



PLANNING PROPOSAL

AMENDMENT TO AUBURN LOCAL ENVIRONMENTAL PLAN 2010

PROPOSAL TO REZONE LAND ON THE CORNER OF AMY STREET, MAUNDER STREET AND SMITH STREET FROM R2 TO R4 TO PERMIT RESIDENTIAL FLAT BUILDINGS

**116-132 Amy Street, 1-9 Maunder Street and 2-4 Smith Street,
Regents Park.**

**Prepared for
Auburn City Council**

**By
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1. INTRODUCTION

This Planning Proposal contains an explanation of the intended effect and justification for a proposed amendment to the Auburn Local Environmental Plan 2010. The LEP amendment is for the proposed rezoning of land bound by Amy, Smith and Maunder Streets, Regents Park (the site). The Planning Proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning Guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The Planning Proposal seeks an amendment to the Auburn LEP 2010 to allow for:

- Rezoning of the subject land from R2 Low Density Residential to R4 High Density Residential;
- Amendment of the Maximum Building Height Map to apply a maximum building height of 16m; and
- Amendment of the Maximum Floor Space Ratio Map to apply a maximum Floor Space Ratio of 1.4:1 to the subject land.

At the Ordinary Meeting held 20 April 2011, Council resolved:

1. *That Council note the report on the Amy Street, Regents Park, rezoning matter;*
2. *That the Planning Proposal for land at Amy, Smith and Maunder Streets Regents Park to be rezoned R4 High Density Residential under the Auburn Environmental Plan 2010 to enable construction of residential flat buildings on the site be supported;*
3. *That Council Officers report back on the SEPP 65 compliance issue at the next Meeting of Council;*
4. *That thereafter Council forward the Planning Proposal to the Department of Planning for its Gateway Process with its recommendation in support; and,*
5. *That in doing so, it be noted:-*
 - *That Council's support for this proposal is based on design excellence and providing a boost for the regeneration of the area.*
 - *That Council considers that the Planning Proposal offers a good mix of housing types and is an easy pedestrian walk to the Regents "Park train station, shops, and with a bus stop with regular services on Amy Street.*
 - *That Council supports the Planning Proposal because as Professor Daly states in his report - it is "consistent with Council's own strategies and the Metropolitan Strategy."*

A notice of Rescission Motion on the matter was put to vote and declared lost at the Ordinary Meeting of Council held 18 May 2011 (Item 111/11 Planning Proposal PP-01/2010 - Proposal to rezone land at Amy, Smith and Maunder Streets, Regents Park).

BBC Consulting Planners has been engaged by Auburn City Council to prepare a Planning Proposal in relation to the rezoning of the site. The Planning Proposal will evolve and develop as technical studies are prepared and consultation is undertaken. Recommended technical studies are described in detail in **Part 4** of this Planning Proposal.



In accordance with Section 55 of the EP&A Act, this Planning Proposal seeks to explain the intended effect of the proposed instrument and sets out the justification for making the proposed instrument. It addresses matters that are intended to be included in the Local Environmental Plan.

1.1 Site Identification

The site is located on the southern side of Amy Street, the eastern side of Maunder Street and the western side of Smith Street. The corner of Amy Street and Maunder Street is approximately 410 metres to the east of Regents Park village commercial area and 800 metres from Regents Park Station (see Figure 1). The site area is 13,250m². The site consists of seventeen (17) allotments fronting Amy Street, Maunder Street and Smith Street (Figure 2). Fourteen (14) lots are owned by the Planning Proposal applicant. Three (3) lots within the site are privately owned. Table 1 below provides a description of the allotments:

Table 1: Description of the allotments

Street Number	Lot and DP	Existing Development
116 Amy Street, Corner of Maunder and Amy Streets	Lot 36 DP 10575	Detached single storey weatherboard dwelling
118 Amy Street	Lot 37 DP 10575	Detached single storey brick dwelling
120 Amy Street*	Lot 38 DP 10575	Detached single storey brick dwelling
122 Amy Street	Lot 39 DP 10575	Detached single storey fibro dwelling
124 Amy Street*	Lot 40 DP 10575	Detached single storey fibro dwelling
126 Amy Street	Lot 41 DP 10575	Detached part fibro part brick single storey dwelling
128 Amy Street*	Lot 1 DP 663189	Detached single storey brick dwelling
130 Amy Street	Lot 15 DP 14881	Detached single storey weatherboard dwelling
132 Amy Street	Lot 14 DP 14881	Commercial use fronting Amy Street with an attached single storey rendered dwelling at the rear
2 Smith Street	Lot 23 DP 36144	Detached single storey weatherboard dwelling
4 Smith Street	Lot 22 DP 36144	Detached single storey brick dwelling
1 Maunder Street	Lot 35 DP 10575	Detached single storey fibro dwelling
3 Maunder Street	Lot 34 DP 10575	Detached single storey fibro dwelling
5 Maunder Street	Lot C DP 420180	Detached single storey fibro dwelling
7 Maunder Street	Lot E DP 420180	Detached single storey fibro dwelling (at the front of the site)
7a Maunder Street	Lot F DP 420180	Detached commercial brick building (at the rear of the site)
9 Maunder Street	Lot 1 DP 206806	Single storey fibro dwelling

* These lots are owned privately and not by the Planning Proposal applicant.

1.2 Topography

The site slopes away from Amy Street to a high point at the south west corner of the site. A Survey Plan, provided by the applicant in the original Planning Proposal submitted to Council, indicates a slope across the land with a gradient of approximately 7% (11.79m across the site). The topography of the surrounding area is moderately undulated.

1.3 Existing Planning Controls

The site is on land within R2 Low Density Residential Zone under Auburn Local Environmental Plan 2010. This is the predominant land use zone applying to the area surrounding the site and from the site to the village centre commercial zone some 410 metres to the west. The site has a current maximum building height of 9m and no maximum Floor Space Ratio under Auburn LEP 2010.

1.4 Surrounding Development

The surrounding area primarily comprises a mixture of single and double storey fibro, weatherboard clad and brick dwellings. Council's mapping indicates that the lots within the vicinity of the development (an area which Council determined) are, on average, 500m² in area. A child care centre operates from a two storey dwelling opposite the site at 6 Maunder Street.

1.5 Existing Buildings and Vegetation

The majority of dwellings on the site are single storey fibro or weatherboard clad (with some brick dwellings interspersed). Many of the dwellings have detached garages that are placed at the rear of the site. The aerial photograph (Figure 2) illustrates the current built form on the site.

The survey (**Appendix 1**) illustrates the location of the existing trees on the site which are also evident in the aerial photograph (Figure 2). There are a group of Eucalyptus trees in the rear of two of the sites (1 and 3 Maunder Street).

1.6 Site History

In February 2008, Council considered several rezoning proposals for land within the Auburn Local Government Area (LGA) as part of its new principal LEP. During this time, Council considered two proposals in relation to this site. The first proposal was for the land to be rezoned from 2(a) Residential (Low Density) under Auburn LEP 2000 to R4 High Density Residential under Draft Auburn LEP 2009. This proposal contained a design concept for the construction of six storey residential flat buildings on the site. It was recommended to Council that the proposal not be supported and for the site to be zoned R2 Low Density Residential in the draft LEP 2009 (see **Appendix 2**).

In March 2008, the applicant sought consideration of R3 Medium Density Residential zoning for the site in the event that Council did not support the proposal to rezone the site R4 High Density Residential. A revised development concept for the R3 proposal was not submitted to support this request. After further assessment of the rezoning proposals (for R3 and R4), a recommendation was made to Council that the proposals not be supported. This was due to the inconsistency with the 'rollover methodology' employed to produce the Draft Auburn LEP 2009. This methodology required Council to have all changes to the existing zoning be supported by an underpinning strategy (such as a residential development strategy). On 2 April 2008, Council again resolved to zone the land R2 Low Density Residential under Auburn LEP 2009 (see **Appendix 3**).

2. Part 1 – Objectives of the proposed Local Environmental Plan

This section of the Planning Proposal sets out the objectives or intended outcomes of the Planning Proposal. The following objectives will be developed further as studies are undertaken to inform the Planning Proposal.

The objectives of the Planning Proposal are to:

1. Enable the redevelopment of the site for higher density residential development including residential flat buildings, that will contribute to subregional housing targets;
2. Encourage the development of buildings that achieve design excellence and of public domain spaces that are safe, accessible and attractive;
3. Enhance the local environment;
4. Maximise the use of public transport, walking and cycling for trips to, from and within the Auburn LGA by integrating accessibility to services and public transport with the provision of on-site parking; and
5. Provide for the orderly and economic subdivision of land.

3. Part 2 - Explanation of Provisions

This section sets out the means through which the objectives described in Part 1 will be achieved, in the form of controls on development in an LEP.

Auburn City Council supported the Planning Proposal for the land at Amy, Smith and Maunder Street, Regents Park, to be rezoned R4 High Density Residential and that Council forward the Planning Proposal to the Department of Planning for its Gateway Process with its recommendation in support. The LEP will conform to the Standard Instrument (Local Environmental Plans) Order 2006, and will contain provisions relating to:

- Zoning – to facilitate the proposed amendment it will be necessary to amend the Auburn LEP 2010 Land Zoning Map in accordance with **Figure 5a**.
- Floor Space Ratio – to facilitate Residential Flat Buildings on the site, it will be necessary to amend the Auburn LEP 2010 Floor Space Ratio Map relating to the site, in accordance with **Figure 5b**.
- Height of buildings - to facilitate residential flat buildings on the site, it will be necessary to amend the Auburn LEP 2010 Height of Buildings Map relating to the site, in accordance with **Figure 5c**.

4. Part 3 - Justification

This section sets out the reasons for the proposed outcomes and development controls in the Planning Proposal.

Council's resolution of 20 April 2011 to support the planning proposed also noted:

- That Council's support for this proposal is based on design excellence and providing a boost for the regeneration of the area.
- That Council considers that the Planning Proposal offers a good mix of housing types and is an easy pedestrian walk to the Regent's Park train station, shops, and with a bus stop with regular services on Amy Street.
- That Council supports the Planning Proposal because as Professor Daly states in his report – it is "consistent with Council's own strategies and the Metropolitan Strategy".

The following questions are set out in the Department of Planning's *A Guide to Preparing Planning Proposals* and address the need for the planning proposal, its strategic planning context, the environmental, social and economic impacts and the implications for State and Commonwealth government agencies.

4.1 Proposed Technical Studies

The following technical studies are required to be undertaken by the applicant to support the Planning Proposal:

1. Urban Design Study

This study is to investigate the interface between the development proposal and adjacent land uses and its presentation within the local context (with strong focus on interface between the subject land and R2 Low Density Residential land to the south of the site). Building envelope and built form controls to apply to the subject land will be determined by the Floor Space Ratio (1.4:1) and the maximum Building Height (16m) applying to R4 High Density Residential zoned land and controls within the Residential Flat Building Part of the Auburn Development Control Plan 2010.

2. Traffic, Transport and Accessibility Study

This study would be prepared by a suitably qualified transport consultant to provide advice regarding the integration of the site with the existing transport network, analysis of any local traffic impacts resulting from redevelopment and advise of opportunities to integrate the site with the local public transport network including opportunities for walking and cycling.

Consultants preparing the traffic, transport and accessibility study will be required to liaise with Council's traffic engineers. The study would need to consider and incorporate the findings of any previous or current traffic studies prepared by Council, with particular emphasis on the Regents Park traffic bridge.

3. *Water Cycle Management and Water Sensitive Urban Design Study*

To be prepared by a suitably qualified flood engineer in accordance with the principles and guidelines of the *Floodplain Development Manual 2005* and water sensitive urban design.

4. *Arborist's Report*

Prepared by a suitably qualified arborist to assess and comment on the current health and condition of the trees on the site and identify any structural deficiencies of the trees and to assess the trees significance and environmental qualities.

This section will also evolve as technical studies are undertaken to inform and support the Planning Proposal.

4.2 Section A - Need for the planning proposal

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is not the result of a strategic study or report. The Planning Proposal has arisen due to a request from EG Property (the applicant).

In the request to the Council, the applicant lodged a planning proposal, prepared by Don Fox Planning. The Planning Proposal stated it was prepared in response to the West Central Subregion Draft Subregional Strategy.

