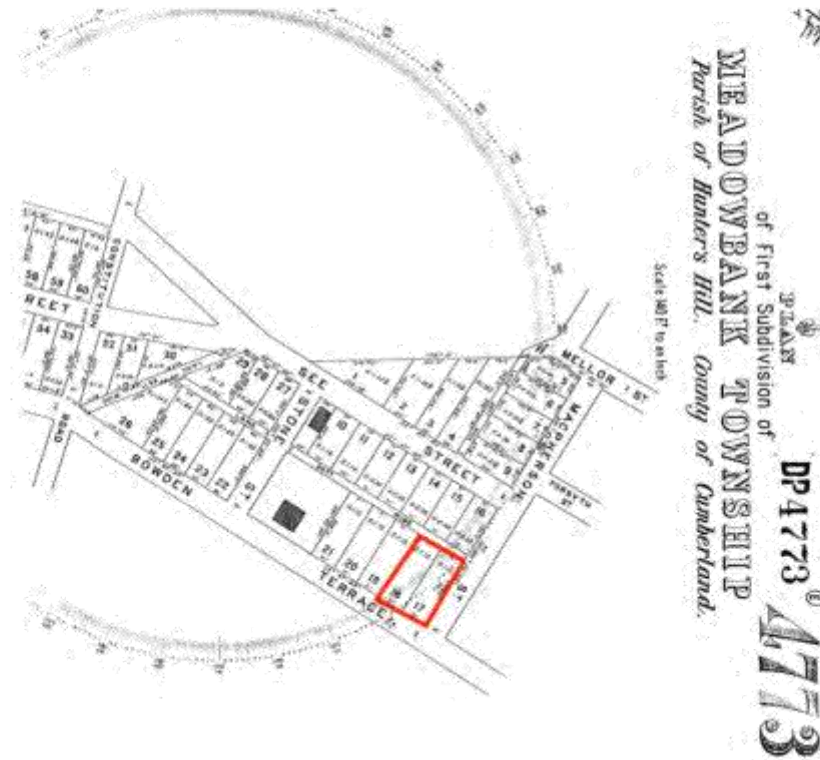


Figure 7: Detail from Deposited Plan 4773 (the (1st) Meadowbank Township subdivision of 1906). The property prior to 1931 comprised Lots 17-18 in this subdivision (highlighted in red line). Source: NSW Land and Property Information

2.4. NO. 87 BOWDEN STREET

BAXTER'S HARWOOD

The aforementioned Lots 17 and 18 of the (1st) Meadowbank Township subdivision (Deposited Plan 4773) were purchased in July 1910 by Arthur George Baxter from the Meadowbank Land Syndicate Ltd.¹² Within part of that purchase of about ½ acre is located the brick house at No. 87 Bowden Street. At the time of the purchase there were four houses standing in Bowden Street,¹³ three of these had been erected after the land sale of

¹² Torrens Title Dealing 573561

¹³ Sands' Directory

ITEM 4 (continued)

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1906, but the fourth, Carrara (101 Bowden Street), was within the land release of Deposited Plan 2929 of 1893 and had been erected prior to 1906.

Baxter had the brick house at No. 87 Bowden Street constructed about 1913 given the first entry in Sands' Directory was the 1914 edition. Baxter named the house Harwood.¹⁴

The house was set originally within grounds larger than today, and at the time larger than any neighbouring property (with the exception of No. 101 Bowden Street discussed above, and another at No. 85 Bowden Street (since demolished).¹⁵ In aerial photography dated 1943 these grounds were planted out and represented a substantial garden at the time.

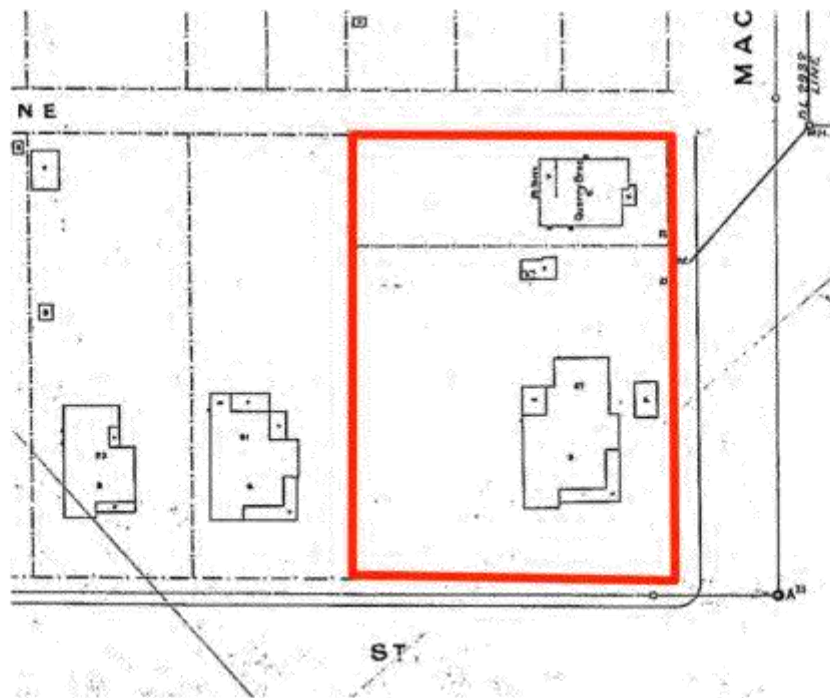


Figure 8: Detail from the Water Board's Ryde Sheet 87, dated 1939. The property prior to 1931 comprised the area highlighted in red line. The subdivision in 1931 created the allotment of present day No. 2 Macpherson Street, and another subdivision in 1949 created the allotment of present day No. 89 Bowden Street. Note the early outbuilding (possibly a femery) identified in photos in Section 3.0 of this report appears on this plan to the right of the house, as well as a since-demolished rear outbuilding. Source: Ryde Library Local Studies Collection

¹⁴ Sands' Directory, 1915

¹⁵ Water Board Survey Ryde Sheet 87, dated 1939

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Figure 9: Detail from aerial photography dated 1943. The property prior to 1931 comprised the area highlighted in red line, and the existing allotment is shaded blue. The subdivision in 1931 created the allotment of present day No. 2 Macpherson Street at the rear of the house. Prior to 1949 the allotment of present day No. 89 Bowden Street was part of the landscaped grounds of No. 87 Bowden Street. Source: NSW Land and Property Information

Baxter (1881-1938) was the eldest son of John and Elizabeth (nee Chaffer). He married Miss Jessie Cruickshanks in 1911 at the Woollahra Presbyterian Church. It was a society wedding and was reported in the social column of the Sydney newspapers.¹⁶

At the time of his marriage in 1911 Baxter was employed by the long established and respected shipping firm Burns, Philp & Co.

About 1916 Baxter went into partnership with Neville Chatfield (1884-1975) as general merchants and customs agents for exporters and importers. They traded as *AG Baxter and Chatfield* with an office in Bond Street. At the time of his death in 1938 an Obituary (see Figure 10 below) reported Baxter was 'well known by many of the shipping and business people of Sydney'.¹⁷

¹⁶ for example, Social, *Sydney Morning Herald*, 19/8/1911, p.13

¹⁷ State Records of NSW Index to Firms; 'Mr AG Baxter', *Sydney Morning Herald* 17/8/1938, p.4

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OBITUARY
Mr. A. G. Baxter.

The death occurred last Sunday of Mr. Arthur George Baxter at a private hospital at Bellevue Hill. Mr. Baxter, who was well known by many of the shipping and business people of Sydney, was for some years with Burns, Philp & Co., Ltd., and later on started in business with Mr. Chatfield as Customs agents, under the name of Baxter & Chatfield. Some years ago Mr. Baxter retired and the business has since been carried on by Mr. Chatfield.

