

**Meeting Date:** Tuesday 8 December 2015  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 5.00pm

**Councillors Present:** Councillors Simon (Chairperson), Chung, Pendleton, Pickering, and Yedelian OAM.

Note: Councillor Pickering arrived at the meeting at 5.23pm during the consideration of Item 2.

Note: Councillor Pendleton left the meeting at 7.33pm and did not return. She was not present for consideration or voting on Items 1, 6, 7 and 8.

**Apologies:** Councillor Etmekdjian.

**Staff Present:** Acting Director – City Strategy and Planning, Acting Chief Operating Officer, Manager – Assessment, Acting Manager – Strategic City, Senior Coordinator – Strategic Planning, Senior Coordinator – Development Assessment, Senior Strategic Planner, Senior Development Engineer, Planning Consultant (Creative Planning Solutions), Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

### **DISCLOSURES OF INTEREST**

There were no disclosures of interest.

#### **1 CONFIRMATION OF MINUTES – Meeting held on 10 November 2015**

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

#### **2 95 BALACLAVA ROAD, EASTWOOD - LOT 6 DP 35226 Development Application for a new two storey boarding house comprising twelve (12) boarding rooms under State Environmental Planning Policy (Affordable Rental Housing) 2009. LDA2015/11.**

Note: Pooja Chugh (objector) and Nicole Lennon (representing Green Garden Developments - applicant) addressed the meeting in relation to this Item.

Note: Plans from Nicole Lennon were tabled in relation to this Item and a copy is ON FILE.

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

- (a) That Local Development Application No. LDA2015/011 at 95 Balaclava Road, Eastwood being LOT 6 DP 35226 be approved via a Deferred Commencement consent 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: Councillors Chung, Simon and Yedelian OAM

Against the Motion: Councillors Pendleton and Pickering

Note: This matter will be dealt with at the Council Meeting to be held on **15 DECEMBER 2015** as dissenting votes were recorded.

**3 38 CONRAD STREET, NORTH RYDE - LOT 23 DP 222878. Section 96(1A)  
Application to modify consent for alterations and additions to dwelling.  
LDA2011/343 (MOD2015/77)**

Note: Brett Daintry (Town Planner representing objectors at 36 Conrad Street), Robyn Slothouber (objector), Robert Carbone (applicant) and Omar Zaher (Private Certifier for Robert Carbone – applicant) addressed the meeting in relation to this Item.

Note: A letter from Brett Daintry dated 7 December 2015 and diagrams were tabled in relation to this Item and copies are ON FILE.

Note: A letter from Robyn Slothouber was tabled in relation to this Item and a copy is ON FILE.

Note: Documentation from Robert Carbone was tabled in relation to this Item and a copy is ON FILE.

Note: Council Staff provided a brief presentation to Councillors in relation to this Item and a copy is ON FILE.

**MOTION:** (Moved by Councillors Pickering and Chung)

This assessment report has considered the submitted documentation and makes the following recommendations to Council:

- (a) That Section 96 application MOD2015/0077 to LDA2011/0343 at No.38 Conrad Street, North Ryde being LOT 23 DP 721631 be **APPROVED** in the following manner:

- **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
Ground Floor/Site Plan	02/09/2015	A1.01, Revision D
Lower Ground Floor/Site Plan	13/08/2015	A1.02, Revision C
Elevations & Section	02/09/2015	A1.03, Revision D

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

- (a) **BASIX.** All revised BASIX commitments are to be detailed on the Construction Certificate plans and be submitted to Council for approval prior to the issue of a **Construction Certificate**.
- (b) **Carport** - the proposed carport forward of the building line is not approved and shall be deleted from the submitted plans. Plans detailing this change are to be submitted to Council for approval prior to the issue of a **Construction Certificate**.
- (c) **Privacy Screen – Northern Boundary.** A 1.8m high fully opaque (translucent) or fixed louvered privacy screen be installed along the northern edge of the proposed parking structure for a length extending 5.4m from the building façade with compliant vehicle barriers required where the vertical fall to the adjacent ground level exceeds 600mm under Australian Standards 2890.1-2004. Plans that include details demonstrating compliance with this condition are to be submitted and approved by Council prior to the issue of a **Construction Certificate**.
- (d) **Revised Landscape Plan.** A revised landscape plan for the site that is prepared by a suitably qualified landscape architect is to be submitted to Council for approval prior to the issue of **Construction Certificate** for the works covered in Condition 1 of this consent. The revised landscape plan is to ensure semi-established fast growing plants are planted along the northern boundary (between the street boundary and the front of the dwelling) to provide screening to the adjoining property at No.36 Conrad Street.