"It is an assessment of Regents Park's ability to develop as a 'small village' with increased residential densities 400 metres from the town centre. It is our opinion that this site, which is approximately 400 metres from the edge of the town centre, is realistically the only site in the Regents Park locality that can meet the residential housing aims of the Draft West Central Subregional Strategy. This is because there are no other landholdings controlled by one entity of comparable size in the locality" (Don Fox Planning; 14).

Auburn City Council prepared a Dwelling Target Analysis (DTA) in March 2009 that informed the Auburn LEP 2010. The Dwelling Target Analysis was prepared in response to the Department of Planning's *City of Cities - A Plan for Sydney's Future* Metropolitan Strategy (released in 2005) that established dwelling targets to 2031 for all local government areas in metropolitan Sydney. As part of the *City of Cities - A Plan for Sydney's Future* Metropolitan Strategy and the accompanying West Central Subregion Draft Subregional Strategy (WCSDSS), the Auburn LGA was required to accommodate 17,000¹ new dwellings by 2031. Of that figure, 6,000 dwellings had been allocated to the Olympic Park – Rhodes Specialised Centre. The Dwelling Target Analysis looked at meeting the target of 11,000 new dwellings.

¹ The release of the Metropolitan Plan for Sydney 2036 amended the housing figure for the West Central subregion. A target of 96,000 new dwellings between 2006 and 2036 has now been set. This compares with the target of 95,500 new homes between 2004 and 2031, which was outlined in the 2005 *City of Cities - A Plan for Sydney's Future* Metropolitan Plan. A new subregional strategy for the West Central area is currently being prepared.

The Centres and Corridors Housing Strategy from the WCDSS identified a centres typology for the Auburn LGA. It identified Regents Park as a 'Small Village' and summarised a small village as a small strip of shops and adjacent residential area within a 5 to 10 minute walk. The WCDSS stipulated that a small village would contain between 800 and 2,700 dwellings and have a centre radius of 400m.

However, it is understood that the Metropolitan Plan for Sydney 2036 has deleted 'small villages' and upgraded these to 'villages'. This means the centre radius for Regents Park is 400-600m. Further, the Metropolitan Plan for Sydney 2036 establishes no dwelling numbers for each centre typology. The Metropolitan Plan for Sydney 2036 supersedes the WCDSS where there is any inconsistency.

The DTA stated that the current dwelling population for Regents Park was 737 which was below the target set in the WCDSS of between 800-2700. This target is for the year 2031. However it is understood that the dwelling ranges stipulated within the WCDSS are superseded by the Metropolitan Plan for Sydney 2036 centre typology descriptions, which give no dwelling range. In addition, the following points (that relate to Regents Park) can be drawn from the DTA:

- *"Regents Park.....current dwelling populations are well below the minimum dwelling range and thus demonstrate potential for future dwelling growth in accordance with the WCDSS centre typology" (17);*
- *In a study of dwelling approvals from 1 January 2004 to 8 January 2008 Council observed that Regents Park Small Village had achieved dwelling growth of 1% and that the annual dwelling approval rate was 2;*
- *"Most growth is occurring within Council's town centres with little growth occurring in Council's small villages and neighbourhood centres" (18);*
- *"Regents Park Small Village is constrained by strata developments to the south and open space and special uses land to the west and north" (37).*
- *"Regents Park Small Village has a dwelling capacity of 403 dwellings at a 100% take-up rate. However, industry standards generally apply a 60% take-up rate and thus the small village has a real capacity of 242 dwellings. This capacity would increase should the Draft ALEP 2009 permit dual occupancy development in the R2 Low Density Residential Zone²" (38).*

It is noted that since the DTA was produced a number of new Environmental Planning Instruments have been introduced (e.g. SEPP (Affordable Rental Housing) 2009, Auburn LEP 2010 – which permits secondary dwellings in the R2 and R3 zones, etc.). This may allow for an increase in the dwelling capacity.

According to the applicant's original planning proposal prepared by Don Fox Planning, there are a number of constraints *"that prevent any site within 400 metres of the Regents Park Town Centre from accommodating residential growth including:*

- *Industrial land being located on the western side of the Regents Park railway station;*
- *Substantial amount of land zoned for railway purposes to the north of Regents Park town centre;*
- *Large expanse of open space located on the northern side of Regents Park town centre;*

² The R2 zone in the Auburn LEP 2010 does permit dual occupancy development with consent, however the minimum lot size is 450m².

- *The existing zoning for town house development on the northern side of the Regents Park town centre. As many sites have already been developed for the purposes of townhouses it would not be best planning practice to up zone this land to Residential R4;*
- *Land to the north east of Regents Park town centre are bounded by Amy Street and Kingsland Road contains substantial brick detached dwelling houses;*
- *Land to the south is zoned for residential flat buildings, however only one development site is left for development;*
- *Therefore there is only one practical area left for the expansion of the R4 zone which is to the south east of the town centre; and*
- *Land to the south east of the Regents Park town centre contains natural zone boundaries being the Sydney Water Pipeline and the Chullora Railway Goods Line. This area also contains a large proportion of single storey fibro dwellings which are nearing the end of their economic life”.*

The planning proposal from Don Fox Planning states that the site is *‘realistically the only site in the Regents Park locality that can meet the residential housing aims of the Draft West Central Subregional Strategy. This is because there are no other landholdings controlled by one entity of comparable size in the locality’.*

This proposition is to be tested in the proposed technical studies, as well as Council's forthcoming Regents Park Villages Study.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The main objective or intended outcome of the Planning Proposal is to permit the construction of Residential Flat Buildings (RFBs) on the site, relying on equivalent RFB controls within Auburn LEP and DCP 2010.

The equivalent RFB, Floor Space Ratio and building height development standards for the R4 High Density Residential zone would also need to be applied to the subject land to allow RFBs to be constructed on the site. Residential Flat Buildings are prohibited in the R2 Low Density Residential zone under Auburn LEP 2010.

3. Is there a net community benefit?

Under the then Department of Planning's *Guideline to Preparing Planning Proposals*, it is recommended that the Net Community Benefit Test from the Draft Centres Policy be followed when assessing a planning proposal. The guideline suggests that a Net Community Benefit Test *should be prepared by the proponent in conjunction with the relevant planning authority to be submitted to council for endorsement prior to submitting to the Department of Planning as part of the Gateway test.* The Planning Proposal prepared by Don Fox Planning (on behalf of the proponent) did not provide a response to each of the questions from the Draft Centres Policy but did include a discussion regarding net community benefit.

4. Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?

As outlined above, the proposal is potentially compatible with the West Central Subregion Draft Subregional Strategy as the proponent suggests that there are constraints within the Regents Park locality that will prevent the residential housing aims with the Draft Subregional Strategy. This is to be confirmed.

5. Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?

No. The Centres and Corridors Housing Strategy from the WCDSS identified a centres typology for the Auburn LGA. It identified Regents Park as a 'Small Village'. However the Metropolitan Plan for Sydney 2036 has deleted 'Small Villages' and upgraded them to 'Villages'. These contain "a group of shops and services for daily shopping". The centre radius would be 400 to 600m. The subject land is located within the radius of the Regents Park Village area.

6. Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?

The LEP is unlikely to create a precedent. Each rezoning request that is made to Council must address the same criteria as this Planning Proposal. Each applicant must demonstrate why the land should be rezoned. In this instance, it is argued that there is a shortage of available land within the Regents Park 'Village' area to accommodate growth and that rezoning the subject land would address that shortage.

7. Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

Council staff have advised that there are no other spot rezoning proposals for residential development in the area. Therefore, there are no cumulative effects of other rezoning proposals that need to be considered.

8. Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

No. The LEP itself will not facilitate a permanent employment generating activity or result in a loss of employment lands. It has the potential to contribute to the economic stability of the area through increased population.

A preliminary analysis undertaken by Don Fox Planning indicated that the development proposal could result in an estimated 6% increase in economic benefit to the Regents Park 'Village'.

9. Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

Yes. The LEP will impact on the yield of a particular area of residential land and will therefore have an impact on housing supply and affordability.

Should the subject land be rezoned to R4 High Density Residential, there is potential for upward of 150 dwellings to be accommodated on the site. The availability of these new dwellings in the market is likely to have a positive impact on housing affordability in the area.

10. Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?

Yes. The site is approximately 800m walking distance from Regents Park Railway Station which is serviced by both the Bankstown and Inner West Railway Lines. In addition, the site is directly adjacent to a bus stop on the 908 Bankstown to Merrylands Bus Route, and is within 500m walk to a bus stop for the 909 Bankstown to Parramatta route.

At this first iteration of the Planning Proposal, the appropriate State and Commonwealth public authorities have not yet been identified, and the Gateway Determination has yet to be issued by the Minister for Planning. Consultation will need to be undertaken with public authorities, such as the State Transit Authority of NSW to determine the capacity of the existing public infrastructure and whether the existing services are capable of supporting the LEP.

11. Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

No. This question is not relevant to the proposed LEP.

12. Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?

As outlined above, the appropriate State and Commonwealth public authorities have not yet been identified, and the Gateway Determination has yet to be issued by the Minister for Planning. Consultation will be undertaken with public authorities following a gateway determination to determine government investments in infrastructure or services in the area whose patronage will be affected by the proposal.

13. Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?

No. There are no known environmental factors such as flooding, acid sulfate soils (per ALEP 2010) or any known protected biodiversity issues that would prevent a proposal to increase the residential density on the subject land from being realised. It is recommended that an Arborist's report be prepared for the site to examine the existing trees on the site.

14. Will the LEP be compatible / complementary with surrounding land uses? What is the impact on amenity in the location and wider community?

Yes. The proposed redevelopment of the site is for high density residential development within a well established residential area. The site currently adjoins low density residential housing (predominantly single story dwellings). However, the subject site has an area of approximately 13,250m². If designed appropriately, it will be possible to incorporate buffers

between the site and surrounding land uses and provide a compatible scale in the streetscape. In addition, the site is located on the corner of Amy Street, Maunder Street and Smith Street. As such, the local roads will act as a buffer for adjacent low density residential areas.

15. Will the public domain improve?

Yes. It is likely that the proponent would be required to make public domain improvements as part of the redevelopment of the site, including the upgrading of footpaths and providing street trees along Amy, Maunder and Smith Streets.

Development Contributions imposed on the redevelopment of the site would be expected to finance future public domain improvements or community facilities within the area.

16. Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes, although not directly. The proposal is for rezoning of the subject land to a higher density residential zone. No commercial or retail uses are proposed on the subject land. The increase in dwellings within the subject land as a result of high density residential development could reasonably be expected to have a positive economic impact on the Regents Park 'Village'.

17. If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

No. The proposal, given the size of the development, does not have the potential to develop into a centre in the future.

18. What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

The Planning Proposal benefits public interest as it will create housing required within the Regents Park 'Village' area to accommodate future growth. A report prepared by Don Fox Planning in support of the proposed development on the subject land argues that there are a number of constraints that will affect future development of the Regents Park village area.

The report states '*there is only one potential development site for residential flat buildings in Regents Park, located at 3-7 Edwin Street, which would yield approximately 18 units*'. However, the Council's Regents Park villages study (currently underway) is investigating the growth potential for the village within the 600m radius from the Regents Park railway station.

Other ways the Planning Proposal supports the public interest include:

- The possible investment that the redevelopment of the site could attract to the Regents Park 'Village';
- The upgrading of the dwelling stock to current residential standards and an increase in housing choice making a positive contribution to housing affordability.
- Providing housing in established areas utilises existing infrastructure. This increases efficiency and cost effectiveness of the infrastructure and can reduce the financial burden on state and local governments to provide new infrastructure in greenfield sites.

Other sites or areas closer to public transport and the centre of the small village may be capable of achieving these objectives. The Council's Regents Park Village Study is investigating this issue.

It is difficult to determine the implications of not proceeding at this time as the conditions within the Regents Park village may change in the future, minimising some of the current constraints to development.

4.3 Section B – Strategic Planning Framework

1. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes. The Metropolitan Plan for Sydney 2036, which builds on the *City of Cities - A Plan for Sydney's Future* Metropolitan Strategy (released in 2005), aims to provide housing and employment around public transport nodes and within areas to support services and community facilities. The site is approximately 800m from Regents Park train station and approximately 400m from the edge of the Regents Park 'Village'. According to a report produced by Don Fox Planning (DFP) in support of the development proposal, there a number of constraints on land within the 'Small Village' area, as defined by *City of Cities - A Plan for Sydney's Future* Metropolitan Strategy (2005) (now superseded by the Metropolitan Plan for Sydney 2036).