Figure 10: Obituary for AG Baxter published in the Daily Commercial News and Shipping List (Sydney, NSW) Wednesday, 17 August 1938, page 4

Having moved to Bowden Street, Baxter soon became involved with local affairs. In 1914 he contributed to half the cost of planting trees along Bowden Street and Macpherson Street, and met the full cost of erecting the tree guards.¹⁸ These trees have not survived, but were visible in aerial photography dated 1943. In 1917 he was elected an alderman of Ryde representing West Ward.¹⁹

Baxter was also involved with the establishment of St James' Presbyterian Church (now Uniting) across the street. He was part of the committee formed in 1915 to establish this church,²⁰ and presumably continued to be associated with the progress of the congregation through until the completion of the existing church in 1924 (architects Arthur Latimer McCredie and Arthur William Anderson) as one of the windows was paid for by Baxter.²¹

¹⁸ 'Ryde', *Cumberland Argus*, 1/8/1914

¹⁹ 'Municipal Elections', *Cumberland Argus* 23/6/1917; 'Aldermen/Councillors from 1871 to present day', Ryde Local Studies

²⁰ 'Presbyterian Church', *Sydney Morning Herald*, 4/9/1915

²¹ 'Ryde-Meadowbank Presbyterian Church', *Sydney Morning Herald*, 2/ 5/1924, p.10; 'New Church at Ryde', *Sydney Morning Herald*, 29/10/1923, p.10

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MISS TIMMINS'S ALPHA PRIVATE HOSPITAL

In 1924 Baxter conveyed the property to Mrs Ada Humphrey (nee Spring, 1873-1947), widow of John Carlisle (died in 1913).²² Subsequently in October 1925 Mrs Humphrey conveyed the property to sisters Miss Ilma May Timmins (1887-not determined) and Miss Alexandrina (or Alexandra) Timmins (1901-not determined).²³ In this period of about two years, Baxter was listed in Sands' Directory as residing in the house.

The Timmins were nursing sisters, and they originated from the Moree district of north west NSW.²⁴ The eldest sister, Ilma, had volunteered to serve as a nurse in the First World War. She was in France from early 1916 and returned to Australia in early 1919.²⁵ Her brother died at Gallipoli in 1915.

From the 1928 edition of Sands' Directory the property was listed as the Alpha Private Hospital. The registered nurse at that hospital was Alexandra Timmins in 1928.²⁶

While further research could be undertaken,²⁷ Alpha would seem to have been one of a very small number of private hospitals in the Ryde municipality in the late 1920s; the largest of these was the Catholic's (The Little Company of Mary) Mount St Margaret on Victoria Road, and also on Victoria Road were the former private residences Moorong, and Watoona (Gladesville).²⁸

LINWOOD PRIVATE HOSPITAL

The Timmins sisters owned the property until 1933, and the private hospital use was continued with a name change to Linwood under the management of nurse Johanna Keogh.²⁹ However, the western third of the land holding (now No. 2 Macpherson Street) was sold in 1931.³⁰

In 1933 the Timmins sisters sold the property to Frank Herbert Hughes.³¹ Hughes (1871-1937) was a grocer at Parramatta in the early years of the twentieth century,³² and presumably the purchase was an investment. In 1934 the hospital was leased by nurses Claire Grace Harvey and Evelyn Muller.³³

Hughes died at his Eastwood home in 1937 and the property passed to his executors, the Perpetual Trustee Company (Ltd) and Dr Thomas Dixon Hughes (relationship not established).³⁴ The property was then sold to nurse Isabel Ada Shelton in 1938.³⁵ Shelton

²² Torrens Title Dealing B74021

²³ Torrens Title Dealing B289587

²⁴ Mrs W Timmins, *Moree Gwydir Examiner*, 10/9/1928, p.2

²⁵ National Archives of Australia Series B2455 - Timmins Ilma May

²⁶ 'Register of Nurses for 1928', *New South Wales Government Gazette*, 22/7/1929

²⁷ State Records NSW holds the register of licensed private hospitals (Series 606) for the period prior to 1928.

²⁸ Sands' Directory for 1928, 'Register of Nurses for 1928', *New South Wales Government Gazette*, 22/7/1929. Fernleigh nursing home at 8A Sherbrooke Road, Meadowbank, was established in the post Second World War era.

²⁹ Sands' Directory

³⁰ Torrens Title Dealing C47175

³¹ Torrens Title Dealing C168310

³² State Records of NSW Index to Firms

³³ Torrens Title Dealing C241776

³⁴ Public Notices, *New South Wales Government Gazette*, 21/5/1937, p.2039; Torrens Title Dealing C38457

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(1892-1952) had been leasing the hospital since mid 1937.³⁶ The informative sale notice is reproduced below:

Under instructions from PERPETUAL TRUSTEE COMPANY (LIMITED) and Dr. THOMAS DIXON HUGHES, Executors of the Will of Frank Herbert Hughes.

(1) RYDE, in an EXCELLENT POSITION, convenient to Ryde or Meadowbank Stations. "LINWOOD PRIVATE HOSPITAL," No. 87 BOWDEN STREET, corner of McPherson Street, comprising an attractive detached double-fronted Cottage of brick, slate main roof, having return verandah (tiled) in front, and containing Hall, 8 rooms, operating Theatre, Sterilising Room (with Hot-water system), bathroom, kitchen, storeroom, detached laundry of fibro. Detached room of fibro and brick. LAND 142 feet frontage, depth 150 feet being part Lots 17 and 18, D.P. 4773, Area 1 Road 38 Perches. TORRENS TITLE. Let at £2 2/ per week (lease expires 5th March, 1939). Gas, water, sewer, electric light connected. Kelvinator reserved from Sale.

(2) EASTWOOD BUSINESS SITE, one of the LAST

Figure 11: Sale notice published in 1938. Source: Sydney Morning Herald (6/4/1938, p.26)

The southern half of the property (now No. 89 Bowden Street) was sold in 1949 and with that the existing title (Lot 17 in DP 663261) was formed.³⁷ Subsequently, the property was sold in 1951 to nurse Mrs Ina Lois Cook.³⁸ Cook had been at the hospital since the mid 1940s at least.³⁹ She was listed as the owner until 1989.⁴⁰

Linwood private hospital lasted until at least 1947 and up until relatively recently it was used as a nursing home or boarding house.⁴¹ More recently, the property was used as a Bed & Breakfast establishment known as "Dellina Palm Cottage."⁴² The property was sold in June 2014, following which the Bed & Breakfast use ceased.

³⁵ Torrens Title Dealing C702777

³⁶ Torrens Title Dealing C584579, 'Register of Nurses as at 31st December 1937', *New South Wales Government Gazette*, 3/ 8/1937

³⁷ Torrens Title Dealing D958906

³⁸ Torrens Title Vol. 6282 Fol. 61

³⁹ *Social, Singleton Argus*, 8/3/1944, p.2

⁴⁰ Torrens Title Vol. 6282 Fol. 61

⁴¹ Draft Heritage Data Form listing prepared by City of Ryde Council, 24/03/2016

⁴² Information via Google search online

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3.0 PHYSICAL DESCRIPTION

The corner property at 87 Bowden Street (corner Macpherson Street) is occupied by "Harwood", a freestanding brick single storey Federation Queen Anne style house within a substantial garden setting.

Figures 13 to 36 below illustrate the current condition of the house and it's setting.

Figure 12 below illustrates the significant early built elements of the site and the later less significant built elements of the site.

3.1. THE SETTING OF THE HOUSE

An early (pre 1930s) low brick fence with timber picket capping runs along both street boundaries of the property, with a timber picket main entry gate to Bowden Street.

The house sits within garden areas to the front (facing Bowden Street) and to the side of the house (facing Macpherson Street) with a row of palm trees at the rear of the house, and a narrow grassed side passage to the south between the house and the property boundary with No. 89 Bowden Street. The boundary fence with No. 89 Bowden Street is a Colorbond fence. To the rear of the house, between the post-1943 rear extension and the Macpherson Street property boundary to the north, there is an asphalted parking area with no vegetation. A later outbuilding is located at the rear behind the post-1943 rear wing extension to the house.

