

Meeting Date: Tuesday 16 June 2015
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.01pm

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

Apologies: Councillor Simon.

Absent: Councillor Salvestro-Martin.

Staff Present: Group Manager – Environment and Planning, Acting Service Unit Manager – Assessment, Team Leader – Assessment, Senior Town Planner, Assessment Officer, Senior Development Engineer, Client Manager, Section Manager – Governance and Governance, Risk and Audit Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 2 June 2015

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

That the Minutes of the Planning and Environment Committee 8/15, held on 2 June 2015, 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 17-21 RYEDALE ROAD, WEST RYDE. LOT 1 DP 701627 & LOT 3 DP 12089. Local Development Application for demolition of existing structures except for heritage façade and erection of part 6/part 7 storey mixed use building containing one commercial tenancy and a 43 room boarding house. Ground level parking will be provided for 13 cars and 10 motorcycles. LDA2014/0541.

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

3 21 WINBOURNE STREET, WEST RYDE. LOT 4 DP 39266. Application under Section 82A of the EP&A Act 1979, to review Council's determination of LDA2013/0420 for alterations and additions and change of use of existing dwelling to a childcare centre for 39 children. (APL2015/0002.)

Note: Marlicia Travis (representing Marsden High School P&C Association - objector) addressed the meeting in relation to this Item.

Note: A letter from Mr Moskovian (applicant) dated 26 May 2015, attaching 12 letters of support for the development, was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Laxale and Yedelian OAM)

That as a result of a call-up from Councillor Maggio, this matter be referred to full Council for consideration.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 JUNE 2015** as substantive changes were made to the published recommendation and Councillor **MAGGIO** requested that the matter be referred to the next Council Meeting.

4 12 RESERVE STREET, WEST RYDE. LOT 1 DP 785091. Local Development Application for a new dual occupancy (attached) and front fence with strata subdivision. LDA2015/0062.

Note: Zhidong Lin (objector), Marjorie Ong (objector) and Benjamin Lam (representing the owners) addressed the meeting in relation to this Item.

Note: Documentation from Mr Lin (objector) was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

(a) That Local Development Application No. LDA2015/62 at 12 Reserve Street, West Ryde 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.

2 17-21 RYEDALE ROAD, WEST RYDE. LOT 1 DP 701627 & LOT 3 DP 12089. Local Development Application for demolition of existing structures except for heritage façade and erection of part 6/part 7 storey mixed use building containing one commercial tenancy and a 43 room boarding house. Ground level parking will be provided for 13 cars and 10 motorcycles. LDA2014/0541.

Note: Eric Abreu (objector) and Jamil Aliraja (representing MMD Construction Consultants - applicant) addressed the meeting in relation to this Item.

Note: An email from MMD Construction Consultants (applicant) dated 10 June 2015 requesting that this matter be deferred was tabled in relation to this Item and a copy is ON FILE.

Note: Photographs from Mr Abreu (objector) were tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

(a) That Local Development Application No. 2014/541 at 17-21 Ryedale Road, West Ryde, being LOT 1 DP 701627 & LOT 3 DP 12089 be refused for the following reasons:

1. 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 significantly larger than envisaged by Council's planning controls and is not compatible with the surrounding streetscape and heritage conservation area environment and will adversely impact the amenity of neighbouring residents.
2. The proposal is contrary to requirements prescribed under the Ryde Local Environmental Plan 2014 (RLEP 2014) as:
 - a. It fails to satisfy the objectives of the B4 mixed use zone as the bulk and scale and unsympathetic design of the proposal together with the resultant adverse impact on the character of the conservation area is not considered to constitute a suitable form of development within the zone.
 - b. It fails to comply with the maximum FSR permitted on the site pursuant to Clause 4.4 of the RLEP 2014 (as varied by the State Environmental Planning Policy (Affordable Rental Housing) 2009).
 - c. It fails to meet the objectives of Clause 4.4 as the additional non-compliant floorspace is significant and will result in a much larger, bulkier building than should reasonably exist on the site with resultant adverse impact on the surrounding streetscape and heritage conservation area.
 - d. The Clause 4.6 submission has not satisfactorily demonstrated that the variation in FSR (Clause 4.4) would be in the public interest and that the objectives of the standards will be met despite the non-compliance as it fails to adequately consider the resultant impact of the proposed bulk and scale of the building on the character of the area or neighbouring residential properties.

- e. It fails to comply with the objectives of Clause 5.10 of the RLEP 2014 in relation to conserving the environmental heritage of Ryde, and conserving the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views.
3. The proposal fails to satisfy the requirements of the Ryde Development Control Plan 2014 (RDCP 2014) and has not provided a good design outcome, for the following reasons:
 1. The proposal is contrary to the objectives and controls of Part 3.5 (Boarding Houses) of the DCP2014 as:
 - i. The proposal will impact adversely on the character of the local area and streetscape;
 - ii. The scale and form of the development will not be compatible with the character and quality of the streetscape;
 - iii. The proposal will not be sympathetic to the character of the surrounding Heritage Conservation Area.
 - iv. Inadequate boarding room design resulting in an adverse living environment for future residents;
 - v. Inadequate indoor communal living space will be provided for future residents;
 - vi. Inadequate clothes drying facilities will be provided for future residents; and
 - vii. The design does not optimise safety and security due to parking spaces being located directly adjacent to Ryedale Lane and not within the secure car park area.
 2. The proposal is contrary to the objectives and controls of Part 4.3 (West Ryde Town Centre) of the RDCP 2014 as:
 - i. The proposal does not comply with the RLEP 2014 FSR control resulting in a development of inappropriate bulk and scale;
 - ii. The proposed development does not maximise solar access to neighbouring residential properties;
 - iii. Appropriate landscaping has not been demonstrated as a landscape plan has not been provided; and
 - iv. The proposal is not sympathetic to, and will adversely impact, the Ryedale Road Heritage Conservation Area.
 3. The proposal does not comply with the numerical requirements for commercial car parking under Part 9.3 (Car Parking) of RDCP 2014.
 4. Consent is required from the owner(s) of the RoW forming Ryedale Lane to the rear of the site in order for the applicant to demonstrate they have legal access to use the RoW. In addition, without owner's consent to prohibit parking on the eastern side of the RoW, it will not be possible for construction vehicles to access the site and will impair ongoing access to the site for larger vehicles. This will impact traffic flow in Ryedale Lane and potentially public safety.

5. The proposal is contrary to the design quality principles of State Environmental Planning Policy 65 – Design Quality of Residential Flat Development for the following reasons:

- a) The development adversely responds and contributes to its context.
- b) The scale of the development will adversely impact on the scale of the street and surrounding buildings.
- c) The built form is unacceptable due to its excessive bulk and scale.
- d) The density of the development is inconsistent with the future character of the area.
- e) The development results in poor amenity to the future occupants of the building.

(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 6.07pm.

CONFIRMED THIS 21ST DAY OF JULY 2015.

Chairperson