These constraints include high levels of strata ownership, physical barriers of the train line and water pipeline and no other known land area of a developable size in sole ownership. The DFP report supports the site to allow Regents Park to accommodate future population growth while still being suitably located to public transport and existing community facilities. This is to be confirmed by the technical studies identified in Section 4.1.

2. *Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?*

Yes. *Auburn City Community Strategic Plan 2011-2021* identifies Council's strategic direction for the local government area (in response to the Metropolitan Plan for Sydney 2036). The Community Strategic Plan highlights some of the challenges that the community faces in the next 10 years. These challenges include:

- Housing Affordability;
- Quality of Development;
- Attractive public spaces and town centres;
- Maintaining assets and delivering infrastructure;
- Better transport;
- An attractive place to do business.

The proposed redevelopment of the site has the potential, if appropriately managed, to respond to the above challenges.

3. Is the planning proposal consistent with applicable state environmental planning policies?

Should the Planning Proposal be supported at the gateway, the State Environmental Planning Policies (SEPPs) that are likely to apply to the development concept include:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development; and
- State Environmental Planning Policy (Infrastructure) 2007.

Consistency with State Environmental Planning Policies will be determined at the Development Assessment stage.

4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The table below identifies the proposal's consistency with the applicable Ministerial Directions.

s.117 Direction Title	Consistency of Planning Proposal
3.1 Residential Zones	Yes – The proposal will increase the density of residential housing within the Regents Park 'Village' area.
3.4 Integrating Land Use and Transport	Yes – The proposal is in close proximity to a railway station and has the potential to allow residents to walk/cycle to work.
6.1 Approval and Referral Requirements	Yes – the proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
6.3 Site Specific Provisions	Yes – the proposal relies on utilising zoning, FSR and Building Heights from the Auburn LEP 2010. The proposal does not include any new planning controls.
7.1 Implementation of the Metropolitan Strategy	Yes – the proposal is considered to be consistent with the Metropolitan Plan for Sydney 2036.

Should the Planning Proposal be supported at the gateway, further detail on consistency with Ministerial Directions will be provided following completion of the technical studies identified in Section 4.1.

4.4 Section C – Environmental, Social and Economic Impact

1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. An arborist's report should be prepared to determine the significance of the vegetation on the site. However, given the long standing residential nature of the site, it is unlikely that any critical habitats or threatened species exist on the site.

2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Yes. The proposal is likely to require the removal of existing vegetation from the site. As outlined above, an arborist's report should be prepared to ensure there will be no adverse impact on the existing vegetation on the site and to determine the significance of the vegetation on the site. Other technical studies have been recommended in this planning proposal to manage other environmental issues that may arise should the planning proposal be supported.

3. How has the planning proposal adequately addressed any social and economic effects?

No. The program of Technical Studies outlined in this Planning Proposal, together with community and public authority consultation, will investigate the range of social and economic effects, and explore options for their management and mitigation.

4.5 Section D – State and Commonwealth Interests

1. *Is there adequate public infrastructure for the planning proposal?*

The planning proposal involves a substantial increase in the density of a residential area, making the assessment of public infrastructure a relevant matter. At this stage the following infrastructure will be impacted:

Infrastructure	Availability	Comment
Public Transport	Available – Subject to public authority consultation	Rail – Regents Park Railway Station is located approximately 800m from the subject area. Buses – Three bus services are located in close proximity to the site (Amy Street, Joseph Street).
Utilities	Subject to public authority consultation	Availability of adequate water, sewerage, and power services will be discussed with the relevant public authority, or as directed through the Gateway Determination.
Roads	Subject to public authority consultation and a Traffic and Parking Assessment Report	The site is located on the RTA arterial network (Amy Street). As part of the Technical Studies phase of the Planning Proposal, the capacity of the network will be assessed. Consultation will be carried out with the relevant public authorities as directed in the Gateway Determination.
Waste Management and recycling services	Available	Waste management and recycling services will be available through Auburn City Council.
Essential services	Subject to public authority consultation.	The area is generally well-served with Police, Ambulance, Fire and other emergency services. Consultation with the appropriate public bodies will establish if there are sufficient education and health services available.

It is expected that there will be a slight increase in demand on public infrastructure, and so consultation will be required on this matter with the appropriate public authorities to be identified through the Gateway Determination.

2. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

At this first iteration of the Planning Proposal, the appropriate State and Commonwealth public authorities have not yet been identified, and the Gateway Determination has yet to be issued by the Minister for Planning and Infrastructure.

Auburn City Council proposes consultation with the following Government authorities, agencies and other stakeholders in regard to this Planning Proposal:

- NSW Department of Planning
- State Transit Authority of NSW



- Roads and Traffic Authority of NSW
- Sydney Water Corporation
- Energy Australia
- NSW Department of Transport and Infrastructure
- Lifetime Care and Support Authority of NSW
- NSW Department of Housing
- NSW Department of Education and Training
- Ministry of Police
- NSW Health Department
- Rail Corporation of NSW
- Bankstown Council

Council seeks confirmation of the above list through the Minister's Gateway Determination.

5. Part 4 – Community Consultation

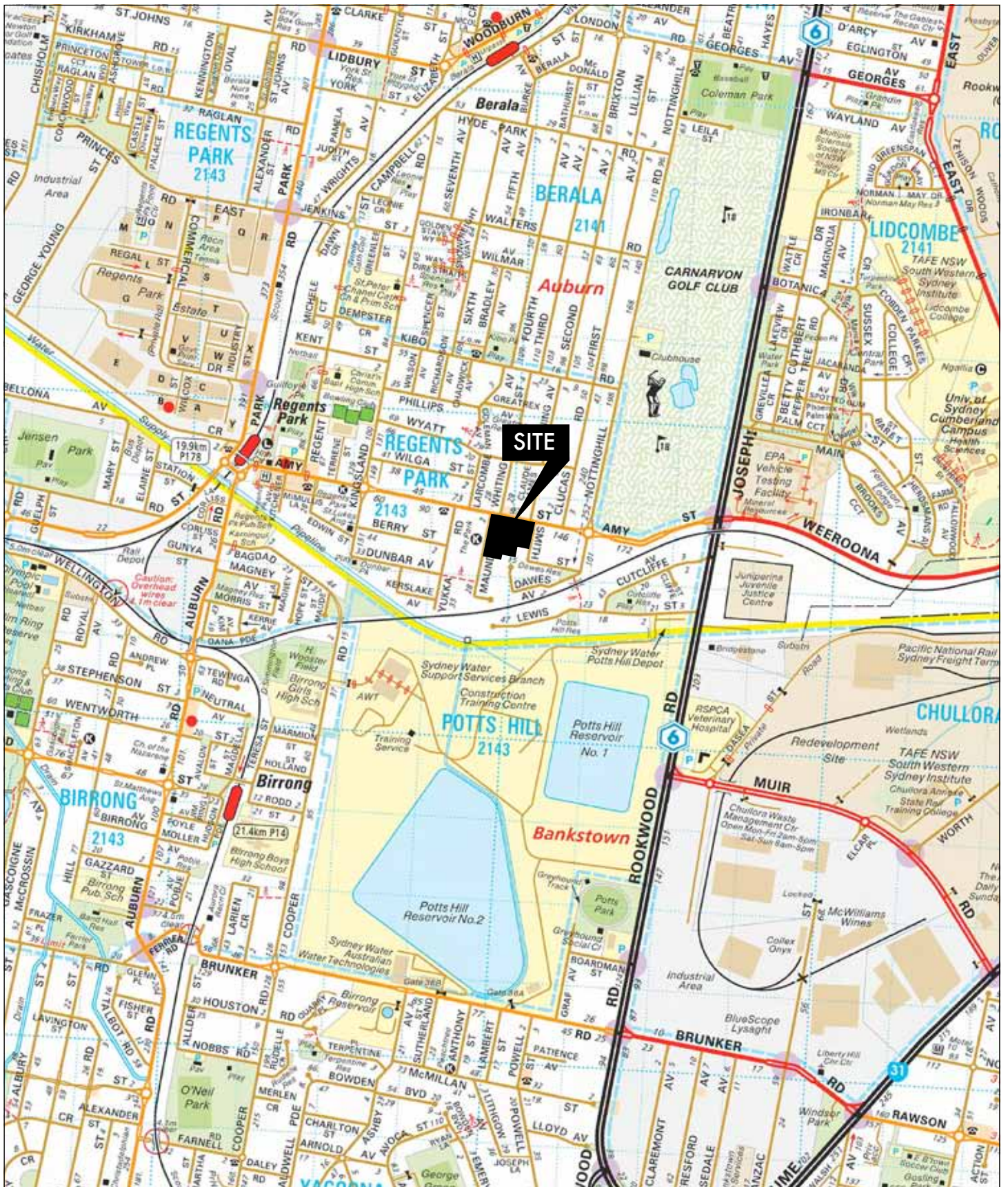
Extensive community consultation on the Planning Proposal will be undertaken by Council, subject to receiving determination to proceed at the gateway. The community consultation will not be commenced prior to obtaining approval from the Director-General of Planning.

Council's consultation methodology will include, but not be limited to:

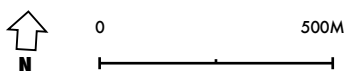
- Preparing a comprehensive community engagement strategy to guide all communication and consultation activity by Council on the Proposal;
- Forwarding a copy of the Planning Proposal, the gateway determination and any relevant supporting studies or additional information to State and Commonwealth Public Authorities identified in the gateway determination.
- Undertaking consultation in accordance with requirements of a Ministerial Direction under section 117 of the EP&A Act and/or consultation that is required because, in the opinion of the Minister (or delegate), a State or Commonwealth public authority will be or may be adversely affected by the proposed LEP.
- Giving notice of the public exhibition in the main local newspaper (the Auburn Pictorial Review) and newspapers of major local languages (Arabic, Chinese, Turkish, Vietnamese)
- Exhibiting the Planning Proposal in accordance with the gateway determination. It is assumed this would require an exhibition period of at least 28 days duration.
- Exhibiting the Planning Proposal and all supporting documentation at Council's Administration Centre and all Libraries.
- Notifying of the Planning Proposal's exhibition on Council's website, including providing copies of the Planning Proposal, all supporting studies and additional information and the gateway determination.
- Notifying affected landowners, adjoining land owners, the surrounding community and relevant community groups.
- Holding a Public Hearing, if required by the gateway determination or considered appropriate by Council.
- Distributing information brochures to aid community understanding about the Planning Proposal and its implications
- Any other consultation methods deemed appropriate for the proposal.