The significant elements of the garden are:

- Frangipani tree at the front corner of the house
- Palm trees and cycads planted along the inside of the Macpherson Street fence (note this area is heavily vegetated in the 1943 aerial photo of the site)
- Palm trees (possibly *Livistona Australis*) at the rear of the house (note these appear of the 1943 aerial photo of the site)
- An early outbuilding (possibly a fernery, built pre-1939) on the Macpherson Street side of the house towards the rear of the house (which appears both on the 1943 aerial photo of the site and on the 1939 Water Board plan at Figure 8 of this report)
- The curved front path (which appears on the 1943 aerial photo of the property)
- The front and side brick fence, which appears to be pre-1930

Note that there are two later outbuildings on the site, which appear to be post-1943, (of lesser significance than the main house and the early outbuilding). These two later outbuildings are located at the rear of the property (beyond the post-1943 rear addition) and behind the early outbuilding/fernery. Note the later outbuilding at the rear of the property appears to have replaced an earlier outbuilding shown in a similar location on the 1939 Water Board plan, but which had a different plan configuration.

3.2. THE HOUSE "HARWOOD"

The house features a hipped and gabled slate roof with terracotta ridge capping and finials, a verandah carried on timber posts beneath the main roof, returning around the corner onto the Macpherson Street elevation, and three tall brick strapwork and roughcast stuccoed chimneys with terracotta chimney pots.

The front and side gable ends feature imitation half timbering in brick strapwork and roughcast stucco.

ITEM 4 (continued)

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Front windows to Bowden Street are timber framed casement windows with multi-paned timber framed fanlights above. The detail of the front door is not evident (currently boarded up), however the original brass doorbell mechanism remains adjacent to the door.

The main entry steps onto the front verandah from Bowden Street are flanked by low brick plinths and terminate in a marble verandah edging.

The house is remarkably intact, however a number of evident alterations to the house include:

- A metal awning added to the front section of the verandah on Bowden Street (easily removable)
- The return verandah to the house is enclosed along the Macpherson Street section (also easily removable)
- Post-1943 rear brick and fibro additions to the house
- Metal awnings below both street gable ends (note while the metal awnings appear later additions the timber awning structure with exposed rafter ends appears original).

Note that the interior of the house has been inspected by Council's Heritage Advisor and this inspection has confirmed that the interior of the house remains remarkably intact as it retains interior timber joinery (architraves to doors and windows, picture rails, skirting boards, original mantelpieces), original plaster panel ceilings, decorative plaster vent covers and an original hallway arch. Some internal doors have been replaced with more modern doors (probably resulting from fire safety requirements during the houses' use as a private hospital or nursing home).

In conclusion, both the exterior and interior of the house remain remarkably intact and retain a high degree of integrity.

While there are a few evident, relatively minor, alterations to the house and its setting, these have no impact on the main presentation of the house to either street frontage, as the post-1943 addition is set away from the street frontages of the property at the rear of the house. The two later outbuildings are also relatively minor non-significant elements on the site, one located at the rear of the property and the other behind the early outbuilding/possible fernery towards the rear on the Macpherson Street side of the house.

The house and its setting remain both intact and eminently capable of both conservation and restoration though the house shows some settlement cracking and damp proofing issues at the rear.

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Figure 12: Annotated recent satellite view of the property, showing significant built fabric and later (non-significant) built elements. Note additional significant landscape (not built) elements are listed above in Section 3.1 but not indicated on this plan.

Key

1. Brick fencing to both Bowden and Macpherson Street boundaries (pre 1930)
2. Curved front path (appears on 1943 aerial photo of the site)
3. Later metal awning attached to front verandah (detracting element)
4. "Harwood" house
5. Post-1943 rear wing addition
6. Post-1943 rear outbuilding
7. Post-1943 rear outbuilding
8. Early outbuilding (possible femery), which appears on both the 1939 Water Board plan and the 1943 aerial photo of the site.

Source: Image from NSW Land & Property Information Six Maps, annotated by Paul Davies Pty Ltd.

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Figure 13: The house at 87 Bowden Street as seen from Bowden Street



Figure 14: Detail of corner of the house with modern metal awning attached to front verandah and frangipani tree at the corner of the house.

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Figure 15: Looking towards Macpherson Street, with the front of the house at left. Note palms and cycads in garden (centre) and the frangipani tree at the corner of the house



Figure 16: (Left) Detail of front gable end and front casement windows facing Bowden Street. Note brick strapwork and roughcast stucco to gable end, original timber framed multi-paned casement windows with timber-framed multi-paned fanlights above.

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Figure 17: Detail of front verandah facing Bowden Street featuring original timber brackets, posts and timber fretwork



Figure 18: (Left) Detail of front door with fanlight and sidelight with fanlight. Note original brass doorbell to right of the door

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Figure 19: Detail of front steps. Note original marble edging and tessellated tiling to front verandah



Figure 20: Partially enclosed side verandah facing Macpherson Street. Note retention of timber fretwork and balustrading, brickwork to verandah, frangipani tree at the corner of the house in the foreground

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Figure 21: View towards the rear of the property with side verandah at left, frangipani tree in foreground, cycads at right along the inside of the Macpherson Street fence, and earliest outbuilding (possibly a fernery) to the right of centre. Note that the early outbuilding was built prior to 1939 (as it appears on the 1939 Water board plan, see Figure 8 of this report)



Figure 22: (Left) The earliest outbuilding, possibly a fernery (built prior to 1939)

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Figure 23: View looking towards Bowden Street along the side of the house with Macpherson Street fence at left. Note. Location of frangipani tree at corner of the house, and palms and cycads planted along the inside of the Macpherson Street fence



Figure 24: View towards the rear of the site, looking between the early outbuilding (possible fernery) at right and the rear of the house, with another later outbuilding also visible at the rear at right. Note recent ramp added to the side at the rear of the house. Note palm trees at the rear of the house and outbuildings

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Figure 25: (Left) another view of the same area with the rear of the early outbuilding (centre). Note palm tree (possibly Livistona Australis) at left.



Figure 26: (Left) Detail of chimney with brick strapwork, roughcast stucco and terracotta chimney pot. Note also

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Figure 27: The rear of the house. Note palm trees (possibly *Livistona Australis*) which appear on the 1943 aerial photo



Figure 28: Detail of rear of house. Note evidence of rising damp to lower portion of rear wall

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Figure 29: View of later wing (centre and right) added to the house post-1943



Figure 30: View of outbuilding (post-1943) in rear yard

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Figure 31: The same rear shed as in above photo shown in context with house on the adjacent site at No. 2 Macpherson Street (at right)



Figure 32: Another view of the rear of the property, showing the rear elevation of the rear-most shed and the post-1943 rear wing

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Figure 33: (Left) View at rear of the house, showing the join between the post-1943 rear wing and the original house



Figure 34: View along the rear wall of the original house showing damage arising from issues with damp proofing

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Figure 35: Detail at rear of the house showing damage to brickwork arising from issues with damp proofing



Figure 36: Settlement cracking at top of rear wall of the house arising from issues with damp proofing.

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Figure 37: (left) View down the southern side of the house from the rear showing the side wall of the post-1943 rear addition in the foreground

4.0 COMPARATIVE ANALYSIS

4.1. BASIS OF COMPARATIVE ANALYSIS

A search of the NSW State Heritage Inventory (SHI) for heritage listed houses in the Ryde Council area built between 1890 and 1915 (the Federation period) reveals 23 comparable properties within the Ryde local council area, being brick freestanding Federation Queen Anne style houses. These 23 comparable properties within the Ryde LGA are illustrated in the table in Attachment 2 to this report.

The results of this comparative analysis relate to the rarity or representativeness of the architectural style of the subject house within the Ryde LGA, which also has bearing on the aesthetic significance of the property.

Note that:

- Weatherboard houses and houses in other Federation period styles (for example Federation Arts & Crafts style) are not considered comparable and have therefore been eliminated from this local comparative analysis, and
- There may be other comparable Federation Queen Anne style houses within the Ryde LGA which are not heritage listed, and therefore not included in this comparative analysis.