- (e) **Pedestrian Pathway** - Physical separation be placed between the pedestrian and driveway components of the elevated parking structure via a low level wall, bollard, or planter etc. Plans detailing compliance with this condition are to be submitted to Council for approval prior to the issue of a **Construction Certificate** works covered in the plans under Condition 1.

**Number of Car Parking Spaces** - One (1) motor vehicle, boat or other vehicle is permitted to park on the elevated parking structure at any one time.

- **Condition 7** is deleted and replaced with the following:
  - The development is to be carried out in compliance with BASIX Certificate No. A177112\_02 dated 07 May 2015.
- **Condition 21** is deleted.
- **ALL** other conditions remain unaltered and must be complied with.

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

On being put to the Meeting, the voting on the Motion was two (2) For and three (3) Against. The Motion was **LOST**.

**Record of Voting:**

For the Motion: Councillors Chung and Pickering

Against the Motion: Councillors Pendleton, Simon, and Yedelian OAM

Note: This matter is **AT LARGE**.

Note: This matter will be dealt with at the Council Meeting to be held on **15 DECEMBER 2015** as the matter is AT LARGE.

**ADJOURNMENT**

The Chairperson, Councillor Simon adjourned this meeting to reconvene at 6.18pm on Tuesday, 8 December 2015 in Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde, the time being 6.17pm.

**Councillors Present:** Councillors Simon (Chairperson), Chung, Pendleton, Pickering, and Yedelian OAM.

**Apologies:** Councillor Etmekdjian.

## **MEETING RECONVENED**

The Meeting reconvened at 6.18pm on Tuesday, 8 December 2015 in in Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

Councillors Simon (Chairperson), Chung, Pendleton, Pickering, and Yedelian OAM.

**Apologies:** Councillor Etmekdjian.

**Staff Present:** Acting Director – City Strategy and Planning, Acting Chief Operating Officer, Manager – Assessment, Acting Manager – Strategic City, Senior Coordinator – Strategic Planning, Senior Coordinator – Development Assessment, Senior Strategic Planner, Senior Development Engineer, Planning Consultant (Creative Planning Solutions), Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

### **4 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: Colin Dunlop (objector), Libby Lawson (objector), Gerda Rugholm (applicant) and Gregg Ritchie (Architect representing Gerda Rugholm – applicant) addressed the meeting in relation to this Item.

Note: An email dated 6 December 2015 and a letter dated 25 August 2015 from Gerda Rugholm were tabled in relation to this Item and copies are ON FILE.

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

- (a) That consideration of this application be deferred for further discussions to be undertaken between the Acting Director – City Strategy and Planning and the applicant regarding alternate fencing designs.
- (b) That a further report be submitted to the Planning and Environment Committee as soon as practicable.

**Record of Voting:**

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **15 DECEMBER 2015** as substantive changes were made to the published recommendation and Councillors **MAGGIO** and **SALVESTRO-MARTIN** requested that the matter be referred to the next Council Meeting.

## **5 PLANNING PROPOSAL - 66-82 TALAVERA ROAD, MACQUARIE PARK**

Note: Michael Harrison (representing Holdmark) addressed the meeting in relation to this Item.

Note: Documentation from Michael Harrison was tabled in relation to this Item and a copy is ON FILE.

