

**Meeting Date:** Tuesday 3 December 2013  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 5.00pm

**Councillors Present:** Councillors Etmekdjian (Chairperson), Chung, Laxale, Pickering and Yedelian OAM.

**Apologies:** Nil.

**Absent:** Councillor Salvestro-Martin.

**Staff Present:** Group Manager – Environment and Planning, Service Unit Manager – Assessment, Acting Service Unit Manager – Environmental Health and Building, Team Leader – Major Development, Senior Development Engineer, Consultant Town Planner – City Plan Strategy and Development, Team Leader – Assessment, Consultant Town Planner – Creative Planning Solutions, Business Support Coordinator – Environment and Planning, Section Manager – Governance and Meeting Support Coordinator.

#### **DISCLOSURES OF INTEREST**

Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in Item 2 – 58-60 Falconer Street, West Ryde – LDA2012/0124, for the reason that he lives in Falconer Street.

#### **1 CONFIRMATION OF MINUTES - Meeting held on 19 November 2013**

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

That the Minutes of the Planning and Environment Committee 17/13, held on Tuesday 19 November 2013, 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 58 - 60 FALCONER STREET, WEST RYDE. LOT 1 DP 953646 and LOT 2 DP102049. Demolition of 2 dwellings and construction of infill development under the Affordable Housing State Environmental Planning Policy - 10 strata titled town houses - LDA2012/0124.**

Note: Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he lives in Falconer Street.

Note: Peter and Marina Kerrison (objectors on behalf of Ji Chen, Matthew Doane, Joseph Rizk and Mona Mourad), Tim Ireland (objector), John Nader (objector) and Tony Jreige (applicant) addressed the Committee in relation to this Item.

Note: A series of photographs were tabled by Marina Kerrison and a copy is ON FILE.

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

- (a) That Local Development Application No. 2012/0124 (as amended) at 58 to 60 Falconer Street, West Ryde being LOT 1 DP 953646 and LOT 2 DP102049 be approved subject to the **ATTACHED** conditions (Attachment 2).
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Councillors Chung and Yedelian OAM

Against the Motion: Councillors Etmekdjian, Laxale and Pickering

As a result of the voting, the Motion was LOST. The matter was then AT LARGE.

**RECOMMENDATION:** (Moved by Councillors Pickering and Laxale)

- (a) That Local Development Application No. 2012/0124 at 58 - 60 Falconer Street, West Ryde, being LOT 1 of Deposited Plan 953646 and LOT 2 of Deposited Plan 102049 be **REFUSED** for the following reasons:
  - 1. The proposal is contrary to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of the R2 Low Density Residential Zone in the Ryde Local Environmental Plan 2010.

**Particulars**

- a) The proposal does not ensure that *"the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood"*.
  - b) The proposal does not ensure that *"new development complements or enhances the local streetscape."*
- 2. The proposal is contrary to Section 79C(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the provisions of the Draft Ryde Local Environmental Plan 2011.

### Particulars

- a) The *proposal* is contrary to Clause 4.3(2C) Height of Buildings in Zone R2.
3. The proposal is contrary to Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the requirements of the Ryde Development Control Plan 2010.

### Particulars

- a) The proposal is contrary to the objectives of Part 3.5 - Multi Dwelling Housing (attached) within the Low Density Residential Zone of the RDCP as it will:
  - Not complement existing development and streetscape
  - Result in a housing development that is not designed to a high aesthetic standard
  - Adversely affect the amenity of occupants of adjoining land and
  - Result in a multi dwelling housing (attached) development of a scale that is not related to the character of the area
- b) The proposal does not comply with the minimum floor to ceiling height requirement of Part 3.5 of the RDCP.
- c) The proposal does not comply with the rear setback and second street frontage setback requirements of Part 3.5 of the RDCP.
- d) The garage and car parking layout dominates the development and is contrary to the provisions of Part 3.5 of the RDCP.
- e) The proposal has not demonstrated compliance with the accessibility requirements of Parts 3.5 or 9.2 of the RDCP.
- f) The proposal is unsatisfactory with regard to the Building Form requirements of Part 3.5 of the RDCP.
4. Pursuant to Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, the cumulative impacts of the proposed development's failure to comply with the provisions and requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009, Ryde LEP 2010 and Ryde DCP 2010 will result in a development whose scale, form, density and design is inconsistent with existing development in the area and detract from the character and the amenity of the locality.
5. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest as the development is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site.
6. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest, pertaining to the number of objections that have been received in relation to the proposal.

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

**Record of Voting:**

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

Against the Motion: Councillor Chung

Note: This matter will be dealt with at the Council Meeting to be held on **10 DECEMBER 2013** as dissenting votes were recorded and substantive changes were made to the published recommendation.

**3 77 WHARF ROAD, GLADESVILLE - LOT 2 DP 536882. Development Application for alterations to the existing dwelling, including a new front fence and gates. LDA2012/272**

Note: Christian Farrell (applicant) addressed the Committee in relation to this Item.

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

- (a) That Local Development Application No. LDA2012/272 at 77 Wharf Road, Gladesville, being LOT 2 DP536882 be approved subject to the conditions contained in **Attachment 1**.
- (b) That Council resolves to seek amended plans in relation to the Building Certificate application (Council Reference BCT2012/39) which delete the first floor 'drying room', and further that this drying room be demolished and removed from the building within 90 days of the date of the DA approval.
- (c) That the persons who made submissions to the original application and those who attended the Mediation Meeting 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.

The meeting closed at 5.57pm.

CONFIRMED THIS 4TH DAY OF FEBRUARY 2014.

Chairperson