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4.2. CONCLUSION OF COMPARATIVE ANALYSIS

THE HOUSE

The brick Federation Queen Anne style house at No. 87 Bowden Street Ryde, while not rare, is a fine representative example of the Federation Queen Anne style and is representative of a small number of houses of this architectural style and type (brick, freestanding), as there are 23 comparable heritage listed houses in Ryde LGA of this style and type, some of which are larger and more elaborate (e.g. 2-storey examples at 37 Pennant Avenue Denistone and 31 Trelawney Street Eastwood), and some of which are more modest and simpler in style (e.g. houses at 31 Amiens Street, 71 Regent Street, 3 Tyrell Street), as shown in Attachment 2 to this report. The listed heritage item which is most similar in design to the subject house is the Crowle Home at 8 Junction Street Ryde, having a similar slate clad roof form with gable ends facing in different directions. The Crowle Home is not on a corner site, but was originally placed within a large site with extensive gardens, hence designed to be seen in different directions. The subject house, which is on a corner site, with wrap around verandah and gable ends facing each street frontage, is designed to be seen from both street frontages.

As a corner dwelling, No. 87 Bowden Street is a substantial example of the Federation Queen Anne style designed to address both street frontages, and as illustrated in Section 3.0 above, is remarkably intact and retains fine detailing from its construction period.

THE GARDEN SETTING

As outlined in Section 2.0 of this report, the site of the house at 87 Bowden Street originally included adjacent sites to the south and west, and originally sat within a very substantial garden setting.

Significant Federation period or early 20th century elements which remain within the reduced site and garden setting of the house include:

- Early plantings within the garden: frangipani tree, palms and cycads
- Early outbuilding (possibly a fernery), built prior to 1939 (as it appears on the 1939 Water Board plan in Figure 8). This is located on the Macpherson Street side of the house (between the house and the Macpherson Street site boundary, towards the rear of the house).
- Curved front path (which appears in the 1943 aerial photo and is likely the original front path configuration).
- Brick boundary fencing to both street frontages.

These elements of the garden setting of the house are significant as they provide rare evidence of the early 20th century garden.

5.0 ASSESSMENT OF HERITAGE SIGNIFICANCE

5.1. CRITERIA FOR ASSESSING CULTURAL HERITAGE SIGNIFICANCE

The NSW Heritage Manual (1996, amended 2001) in the *Assessing heritage significance* section sets out the basis for assessment of the heritage significance of an item, place or site by evaluating its significance in reference to specific criteria. These criteria can be applied at national, state or local levels of significance.

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The criteria used are:

Criterion (a) Historical significance

The item is important in the course of, or pattern of New South Wales' cultural or natural history (State significance) OR An item is important in the course, or pattern, of the local area's cultural or natural history.

Guidelines for Inclusion:

- Shows evidence of a significant human activity

Not Applicable.

- Is associated with a significant activity or cultural phase

Applicable at a local level. The property provides evidence of the early 20th century subdivision and development of the Ryde area

- Maintains or shows the continuity of a historical process or activity

Not Applicable

Guidelines for Exclusion:

- Has incidental or unsubstantiated connections with historically important activities or processes

Not relevant

- Provides evidence of activities or processes that are of dubious historical importance

Not relevant

- Has been so altered that it can no longer provide evidence of a particular association

Not relevant. The property is remarkably intact in terms of both the house and the remaining garden elements.

Types of items which meet criterion (a) include:

- Items which demonstrate strong associations to past customs, cultural practices, philosophies or systems of government, regardless of the intactness of the item or any structure on the place;

Not Applicable

- Items associated with significant historical events, regardless of the intactness of the item or any structure on the place;

Not Applicable

- Significant cultural landscapes and other items demonstrating overlays of the continual pattern of human use and occupation; and/or

Applicable at a local level as a property was built as a businessman's residence in 1913 and later used as a private hospital.

- Items where the physical fabric (above or below ground) demonstrates any of the points described above.

Applicable. The physical fabric of the house and garden demonstrates its early history as a businessman's residence.

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Criterion (b) Historical Association

An item has strong or special association with the life or works of a person, or group of persons, of importance in New South Wales' cultural or natural history (State significance)
OR

An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area (Local significance).

Guidelines for Inclusion:

- Shows evidence of a significant human occupation

Not Applicable

- Is associated with a significant event, person or group of persons

Applicable at a local level. The original owner Arthur George Baxter was a significant local figure in the early 20th century, being a well-known Sydney businessman, and a local alderman who was involved in the establishment of the local Presbyterian Church, which is a locally heritage-listed item opposite the property at No. 87 Bowden Street.

Guidelines for Exclusion:

- Has incidental or unsubstantiated connections with historically important people or events

Not relevant

- Provides evidence of people or events that are of dubious historical importance

Not relevant

- Has been so altered that it can no longer provide evidence of a particular association.

Not relevant. Both the house and garden are remarkably intact.

Types of items which meet this criterion include:

- Items which demonstrate strong associations to a particular event, historical theme, people or philosophies, regardless of the intactness of the item or any of its structures;

Applicable. The house was built for AG Baxter in 1913 as his family residence and occupied by the Baxters until 1924. The subsequent private hospital uses of the property also demonstrate local historical themes in the Ryde area.

- Items associated with significant historical events, regardless of the intactness of the item or any structure on the place; and/or

Applicable at a local level, as the property has local historical association with the heritage-listed church opposite, as AG Baxter was involved in the establishment of the church.

- Items where the physical fabric (above or below ground) demonstrates any of the points described above.

Applicable. The physical fabric of the house and garden illustrate its history as a substantial Federation period house and garden developed for a well known Sydney businessman.

Criterion (c) Aesthetic/Technical significance

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in New South Wales (State significance); OR

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An item is important is demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area (Local significance).

Guidelines for Inclusion:

- Shows or is associated with, creative or technical innovation or achievement

Not applicable

- Is the inspiration for a creative or technical innovation or achievement

Not applicable

- Is aesthetically distinctive

Applicable at a local level. The house and garden are a fine representative example of the Federation Queen Anne style with important early 20th century garden elements.

- Has landmark qualities

Not applicable

- Exemplifies a particular taste, style or technology.

Applicable. The house is a fine representative example of the Federation Queen Anne style,

Guidelines for Exclusion:

- Is not a major work by an important designer or artist

Applicable.

- Has lost its design or technical integrity

Not applicable. The house and garden are remarkably intact.

- Its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded

Not applicable. The house and its settings are remarkably intact with the garden containing many early elements, though the original size of the garden has been reduced through subdivision.

- Has only a loose association with a creative or technical achievement.

Not Applicable. The house is a fine representative example of its architectural style (Federation Queen Anne) with many distinctive features of the style including face brickwork, brick strapwork and roughcast stucco (to chimneys and gable ends), tessellated tiling, marble edging and timber fretwork to the verandah, timber framed casement windows with fanlights, designed with respect to the corner site with gable ends addressing both street frontages. The remaining garden features (frangipani, palms, cycads, curved front garden path, low brick fencing to street frontages and an early outbuilding which is possibly a fernery).

Types of items which meet this criterion include:

- Items which demonstrate creative or technical excellence, innovation or achievement;

Applicable at a local level as the house and garden demonstrate technical excellence as the property is considered to comprise a fine representative example of a Federation Queen Anne style house, built on a corner site and designed to address both street frontages, set within a substantial garden retaining significant early 20th century elements.

- Items which have been the inspiration for creative or technical achievement;

Not applicable

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- Items which demonstrate a highly original and influential style, such as an important early (seminal) work of a major architect, and/or

Not applicable

- Items which demonstrate the culmination of a particular architectural style (known as climactic).

Not applicable.

Criterion (d) Social significance

An item has strong or special association with a particular community or cultural group in New South Wales for social, cultural or spiritual reasons (State significance) OR

An item has strong or special association with a particular community or cultural group in the area for social, cultural, or spiritual reasons (Local significance).

Guidelines for Inclusion:

- Is important for its associations with an identifiable group

Not applicable/not researched

- Is important to a community's sense of place.

Not applicable/not researched

Guidelines for Exclusion:

- Is only important to the community for amenity reasons

No information available on this point.

- Is retained only in preference to a proposed alternative.

No information available on this point.

Types of items which meet this criterion include:

- Items which are esteemed by the community for their cultural values;

No information available on this point

- Items which if damaged or destroyed would cause a community a sense of loss;

No information available on this point.

and/or

- Items which contribute to a community's sense of identity.

No information available on this point.

Items are excluded if:

- They are valued only for their amenity (service convenience); and/or

No information available on this point.

