

**Meeting Date:** Tuesday 8 March 2016  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 5.00pm

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

Note: Councillor Pickering arrived at the meeting at 5.01pm during Disclosures of Interest.

**Apologies:** Councillor Yedelian OAM.

**Staff Present:** General Manager, Acting Director – City Strategy and Planning, General Counsel, Acting Manager – Assessment, Manager – Strategic City, Acting Senior Coordinator – Major Development, Acting Senior Coordinator – Community Engagement, Senior Development Engineer, Business Support Coordinator and Senior Coordinator - Governance.

### **DISCLOSURES OF INTEREST**

Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in Item 2 – 68 Blaxland Road, Ryde, for the reason that the Solicitor for the applicant has acted for Councillor Chung in the past.

Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in Item 2 – 68 Blaxland Road, Ryde, for the reason that he has met the owner of the Hotel on three occasions including once while he was Mayor.

Councillor Pickering disclosed a Significant Non-Pecuniary Interest in Item 3 – Planning Proposal – 86 Blenheim Road and 12A-14 Epping Road, North Ryde, for the reason that the planner for the applicant, Think Planners have another mutual client (not this applicant) that Councillor Pickering's company is consulting for in a different Local Government Area.

### **1 CONFIRMATION OF MINUTES - Meeting held on 9 February 2016**

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

### **2 68 BLAXLAND ROAD, RYDE. LOT 17 DP 9692, LOT 16 DP 9692. Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to amend the approved trading hours of the Royal Hotel. LDA1988/3707. Section 96 Application No. MOD2015/0100.**

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

### **3 PLANNING PROPOSAL- 86 BLENHEIM ROAD AND 12A-14 EPPING ROAD, NORTH RYDE**

Note: Councillor Pickering disclosed a Significant Non-Pecuniary Interest in this Item for the reason that the planner for the applicant, Think Planners have another mutual client (not this applicant) that Councillor Pickering's company is consulting for in a different Local Government Area. Councillor Pickering left the meeting at 5.13pm and was not present for consideration or voting on this Item.

Note: Jennie Minifie (representing Ryde Community Alliance), Jasmina Moltter, Patrick Azizi and Adam Byrnes (representing the applicant and owners of the land) addressed the meeting in relation to this Item.

Note: Documentation from Adam Byrnes (on behalf of the applicant) was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That Council not support the Planning Proposal for 86 Blenheim Road and 12A and 14 Epping Road, North Ryde to zone the site R4 High Density Residential under Ryde LEP 2014 proceeding to a Gateway Determination as the Proposal:
- (i) Does not support the principles of "A Plan for Growing Sydney" which aim to accelerate new housing in specific locations and concentrate additional development in close proximity train stations;
  - (ii) Constitutes an ad-hoc rezoning of the site in isolation of an agreed strategic vision for the southern side of Epping Road;
  - (iii) Lack of understanding of the traffic impacts on the local road system;
  - (iv) Is not supported by any strategic land use study prepared by either Council or the Department of Planning and Environment;
  - (v) Does not constitute Transit Oriented Development due to the heavily compromised walking route to the station;
  - (vi) Is premature to the finalisation of the North District Plan which will identify areas suitable for housing growth;
  - (vii) Will have an unacceptable traffic impact on the intersection of Pittwater Road/ Blenheim Road and Pittwater Road/ Epping Road;
  - (viii) Results in poor amenity for residents given its close relationship to Epping Road and the inability to provide adequate setbacks;
  - (ix) Is not required to meet existing housing targets for growth in the City of Ryde;

- (x) Is inconsistent with the development options for the site previously outlined to the proponent to develop the site for multi-dwelling housing (villas) or a lower scale residential flat development;
  - (xi) The site does not form part of the Macquarie Park Corridor or the North Ryde Station Precinct and is geographically separated from these areas by significant road barriers, therefore achieving the same densities and height as these areas is not appropriate;
  - (xii) Does not provide urban design rationale for high rise development in this low rise residential and parkland setting;
  - (xiii) Has overshadowing impacts on neighbouring Blenheim Park and Myall Reserve;
  - (xiv) Will have an unacceptable visual impact on surrounding low density residential areas; and
  - (xv) The community benefits identified in the Voluntary Planning Agreement offer are inadequate.
- (b) That the General Manager be delegated to investigate and action the acquisition of the land for open space to be incorporated into Blenheim Park.

**Record of Voting:**

For the Motion: Councillors Chung, Pendleton and Simon

Against the Motion: Councillor Etmekdjian

Note: This matter will be dealt with at the Council Meeting to be held on **22 MARCH 2016** as dissenting votes were recorded.

