

Meeting Date: Tuesday 6 December 2016
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

Councillors Present: Councillors Etmekdjian (Chairperson), Laxale, Pendleton and Stott.

Apologies: Councillor Yedelian OAM.

Absent: Councillors Maggio, Salvestro-Martin and Simon.

Note: In the absence of Councillor Yedelian OAM, the Deputy Chairperson – Councillor Etmekdjian chaired the meeting.

Note: Councillor Laxale arrived at the meeting at 5.55pm and was not present for voting on Items 1, 2, 3, 4 and 6.

Staff Present: Acting General Manager, Acting Director – City Strategy and Planning, Manager – Environment, Health and Building, Acting Manager – Strategic City, Acting Manager – Assessment, Senior Coordinator – Traffic Transport and Development, Senior Coordinator – Development Assessment, Senior Coordinator – Environment, Senior Town Planner, Planning Consultant (Creative Planning Solutions), Senior Coordinator – Governance, Governance, Risk and Audit Coordinator and Administration Officer – Councillor Support.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 8 November 2016

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

RESOLUTION: (Moved by Councillors Pendleton and Stott)

That the Minutes of the Planning and Environment Committee 9/16, held on 8 November 2016, be confirmed.

Record of the Voting:

For the Motion: Unanimous

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

- 2 459-461 AND 495 VICTORIA ROAD, GLADESVILLE. LOT 300 DP 1194688 AND LOT 2 DP1008105. Application pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979 to amend the approved demolition and construction and fitout of a Bunnings Warehouse, bulky goods Homemakers Centre and construction of a child care centre. LDA2015/0214. Section 96 No. MOD2016/0056.**

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

Note: Richard Williams (objector), Ricky Colussi (objector representing G&A and E&A Colussi), Chris Kearney and David Kettle from DFP Planning (representing Bunnings Properties Pty Ltd) addressed the meeting in relation to this Item.

Note: An email from Bruce Wilson, Ray Dresdner and Ricky Colussi dated 5 December 2016 was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Stott and Etmekdjian)

- (a) That the Section 96 application No. MOD2016/0056 to modify Local Development Application No. LDA2015/0214 at 461-495 Victoria Road, Gladesville being LOT 300 DP 1194688 be approved subject to the **ATTACHED** conditions (**ATTACHMENT 1**), with an amendment to Condition 6 as follows:-

6. Trial full Closure – Review. *The trial full closure of College Street, in accordance with conditions 4 and 5, shall be reviewed after 12 months of operation of the Stage 2 Tennyson Road intersection (per Dwg No. 043, Amd No. C, dated 11.02.16) and the results reported back to Council at that time. The applicant shall cover the full cost of the traffic review, surveys and any supporting technical studies.*

The report detailing the outcome of the review shall be provided by the applicant and submitted to and approved by Council and RMS for the implementation of the preferred treatment of College Street. All alterations and/or formalisation of College Street shall be undertaken by the applicant at no cost to Council.

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

On being put to the Meeting, Councillor Pendleton abstained from the voting and accordingly her vote was recorded Against the Motion.

Record of the Voting:

For the Motion: Councillors Etmekdjian and Stott

Against the Motion: Councillor Pendleton

Note: This matter will be dealt with at the Council Meeting to be held on **13 DECEMBER 2016** as dissenting votes were recorded.

**3 136A CRESSY ROAD, EAST RYDE – LOT 91 DP 579412. Section 96(1A)
Application to modify consent for approved multi-dwelling housing
development. LDA2013/352 (MOD2015/94).**

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

Note: Georgina Child (objector) and Gerda Rugholm addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Pendleton and Stott)

(a) That MOD2015/0094 to LDA2013/0352 at No.136A Cressy Road, East Ryde being LOT 91 in DP 579412 be **approved** in the following manner:

1. **Condition 1** is deleted and replaced with:

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	22.07.2016	Job No. 14Cre163aM, Sheet 1/2, Issue D prepared by Old for New Pty Ltd
Floor Plans, Elevations and Section	22.07.2016	Job No. 14Cre163aM, Sheet 2/2, Issue D prepared by Old for New Pty Ltd
Stormwater Plans	05.08.2013	Job No. SW-136A CRESSY, Sheet 1 & 2 prepared by M.M/ Farah Civil/Structural Pty Ltd

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

- (a) **Fencing.** The proposed flood proof (drop) fencing to the south-western boundary and to the rear of the Unit 3 private open space area which crosses Kitty's Creek is to be deleted. In addition, the bottom half of the proposed timber paling fence to continue along the boundary at the rear of Unit 2, and then return into the property is to be designed to ensure the conveyance of floodwater.
- (b) **Landscaping Plan.** A new Landscaping Plan is to be submitted to comply with the following requirements:
- (i) The landscape plan should be prepared by a suitably qualified Landscape Architect or Landscape Designer;
 - (ii) The landscape scheme is to be of a high quality and amenity that appropriately considers the unique urban bushland setting of the site including the riparian zone of Kitty's Creek. This is to include a more informed species selection which responds to the surrounding landscape character. Reference should be made to the Ryde Council website for further information in terms of species selection;

- (iii) Compliance with the following requirements of the NSW Rural Fire Service:
- Suitable impervious areas are to be provided immediately adjacent to the surrounding building such as courtyards, paths and driveways;
 - Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;
 - Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
 - Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%;
 - Planting should not provide a continuous canopy to the building (ie. trees or shrubs should be isolated or located in small clusters);
 - When considering landscape species, consideration needs to be given to the estimated size of the plant at maturity;
 - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
 - Use smooth bark species of trees which generally do not carry a fire up the bark into the crown;
 - Avoid planting of deciduous species that may increase fuel at surface/ground level (i.e. leaf litter);
 - Avoid climbing species to walls and pergolas ;
 - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
 - Locate combustible structures such as garden sheds, pergolas, and materials such as garden furniture away from the building;
 - Use of low flammability vegetation species;

The new Landscaping Plan complying with the above requirements shall be submitted to and approved by Council prior to approval of the **Construction Certificate**.

