

**Meeting Date:** Tuesday 8 August 2017  
**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde  
**Time:** 5.00pm

**Councillors Present:** Councillors Yedelian OAM (Chairperson), Laxale, Maggio, Pendleton and Stott.

**Apologies:** Nil.

**Absent:** Councillors Salvestro-Martin and Simon.

**Staff Present:** Acting General Manager, Acting Director – City Planning and Development, Acting Director – Customer and Community Services, Acting Director – Corporate and Organisational Support Services, Acting Manager – Assessment, Acting Manager – City Planning, Senior Coordinator – Development Assessment, Senior Coordinator – Major Development, Senior Coordinator – Development Engineering Services, Planning Consultant (Creative Planning Solutions), Senior Coordinator – Communications, Senior Coordinator – Governance and Administration Officer – Councillor Support.

### **DISCLOSURES OF INTEREST**

There were no disclosures of interest.

#### **1 CONFIRMATION OF MINUTES - Meeting held on 13 June 2017**

**RESOLUTION:** (Moved by Councillors Maggio and Stott)

That the Minutes of the Planning and Environment Committee 5/17, held on 13 June 2017, 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 6 LEXCEN PLACE, MARSFIELD. LOT 70 DP 718680. Development Application – Demolition, new residential apartment building comprising 4 x 3 bedroom apartments over a semi-basement parking level for 6 vehicles - under the State Environmental Planning Policy (Affordable Rental Housing) 2009. LDA2017/0167**

Note: Peter Raptis (objector), Peter Aylett (objector), Gary Pilgrim (objector), Raymond Neal (objector), Joshua Groenestyn (objector) and Raffi Yessaeian (applicant) addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 8 August 2017 was tabled in relation to this Item and a copy is ON FILE.

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

(a) That Local Development Application No. LDA2017/0167 be refused for the following reasons:

Section 79C(1)(a)(i) of the Act The proposal is considered to be inconsistent with Clause 16A 'Character of the Local Area' of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

The proposal is unsatisfactory in terms of the following Design Quality Principles Contained within Schedule 1 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*:

- Principle 1: Context and neighbourhood character
- Principle 2: Built form and scale
- Principle 3: Density
- Principle 5: Landscape
- Principle 6: Amenity
- Principle 8: Housing diversity and social interaction
- Principle 9: Aesthetics

The proposal is unsatisfactory in terms of the following provisions of the *Apartment Design Guide*:

- Part 3D – Communal and Public Open Space
- Part 4C – Floor to Floor Heights
- Part 4D – Apartment Size and Layout
- Part 4H – Acoustic Privacy
- Part 4K – Apartment Mix
- Part 4M – Facades
- Part 4Q – Universal Design

The proposal is unsatisfactory in terms of Development Engineering and Waste Disposal issues regarding the design of the basement carpark, namely:

- drainage disposal (uncertainty as to whether or not a pipe exists within the drainage easement to the rear of the site);
- design of basement car park;
- driveway gradients;
- lack of waste storage areas (both garbage and recycling bins storage areas required).

- Section 79C(1)(b) of the Act    The likely impacts of the proposal on the built environment are unsatisfactory due to the proposal introducing a discordant building typology to the street. The resultant impact is a proposal that will unduly impact on the amenity of adjoining property by way of visual and acoustic privacy.
- Section 79C(1)(c) of the Act    The significant inconsistencies with the relevant planning controls are considered to be manifestations of the underlying unsuitability of the site for residential use.
- Section 79C(1)(e) of the Act    The significant public objection to the proposal, along with unjustifiable non-compliances with the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*, and the *Apartment Design Guide* are evidence the proposal is not in the public interest.

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

On being put to the Meeting, Councillors Stott and Yedelian OAM abstained from voting and accordingly their votes were recorded Against the Motion.

**Record of Voting:**

For the Motion: Councillors Laxale, Maggio and Pendleton

Against the Motion: Councillors Stott and Yedelian OAM

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** as dissenting votes were recorded and Councillor **SALVESTRO-MARTIN** requested that the matter be referred to the next Council Meeting.

**3    10 MONASH ROAD, GLADESVILLE. LOT 35A DP 401201, LOT 35B DP 401201. Local Development Application for demolition, new part 3 / part 4 storey mixed use development containing one commercial tenancy and 21 residential apartments over two levels of basement car parking containing 37 spaces. LDA2016/0624**

Note: Jeremy Quek and Russell Olsson (representing HWR Pty Ltd – applicant) addressed the meeting in relation to this Item.

**RESOLUTION:** (Moved by Councillors Maggio and Laxale)

- (a) That Local Development Application No. LDA2016/0624 being LOTS 35A and 35B, DP 401201 be approved subject to the **ATTACHED** conditions (**ATTACHMENT 1**).
- (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.

**4 SUITE 102 / 25 ANGUS STREET, MEADOWBANK. LOT 174 SP 76502.  
Development Application – Conversion of existing commercial space to a  
residential apartment and home office. LDA2016/0189**

Note: Ursula Lang and John Ferres (representing JGF Developments – applicant) addressed the meeting in relation to this Item.

Note: Amended Plans from Ursula Lang (representing JGF Developments) were tabled in relation to this Item and a copy is ON FILE.

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

- (a) That the application be deferred for a mediation meeting with the applicant and the objectors to resolve issues raised in the assessing officers report and specifically to endeavour to improve the amenity of the proposed residential unit.
- (b) That any amended plans or additional information provided by the applicant are renotified.
- (c) That a further report be submitted to Council.

**Record of Voting:**

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** as substantive changes were made to the published recommendation.

**5 PLANNING PROPOSAL - 197-223 HERRING ROAD MACQUARIE PARK -  
MACQUARIE SHOPPING CENTRE ADVERTISING SIGN**

Note: Sarah Horsfield (representing AMP Capital – owner) addressed the meeting in relation to this Item.

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

That Council does not support the Planning Proposal relating to the sign at 197-223 Herring Road – Macquarie Shopping Centre (LOT 100 DP 1190494).

**Record of Voting:**

For the Motion: Councillors Laxale, Maggio, Pendleton and Yedelian OAM

Against the Motion: Councillor Stott

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** as dissenting votes were recorded and substantive changes were made to the published recommendation.

**6 PLANNING PROPOSAL - 3-5 VICENTIA STREET, MARSFIELD**

**RESOLUTION:** (Moved by Councillors Laxale and Maggio)

- (a) That Council submit the Planning Proposal relating to part of 3-5 Vicentia Street, Marsfield (Part LOT 3 DP 707390) 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.

**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 6.15pm.

CONFIRMED THIS 10TH DAY OF OCTOBER 2017.

Chairperson