FIGURES



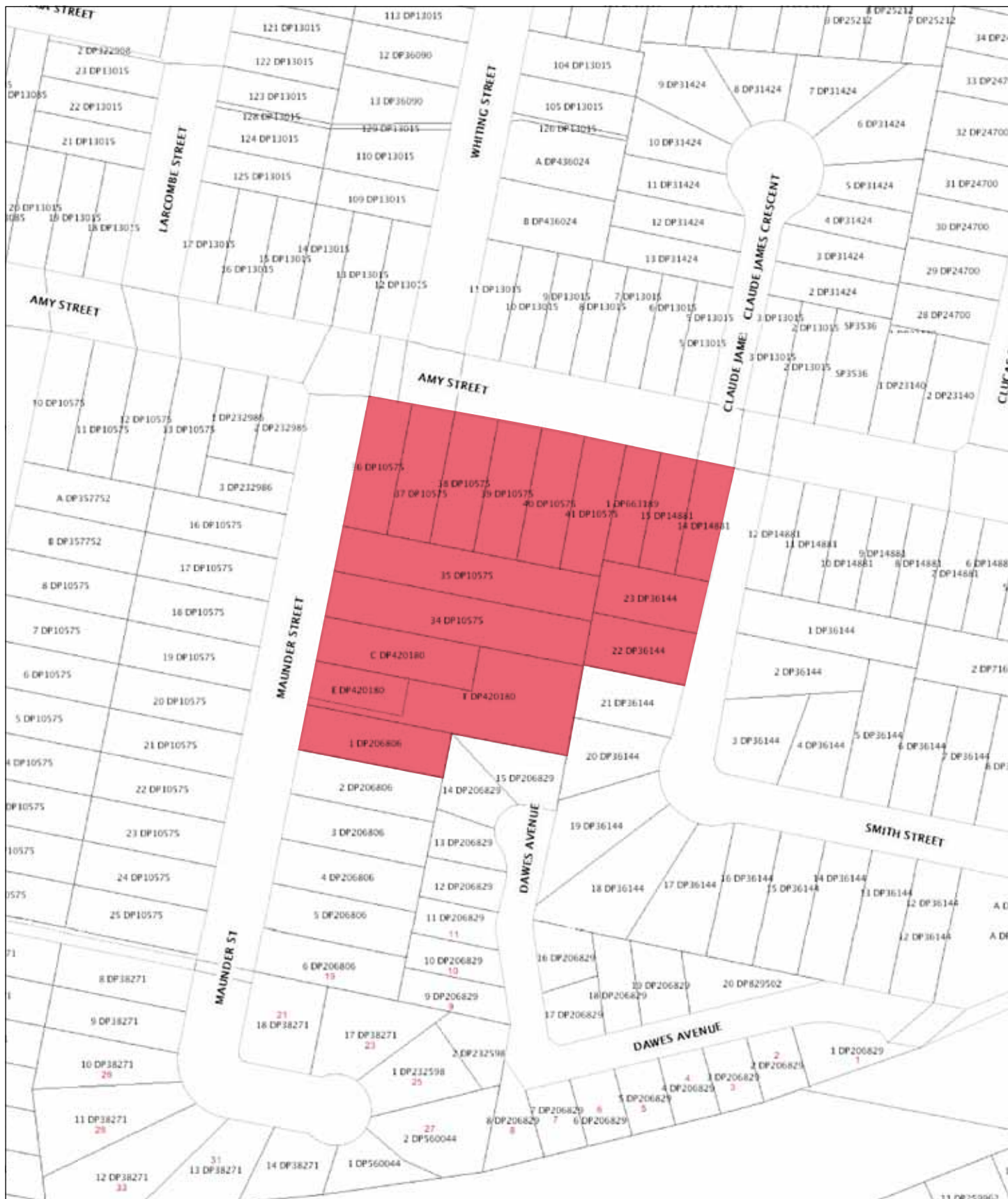
SOURCE: SYDWAY 2011



PLANNING PROPOSAL
AMY STREET, MAUNDER STREET & SMITH STREET, REGENTS PARK

FIGURE 1
LOCATION

PREPARED FOR - AUBURN COUNCIL



<http://lfe.maps.nsw.gov.au/>

PLANNING PROPOSAL AMY STREET, MAUNDER STREET & SMITH STREET, REGENTS PARK

FIGURE 2
SITE PLAN

PREPARED FOR - AUBURN COUNCIL

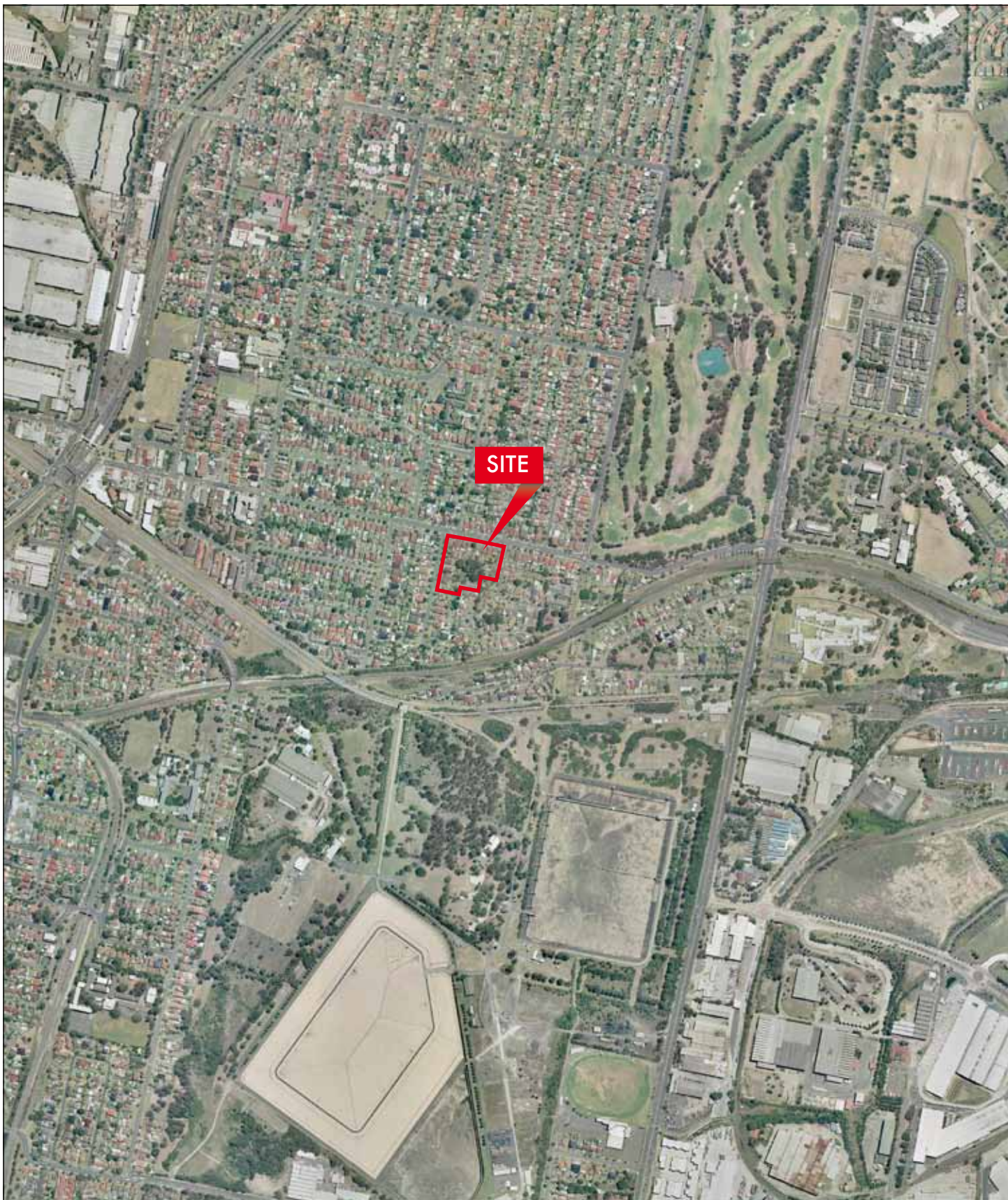


SOURCE: <http://lite.maps.nsw.gov.au/>

PLANNING PROPOSAL
AMY STREET, MAUNDER STREET & SMITH STREET, REGENTS PARK

FIGURE 3A
AERIAL PHOTO - DETAIL

PREPARED FOR - AUBURN COUNCIL

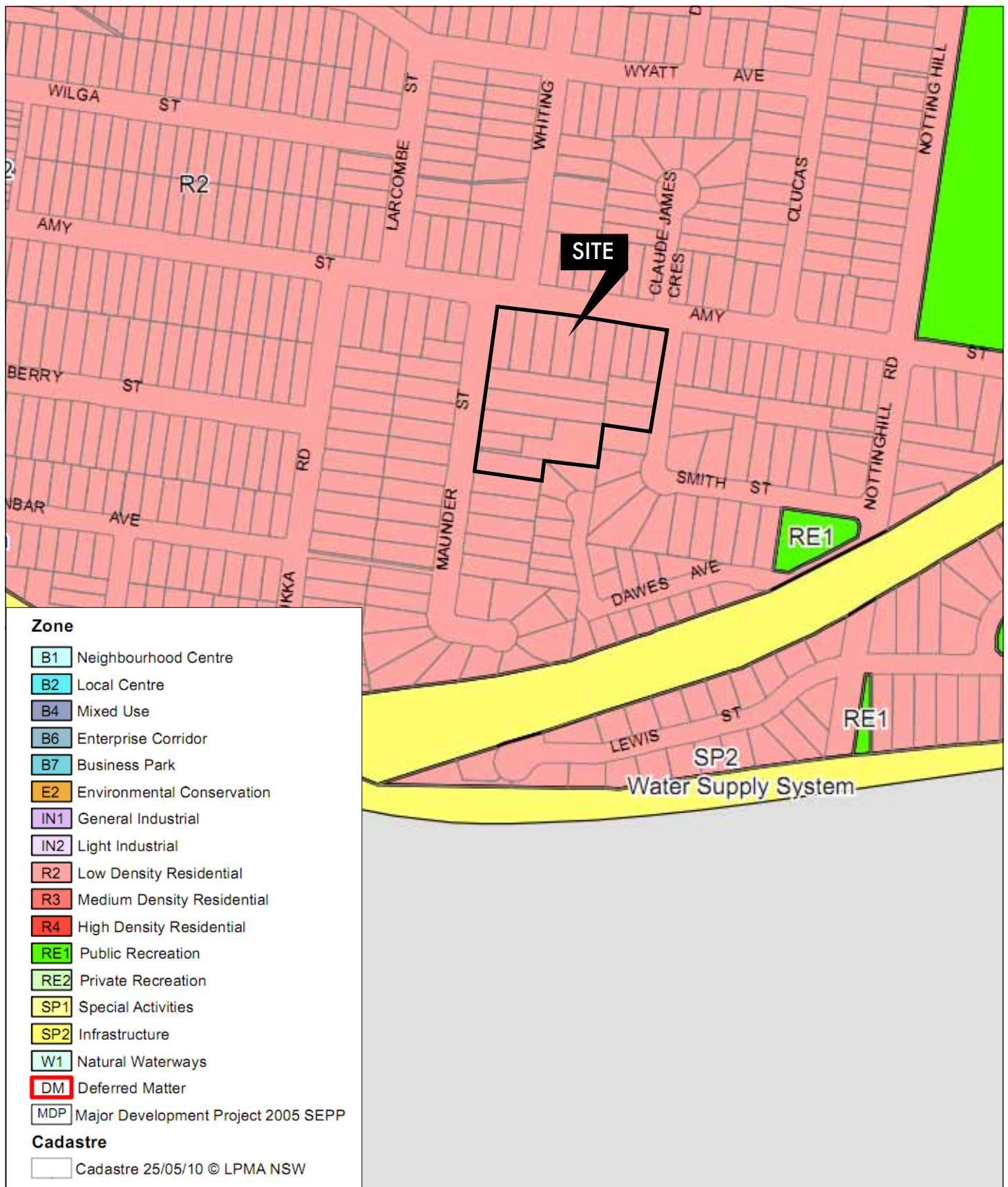


SOURCE: <http://lite.maps.nsw.gov.au/>

PLANNING PROPOSAL
AMY STREET, MAUNDER STREET & SMITH STREET, REGENTS PARK

FIGURE 3B
AERIAL PHOTO - WIDER AREA

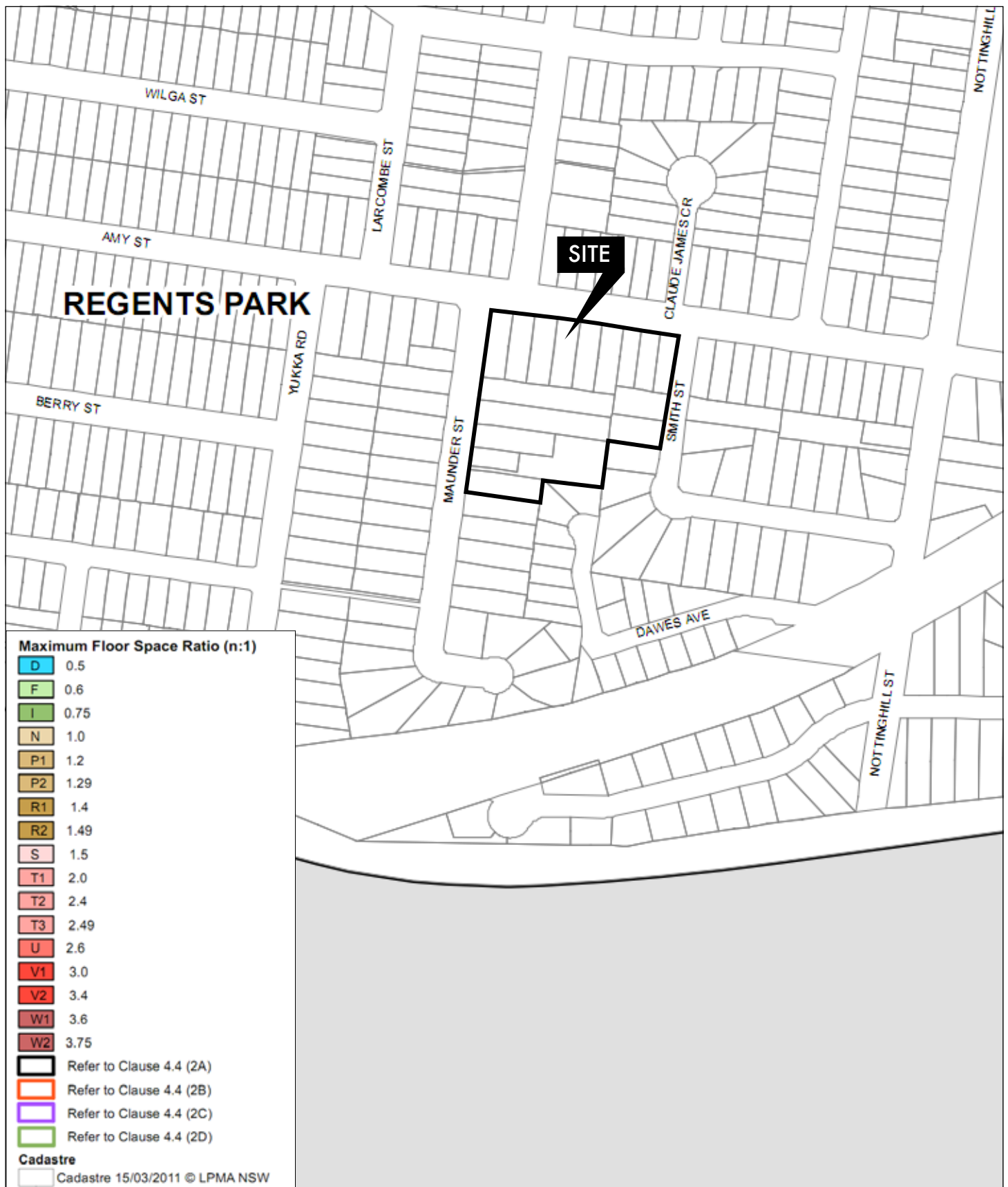
PREPARED FOR - AUBURN COUNCIL



PLANNING PROPOSAL
 AMY STREET, MAUNDER STREET & SMITH STREET, REGENTS PARK

FIGURE 4A
 CURRENT ZONING MAP - AUBURN LEP 2010

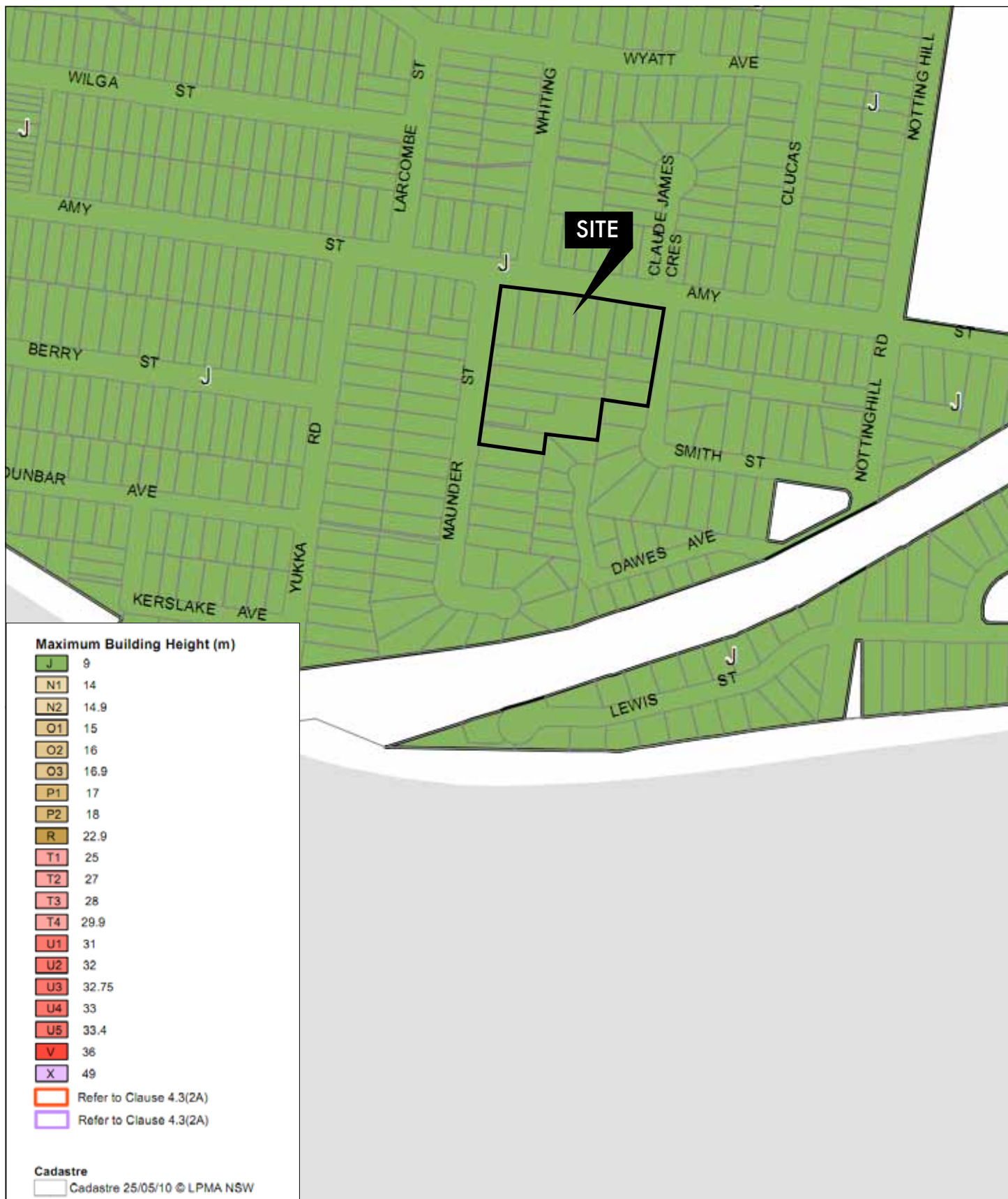
PREPARED FOR - AUBURN COUNCIL



PLANNING PROPOSAL
AMY STREET, MAUNDER STREET & SMITH STREET, REGENTS PARK

FIGURE 4B
CURRENT FSR MAP - AUBURN LEP 2010

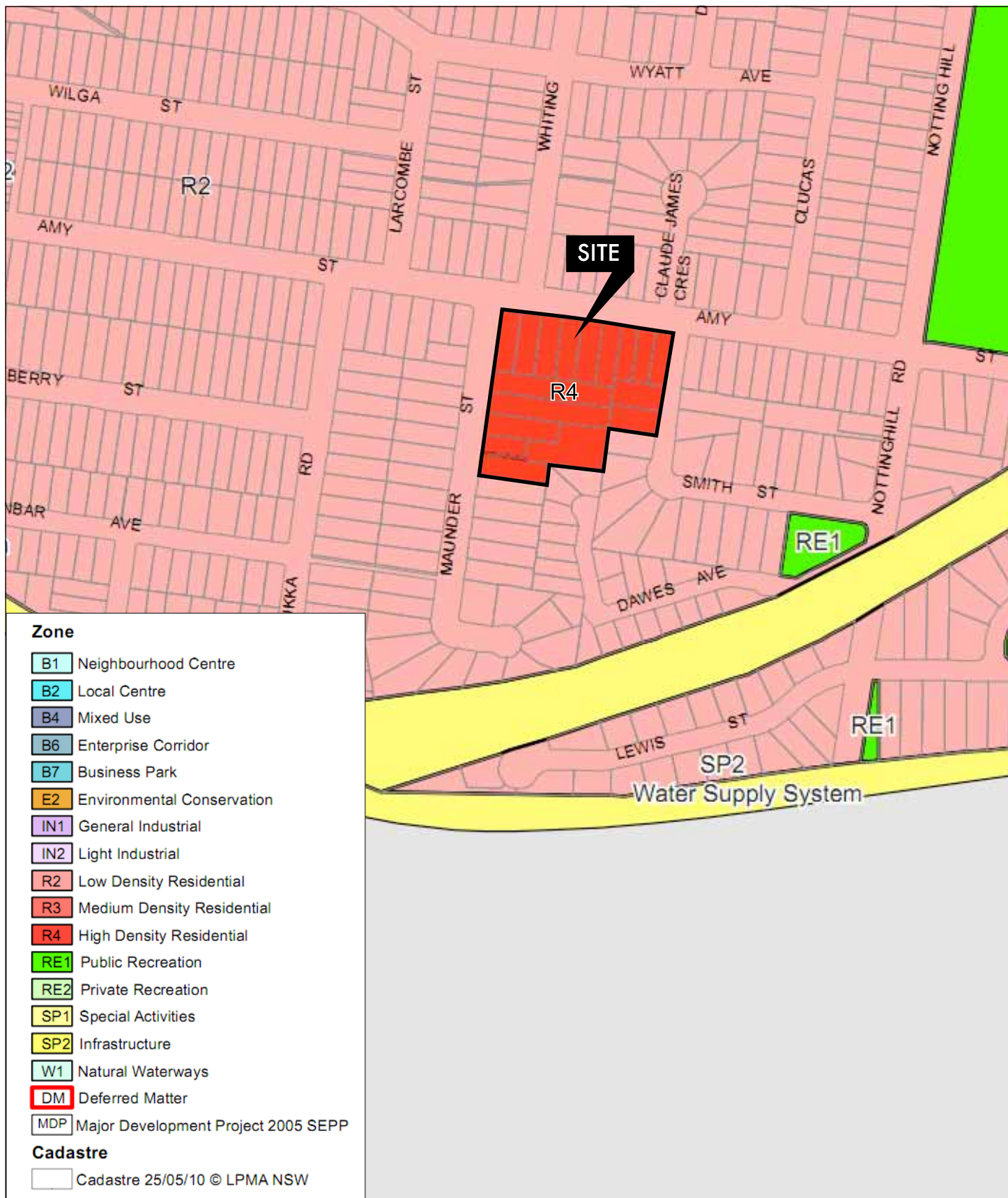
PREPARED FOR - AUBURN COUNCIL



PLANNING PROPOSAL
AMY STREET, MAUNDER STREET & SMITH STREET, REGENTS PARK

FIGURE 4C
CURRENT BUILDING HEIGHT MAP - AUBURN LEP 2010

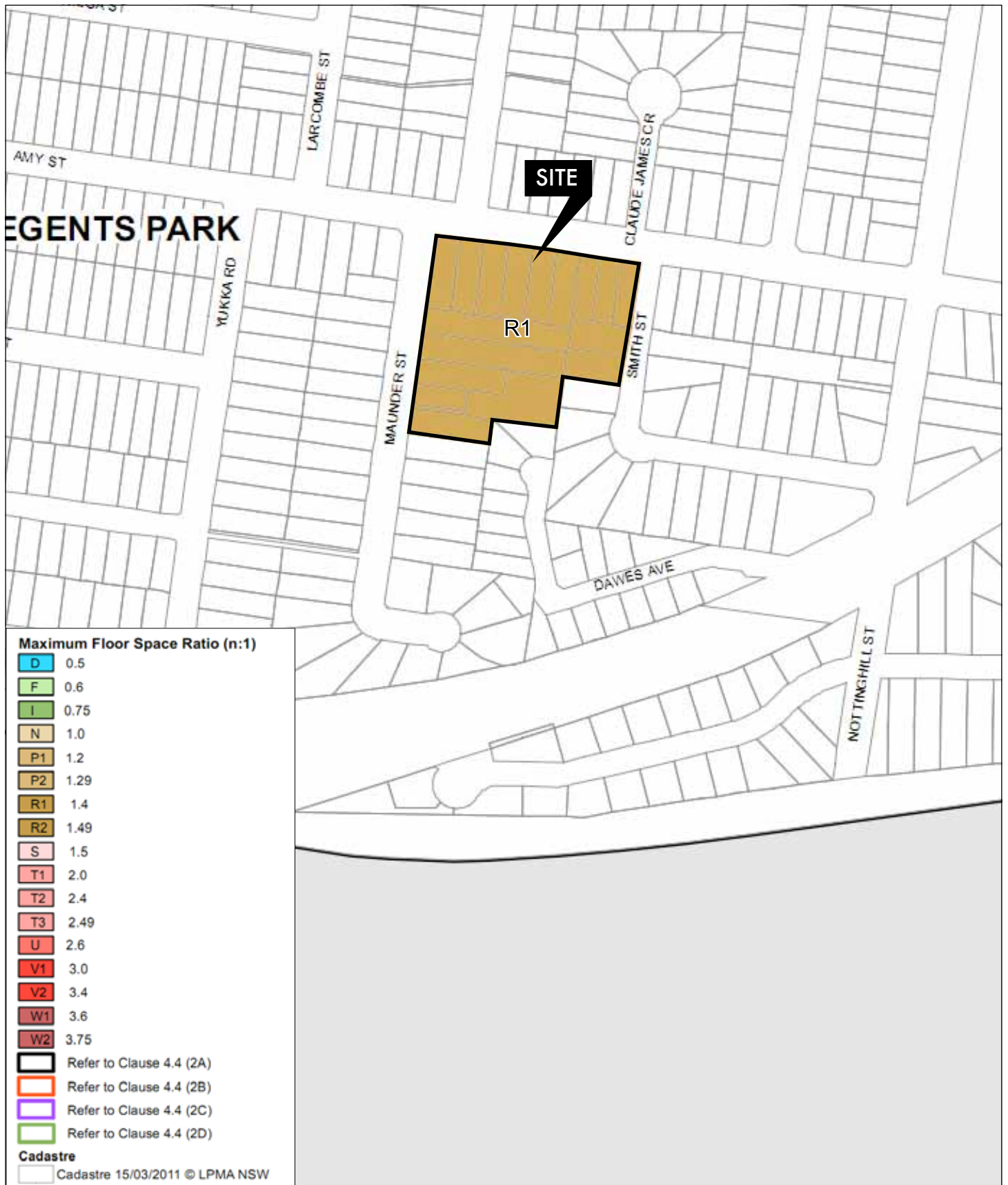
PREPARED FOR - AUBURN COUNCIL



PLANNING PROPOSAL
 AMY STREET, MAUNDER STREET & SMITH STREET, REGENTS PARK

FIGURE 5A
 PROPOSED ZONING MAP - AUBURN LEP 2010

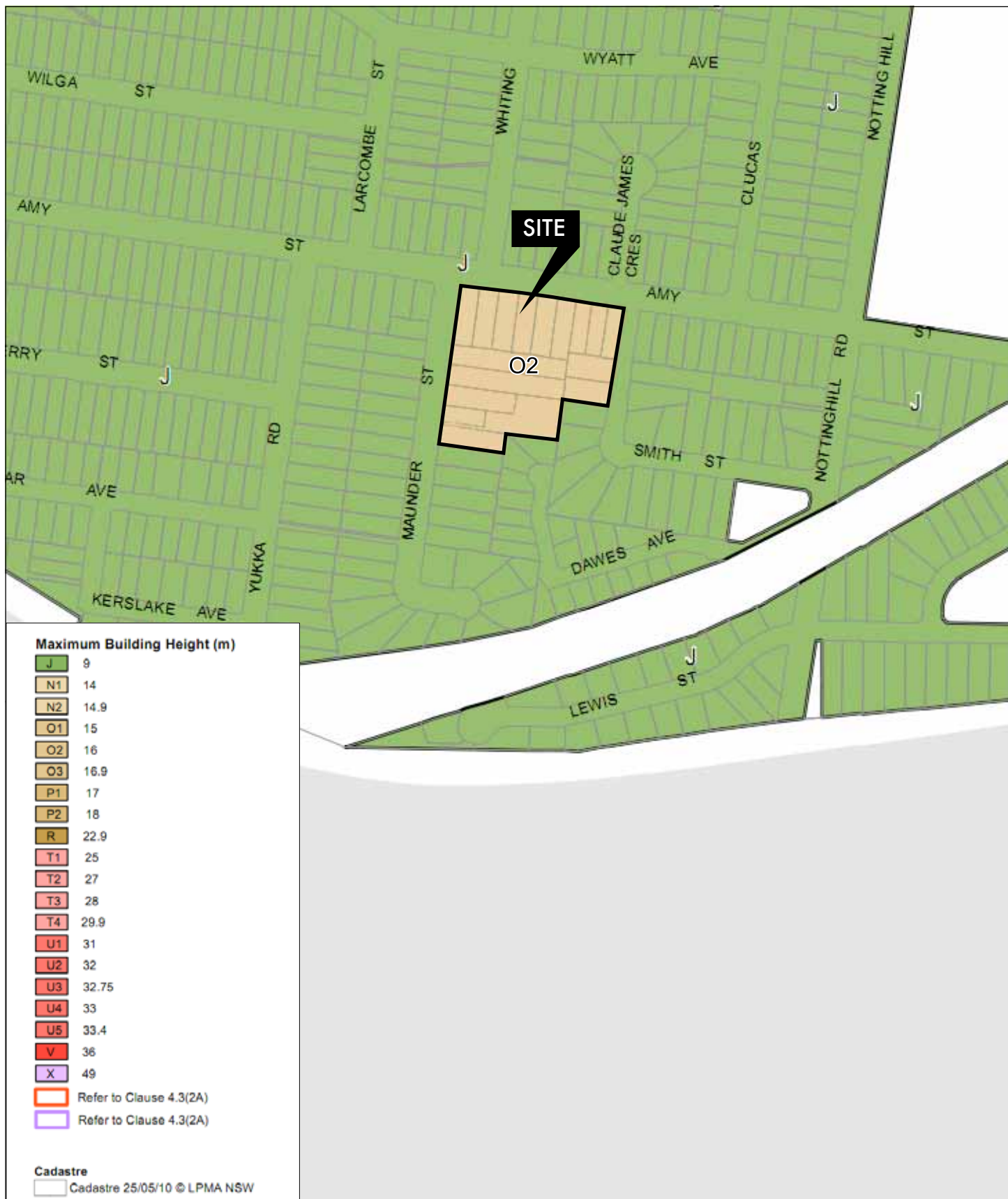
PREPARED FOR - AUBURN COUNCIL



PLANNING PROPOSAL
AMY STREET, MAUNDER STREET & SMITH STREET, REGENTS PARK

FIGURE 5B
PROPOSED FSR MAP - AUBURN LEP 2010

PREPARED FOR - AUBURN COUNCIL



PLANNING PROPOSAL
AMY STREET, MAUNDER STREET & SMITH STREET, REGENTS PARK

FIGURE 5C
PROPOSED BUILDING HEIGHT MAP - AUBURN LEP 2010

PREPARED FOR - AUBURN COUNCIL



APPENDICES



APPENDIX 1

Survey of the site prepared by W. Buxton Pty Ltd



APPENDIX 2

Minutes of the Ordinary Meeting of Council held 20 April 2011
(Refer to Item 071/11)

AUBURN CITY COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS CIVIC PLACE, 1 SUSAN STREET, AUBURN ON WEDNESDAY APRIL 20, 2011 COMMENCING AT 6.32PM

PRESENT

His Worship the Mayor (Clr Oueik), Councillors Anmak, Attie (except from 6.50pm to 6.59pm and from 7.53pm to 7.55pm), Au (except from 6.50pm to 6.59pm), Curtin, Di Paolo, Lam, Michels, Simms and Zraika (except from 6.50pm to 6.59pm).