- The community seeks their retention only in preference to a proposed alternative.

No information available on this point.

Criterion (e) Research potential

An item has potential to yield information that will contribute to the understanding of New South Wales' cultural or natural history (State significance) OR

An item has potential to yield information that will contribute to an understanding of the area's cultural or natural history (Local significance).

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Guidelines for Inclusion:

- Has the potential to yield new or further substantial scientific and/or archaeological information

Not applicable

- Is an important benchmark or reference site or type

Not applicable

- Provides evidence of past human cultures that is unavailable elsewhere.

Not applicable

Guidelines for Exclusion:

- The knowledge gained would be irrelevant to research on science, human history or culture

Applicable

- Has little archaeological or research potential

Applicable

Only contains information that is readily available from other resources or archaeological sites.

Applicable

Criterion (f) Rarity

An item possesses uncommon, rare or endangered aspects of New South Wales' cultural or natural history (State significance); OR

An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history (Local significance).

Guidelines for Inclusion:

- Provides evidence of a defunct custom, way of life or process

Not applicable

- Demonstrates a process, custom or other human activity that is in danger of being lost

Applicable at a local level (i.e. locally rare) in relation to the site encompassing a Federation period house with associated garden containing significant early 20th garden elements.

- Shows unusually accurate evidence of a significant human activity

Not applicable

- Is the only example of its type

Not applicable

- Demonstrates designs or techniques of exceptional interest

Not applicable

- Shows rare evidence of a significant human activity important to a community.

Not applicable

Guidelines for Exclusion:

- Is not rare

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Applicable in relation to the house, Not applicable as the house relates to the garden and significant early 20th century garden elements.

- Is numerous but under threat

Not applicable

Criterion (g) Representativeness

An item is important in demonstrating the principal characteristics of a class of New South Wales' cultural or natural places; or cultural or natural environments (State significance) OR

An item is important in demonstrating the principal characteristics of a class of the area's cultural or natural places; or cultural or natural environments (Local significance).

Guidelines for Inclusion:

- Is a fine example of its type

Applicable. The house is a fine local example of the Federation Queen Anne style.

- Has the principal characteristics of a particular way of life, philosophy, custom, significant process, design, technique or activity

Applicable at a local level as the house illustrates the principal characteristics of a Federation Queen Anne style house, within a garden setting.

- Is a significant variation to a class of items

Not applicable

- Is part of a group which collectively illustrates a representative type

Not applicable

- Is outstanding because of its setting, condition or size

Applicable at a local level as a very intact Federation Queen Anne style house within a significant garden setting containing significant early 20th century garden elements.

- Is outstanding because of its integrity or the esteem in which it is held.

Applicable at a local level as the house and garden are remarkably intact for their period.

Guidelines for Exclusion:

- Is a poor example of its type

Not applicable

- Does not include or has lost the range of characteristics of a type

Not applicable

- Does not represent well the characteristics that make up a significant variation of a type.

Not applicable

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ATTACHMENT 2

5.2. DETAILED ASSESSMENT OF HERITAGE SIGNIFICANCE

Criterion (a) HISTORICAL SIGNIFICANCE

The property at 87 Bowden Street including "Harwood", a house built 1913, is of local historical significance as a Federation period property comprising a substantial brick Federation Queen Anne style house designed to address both street frontages of its corner site, within a garden setting retaining rare significant elements of an early 20th century garden including an early outbuilding (possibly a fernery), palms and cycads, frangipani tree, early brick fence and curved front path.

Criterion (b) HISTORICAL SIGNIFICANCE (ASSOCIATION)

The property has local historical association with Arthur George Baxter (1881-1938), Sydney businessman and shipping agent who had the house built in 1913 as his family residence. Baxter was involved in the Ryde community, as an alderman of Ryde Council in 1917, and for his involvement in the establishment of St James' Presbyterian Church (now a Uniting Church) opposite the house.

The property has local historical significance for its operation as a private hospital under various proprietors in the period 1924 to 1947, first as the Alpha Private Hospital (1924-1922) and thereafter as the Linwood Private Hospital, one of relatively few private hospitals operating in the area in that period.

The property has local historical association with the heritage-listed church opposite due to the involvement of the original owner of the property, A.G. Baxter, with the establishment of the church.

Criterion (c) AESTHETIC/TECHNICAL SIGNIFICANCE

The house "Harwood" is of local aesthetic significance as a fine representative Federation Queen Anne style house designed to address both street frontages taking advantage of its corner position, and in remarkably intact condition retaining features such as slate roofing, original brick strapwork and roughcast stuccoed chimneys, and brick strapwork and roughcast stucco detail to gable ends, original verandah details including tessellated tiling, marble edging, timber posts and fretwork, original timber framed casement windows and fanlights.

The garden setting of the house adds to the aesthetic significance of the property due to the retention of rare early 20th garden elements including an early outbuilding (possibly a fernery), curved front path, brick front and side fences, frangipani trees, palms and cycads.

The house has visual prominence due to its corner location and also has a visual association with the (historically associated) church opposite in Bowden Street.

Criterion (d) SOCIAL SIGNIFICANCE

Social significance has not been researched, however the house may have local social significance for former residents from its period of use as a private hospital or nursing home.

Criterion (e) RESEARCH POTENTIAL

The property is not considered to have archaeological or scientific research potential.

Criterion (f) RARITY

The house is not rare. The garden setting retains locally rare significant elements of a substantial early 20th century garden including an early outbuilding (possibly a fernery), a frangipani, palms, cycads, a curved front path and brick fencing to both street frontages.

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ATTACHMENT 2

Criterion (g) REPRESENTATIVENESS

The house "Harwood" is a fine representative example of a substantial Federation Queen Anne style house within a significant garden setting.

5.3. SUMMARY STATEMENT OF SIGNIFICANCE

The property at 87 Bowden Street including "Harwood" house built 1913, is of local historical significance as a substantial Federation period property comprising a substantial brick Federation Queen Anne style house designed to address both street frontages of its corner site, within a garden setting retaining rare significant elements of an early 20th century garden including an early outbuilding (possibly a fernery), palms and cycads, frangipani tree, early brick fence and curved front path.

The property has local historical association with Arthur George Baxter (1881-1938), Sydney businessman and shipping agent who had the house built in 1913 as his family residence. Baxter was involved in the Ryde community, as an alderman of Ryde Council in 1917, and for his involvement in the establishment of St James' Presbyterian Church (now a Uniting Church) opposite the house.

The property also has local historical significance for its operation as a private hospital under various proprietors in the period 1924 to 1947, first as the Alpha Private Hospital (1924-1922) and thereafter as the Linwood Private Hospital, one of relatively few private hospitals operating in the area in that period.

The house "Harwood" is of local aesthetic significance as a fine representative Federation Queen Anne style house designed to address both street frontages taking advantage of its corner position, and in remarkably intact condition retaining features such as slate roofing, original brick strapwork and roughcast stuccoed chimneys, and brick strapwork and roughcast stucco detail to gable ends, original verandah details including tessellated tiling, marble edging, timber posts and fretwork, original timber framed casement windows and fanlights. The house is additionally of aesthetic significance for its prominent corner site and visual association with the (historically associated) heritage-listed church opposite the site in Bowden Street.

The garden setting of the house adds to the local aesthetic significance of the property due to the retention of rare early 20th garden elements including an early outbuilding (possibly a fernery), curved front path, brick front and side fences, frangipani trees, palms and cycads.

6.0 CONCLUSION/RECOMMENDATIONS

6.1. COUNCIL ACTIONS

It is recommended that as this report has established the local heritage significance of the property at 87 Bowden Street, Ryde, the City of Ryde Council proceed with the heritage listing of the site by amending the Ryde LEP 2014 to include the site as a heritage item under Schedule 5 Part 1: Heritage Items of that LEP.

6.2. POLICY RECOMMENDATIONS WITH REGARD TO FUTURE DEVELOPMENT PROPOSALS FOR THE SITE

- Ensure the house "Harwood" and early 20th Century garden elements including the early outbuilding (possible fernery), curved front path, brick fencing to street

ITEM 4 (continued)

ATTACHMENT 2

frontage, frangipani tree, palm and cycads, are retained and conserved as part of future proposals for the site.