**RESOLUTION:** (Moved by Councillors Pendleton and Pickering)

- (a) That Council defers the determination of the Planning Proposal for 66 – 82 Talavera Road Macquarie Park until the Macquarie Park Strategic Review and the supporting draft Plan outlining the future direction for Macquarie Park in terms of land use, urban design and infrastructure provision and delivery is completed (approx. June 2016). Council supports further discussion with the applicant on this issue.
- (b) That upon completion of the Macquarie Park Strategic Review and the supporting draft Plan for the future direction for Macquarie Park an amended Planning Proposal and a Voluntary Planning Agreement be submitted for 66 – 82 Talavera Road Macquarie Park based on that draft Plan.
- (c) That the General Manager write to the Minister for Planning seeking clarification of the interim approach to deal with Planning Proposals that do not comply with the current planning controls, while the strategic review of Macquarie Park is being undertaken (to ensure the strategic direction that will be developed for the Corridor will not be undermined and that critical infrastructure will be delivered to meet the growing population demands in the Corridor in an appropriate and timely manner).

### **Record of Voting:**

For the Motion: Unanimous

Note: A Notice of Rescission signed by Councillors Chung, Pickering and Simon was received in relation to this Item at 11.26am on 10 December 2015 and will be considered by Council at its meeting to be held on 15 December 2015.

### **ADJOURNMENT**

The Chairperson, Councillor Simon adjourned this meeting to reconvene at 7.01pm on Tuesday, 8 December 2015 in Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde, the time being 6.59pm.

**Councillors Present:** Councillors Simon (Chairperson), Chung, Pendleton, Pickering, and Yedelian OAM.

**Apologies:** Councillor Etmekdjian.

## **MEETING RECONVENED**

The Meeting reconvened at 7.01pm on Tuesday, 8 December 2015 in in Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

Councillors Simon (Chairperson), Chung, Pendleton, Pickering, and Yedelian OAM.

**Apologies:** Councillor Etmekdjian.

**Staff Present:** Acting Director – City Strategy and Planning, Acting Chief Operating Officer, Manager – Assessment, Acting Manager – Strategic City, Senior Coordinator – Strategic Planning, Senior Coordinator – Development Assessment, Senior Strategic Planner, Senior Development Engineer, Planning Consultant (Creative Planning Solutions), Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

## **9 TREE MANAGEMENT REVIEW**

Note: Noel Plumb (representing Ryde Environment Group) addressed the meeting in relation to this Item.

Note: An email and letter from John Boyle dated 8 December 2015 was tabled in relation to this Item and a copy is ON FILE.

Note: An email from John McCain and Diane Michel dated 8 December 2015 was tabled in relation to this Item and a copy is ON FILE.

**MOTION:** (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council endorse the amendments to Ryde Development Control Plan 2014 Part 9.5 Tree Preservation as shown at **ATTACHMENT 1**, and that the amended DCP be placed on public exhibition in accordance with the provisions of the NSW Environmental Planning and Assessment Act.
- (b) That the outcomes of the exhibition are reported back to Council following the exhibition period.
- (c) That Council endorse the proposed amendments to the appeal process for Tree Management Applications, information for applicants, and procedures for tree works on public land and affected by infrastructure construction and maintenance, as outlined in **ATTACHMENT 2**.
- (d) That Council amend the 2015/16 Schedule of Fees and Charges for “Request for review of determination of Tree Permit Applications” from \$65.50, to \$25.00 for a Stage 1 Review (by an alternative Council officer) and \$40.00 for a Stage 2 Review (by Council’s Internal Review Panel);



- (e) That Council amend the 2015/16 Schedule of Fees and Charges for “Request for review of determination of Tree Permit Applications- Eligible pensioner discount” from \$33.00, to \$12.50 for a Stage 1 Review (by an alternative Council officer) and \$20.00 for a Stage 2 Review (by Council’s Internal Review Panel);
- (f) That the new fees be advertised for 28 days, and should there be no objections, the new fees will commence.

On being put to the Meeting, the voting on the Motion was two (2) For and three (3) Against. The Motion was **LOST**.

**Record of Voting:**

For the Motion: Councillors Pickering and Yedelian OAM

Against the Motion: Councillors Chung, Pendleton and Simon

Note: This matter is **AT LARGE**.