IN ATTENDANCE

General Manager, Director Business & Finance, Director Planning & Environment, Director Works & Services, Director People & Places, Manager Administration, Manager Planning & Assessment, Manager Strategy, Manager Properties, Manager Community Development, Public Relations Officer and Senior Administration Officer.

APOLOGIES

There were no apologies tendered.

060/11 Request for Leave of Absence - Clr Curtin

C-27-05/04 BC : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that Council note an apology for the non attendance and grant a Leave of Absence for Councillor Curtin from the meetings of Council to be held in the months of May and June, 2011.

061/11 Disclosure of Interests

C-27-08/03 JB : MW

In accordance with Council's Code of Meeting Practice, the Councillors listed below declared an interest in the matters as indicated prior to the matters being considered.

Item 070/11 Clr Attie Clr Attie declared a non-pecuniary conflict of interest as he is a member of the Joint Regional Planning Panel (JRPP) – Sydney West, the consent authority for the subject development application.

Item 070/11 Clr Au Clr Au declared a non-pecuniary conflict of interest as he is an alternate member of the JRPP – Sydney West, the consent authority for the subject development application.

Item 070/11 Clr Zraika Clr Zraika declared a non-pecuniary conflict of interest as he is a member of the JRPP – Sydney West, the consent authority for the subject development application.

062/11 Address by Invited Speakers

C-28-02/03 JB : MW

No person had sought to address the meeting.

063/11 Confirmation of the Minutes of Previous Meeting

C-28-02/03 JB : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Attie that the minutes of the previous Ordinary Meeting of Council held on March 16, 2011 be confirmed subject to it being recorded that in reference to the Resolution on Apologies, the sentence conclude after the word 'noted' and in reference to Minute No. 048/11, a further point 4 be added as follows:

- 4. That Council undertake the necessary steps to appoint the further independent person to the committee.***

064/11 Confirmation of the Minutes of Previous Extraordinary Meeting

C-28-02/03 JB : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Attie that the minutes of the previous Extraordinary Meeting of Council held on April 6, 2011 be confirmed.