- Note that future proposals may include demolition of the post-1943 rear addition to the house and post-1943 outbuildings on the site. While retention of palms and cycads in situ is preferable, it is also possible for these plantings to be relocated within the site as part of future proposals.
- Do not allow further subdivision, as the site has already been reduced from its original size due to past subdivisions.
- Future proposals should ensure conservation and restoration of the property by retaining the internal spatial arrangement of the house, interior and exterior original features, finishes and details, and removing accretions (such as later metal awning attached to front verandah)
- Future proposals should involve either the original use (residential) or an appropriate adaptive reuse for the property which respects the heritage significance of the property
- Future proposals may involve rear additions to the house or new structures at the rear of the property, providing these do not affect significant elements of the site, are at the rear, with an appropriate relationship to the Macpherson Street frontage and of an appropriate height and scale which does not dominate or detract from the house "Harwood" as the main significant building on the property.
- Require any development proposal for the site to include a Heritage Impact Statement including a Schedule of Conservation Works. The undertaking of work included in the Schedule of Conservation Works should be a Condition of any development consent for the site, and should be certified as completed prior to the issue of any Occupation Certificate following a development approval. The Schedule of Conservation Works is to include:
 - Works to rectify damp proof course failure and settlement cracking at the rear of the house
 - Works to remove later accretions to the house which detract - such as removal of partial enclosure of side verandah and removal of metal awning attached to front verandah.
 - Works to reinstate any missing elements (such as the front door and leadlight to side and fanlights)

ITEM 4 (continued)

ATTACHMENT 2

ATTACHMENT 1:

HISTORICAL LAND TITLE SEARCH FOR
87 BOWDEN STREET RYDE

ITEM 4 (continued)

ATTACHMENT 2

Year	Owner
Prior titles not searched	
1892	29th April CERTIFICATE OF TITLE Vol. 1053 Fol. 245 Includes 18a 30 perches grounds of Hellenie Mary Elizabeth Bowden
1893	29th March Dealing 211287 Transfer of part Mellors Meadowbank Manufacturing Company Ltd
1893	12th July CERTIFICATE OF TITLE Vol. 1101 Fol. 20 Includes 17a 2 roods 5 perches subdivided as DP2929 Mellors Meadowbank Manufacturing Company Ltd
1895	25th November CERTIFICATE OF TITLE Vol. 1178 Fol. 143 Includes 17a 2 roods 5 perches subdivided as DP2929 John Howard Angas
1905	21st October CERTIFICATE OF TITLE Vol. 1644 Fol. 98 93 acres 3 rood 7 perches Includes 17a 2 roods 5 perches subdivided as DP2929 John Howard Angas, Susanne Angas, John Alexander Thomson, Leonard William Bakewell
	CERTIFICATE OF TITLE Vol. 1705 Fol. 127 72a 1 rood 25 perches Includes 17a 2 roods 5 perches subdivided as DP2929 Meadowbank Land Syndicate Ltd
1906	29th May Dealing 4343697 Transfer of part Includes 17a 2 roods 5 perches subdivided as DP2929 Meadowbank Land Syndicate Ltd
1909	10th July CERTIFICATE OF TITLE Vol. 1982 Fol. 132 Meadowbank Land Syndicate Ltd
1910	23rd July Dealing 573561 Transfer of Lots 17 and 18 in Deposited Plan 4773 Arthur George Baxter
1910	22nd August CERTIFICATE OF TITLE Vol. 2081 Fol. 75 Lots 17 and 18 in Deposited Plan 4773 2 roods 24 perches Arthur George Baxter, Sydney, clerk
1924	11th April Dealing B74021 Transfer Ada Humphrey, Rose Bay, widow
1925	29th October Dealing B289587 Transfer Ilma May Timmins, Ryde, spinster Alexandria Timmins, Ryde, spinster
1931	27th January
Subdivision	Dealing C47175 Transfer of part

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Year	Owner
1931	5th March CERTIFICATE OF TITLE Vol. 4471 Fol. 176 Part Lot 17 and Lot 18 in Deposited Plan 4773 1 rood 38 perches Ilma May Timmins, Ryde, spinster Alexandria Timmins, Ryde, spinster
1933	6th March Dealing C168310 Transfer Frank Herbert Hughes, Sydney, gentleman
1934	28th March Dealing C241776 Lease Claire Grace Harvey, Ryde, probationary nurse Evelyn Muller, Ryde, nurse
1937	8th October Dealing C38457 Transfer Perpetual Trustee Co (Ltd) and Thomas Dixson Hughes, Bondi, medical practitioner
1937	28th June Dealing C584579 Lease Isabel Ada Shelton, Ryde, spinster
1938	22nd August Dealing C702777 Transfer Isabel Ada Shelton, Ryde, spinster
1949	24th December Dealing D958906 Transfer of part Lot 18
1951	28th February CERTIFICATE OF TITLE Vol. 6282 Fol. 61 Part Lot 17 in Deposited Plan 4773 39 perches Ina Lois Cook, Ryde, widow
1989	20th April Dealing Y311407 Transfer Doreen Patricia Pond and Dell Smith
1989	11th October Dealing Y560392 Transfer Dell Smith
1989	last deed on this title
Dealings in Auto Folio 17/663261 not searched	

ITEM 4 (continued)



ATTACHMENT 2

ATTACHMENT 2:
COMPARATIVE ANALYSIS OF
FEDERATION QUEEN ANNE STYLE
BRICK FREESTANDING HOUSES
HERITAGE LISTED IN RYDE LGA

ITEM 4 (continued)

ATTACHMENT 2

Table 1: Comparative analysis of heritage listed brick Federation Queen Anne style houses in Ryde LGA

Item Name	Address	Suburb	Heritage Listing details	Comment
Subject property – 87 Bowden Street	87 Bowden Street	Ryde	Not heritage listed. Subject to an IHO	Federation Queen Anne style dwelling, brick, single storey, freestanding
				
Federation Queen Anne style dwelling group: 25: Glen Esk; 27: Claremont; 29: Kelso; 31: Vireen, Bay View	23-31 Amiens Street,	Gladesville	Ryde LEP 2014 Item No. 14	Federation Queen Anne style dwellings, brick, single storey, freestanding
				

ITEM 4 (continued)

ATTACHMENT 2

Item Name	Address	Suburb	Heritage Listing details	Comment
Hetherwold	4 Auld Avenue	Eastwood	Ryde LEP 2014 Item No. 17	Federation Queen Anne style dwelling, brick, 2 storey, freestanding



Federation Queen Anne style dwelling	95 Bowden Street	Ryde	Ryde LEP 2014 Item No. 121	Federation Queen Anne style dwelling, brick, single storey, freestanding
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Item Name	Address	Suburb	Heritage Listing details	Comment
The Rectory, Federation Queen Anne style house and garden	25 Clanalpine Street	Eastwood	Ryde LEP 2014 Item No. 134	Federation Queen Anne style dwelling, brick, single storey, freestanding



Mahora - Federation Queen Anne style dwelling	30 Clanalpine Street	Eastwood	Ryde LEP 2014 Item No. 1201	Federation Queen Anne style dwelling, brick, single storey, freestanding
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Item Name	Address	Suburb	Heritage Listing details	Comment
Poynton – Federation Queen Anne style dwelling	25 Commissioners Road	Denistone	Ryde LEP 2014 Item No. 136	Federation Queen Anne style dwelling, brick, single storey with attic, freestanding. Elaborate roof form including entry tower and elaborate chimney to façade.





