

Meeting Date: Tuesday 9 February 2016

Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 5.02pm

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

Note: Councillor Pickering arrived at the meeting at 5.04pm and was not present for the consideration of Items 1 and 2.

Apologies: Nil.

Staff Present: Acting Director – City Strategy and Planning, General Counsel, Senior Coordinator – Development Assessment, Senior Development Engineer, Planning Consultant (Creative Planning Solutions), Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

DISCLOSURES OF INTEREST

Councillor Simon declared a Less than Significant Non-Pecuniary Interest in relation to Item 3 – 87 Bowden Street & 2 MacPherson Street, Ryde for the reason that he is an acquaintance of one of the objectors as they are football team mates.

1 CONFIRMATION OF MINUTES - Meeting held on 8 December 2015

Note: Councillor Pickering was not present for the consideration and voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

That the Minutes of the Planning and Environment Committee 16/15, held on 8 December 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.

- 2 490 VICTORIA ROAD RYDE. LOT B DP 319817. Applications pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979 to amend two (2) approved applications in relation to introduction of fill into the rear yard area, various retaining wall works, and increased height of approved shed.**

Note: Councillor Pickering was not present for the consideration and voting on this Item.

RESOLUTION: (Moved by Councillors Chung and Pendleton)

- (a) That the Section 96(1A) applications to modify Local Development Application No. MOD2015/0083 & MOD2015/0084 at 490 Victoria Road, Ryde being LOT B DP 319817 be approved subject to the amendment of the conditions in **Attachments 1 and 2.**
- (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.

Note: Councillor Pickering arrived at the meeting at 5.04pm.

- 3 87 BOWDEN STREET & 2 MACPHERSON STREET, RYDE - LOT 17 DP663261 AND LOT 1 DP 327005. Development Application for demolition, and construction of a new part three/part-two storey child care centre with basement car park. LDA2015/0283.**

Note: Amal Gittany (objector), Suellen Hazell (objector), Alan Holroyd (objector), Justyn Ng (objector), Doriana Donnelly (objector) and Michael Staunton (on behalf of the applicant) addressed the meeting in relation to this Item.

Note: Anthony Gahan (objector) was called to address the Committee, however was not present in the gallery.

Note: Councillor Simon declared a Less than Significant Non-Pecuniary Interest in relation to this Item for the reason that he is an acquaintance of one of the objectors as they are football team mates.

Note: A submission dated 2 February 2016 from Derek and Marie Styles was tabled in relation to this Item and a copy is ON FILE.

Note: A document from Doriana Donnelly containing ten (10) photographs was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

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

Record of Voting:

For the Motion: Unanimous

CLOSED SESSION

ITEM 3 - 87 BOWDEN STREET & 2 MACPHERSON STREET, 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.

Note: The Committee closed the meeting at 5.56pm 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 Yedelian OAM and Pendleton)

That the Committee resolve itself into open Session.

Record of Voting:

For the Motion: Unanimous

Note: Open Committee resumed at 6.20pm.

- 3 87 BOWDEN STREET & 2 MACPHERSON STREET, RYDE - LOT 17 DP663261 AND LOT 1 DP 327005. Development Application for demolition, and construction of a new part three/part-two storey child care centre with basement car park. LDA2015/0283.**

RECOMMENDATION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That LDA2015/283 at 87 Bowden Street and 2 MacPherson Street, Ryde being LOT 17 DP663261 and LOT 1 DP 327005 be refused for the following reasons:

1. Insufficient information has been submitted to enable Council to make a full and proper assessment of the application. Specifically, a Heritage Impact Statement has not been submitted with the application, and therefore Council is unable to make a proper assessment of the impact on nearby heritage items, or on the possible heritage significance of the existing dwelling on the subject site.
2. The development is unacceptable in terms of non-compliance with Ryde Development Control Plan 2014. Specifically:
 - (a) Signed undertaking regarding compliance with the Childrens Services Regulation 2004 or the requirements of DOCS;
 - (b) Preferred locations for larger centres in residential areas;
 - (c) Crime Prevention through Environmental Design (CPTED) principles;
 - (d) Height requirements in for child care centres in low density residential areas;
 - (e) Built form controls in residential areas:
 - Height
 - Setbacks
 - Acoustic privacy (elevated play areas)
 - Underground parking;
 - (f) Play areas within the front setback;
 - (g) Centre facilities (cot rooms);
 - (h) Waste Management Plan and waste storage arrangements;
3. The proposal is unacceptable in terms of traffic issues, specifically, traffic generated from the proposed development and also impacts of vehicle movements on the local road network during peak periods.
4. The proposal is unacceptable in terms of the amount and extent of excavation proposed, specifically regarding the basement level carpark.
5. The proposal is unacceptable in terms of the number of children proposed in the centre, specifically which will lead to unacceptable amenity impacts on neighbouring properties (in particular noise), as well as excessive traffic generation and vehicle movements during peak periods.

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

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 FEBRUARY 2016** as substantive changes were made to the published recommendation and Councillor **SALVESTRO-MARTIN** requested that the matter be referred to the next Council Meeting.

The meeting closed at 6.22pm.

CONFIRMED THIS 8TH DAY OF MARCH 2016.

Chairperson