065/11 Notice of Business - Wentworth Point (Homebush Bay) Master Plan and DCP - Clr Simms

H-12-17/02 BC : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Attie that Council urgently seek a meeting with the Minister for Planning and the Department of Planning, in order to seek a review of the Wentworth Point (Homebush Bay) Master Plan and DCP. This should also include the incorporation of these instruments into Auburn LEP2010.

066/11 Notice of Business - V8 Supercars Race at Sydney Olympic Park

S-48-07 BC : MW

RESOLVED unanimously on the motion of Clr Michels, seconded Clr Simms that Council write to the newly elected Premier, Mr. Barry O'Farrell and ask his position on the continuation of the V8 Supercar race at Sydney Olympic Park, including the following questions:-

- 1. Does Mr. O'Farrell intend to allow the V8 Supercar races at Sydney Olympic Park to continue or would he consider taking steps to opt out of the contract (in light of the in-viability of the race per the 2010 Auditor General's report)?***
- 2. If the V8 Supercar race does continue, what is his position on the renewal of the contract for the race?***
- 3. Will he continue or discontinue the V8 Supercar races at Sydney Olympic Park?***

067/11 Notice of Business - Installation of 'No Parking' signs at 360 Park Road, Auburn

P2920360 GS : MW

RESOLVED unanimously on the motion of Clr Michels, seconded Clr Lam that further consideration of the matter be deferred to enable Councillors to undertake an inspection of the subject site.

068/11 Matters Determined without Further Debate

C-28-02/03 JB : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam:

- 1. That Council identify those matters to be dealt with by the exception method.***
- 2. That items 069/11, 070/11, 071/11, 075/11, 080/11, 084/11, 085/11, 086/11, 088/11, 089/11, 090/11, 091/11, 092/11, 095/11, 098/11, 100/11 and 104/11 be dealt with individually and the remaining matters and the recommendations therein be adopted.***

069/11 22-24 Bridge Street, LIDCOMBE

DA-357/2010 GF : CC

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Michels that further consideration of the matter be deferred to enable Councillors to undertake an inspection of the subject site.

For: Councillors Oueik, Anmak, Attie, Au, Curtin, Di Paolo, Lam, Michels, Simms and Zraika.

Against: Nil.

Note: Voting on the above motion was by way of a Division.

