

**Meeting Date:** Tuesday 19 February 2013  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 4.00pm

**Councillors Present:** Councillors Pendleton (Chairperson), Chung, Maggio, Salvestro-Martin and The Mayor, Councillor Petch.

Note: The Mayor, Councillor Petch was present for consideration for Items 1 and 4 only.

Note: Councillors Maggio and Salvestro-Martin arrived at the meeting at 5.00pm and were not present for consideration of Item 1.

In the absence of Councillor Simon, the Deputy Chairperson – Councillor Pendleton chaired the meeting.

**Apologies:** Councillor Yedelian OAM.

**Leave of Absence:** Councillor Simon.

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

### **DISCLOSURES OF INTEREST**

There were no disclosures of interest.

#### **1 CONFIRMATION OF MINUTES - Meeting held on 5 February 2013**

Note: Councillors Salvestro-Martin and Maggio were not present for consideration of this Item.

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

That the Minutes of the Planning and Environment Committee 1/13, held on Tuesday 5 February 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 12 FARNELL STREET, WEST RYDE. LOT 13 DP 28953. Local Development Application for a multi dwelling housing (attached) development containing 3 villa homes (2 x 3 and 1 x 2 bedroom), Two storey at front and single storey at rear. LDA2012/0049.**

Note: Councillors Maggio and Salvestro-Martin arrived at the meeting at 5.00pm.

Note: Sam Khalil (objector) and Milan Samardzic (applicant) addressed the Committee in relation to this Item.

**RECOMMENDATION:** (Moved by Councillors Maggio and Chung

- (a) That Council approves Local Development Application No. 2012/49 at 12 Farnell Street West Ryde being Lot 13 in DP 28593, via a Deferred Commencement consent subject to the conditions listed in **Attachment 2** in principle subject to a mediation as specified in part (b).
- (b) That a mediation take place by the Group Manager - Environment and Planning, the applicant and the objector from 10 Farnell Street West Ryde, to amend the height of the proposed development to improve the retention of the objectors view. That if the parties are in agreement the matter can be determined by the Group Manager Environment and Planning. Alternatively, a further report be presented to Planning and Environment Committee within three (3) months.
- (c) That the persons who made submissions be notified of Council's decision.

**Record of Voting:**

For the Motion: Councillors Chung, Pendleton and Maggio.

Against the Motion: Councillor Salvestro-Martin.

Note: This matter will be dealt with at the Council Meeting to be held on **26 FEBRUARY 2013** as dissenting votes were recorded and substantive changes were made to the published recommendation

**3 33 RYEDALE ROAD, WEST RYDE. LOT 5 SEC 1 DP 2085. Local Development Application for the change of use for the rear of the existing shop from commercial to residential. LDA2012/0416.**

Note: Dan Yu Xie, Chao Ping, Xi Fang Chen (objectors) and Dick Crompton (on behalf of the applicant) addressed the Committee in relation to this Item.

Note: A series of documents from Dan Yu Xie dated 19 February 2013 was tabled in relation to this Item and a copy is ON FILE.

Note: A series of documents from Dick Crompton dated 19 February 2013 was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That Local Development Application No. LDA2012/0416 at 33 Ryedale Road being Part LOT 5 DP 2085 SEC 1 be approved subject to the ATTACHED conditions.
- (b) That the persons who made submissions be advised of Council's decision.
- (c) That the matter be referred to Council's Manager Environmental Health & Building to ensure that appropriate enforcement action is taken to ensure compliance with the requirement to obtain an Occupation Certificate in relation to the approved development.

**Record of Voting:**

For the Motion: Unanimous

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

**4 219 BLAXLAND ROAD, RYDE. LOTS 1, 2, 3 and 4 in DP 456020 and LOT 2 in DP548825. Section 96(1A) Application to amend the approved development for a mixed use building containing commercial/retail and residential development. MOD2012/0155.**

Note: A request from Mrs Samadi (objector) for this matter to be deferred was been tabled.

Note: Clare Brown (on behalf of the applicant) addressed the Committee in relation to this Item.

Note: The Mayor, Councillor Petch arrived at the meeting at 5.55pm and was present for consideration of this item.

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

- (a) That the Section 96 application to modify Local Development Application No. 2011/0303 at 219 Blaxland Rd Ryde being Lots 1, 2 3 and 4 in DP456020 and Lot 2 in DP548825 be approved subject to the following:
  1. Conditions 1, 7, 33, 34, 40, 42, 57, 60, 138, 149 and 150 be amended to read as follows:
    1. Development is to be carried out in accordance with the following plans and support information submitted to Council:

<b>Plan Number</b>	<b>Title</b>	<b>Drawn by</b>	<b>Issue</b>	<b>Date</b>
DA-A-020	Demolition Plan	Quattro Design Pty Ltd	A	07.06.11
<b>12020 AP01</b>	<b>Cover</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP02</b>	<b>Data</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP03</b>	<b>Site Plan</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP04</b>	<b>Basement 2</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP05</b>	<b>Basement 1</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP06</b>	<b>Ground Floor</b>	<b>Mosca Pserras Architects</b>	<b>B</b>	<b>21/1/13</b>
<b>12020AP07</b>	<b>Level 1</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP08</b>	<b>Level 2</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP09</b>	<b>Level 3</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP10</b>	<b>Level 4</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP11</b>	<b>Level 5</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP12</b>	<b>Level 6</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP13</b>	<b>Roof</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP14</b>	<b>Elevations</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP15</b>	<b>Elevations</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP16</b>	<b>Sections</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP17</b>	<b>Sections</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12020AP18</b>	<b>Adaptable Unit Details</b>	<b>Mosca Pserras Architects</b>	<b>A</b>	<b>6/9/12</b>
<b>12347-LCD 01 -2</b>	<b>Landscape Concept Plan</b>	<b>NBRS + Partners</b>		<b>10/10/12</b>
<b>12347-LCD 02-2</b>	<b>Landscape Sections and Plant</b>	<b>MBRS + Partners</b>		<b>10/10/12</b>