Note: This matter will be dealt with at the Council Meeting to be held on **15 DECEMBER 2015** as the matter is AT LARGE.

Note: Councillor Pendleton left the meeting at 7.33pm and did not return.

**1 CONFIRMATION OF MINUTES - Meeting held on 10 November 2015**

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

**RESOLUTION:** (Moved by Councillors Pickering and Yedelian OAM)

That the Minutes of the Planning and Environment Committee 15/15, held on 10 November 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.



## **6 AMENDMENTS TO NORTH RYDE STATION PRECINCT DEVELOPMENT CONTROL PLAN**

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

**RESOLUTION:** (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council adopt the amendments to the North Ryde Station Precinct Development Control Plan attached to this report.
- (b) That Council give public notice in a local newspaper of its decision with respect to the draft amending North Ryde Station Precinct Development Control Plan (DCP) within 28 days of its decision, and provide the Secretary of the Department of Planning and Environment with a copy of the plan in accordance with the Environmental Planning and Assessment Regulation 2000.
- (c) That Council notify all community members who made a submission regarding the DCP amendments of its decision.

### **Record of Voting:**

For the Motion: Unanimous

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

## **7 CAR PARKING RATES IN MACQUARIE PARK: PLANNING PROPOSAL AND AMENDMENTS TO RYDE DEVELOPMENT CONTROL PLAN**

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

Note: A Memorandum from the Acting Director – City Strategy and Planning dated 4 December 2015 was tabled in relation to this Item and a copy is ON FILE.

**MOTION:** (Moved by Councillors Chung and Yedelian OAM)

That Council defer consideration of the amendment to the parking meter rates in Macquarie Park Corridor until consultation occurs with landowners, tenants and key stakeholders as part of the strategic review of the parking in the Corridor.

**AMENDMENT:** (Moved by Councillors Pickering and Simon)

- (a) That Council note the Planning Proposal for the Macquarie Park Corridor car parking rates as outlined in **ATTACHMENT 2**.
- (b) That Council forward the Planning Proposal to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

- (c) That, in the event of a Gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.
- (d) That the proposed amendments to Ryde DCP 2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls be exhibited concurrently with the Planning Proposal.
- (e) That the outcomes of the community consultation for both the Planning Proposal and DCP amendments are reported to Council as soon as practicable after the exhibition.

On being put to the Meeting, the voting on the Amendment was two (2) For and two (2) Against. The Amendment was **LOST**. The Motion was then put and **LOST**.

**Record of Voting:**

For the Amendment: Councillors Pickering and Simon

Against the Amendment: Councillors Chung and Yedelian OAM

**MOTION:** (Moved by Councillors Chung and Yedelian OAM)

That Council defer consideration of the amendment to the parking meter rates in Macquarie Park Corridor until consultation occurs with landowners, tenants and key stakeholders as part of the strategic review of the parking in the Corridor.

On being put to the Meeting, the voting on the Motion was two (2) For and two (2) Against. The Motion was **LOST**.

**Record of Voting:**

For the Motion: Councillors Chung and Yedelian OAM

Against the Motion: Councillors Pickering and Simon

Note: This matter is **AT LARGE**.

Note: This matter will be dealt with at the Council Meeting to be held on **15 DECEMBER 2015** as the matter is AT LARGE.

## **8 MACQUARIE PARK STRATEGIC REVIEW PRINCIPLES**

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

**RESOLUTION:** (Moved by Councillors Chung and Pickering)

- (a) That Council endorse the principles and outcomes from the Macquarie Park Strategic Review - Ideas Workshop to guide the strategic investigation of Macquarie Park being undertaken in partnership with the NSW Department of Planning and Environment.
- (b) That the General Manager write to the NSW Department of Planning and Environment to incorporate the principles from the Macquarie Park Strategic Review workshop in the scope of works and technical studies that are part of the strategic review of Macquarie Park.

### **Record of Voting:**

For the Motion: Unanimous

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

## **9 TREE MANAGEMENT REVIEW**

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

The meeting closed at 7.43pm.

CONFIRMED THIS 9TH DAY OF FEBRUARY 2016.

Chairperson