070/11 9 Baywater Drive, WENTWORTH POINT (Alora)

DA-313/2010 GF : CC

Note: Clr Attie, Clr Au and Clr Zraika each declared a non-pecuniary interest in the matter and left the Chamber before the consideration of the matter and remained outside the Chamber during all of the discussions.

Moved Clr Lam, seconded Clr Anmak that Council receive and note the information report for Development Application No. DA-313/2010 for construction of a residential flat building of 323 units over basement car parking & associated landscape and drainage works on land at 9 Baywater Drive, Wentworth Point.

The motion was put to the vote and declared lost.

For: Councillors Oueik, Anmak and Lam.

Against: Councillors Curtin, Di Paolo, Michels and Simms.

Note: Voting on the above motion was by way of a Division.

RESOLVED on the motion of Clr Simms, seconded Clr Curtin that Council raise the following concerns in respect to the subject development in a submission to the Joint Regional Planning Panel (JRPP):

- ***Poor solar access.***
- ***Number of single aspect units.***
- ***Number of south facing units.***
- ***Lack of naturally ventilated buildings, including kitchens that are not located on an outside wall.***
- ***In light of the above, Council express its concerns about the poor amenity that will be provided by the development.***

For: Councillors Curtin, Di Paolo, Michels and Simms.

Against: Councillors Oueik, Anmak and Lam.

Note: Voting on the above motion was by way of a Division.

071/11 Planning Proposal PP-01/2010 - Proposal to rezone land at Amy, Smith and Maunder Streets, Regents Park

PP-1/2010 AK : EG

Point of Order

During the debate on the matter Clr Curtin raised a Point of Order on the basis that he was of the opinion that a Councillor does not need to look at the Mayor when addressing the Chair.

The Mayor ruled that it was not a Point of Order.

Question of Order

The Mayor stood and issued a warning to Clr Curtin.

The Mayor issued a warning to Clr Curtin a second time.

RESOLVED on the motion of Clr Anmak, seconded Clr Au:

- 1. That Council note the report on the Amy Street, Regents Park, rezoning matter;***
- 2. That the Planning Proposal for land at Amy, Smith and Maunder Streets Regents Park to be rezoned R4 High Density Residential under the Auburn Environmental Plan 2010 to enable construction of residential flat buildings on the site be supported;***
- 3. That Council Officers report back on the SEPP 65 compliance issue at the next Meeting of Council;***
- 4. That thereafter Council forward the Planning Proposal to the Department of Planning for its Gateway Process with its recommendation in support; and,***
- 5. That in doing so, it be noted:-***
 - That Council's support for this proposal is based on design excellence and providing a boost for the regeneration of the area.***
 - That Council considers that the Planning Proposal offers a good mix of housing types and is an easy pedestrian walk to the Regents' Park train station, shops, and with a bus stop with regular services on Amy Street.***
 - That Council supports the Planning Proposal because as Professor Daly states in his report - it is "consistent with Council's own strategies and the Metropolitan Strategy."***

The motion was put to the vote and declared carried on the casting vote of the Mayor.

For: Councillors Oueik, Anmak, Attie, Au and Zraika.

Against: Councillors Curtin, Di Paolo, Lam, Michels and Simms.

Note: Voting on the above motion was by way of a Division.

072/11 LGSA Sustainable Choice Program

T-40-22 AK : EG

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that Council support a sustainable procurement program and demonstrate its commitment by joining the LGSA Sustainable Choice Program.

073/11 Naming of Laneway between Verona Street and Hutchinson Street, Auburn

S-30-01/06 GS : TH

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that Council approve the naming of the laneway between Verona Street and Hutchinson Street to Goldsmith Lane, Auburn and undertake the necessary statutory requires to implement the change.

074/11 Tender Number T-2011-002 - Plumbing Repairs and Installations

T-2011-002 AG : TH

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam:

- 1. That Council accept the tender of J J Coleman Plumbing Pty Ltd as the preferred tenderer as set in the schedule of rates for a three (3) year period from the date of Council's letter of acceptance.***
- 2. That Council accept the tender of B&G Enterprises NSW Pty Ltd as the 2nd ranked tenderer as set in the schedule of rates for a three (3) year period from the date of Council's letter of acceptance.***
- 3. That Council accept the tender of TJ Matthews Plumbing Services Pty Ltd as the 3rd ranked tenderer as set in the schedule of rates for a three (3) year period from the date of Council's letter of acceptance.***
- 4. That the unsuccessful tenderers be advised of Council's decision.***

075/11 Former Auburn RSL Bowling Club Site

B-08-02/02 AG : CJ

RESOLVED unanimously on the motion of Clr Curtin, seconded Clr Simms:

- 1. That Council invite Expressions of Interest for the future use of the former Auburn RSL Bowling Club Site.***
- 2. That a further report be prepared for Council following the evaluation of all submissions received.***

076/11 **Auburn Town Centre Parking Strategy Study**
C-04-11 GS : CJ

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam:

- 1. That Council generally adopt the Auburn Town Centre Parking Strategy Study (March 2011) and the following recommendations:**
 - a. Implement an Area Parking Scheme with 30 minute period parking in specific sections of the Auburn Town Centre;**
 - b. Implement a concessional Business & Commuter Parking Permit Scheme in selected floors of the Civic Car Park;**
 - c. Develop and implement “way finding” signage plans for parking facilities in conjunction with the Auburn Town Centre Public Domain Plan;**
- 2. That all stakeholders be notified of the changes to the parking arrangement in the Auburn Town Centre including the Area Parking Scheme prior to implementation.**

077/11 **Operation of the Auburn Civic Car Park and the Lidcombe Multi Storey Car Park**
C-04-11 AG : CJ

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam:

- 1. That the fee structure adopted by Council at its meeting held 18 November 2009 for paid parking for the Civic Car Park be amended in line with the adopted fees for the Lidcombe Town Centre Car Parks, namely:**

• Up to 2 hours	Free
• Up to 3 hours	\$2.20
• Up to 4 hours	\$3.30
• Up to 5 hours	\$4.40
• 5+ hours/Day Rate	\$5.50
- 2. That Council implement concessional business and commuter parking permit scheme in selected floors of the Civic Car Park and the Lidcombe Multi Storey Car Park at an annual rate of \$1150 paid in advance.**
- 3. That Council install a fully automated system for the operation of the Auburn Civic Car Park.**
- 4. That Council take no further action to implement paid parking at the open car park at 13 John Street, Lidcombe.**
- 5. That the fee structure be reviewed annually in conjunction with Council’s Fees and Charges.**

078/11 **Department of Human Services, Ageing, Disability and Home Care**
Acceptance of Funding Variation 2011 - Affixing Council's Common Seal
C-37-28 BE : OG

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that authority be given for affixing of Council's common Seal to the 2011 Description of Service and Acceptance of Funding Variation between Auburn City Council and the NSW Department of Human Services, Ageing, Disability and Home Care for:

- 1. Production of a DVD to explain and promote Home and Community Care (HACC) and Aged Care services to Arabic speaking people living in the Auburn LGA.***
- 2. Development of a Disability Action Plan, revision of Council's mobility maps and printing of associated resources.***

079/11 **Revised Art Purchases Policy and Mayoral Art Award Prize**
C-37-22 BE : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam:

- 1 That Council receive the revisions to the Art Purchases Policy and that the revised policy be placed on public exhibition for a period of 28 days, after which it will be resubmitted to Council, along with any submissions received for consideration and for adoption.***
- 2 That Council endorse the proposed changes to the conditions of the Mayoral Art Awards to become a non-acquisitive prize.***

080/11 **Cultural Awards Ceremony 2011**
G-17-05 BE : OG

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Attie:

- 1. That Council note the interest expressed by any Councillors to attend the Local Government Cultural Awards 2011 ceremony to be held at NSW Parliament House at 6.30pm on Friday May 6, 2011.***
- 2. That the Council meet the attendance fee, travel and out of pocket expenses in accordance with its Civic Expenses Policy for those Councillors who have expressed interest in attending the awards ceremony as in 1 above.***

081/11 **Goods and Services Tax Compliance**
T-01-08/02 HWH : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that the Goods and Services Tax Compliance Certificate for the period May 1, 2010 to April 30, 2011 be signed by the Mayor, Deputy Mayor, General Manager and Director Business and Finance and be submitted to NSW Department of Premier & Cabinet – Division of Local Government by June 1, 2011.

082/11 Investment Policy, Strategy and Portfolio Review

A-05-01/05 HWH : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam:

- 1. That the draft revised Investment Policy be adopted.***
- 2. That the recommendations included in Oakvale Capital Limited's Investment Strategy review be adopted and implemented.***
- 3. That the Council's resolution, as recorded in Minute No. 153/10, that Council pursue opportunities to divest of its investment in the Magnolia Finance PLA 2005-14 "Flinders" Collateralised Debt Obligation at a minimum of eighty seven cents in the dollar or higher be rescinded.***

083/11 Adoption of Hardship Policy

R-13-02/02 HWH : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that the draft Hardship Policy as placed on public exhibition be adopted.

084/11 Code of Meeting Practice - Minor Amendments

C-28-01/06 BC : PV

Moved Clr Curtin, seconded Clr Di Paolo:

1. That the Council take the necessary action to amend its Code of Meeting Practice at Clauses 4, 12(3), 26(1) and 26(3) by the alterations and/or additions to the wording as detailed in the subject report.
2. That the proposed amendment to the Council's Code of Meeting Practice be placed on exhibition for public comment pursuant to Section 361 of the Local Government Act, 1993.
3. A further report, with details of any submissions by the public be brought back to Council for consideration prior to final determination of the matter.

Amendment

An amendment was moved Clr Simms, seconded Clr Attie:

1. That the Council take the necessary action to amend its Code of Meeting Practice at Clauses 4, 12(3), 26(1), 26(3) and 26(6) by the alterations and/or additions to the wording as detailed in the subject report.
2. That the proposed amendment to the Council's Code of Meeting Practice be placed on exhibition for public comment pursuant to Section 361 of the Local Government Act, 1993.
3. A further report, with details of any submissions by the public be brought back to Council for consideration prior to final determination of the matter.

The amendment was put to the vote and declared carried on the casting vote of the

Mayor and became the motion.

For: Councillors Oueik, Anmak, Attie, Au and Simms.

Against: Councillors Curtin, Di Paolo, Lam, Michels and Zraika.

The motion was put to the vote and declared carried on the casting vote of the Mayor.

RESOLVED on the motion of Clr Simms, seconded Clr Attie:

- 1. That the Council take the necessary action to amend its Code of Meeting Practice at Clauses 4, 12(3), 26(1), 26(3) and 26(6) by the alterations and/or additions to the wording as detailed in the subject report.***
- 2. That the proposed amendment to the Council's Code of Meeting Practice be placed on exhibition for public comment pursuant to Section 361 of the Local Government Act, 1993.***
- 3. A further report, with details of any submissions by the public be brought back to Council for consideration prior to final determination of the matter.***

For: Councillors Oueik, Anmak, Attie, Au and Simms.

Against: Councillors Curtin, Di Paolo, Lam, Michels and Zraika.

085/11 2011 LGMA National Congress and Business Expo - Cairns

I-11-01/09 MW : MW

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Simms:

- 1. That the Council note the interest expressed by Councillors in accordance with Council's Civic Expenses Policy in attending the 2011 LGMA National Congress and Business Expo in Cairns and approve of the attendance by those Councillors.***
- 2. That the Council meet the registration fee, travel, accommodation and out of pocket expenses in accordance with its Civic Expenses Policy for those Councillors who have expressed interest in attending the Conference as in 1 above.***
- 3. That Council note the requirement in its Civic Expenses Policy for a Delegates Report to be provided by attendees at such Conferences.***

086/11 2011 National General Assembly of Local Government - Canberra

L-28-01/03 BC : MW

RESOLVED unanimously on the motion of Clr Curtin, seconded Clr Lam:

- 1. That the Council note the interest expressed by Councillors in accordance with Council's Civic Expenses Policy in attending the 2011 National General Assembly of Local Government in Canberra and approve of the attendance by those Councillors.***
- 2. That the Council meet the registration fee, travel, accommodation and out of***

pocket expenses in accordance with its Civic Expenses Policy for those Councillors who have expressed interest in attending the Conference as in 1 above.

