

**Meeting Date:** Tuesday 1 May 2012  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 4.02pm

**Councillors Present:** Councillors Pickering (Chairperson), Butterworth, O'Donnell and Yedelian OAM.

**Apologies:** Councillor Salvestro-Martin.

**Staff Present:** Group Manager – Environment & Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health & Building, Business Support Coordinator – Environment & Planning, Team Leader – Assessment, Team Leader – Major Development Team, Team Leader – Development Engineers and Meeting Support Coordinator.

### **DISCLOSURES OF INTEREST**

There were no disclosures of interest.

#### **1 CONFIRMATION OF MINUTES - Meeting held on 3 April 2012**

**RESOLUTION:** (Moved by Councillors O'Donnell and Yedelian OAM)

That the Minutes of the Planning and Environment Committee 4/12, held on Tuesday 3 April 2012, be confirmed.

#### **Record of Voting:**

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

#### **2 52 FARNELL STREET, WEST RYDE. LOT 15 DP 30562. Local Development Application for demolition, construction of multi dwelling housing containing 3 villas and strata subdivision. LDA2011/0462.**

Report: The Committee inspected the property at 52 Farnell Street, West Ryde.

Note: A Memorandum from the Group Manager – Environment and Planning dated 26 April 2012 regarding Condition 20 – Section 94 Contribution was tabled in relation to this Item and a copy is ON FILE.

Note: Mr Silvestro Lauria (objector), Mr Anthony Scotti (applicant) and Mr Sinisa Lazarevic (applicant's architect) addressed the Committee in relation to this Item.

**RESOLUTION:** (Moved by Councillors Yedelian OAM and O'Donnell)

- (a) That Local Development Application No. 2011/0462 at 52 Farnell Street, West Ryde, being LOT 15, DP 30562 be approved subject to the **ATTACHED** conditions (Attachment 1), with an amendment to Conditions 20 and 26 to read as follows:-

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

<b>A</b>	<b>B</b>
Community and cultural Facilities	\$5,643.00
Open Space and Recreation Facilities	\$13,891.89
Civic and Urban Improvements	\$4,724.91
Roads and Traffic Management Facilities	\$644.52
Cycleways	\$402.58
Stormwater Management Facilities	\$1,279.62
Plan Administration	\$108.55
<b>The total contribution is</b>	<b>\$26,695.07</b>

This contribution is a contribution under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in the Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 11/12/2007.

The above amount, if not paid within the quarter that the consent is granted, shall be adjusted for inflation by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) on the basis of contribution rates that are applicable at the time of payment.

26. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the Construction Certificate. In this regard the distance between the slats on the upper part of the fence is to provide spacing to ensure that this part of the fence is 50% transparent. In addition, the fencing between 52 and 54 Farnell Street to be colourbond fencing at a height of 1.5 metres from the front of the adjoining property up until 3 metres from the street frontage when it is to be a maximum of 1 metre.

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

**Record of Voting:**

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

**3 7 DAYMAN PLACE, MARSFIELD. LOT 3 DP623320. Local Development Application for demolition of existing dwelling and erection of a new 3 storey boarding house containing 77 boarding rooms, 1 manager's residence and communal facilities. LDA2011/375.**

Note: A Memorandum from the Group Manager – Environment and Planning dated 26 April 2012 regarding Condition 29 – Section 94 Contribution was tabled in relation to this Item and a copy is ON FILE.

Note: Ms Kerry Gordon (objector), Ms Lyndall Macris (objector) and Mr James Phillips (applicant) addressed the Committee in relation to this Item.

**RESOLUTION:** (Moved by Councillors O'Donnell and Yedelian OAM)

- (a) That Local Development Application No. 2011/375 at 7 Dayman Place Marsfield being LOT 3 DP623320 be approved via a “Deferred Commencement” consent subject to the conditions provided in **ATTACHMENT 1**, with amendments as follows:-

**PART 1 – DEFERRED COMMENCEMENT**

3. **Plan of Management.** The submission of an amended Plan of Management which incorporates the following amendments:-
- (g) The “Noise Policy” section shall include a requirement that no social gatherings (ie. BBQs, parties or the like) can occur in the external courtyard between the hours of 10pm and 9am on any day. This is for a trial period of 12 months from issue of Occupation Certificate.
  - (i) The “Noise Policy” section shall include a requirement that internal common areas are not to be used for social gatherings between the hours of 10pm and 9am on any day. This is for a trial period of 12 months from issue of Occupation Certificate.
  - (j) The Plan of Management shall include a section entitled “Responsibilities of Manager”. This Section shall require the manager to control the behaviour of residents such that it does not impact upon the amenity of neighbours; address complaints of neighbours in a timely manner, log all complaints; respond to all complaints and provide follow up information to neighbours of action taken; ensure bins are placed appropriately out for collection no earlier than the day they are to be collected and placed back in the storage area as soon as practicable after collection; ensure furniture or other rubbish (including shopping trolleys) is not dumped by residents in the street and if it is then arrange its removal; enforce hours of use of external and internal common areas and monitor noise from such areas; ensure grounds are regularly and appropriately maintained; be available 24 hours a day, seven day a week by phone to ensure compliance with their responsibilities (with rotating shifts if necessary) and to respond to neighbours complaints in relation to the use of the site.

- (k) Any Macquarie University policies referred to in the Plan of Management are to be incorporated in the Plan of Management and not referenced so requirements are consistent.

**PART 2 – GENERAL CONDITIONS**

29. **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**:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$103,363.25
Open Space & Recreation Facilities	\$254,458.75
Civic & Urban Improvements	\$86,546.66
Roads & Traffic Management Facilities	\$11,805.78
Cycleways	\$7,373.87
Stormwater Management Facilities	\$23,439.27
Plan Administration	\$1,988.28
<b>The total contribution is</b>	<b>\$488,975.85</b>

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

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

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

79. The development must be operated in accordance with the Plan of Management approved subject to Part 1 Condition 3 of this consent for the purpose of providing accommodation for educational related purposes. The Plan of Management can only be amended with the agreement of Council in writing.
81. Internal communal areas and external courtyards (including the external courtyard) must not be used for social gatherings (BBQs, parties or the like) outside the hours of 10pm to 9am – and shall accord with the required amendments of the Plan of Management (Part 1 Condition 3).

This is to be for a trial period of 12 months from issue of Occupation Certificate. At the end of 12 months, the applicant is to submit a Section 96 application to Council to vary this condition which is to be notified to all adjoining owners consistent with the original Development Application.

(b) That the objectors be notified of Council's decision in this matter.

**Record of Voting:**

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

The meeting closed at 5.50pm.

CONFIRMED THIS 15TH DAY OF MAY 2012.

Chairperson