Federation Queen Anne style dwelling	1 Coronation Avenue	Eastwood	Ryde LEP 2014 Item No. 138	Federation Queen Anne style dwelling, brick, single storey, freestanding
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Item Name	Address	Suburb	Heritage Listing details	Comment
Wivenhoe – Federation Queen Anne style house	11 Coronation Avenue	Eastwood	Ryde LEP 2014 Item No. 1202	Federation Queen Anne style dwelling, brick, single storey, freestanding
				
Federation Queen Anne style dwelling group,	61-77 Forsyth Street	West Ryde	Ryde LEP 2014 Item No. 151	Federation Queen Anne style dwellings, brick, single storey, freestanding
				
<p>(Above) No. 75 Forsyth Street</p>				


ITEM 4 (continued)

ATTACHMENT 2

Item Name	Address	Suburb	Heritage Listing details	Comment
Crowle Home – Federation Queen Anne style dwelling	8 Junction Street	Ryde	Ryde LEP 2014 Item No. 157	Federation Queen Anne style dwelling, brick, single storey, freestanding
				
Fairhaven - Federation Queen Anne style dwelling	14 Miriam Road	West Ryde	Ryde LEP 2014 Item No. 1217	Federation Queen Anne style dwelling, brick, single storey, freestanding
				



ITEM 4 (continued)

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Item Name	Address	Suburb	Heritage Listing details	Comment
Twyford - Federation Queen Anne style dwelling	22 Miriam Road	West Ryde	Ryde LEP 2014 Item No. 1219	Federation Queen Anne style dwelling, brick, single storey, freestanding
				
Lorraine - Federation Queen Anne style dwelling	24 Miriam Road	West Ryde	Ryde LEP 2014 Item No. 174	Federation Queen Anne style dwelling, brick, single storey, freestanding
				

ITEM 4 (continued)

ATTACHMENT 2

Item Name	Address	Suburb	Heritage Listing details	Comment
Wee Gnalian - Federation Queen Anne style dwelling	30 Miriam Road	West Ryde	Ryde LEP 2014 Item No. 175	Federation Queen Anne style dwelling, brick, single storey, freestanding
				
Mayfield – Federation style dwelling	281 Morrison Road	Ryde	Ryde LEP 2014 Item No. 177	Federation Queen Anne style dwelling, brick, single storey, freestanding. Unusual due to symmetrical form.
				

ITEM 4 (continued)

ATTACHMENT 2

Item Name	Address	Suburb	Heritage Listing details	Comment
Hazelville - Federation Queen Anne style dwelling	60 Pellissier Road	Putney	Ryde LEP 2014 Item No. 186	Federation Queen Anne style dwelling, brick, single storey, freestanding



Wollondilly - Federation Queen Anne style house and garden	13 Pennant Avenue	Denistone	Ryde LEP 2014 Item No. 190	Federation Queen Anne style dwelling, brick, single storey, freestanding, features a timber-shingled tower
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ITEM 4 (continued)

ATTACHMENT 2

Item Name	Address	Suburb	Heritage Listing details	Comment
Ben Lomond - Federation Queen Anne style house and garden	37 Pennant Avenue	Denistone	Ryde LEP 2014 Item No. 191	Substantial Federation Queen Anne style dwelling, brick, two storey, freestanding. A grand and elaborate example of the style.





Woolbrook - Federation Queen Anne style dwelling	7 Regent Street	Ryde (or Putney)	Ryde LEP 2010 Item No. 102	Federation Queen Anne style dwelling, brick, single storey, freestanding
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ITEM 4 (continued)

ATTACHMENT 2

Item Name	Address	Suburb	Heritage Listing details	Comment
Uplands - Federation Queen Anne style house	72 Station Street	West Ryde	Ryde LEP 2014 Item No. 1118	Federation Queen Anne style dwelling, brick, single storey, freestanding
				
Womerah – Federation Queen Anne style dwelling	31 Trelawney Street	Eastwood	Ryde LEP 2014 Item No. 129	Federation Queen Anne style dwelling, brick, two storeys, freestanding. Designed by architect Charles Robert Summerhayes (1860-1948) as his own residence. An elaborate example of the style
				

ITEM 4 (continued)

ATTACHMENT 2

Item Name	Address	Suburb	Heritage Listing details	Comment
Federation style dwelling	3 Tyrell Street	Gladesville	Ryde LEP 2014 Item No. 1135	Federation Queen Anne style dwelling, brick, single storey, freestanding
				
Federation Queen Anne style houses – Wimbledale (43) & St Elmo (45)	43 & 45 Wharf Road	Gladesville	Ryde LEP 2014 Item No. 1167	Federation Queen Anne style dwellings, brick, single storey, freestanding
				

ITEM 4 (continued)

ATTACHMENT 3

Table 1 Submission Summary – 87 Bowden Street Ryde

Submission No.	Trim No.	Submission	Council Response
Government Departments			
1	D16/71976	Heritage Division -NSW Office of Environment & Heritage Proposal based upon comprehensive heritage assessment that sufficiently demonstrates how the property meets the significance criteria for local heritage listing. The Heritage Council therefore supports the inclusion of 87 Bowden St Ryde as a heritage item in Schedule 5 of RLEP 2014.	In accordance with objective of PP.
Other submissions			
2	D16/66795	Support – permanently listing as a heritage item	In accordance with objective of PP.
3	D16/66801	Support – permanently listing as a heritage item	In accordance with objective of PP.
4	D16/67650	Support – permanently listing as a heritage item	In accordance with objective of PP.
5	D16/66071	Oppose development of property	The listing of the property as a heritage item under Ryde LEP 2014 does not prevent the use of the site or development on the site. <i>Clause 5.10</i>

ITEM 4 (continued)

ATTACHMENT 3

Submission No.	Trim No.	Submission	Council Response
			<i>Heritage Conservation</i> of LEP 2014 requires prior to development consent being issued that a heritage assessment be undertaken and the impact of development and the conservation of the item be considered.
6	D16/64987	87 Bowden St is truly beautiful and nothing like it will be built again. Preserve what is left of our cultural heritage before it is gone.	In accordance with objective of PP.
7	D16/72154	Support – changes to planning controls to list as a heritage item	As above
8	D16/72174	Support – property being placed on a Heritage Register – demolition of dwelling would be a loss to the area and streetscape	As above
9	D16/72249	Support PP to- Conserve and protect the heritage of the property and gardens Ensure new development does not adversely affect the heritage significance of buildings and site	As above

ITEM 4 (continued)

ATTACHMENT 3

Submission No.	Trim No.	Submission	Council Response
		To include property as a Heritage item in Schedule 5 Environmental heritage	
10	D16/72547	Support – changes to planning controls to list as a heritage item	As above
11	D16/72599	<p>Same as D16/72249 plus</p> <p>Site is in vicinity of a number of local heritage items. Site identified in Ryde Heritage Study 2010. Paul Davies Report identifies property as meeting all Council's specifications to be included as a heritage item in the Comprehensive LEP</p> <p>SAVE 87 BOWDEN STREET Residents Committee has an on line petition and to date has 633 supporters.</p> <p>PP represent the only means of ensuring the heritage significance of the site is recognised and protected.</p>	As above
12	D16/72634	Support objections raised by Save 87 Bowden St Resident's Committee and the leadership of the Mayor	As above

ITEM 4 (continued)

ATTACHMENT 3

Submission No.	Trim No.	Submission	Council Response
13	D16/73411 D16/73513	Support for heritage listing of property. Iconic federation property of heritage value to Meadowbank and City of Ryde	As above
14	D16/73528	Requests that regardless of whether site is developed that consideration be given to tree planting, streetscape presentation, good footpaths, pedestrian crossings and better building setbacks. Asks whether developers cannot contribute to streetscape issues raised.	<p>The listing of the property as a heritage item under Ryde LEP 2014 does not prevent the use of the site or development on the site.</p> <p>Issues around street planting have been forwarded to Council's Senior Tree Management Officer for review. The surrounding area is zoned R2 Low Density Residential and a minimum 6m setback for development is required.</p>

5 CODE OF CONDUCT MATTER

Report prepared by: Manager - Risk, Audit and Governance
File No.: CCI2015/2/3 - BP16/908

REPORT SUMMARY

ATTACHED – CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL for Council's consideration is a Code of Conduct report prepared by Mr Rob Ryan and Mr Timothy Bye of Strategic Risk Solutions.

The report has been prepared under the provisions of the Code of Conduct – Complaints Procedure endorsed by Council at its meeting of 24 November 2015.

As this report relates to a Code of Conduct matter, under section 10A(2)(i) of the Local Government Act 1993, such matters are to be considered in the Closed Session of Council.

