

Meeting Date: Tuesday 4 March 2014
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.

Leave of Absence: Councillor Salvestro-Martin.

Staff Present: Group Manager – Environment and Planning, Service Unit Manager – Assessment, Acting Service Unit Manager – Environmental Health and Building, Team Leader – Assessment, Consultant Town Planner – Creative Planning Solutions, Assessment Officer – Town Planner, Building Surveyor – Compliance, Business Support Coordinator – Environment and Planning and Meeting Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 18 February 2014

RESOLUTION: (Moved by Councillors Pickering and Chung)

That the Minutes of the Planning and Environment Committee 2/14, held on Tuesday 18 February 2014, 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 7-19 CHATHAM ROAD, WEST RYDE. Section 96 modification to vary and extend the hours of use of the loading dock within the mixed use development (Coles Shopping Centre). LDA2007/0559 (MOD2013/0193).

Note: Philip Brown (objector) and Andrew Martin and Walter Kullen (on behalf of applicant and owner) addressed the Committee in relation to this Item.

Note: Correspondence from Andrew Martin dated 3 March 2014 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

- (a) That Section 96 Application No MOD2013/0193 at 7-19 Chatham Road, West Ryde be refused for the following reasons:
1. The proposed modifications will cause excessive and unacceptable additional noise impacts on nearby residential properties.
 2. The proposed hours of use are unacceptable having regard to the amount and proximity of residential properties located close to the loading docks, and the unacceptable amenity impacts that will result upon those properties.
 3. The proposed modifications are inconsistent with the objectives of the B4 Mixed Use zoning of the site under the Ryde Local Environmental Plan 2010, and Draft Ryde Local Environmental Plan 2011.
 4. The likely environmental impacts of the proposed modification have been considered and determined to be unsatisfactory when having regard to built environment.
 5. In the circumstances of the case, approval of the proposed extension to hours of use of the loading dock is not in the public interest.
- (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 6/637- 639 BLAXLAND ROAD, EASTWOOD. LOT 6 SP 83373. Local Development Application for the change of use and fitout for a food premises and business identification signage - Beijing Dim Sim. LDA2013/0485.

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

- (a) That Local Development Application No. 2013/485 at 6/637-639 Blaxland Road, Eastwood, being LOT 6 SP 83383 be approved subject to the exclusion of one (1) flush wall sign and the conditions in **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 50A BELMORE STREET, RYDE LOT 32 DP 13597. BUILDING CERTIFICATE APPLICATION BCT 2013/33 FOR UNAUTHORISED CONCRETE BLOCK RETAINING WALLS AND ASSOCIATED FILL

Note: Bogdan Grubisic (objector) and Julio Montiel and Michael Cantali (on behalf of applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Building Certificate Application No. BCT2013/0033 seeking to allow retention of unauthorised concrete walls and site fill at 50a Belmore Street RYDE, being LOT 32 DP 13597, be refused for the following reasons;
1. The change in the natural topography of the site from unauthorised land filling is excessive and detrimental to the amenity of the adjoining property and does not meet Council's DCP and related development controls.
 2. The height of unauthorised fill on the subject property exceeds 500mm and the retaining walls are higher than 900mm adjacent to the side/rear boundary both in breach of Council's DCP and related development controls.
 3. The unauthorised concrete block walls as constructed do not compliment the surrounding development and visually impact the adjoining property with regard to size and bulk.
 4. The unauthorised concrete block boundary fence/wall exceeds the maximum allowable height of 1.8m (approximately 3m at one point) in contravention of Council's DCP and related development controls.
 5. The construction of the unauthorised retaining walls and land filling works are in breach of the objectives and controls listed in Councils DCP Part 3.3 (Dwelling House) Section 2.5.2 – "Topography and Excavation.
 6. The unauthorised concrete block finish to the eastern side boundary facing adjoining property at 1 Willandra St, Ryde is not of a suitable face finish and is uneven, of poor workmanship and of poor appearance that cannot be readily finished or maintained from wholly within the property boundary.
 7. Subsurface flows behind the section of the unauthorised retaining wall from No. 1 Willandra Street will be diverted, causing nuisance seepage flows to emerge at the termination of the wall in the southern corner which is likely to cause ongoing erosive effects and cause nuisance seepage on the neighbouring property.
 8. The unauthorised concrete block walls as built and unauthorised land filling prevents on-site vehicular access to the existing house garage or any off-street parking on the site effectively forcing all parking from the subject property to be on the street, which is in contravention of the Council's DCP and related development controls and adding further traffic and loss of public car spaces.

9. Any approval of the application to legitimise the unauthorised concrete block walls and site fill, given extent of breaches with the Council's DCP and related development controls, would set an undesirable precedent that is not in the public interest.
- (b) That the persons who made submissions be advised of Council's decision.
- (c) That the applicant be encouraged to negotiate with the objecting neighbour a suitable replacement structure on the boundary between the two properties and that this be the subject of a future application if required. That this application be lodged within three (3) months of this determination. Failure to lodge within this time period will result in Council commencing legal proceeding to enforce requirements of the Demolition Order dated 20 December 2012 to demolish the unauthorised concrete block walls and to require natural ground levels to be restored by requiring removal of unauthorised land fill from the property.
- (d) That all the retaining walls on the property, not subject to (c) above, are reduced in height to comply with Council's Development Control Plan (DCP) and certification provided to Council's satisfaction. Failure to lodge certification and demonstrate compliance within three (3) months of this determination will result in Council commencing legal proceeding to enforce requirements of the Demolition Order dated 20 December 2012 to demolish the unauthorised concrete block walls and to require natural ground levels to be restored by requiring removal of unauthorised land fill from the property.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **11 MARCH 2014** as substantive changes were made to the published recommendation.

The meeting closed at 6.29pm.

CONFIRMED THIS 18TH DAY OF MARCH 2014.

Chairperson