2. **Condition 2** is deleted and replaced with the following:

- **NSW Office of Water – General Terms of Approval.** Full compliance with all of the conditions listed in the General Terms of Approval issued by the NSW Office of Water in relation to this development (Reference No 10 ERM2013/0836 – dated 16 September 2015) is required – refer to copy attached to this letter.

3. **Condition 4** is deleted and replaced with the following:

- **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 492319M_03 dated 10 June 2015.

4. **Condition 35** is deleted and replaced with the following:

- **Stormwater Management.** To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted with the application for a Construction Certificate.

Stormwater runoff on the site shall be collected and piped by gravity flow to Kitty's Creek, generally in accordance with the plans by M M Farah - Civil/ Structural Pty Ltd. (Refer to Job No. SW-136A CRESSY Sheet 1 & 2 dated 15 May 2015) subject to the following variation(s);

- The proposed outflow is to be designed and constructed in accordance with the DCP, Part 8.2 (Stormwater and Floodplain Management – Technical Manual), Section 1.3.3 and the requirements of the Office of Water.

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer with NPER registration with Engineers Australia and are to comply with the following;

- The certification must state that the submitted design (including any associated components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde – DCP 2010 Part 8.2 (Stormwater Management).
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- Onsite detention must be incorporated in the stormwater management system. The certification must state that the submitted design provides a permissible site discharge and site storage requirement as determined by the simplified method specified in the City of Ryde-DCP 2010 Part 8.2 (Stormwater Management – Technical Manual).

5. **Condition 36** is deleted.

6. **Condition 42** is deleted and replaced with the following:

- **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by M M Farah - Civil/ Structural Pty Ltd. (Refer to Job No. SW-136A CRESSY Sheet 1 & 2 dated 15 May 2015) submitted in compliance to the condition labelled "Stormwater Management".

7. **Condition 56** is deleted and replaced with the following:

- **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 492319M_03 dated 10 June 2015.

8. **ALL** other conditions remain unaltered and must be complied with.

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

Record of the Voting:

For the Motion: Unanimous

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

4 PLANNING PROPOSAL - 2-6 CHATHAM ROAD, WEST RYDE

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

Note: Jo Abboud (applicant) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Stott and Pendleton)

- (a) That Council submit the Planning Proposal relating to 2-6 Chatham Road, West Ryde (LOTS 24-26 DP 8092) for Gateway Determination, in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that Council request delegation from the Minister to implement the Plan.
- (b) That Council, when the Gateway Determination is issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, delegate authority to the Acting General Manager to publicly exhibit the Planning Proposal. A further report will be presented to Council following the completion of the exhibition period.
- (c) That Council endorse and exhibit the proposed amendments to Part 4.3 West Ryde Town Centre of the Ryde Development Control Plan 2014 concurrently with the Planning Proposal with the following amendment to Part 3.2.2 of the DCP inserting:
 - (b) *Pedestrian Refuges shall be provided where directed by Council and to Councils satisfaction. This includes at the intersection of Chatham Road and Dickson Avenue.*
- (d) That the Director of City Works and Infrastructure urgently review the current fencing at 8 Chatham Road, West Ryde and take action to provide additional measures to ensure safety at the fence line.

Record of the Voting:

For the Motion: Unanimous

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

5 OUTCOME OF COMMUNITY CONSULTATION: PLANNING PROPOSAL, 61 LANE COVE ROAD AND 5 MYRA AVENUE, RYDE (NORTHCROSS CHRISTIAN SCHOOL)

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

6 DRAFT BIODIVERSITY PLAN FOR RYDE LOCAL GOVERNMENT AREA

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

Note: Libby Lawson and Bev DeBrincat (representing Habitat Network and the Habitat) addressed the meeting in relation to this Item.

Note: An email from the Acting Director – City Strategy and Planning dated 28 November 2016 together with a Table outlining changes made to the Draft Biodiversity Plan and a copy of the updated Draft Biodiversity Plan was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Pendleton and Stott)

- (a) That Council endorse the adoption of the Draft Biodiversity Plan 2016 to guide and prioritise the management and protection of natural areas and biodiversity across the whole of the Ryde Local Government Area.
- (b) That the resourcing of high priority actions listed in the Draft Biodiversity Plan 2016 be considered through future Delivery Plans of Council.
- (c) That resourcing of the medium and low priority actions listed in the Draft Biodiversity Plan 2016 be subject to the other external funding sources becoming available and a separate report to Council.

Record of the Voting:

For the Motion: Unanimous

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

5 OUTCOME OF COMMUNITY CONSULTATION: PLANNING PROPOSAL, 61 LANE COVE ROAD AND 5 MYRA AVENUE, RYDE (NORTHCROSS CHRISTIAN SCHOOL)

Note: Councillor Laxale arrived at the meeting at 5.55pm during discussion on this Item.

RESOLUTION: (Moved by Councillors Stott and Laxale)

- (a) That Council adopt and exercise the delegation issued by the Department of Planning and Environment to make the amendments described in the attached report to Ryde Local Environmental Plan 2014.
- (b) That Council notify all community members who made a submission regarding the planning proposal of its decision.

Record of the Voting:

For the Motion: Unanimous

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

6 DRAFT BIODIVERSITY PLAN FOR RYDE LOCAL GOVERNMENT AREA

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

The meeting closed at 5.58pm.

CONFIRMED THIS 14TH DAY OF FEBRUARY 2017.

Chairperson