RECOMMENDATION:

That Council give consideration to the Code of Conduct report in Closed Session and resolve what action is to be taken in regards to the recommendations contained within the report.

ATTACHMENTS

- 1 Code of Conduct - Final Report with Attachments - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL**

Report Prepared By:

John Schanz
Manager - Risk, Audit and Governance

Report Approved By:

Roy Newsome
Acting General Manager

PRECIS OF CORRESPONDENCE

1 EASTWOOD CAR PARK

Report prepared by: Governance, Risk and Audit Coordinator
File No.: GRP/09/7/10 - BP16/925

CORRESPONDENCE:

Submitting correspondence from Transport for NSW (TfNSW) dated 13 July 2016, regarding the proposal to construct a multi-storey commuter car park at Rowe Street Eastwood.

TfNSW will no longer be pursuing the Rowe Street site for construction of a new commuter car park.

The correspondence advises Council that TfNSW will be contacting Council in the near future to arrange a meeting to discuss alternative sites for a commuter car park in Eastwood.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Letter to Roy Newsome (Acting General Manager, City of Ryde) - Transport for NSW (TfNSW) - Eastwood Car Park - 13 July 2016

Report Prepared By:

Roxanne Thornton
Governance, Risk and Audit Coordinator

Report Approved By:

Roy Newsome
Acting General Manager

PRECIS OF CORRESPONDENCE 1 (continued)

ATTACHMENT 1



13 July 2016

Ref: 5277998

Roy Newsome
Acting General Manager
City of Ryde
Locked Bag 2069
NORTH RYDE NSW 1670
cityofryde@ryde.nsw.gov.au

Dear Mr Newsome

Re: Transport for NSW - Eastwood Car Park

I refer to the meeting held between City of Ryde (**Council**) and Transport for NSW on 17 December 2015 and subsequent correspondence in respect of the proposal to construct a multi-storey commuter car park at Rowe Street, Eastwood.

I am writing to advise you that following further consideration, Transport for NSW will no longer be pursuing the Rowe Street site (comprising privately owned land and Council's existing at grade car park land located at 53-71 Rowe Street) for construction of a new commuter car park.

Transport for NSW remains committed to providing additional commuter car parking in the Eastwood area and seeks Council's assistance in selecting an alternative site which will provide the best community outcome. Tonu Aisatullin, Project Manager, (tonu.aisatullin@transport.nsw.gov.au, 9422 0573) will contact Council to arrange a meeting time.

Yours sincerely



Rod Tippett
Deputy Director, Transport Access Program

Cc:
George Dedes, GDedes@ryde.nsw.gov.au
Glenn Davis, GDavis@ryde.nsw.gov.au

Level 5, Tower A, Zenith Centre
821-823 Pacific Highway, Chatswood NSW 2067
Locked Bag 6501 St Leonards NSW 2065
T 9200 0200 F 9200 0290
www.transport.nsw.gov.au
ABN 18 804 239 602

NOTICES OF MOTION

1 DEFERRED NOTICE OF MOTION: CITY OF RYDE SPORTSGROUNDS - Deputy Mayor, Councillor Roy Maggio

File Number: CLM/16/1/1/6 - BP16/357

Note: This Notice of Motion was deferred from the Council Meetings on 24 May 2016 and 28 June 2016.

MOTION:

- (a) That the General Manager convenes a sports forum by the end of April, with representatives from sporting associations and affiliated clubs to facilitate collaborative discussions and opportunities for constructive feedback of the current status of sportsgrounds which impacts the safety of players and availability of sportsgrounds during the critical sporting seasons.
- (b) That the General Manager compiles a comprehensive report for each sporting venue which outlines the specific points identified during the forum including the condition of the grounds and the impact of this on the safety for players.
- (c) That the General Manager reviews the annual maintenance schedule of each sporting venue and provides recommendations for improvements prior to the commencement of each sporting season.

2 DEFERRED NOTICE OF MOTION: SIGNATURE BANNER POLICY - Deputy Mayor, Councillor Roy Maggio

File Number: CLM/16/1/1/6 - BP16/359

Note: This Notice of Motion was deferred from the Council Meetings on 24 May 2016 and 28 June 2016.

MOTION:

- (a) That the General Manager gives due consideration in adopting a signature banner policy to ensure consistency in the way in which banners are created, applied and removed in the interests of maintaining equity and fairness across the Council.
- (b) That the General Manager includes as part of the signature banner policy, measures which allow discretion in exempting Councillors from displaying the banner based on reasonable grounds.
- (c) That the General Manager establishes appropriate approval protocols which are underpinned by a collaborative approach, prior to the inclusion of any signature banner that is displayed under Councillors signatures.
- (d) That the General Manager raises this matter at the next Governance Committee meeting.

3 DEFERRED NOTICE OF MOTION: PARKING DEMANDS - ELS HALL PARK - Deputy Mayor, Councillor Roy Maggio

File Number: CLM/16/1/1/6 - BP16/597

Note: This Notice of Motion was deferred from the Council Meetings on 24 May 2016 and 28 June 2016.

MOTION:

- (a) That Council's traffic management team provide a comprehensive report on the existing demands of parking inside and outside of ELS Hall Park and identify the extent of the parking shortage with an appropriate traffic study.
- (b) That Council's traffic management team thoroughly assess the overflow parking area off Adelphi Rd **during peak busy periods of use** to gain an accurate perspective of the problem, including the lighting, paddock conditions and traffic flow from a safety standpoint.
- (c) That Council's traffic management team invite all sporting clubs concerned for a collaborative meeting to address the critical issues and findings, and develop a comprehensive plan with the inclusion of timeframes, that will alleviate the traffic conditions that impedes on the access of a major sporting facility in the City of Ryde.

4 DEFERRED NOTICE OF MOTION: FLOOD DAMAGE AT 37 SOBRAON ROAD, MARSFIELD - Councillor Justin Li

File Number: CLM/16/1/1/6 - BP16/772

Note: This Notice of Motion was deferred from the Council Meeting on 28 June 2016.

MOTION:

That Council consider an appropriate solution for the property owner at 37 Sobraon Road, Marsfield in light of recent flooding and damage to the home over the weekend of 4-5 June 2016 claimed to be caused by roots from a Council tree extensively blocking the drainage.

5 DEFERRED NOTICE OF MOTION: COUNCIL MERGER - PLEBISCITE OF RESIDENTS - Councillor George Simon

File Number: CLM/16/1/1/6 - BP16/839

Note: This Notice of Motion was deferred from the Council Meeting on 28 June 2016.

MOTION:

- (a) That Council notes the recent announcement by the Leader of the Federal Opposition, Bill Shorten, that a future Labor Government will budget up to \$20m to fund plebiscites for Councils to seek residents views on Council amalgamations.
- (b) That Ryde Council hold a plebiscite of all residents as soon as practicable to seek the views of residents on whether they support a forced merger of Ryde Council.

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: TREE PRESERVATION REVIEW - RESULTS OF EXHIBITION OF DCP AMENDMENTS - Councillor Denise Pendleton, The Mayor, Councillor Jerome Laxale, Councillor George Simon

File Number: CLM/16/1/1/7 - BP16/894

That Council rescind the previous resolution in relation to Item 2(6) from the Report of the Planning and Environment Committee Meeting 5/16 held on 14 June 2016 – TREE PRESERVATION REVIEW – RESULTS OF EXHIBITION OF DCP AMENDMENTS, passed at the Council Meeting held on 28 June 2016, namely:-

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 5/16 held on 14 June 2016

6 TREE PRESERVATION REVIEW – RESULTS OF EXHIBITION OF DCP AMENDMENTS

- (a) That Council adopt the amendments to Ryde Development Control Plan 2014- Part 9.5: Tree Preservation as shown at **ATTACHMENT 1**.*
- (b) That Council give public notice in a local newspaper of its decision with respect to the draft amending Ryde Development Control Plan (RDCP) 2014 within 28 days of its decision, and provide the Secretary of the Department of Planning and Environment with a copy of the plan in accordance with the Environmental Planning and Assessment Regulation 2000.*
- (c) That Council conduct a review of the 4 metre exemption for tree removal 12 months after the RDCP amendments become effective.*