	<b>Species List</b>			
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**7. Road Traffic Noise**

- a. The proposed development is to include materials that satisfy the requirements for habitable rooms under Clause 102, Subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.
  - b. The residential units must be designed and constructed so that the road traffic noise levels inside the buildings comply with the satisfactory design sound levels recommended in Australian/New Zealand Standard *AS/NZS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors*, when the windows and doors are closed. The recommendations outlined in the report from consultant Acoustic Logic, dated 22.03.2011 as amended by the Acoustic Glazing Review, prepared by Vipac Engineers and Scientists Limited and dated 2 October 2012 are to be implemented.
33. **Strata Subdivision Plan** – A strata subdivision plan in accordance with the approved architectural drawings is to be prepared and submitted to Council for approval prior to the issue of a **Occupation Certificate**.
34. **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**.

A	B
<b>Community and cultural Facilities</b>	\$216,406.86
<b>Open Space and Recreation Facilities</b>	\$520,999.65
<b>Civic and Urban Improvements</b>	\$184,791.36
<b>Roads and Traffic Management Facilities</b>	\$25,240.88
<b>Cycleways</b>	\$15,743.70
<b>Stormwater Management Facilities</b>	\$49,468.67
<b>Plan Administration</b>	\$4,245.68
<b>The total contribution is</b>	<b>\$1,016,896.81</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.

40. **BASIX Commitments** – The development is to incorporate the requirements and commitments provided in BASIX Certificate No 447714M dated 5 October 2012. The **Construction Certificate** plans and specifications are to detail all of the ‘CC plan’ commitments of the BASIX Certificate.
42. **Detailed Landscape Plan** – A detailed Landscape Plan is to be submitted and approved by Council in accordance with the approved Landscape Plan (Plan No 12347-LCD01 and 12347-LCD02, prepared by NBRSPartners dated 10/10/12) prior to the issue of a **Construction Certificate**. The detailed Landscape Plan must also incorporate the following:
- (a) **Street tree planting** – Trees planted along Blaxland Road and Pope Street are to be frangible species.
  - (b) **Soil depth over structures** – Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Residential Flat Design Code. Information verifying that the development complies with these requirements is to be provided on the **Construction Certificate** plans.
  - (c) **Outdoor furniture** – Outdoor furniture and fixtures such as bench seating, tables and bicycle racks (or the like) are to be incorporated into the outdoor court communal open space areas to allow passive recreational use of this space. Such furnishings should be shown on the detailed landscape Plan.
  - (d) **Stormwater and drainage tank screening** – Any underground stormwater tank which projects above the ground floor level at the street frontage is to be screened from view by plantings or other suitable treatment.
57. **Internal Car Parking** – To ensure safe and satisfactory access to the proposed development all internal driveways, vehicle turning areas, garage opening widths, parking spaces dimensions, safe sight distances and gradients etc shall be designed and constructed in accordance with relevant sections of Australian Standards AS 2890. The design shall ensure all vehicles using the site can enter and exit in a forward direction and that safe sight distances are available to all vehicles using the site.
- Amended plans including engineering certification from a traffic engineer indicating compliance with this condition are to be submitted with the **Construction Certificate** application.

60. **Site stormwater system** – To ensure satisfactory stormwater disposal and minimise downstream stormwater impacts, stormwater runoff from the site shall be collected and piped by gravity flow to Council’s existing underground stormwater system located in Blaxland Road via on-site stormwater detention system. Accordingly, the site concept stormwater drainage plans are to be revised by a chartered civil engineer for construction in accordance with City of Ryde, Development Control Plan 2010 – Part 8.2 – Stormwater Management and shall also incorporate but not limited to the following matters:

- (a) Clear unobstructed overland flow paths shall be provided where required to convey surcharge flow from the site to the public road.
- (b) Apart from seepage flows and flows generated from the access driveway and loading dock area, under no circumstances shall flows from other areas of the site be piped to the basement car park drainage system.

Detailed engineering plans, including certification prepared by a chartered civil engineer with NPER registration with Engineers Australia, indicating compliance with this condition are to be submitted with the Construction Certificate application.

138. **Drainage Construction** – To ensure satisfactory stormwater disposal, the site stormwater drainage system shall be constructed in accordance with the construction certificate version of the following approved concept drainage plans prepared by Australian Consulting Engineers: 09AH399-D00 Rev A, 11AH019-D01-3 Rev A, 11AH019-D04 Rev E, 11AH019-D05 Rev B, 11AH019-D06 Rev D, 11AH019-D07 Rev A and 11AH019-D08 Rev A.

149. **Bicycle Parking**– A minimum 12 bicycle parking rails or lockers designed and installed in accordance with Australian Standard AS 2890.3, must be provided in a suitable location for the convenience of employees and visitors to the site. Suitable change facilities for cyclists must also be provided within the development.

150. **Car parking spaces** – 113 off-street car parking spaces being in accordance with the submitted plans. Such spaces are to be paved, line marked and made freely available at all times during business hours of the site for staff and visitors. These spaces are to be allocated as follows:

- i. 91 spaces for the residents
- ii. 18 residential visitor spaces
- iii. 4 commercial car parking spaces.

2. That conditions 18 and 21 be retained on the consent.

(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.

The meeting closed at 5.58pm.

CONFIRMED THIS 5TH DAY OF MARCH 2013.

Chairperson