Note: Councillor Pickering returned to the meeting at 5.44pm.

**1 CONFIRMATION OF MINUTES - Meeting held on 9 February 2016**

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

That the Minutes of the Planning and Environment Committee 1/16, held on 9 February 2016, 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.

## **CLOSED SESSION**

### **ITEM 2 – 68 BLAXLAND ROAD, RYDE**

#### **Confidential**

This item is classified CONFIDENTIAL under Section 10A (2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

That the meeting resolve into Closed Session to discuss the above matter.

#### **Record of Voting:**

For the Motion: Unanimous

Note: The Committee closed the meeting at 5.45pm and Committee members held a confidential discussion in Committee Room 1, Level 5, Civic Centre, 1 Devlin Street, Ryde.

## **OPEN SESSION**

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

That the Committee resolve itself into open Session.

#### **Record of Voting:**

For the Motion: Unanimous

Note: Open Committee resumed at 5.58pm.

- 2 68 BLAXLAND ROAD, RYDE. LOT 17 DP 9692, LOT 16 DP 9692.  
Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to amend the approved trading hours of the Royal Hotel. LDA1988/3707. Section 96 Application No. MOD2015/0100.**

Note: Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that the Solicitor for the applicant has acted for Councillor Chung in the past.

Note: Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he has met the owner of the Hotel on three occasions including once while he was Mayor.

Note: Tony Hatzis (representing the applicant) addressed the meeting in relation to this Item.

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

- (a) That the Section 96 application No. MOD2015/0100 at 68 Blaxland Road, Ryde being LOT 17 DP 9692 to modify Development Consent No. 3707 be modified in the following manner:
1. That Condition Numbers 7 be deleted and replaced by the following:
    7. **Trading hours.** The Hotel shall only operate within the hours specified under this condition:
      - (a) The hours of operation of the premises are restricted to between 10:00am to 12:00 midnight Mondays to Saturdays and 10:00am to 10:00pm on Sundays.
      - (b) Notwithstanding (a) above, the premises may operate until 2:00am on Tuesday to Sunday mornings and until midnight on Sundays for a trial period of twelve (12) months commencing from the grant of an extended trading authorisation by the NSW Independent Liquor and Gaming Authority. The applicant shall as soon as reasonably possible, furnish Council with documents to confirm commencement of the trial period.
      - (c) At the expiration of the trial period the opening hours shall revert to the hours approved under (a) above.
      - (d) The operator may seek a review of the opening hours through a separate Section 96 Application being made to Council prior to the expiry of the trial period. A decision to make the hours permanent may include (but not limited to) factors such as:
        - Evidence to be furnished by the operator as to whether the trial has actually occurred;
        - Any justified complaints received and investigated by the Police and or the Council;
        - Comments and advice received from the Ryde Local Area Command as a result of the new Section 96 Application being referred to them;
        - The performance of the operator during the trial period with respect compliance with the Venue Management Plan;

2. That the following additional condition be imposed:
  14. **Offensive noise** – The use of the premises must not cause the emission of offensive noise as defined in the Protection of the Environment Operations Act 1997.
  15. **Venue Management Plan (VMP)**. The business must be operated at all times in accordance with the Venue Management Plan dated February 2016 approved under this development consent. Any changes to the Venue Management Plan must be agreed upon in writing by the Ryde Local Area Commander and City of Ryde.
  16. **Restriction on entertainment**. No live music, entertainment provided by DJ or other performer is to be provided at the Hotel after midnight. Any music if provided is to be limited to background music only.
  17. **Maximum number of Patrons after 12:00 midnight**. On any morning that the Hotel trades after midnight, no more than 50 patrons are to be in the Hotel at any one time after midnight.
  18. **No sale or supply of liquor after midnight**. There shall be no sale or supply of liquor after 12:00 midnight.
  19. **Security guard**. On the nights that the Royal Hotel trades past midnight, at least one licensed security officer shall be provided at the premises from 10:00pm and must ensure patrolling in the vicinity of the hotel until 30 minutes after closing time. The conduct and duties of the security personnel is to be in accordance with the details provided in the Venue Management Plan.

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

**Record of Voting:**

For the Motion: Councillors Chung, Etmekdjian and Pickering

Against the Motion: Councillors Pendleton and Simon

Note: This matter will be dealt with at the Council Meeting to be held on **22 MARCH 2016** as dissenting votes were recorded.

The meeting closed at 6.01pm.

CONFIRMED THIS 12TH DAY OF APRIL 2016.

Chairperson