- 3. That Council note the requirement in its Civic Expenses Policy for a Delegates Report to be provided by attendees at such Conferences.**

087/11 Business on Notice - Deferred Items

C-28-01/06 BC : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that the report be received and the information therein noted.

088/11 Notice of Motion - International Year of Bio-diversity - Clr Michels

E-09-15/02 BC : MW

Moved Councillor Michels, seconded Clr Lam that Council be provided with:

1. What action has Auburn City Council taken and have projects been organised or information conveyed to the community from Auburn Council, to date, on the International 'Year of Bio-diversity'?
2. A report on the possibility of Auburn Council taking some initiative to provide information to the community on the event?
3. A report on the future of 'Bio-diversity in Auburn' and the possibility of doing a 'Master Plan for Bio-diversity' in the LGA in the near future?

The motion was put to the vote and declared lost on the casting vote of the Mayor.

For: Councillors Curtin, Di Paolo, Lam, Michels and Zraika.

Against: Councillors Oueik, Anmak, Attie, Au and Simms.

089/11 Notice of Motion - 2010 Year of Women in Local Government - Clr Michels

L-29-07 BC : MW

Moved Councillor Michels, seconded Clr Lam that Council be provided with:

1. What action has Auburn Council taken and have projects been organised or information conveyed to the community from Auburn Council, to date, on the National 'Year of Women in Local Government'?
2. A report be provided on having at least one community forum on the project before the end of the year?

The motion was subsequently withdrawn by the mover with the support of the seconder.

090/11 Notice of Motion - Car Park Incidents - Clr Di Paolo

C-04-02/04 BC : MW

Clr Di Paolo withdrew the Notice of Motion.

091/11 Notice of Motion - Auburn Town Centre Parking Strategy - Clr Di Paolo

P-01-01/04 BC : MW

Clr Di Paolo withdrew the Notice of Motion.

092/11 Notice of Motion - Susan Street Car Park Financial Information - Clr Di Paolo

C-04-02/04 BC : MW

Clr Di Paolo withdrew the Notice of Motion.

093/11 Minutes of the Auburn Community Access Committee - March 24, 2011

C-29-21/03 BE : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that the minutes of the Auburn Community Access Committee held on March 24, 2011 be received and the recommendations contained therein, adopted.

094/11 Meeting held with Wentworth Point Advocacy Group and Council

H-12-17/02 JB : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that the report be received and the information therein noted.

095/11 Former Draft Auburn Local Environmental Plan 2000 (Amendment No. 22)

T-40-22 AK : EG

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Attie that the report be received and the information therein noted.

096/11 Acquisition of 37 Tilba Street, Berala

P3700037 AG : TH

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that the report be received and the information therein noted.

097/11 Capital Works Progress Report

W-12-01/02 PD : CJ

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that the report be received and the information therein noted.

098/11 Progress Report on the Design of the Auburn Town Centre Upgrade

T2010-001 MC : CJ

Moved Clr Simms, seconded Clr Michels:

1. That the report be received and information therein noted.
2. That the proposed use of Chinese Tallwoods in the Auburn Town Centre Upgrade be reviewed with an alternative of being replaced by suitable Australian native trees.

Amendment

An amendment was moved Clr Lam, seconded Clr Zraika that the report be received and information therein noted.

The amendment was put to the vote and declared carried and became the motion.

For: Councillors Anmak, Au, Curtin, Di Paolo, Lam and Zraika.

Against: Councillors Oueik, Attie, Michels and Simms.

The motion was put to the vote and declared carried.

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Zraika that the report be received and information therein noted.

For: Councillors Anmak, Au, Curtin, Di Paolo, Lam and Zraika.

Against: Councillors Oueik, Attie, Michels and Simms.

099/11 Report on Funding Received from the Cancer Council of NSW for the 'Quit for Your Kids' Project – Alive and Well Program 2011

G-12-09/02 BE : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that the report be received and the information therein noted.

100/11 Report on Funding Received from the Federal Attorney General's Department for Mobile CCTV Cameras to Monitor Crime Hotspots

C-37-64 BE : MW

RESOLVED unanimously on the motion of Clr Curtin, seconded Clr Anmak:

1. That the report be received and the information therein noted.
2. That authority be given for affixing of Council's Common Seal to the 2011

Funding Agreement between Auburn City Council and the Federal Government's Attorney General's Department for the Mobile Safety Camera Project.

101/11 Local Government & Shires Association - Endorsement of One Association

L-20-01/13 BC : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that the report be received and the information therein noted.

102/11 Membership of Local Government Association - Aboriginal Lands Council

E-12-01/07 BC : PV

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that the report be received and the information therein noted.

103/11 Investments Report for February 2011

A-05-01/05 HWH : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that the report be received and the information therein noted.

104/11 Investment Balances as at 31 March, 2011

A-05-01/05 HWH : MW

RESOLVED unanimously on the motion of Clr Curtin, seconded Clr Simms that the report be received and the information therein noted.

105/11 Business and Finance Activity and OH&S Statistics Report for February 2011

S-18-08/04 BC : PV

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that the report be received and the information therein noted.

106/11 Report on Actions from Council Decisions

C-28-17 BC : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Lam that the report be received and the information therein noted.

There being no further matters, the meeting was closed at 8.03pm.

CONFIRMED: _____
MAYOR

DATE: _____



APPENDIX 3

Minutes of the Ordinary Meeting of Council held 18 May 2011
(Refer to Item 111/11)

AUBURN CITY COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS CIVIC PLACE, 1 SUSAN STREET, AUBURN ON WEDNESDAY MAY 18, 2011 COMMENCING AT 6.30PM

PRESENT

His Worship the Mayor (Clr Oueik), Councillors Anmak, Attie (except from 7.30pm to 7.31pm and from 8.25pm to 8.28pm), Au (except from 7.30pm to 7.31pm), Di Paolo, Lam, Michels (except from 8.05pm to 8.07pm), Simms and Zraika (except from 7.30pm to 7.31pm).

IN ATTENDANCE

General Manager, Director Planning & Environment, Director Works & Services, Director People & Places, Manager Administration, Manager Finance, Manager Planning & Assessment, Manager Strategy, Manager Community Development, Public Relations Officer and Senior Administration Officer.

APOLOGIES

There were no apologies tendered.

Note: Clr Curtin had been granted a Leave of Absence from the meetings for the months of May 2011 and June 2011 (refer to Minute No. 060/11 at the April 20, 2011 Ordinary Meeting of Council).

107/11 Disclosure of Interests

C-27-08/03 JB : MW

In accordance with Council's Code of Meeting Practice, the Councillors listed below declared an interest in the matter as indicated:

- | | | |
|-------------|------------|---|
| Item 115/11 | Clr Attie | Clr Attie declared a non-pecuniary conflict of interest as he is a member of the Joint Regional Planning Panel (JRPP) – Sydney West, the consent authority for the subject development application. |
| Item 115/11 | Clr Au | Clr Au declared a non-pecuniary conflict of interest as he is an alternate member of the JRPP – Sydney West, the consent authority for the subject development application. |
| Item 115/11 | Clr Zraika | Clr Zraika declared a non-pecuniary conflict of interest as he is a member of the JRPP – Sydney West, the consent authority for the subject development application. |

RESOLVED unanimously on the motion of Clr Attie, seconded Clr Zraika that the report on the disclosures of interest be received.

108/11 Address by Invited Speakers

C-28-02/03 JB : MW

<u>Speaker</u>	<u>Item/Subject</u>
Mr D. Michael	110/11 – Notice of Business – Mixed Use Development at 27 Mary Street, Auburn – Clr Curtin & Clr Di Paolo.
Mr S. Davis	111/11 – Notice of Rescission Motion – Planning Proposal PP-01/2010 – Proposal to rezone land at Amy, Smith and Maunder Streets, Regents Park Report Item Heading.
Mr I. Armstrong	111/11 – Notice of Rescission Motion – Planning Proposal PP-01/2010 – Proposal to rezone land at Amy, Smith and Maunder Streets, Regents Park Report Item Heading.

RESOLVED unanimously on the motion of Clr Attie, seconded Clr Simms:

- 1. That the report on Invited Speakers be received and the information therein noted.***
- 2. That standing orders be varied to allow each item to be dealt with following the speaker's address.***

108A/11 Notice of Intention to Deal with Matters in Closed Session - Payce Properties Pty Ltd v Auburn City Council

C-28-01/06 JB : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Zraika:

- 1. That pursuant to Section 10A(2)(g) of the Local Government Act, 1993, the***

following report be dealt with in Closed Session:

Payce Properties Pty Ltd v Auburn City Council

2. ***That the reason for dealing with the subject report above in Closed Session is that it is information that is advice concerning litigation, or advice that would be otherwise privileged from production in legal proceedings on the ground of legal professional privilege.***

109/11 Confirmation of the Minutes of Previous Meeting

C-28-02/03 JB : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Attie that the minutes of the previous Ordinary Meeting of Council held on April 20, 2011 be confirmed.

110/11 Notice of Business - Mixed Use Development at 27 Mary Street, Auburn - Clr Curtin & Clr Di Paolo

DA-74/2011 BC : MW

Mr D. Michael addressed the Council on this matter.

Moved Clr Di Paolo, seconded Clr Michels that the application for a mixed use development at 27 Mary Street, Auburn (DA-74/2011) be re-exhibited for another 21 days to enable members of our community who were away from Auburn during school holidays to lodge any concerns or objections they may have to that proposed development.

The motion was put to the vote and declared lost.

For: Councillors Di Paolo and Michels.

Against: Councillors Oueik, Anmak, Attie, Au, Lam, Simms and Zraika.

111/11 Notice of Rescission Motion - Planning Proposal PP-01/2010 - Proposal to rezone land at Amy, Smith and Maunder Streets, Regents Park

PP-1/2010 BC : MW

Mr S. Davis and Mr I. Armstrong each in turn, addressed the Council on this matter.

Moved Clr Di Paolo, seconded Clr Michels that the Council's resolution in Minute No. 071/11 relating to Planning Proposal PP-01/2010 - Proposal to rezone land at Amy, Smith and Maunder Streets, Regents Park, be rescinded.

The motion was put to the vote and declared lost.

For: Councillors Di Paolo, Lam, Simms and Michels.

Against: Councillors Oueik, Anmak, Attie, Au, and Zraika.

Note: Voting on the above motion was by way of a division.

112/11 Matters Determined without Further Debate

C-28-02/03 JB : MW

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Anmak:

1. That Council identify those matters to be dealt with by the exception method.
2. That items 113/11, 114/11, 115/11, 116/11, 117/11, 118/11, 120/11, 122/11, 123/11, 128/11, 136/11, 138/11, 139/11 and C004/11 be dealt with individually and the remaining matters and the recommendations therein be adopted.

113/11 Re-submitted Item - 22-24 Bridge Street, Lidcombe

DA-357/2010 BC : MW

RESOLVED on the motion of Clr Simms, seconded Clr Zraika that Development Application No. DA-357/2010 for Use and fit-out of existing premises as a funeral parlour and mortuary with amendments to the parking arrangements on land at 22-24 Bridge Street, Lidcombe be approved subject to the following appropriate conditions:

a) **Standard Conditions as detailed in Council's Standard Conditions Book:**

AD002	CM026	FS006	GE012	US025
CM001	CM042	FS007	GE013	EN001
CM002	CM051	FS010	GE014	EN002
CM004A	CM056	GE001	GE018	EN003
CM006	CP001	GE003	GE019	EN004
CM007	CP002	GE004	GE020	WM008
CM008	CP003	GE006	US001	WM009
CM009	CP004	GE007	US003	OC004
CM010	CP006	GE008	US006	SE003
CM022	CP011	GE009	US021	
CM023	DM013	GE010	US023	

b) **The following special conditions:**

Funeral Service and Place of Public Worship Uses – No approval granted

The funeral parlour is not to be used for the purposes of holding/catering for funeral services and shall not be used for a place of public worship as defined within Auburn Local Environmental Plan 2010.

Reason:- to control and regulate the use of the premises

Environment and Health – General Conditions

- 1) **The premises shall be designed and constructed in accordance with the requirements of the Local Government Act 1993 and Regulations Thereunder, the Public Health Act 1991, and the Public Health (Disposal of Bodies) Regulation 2002.**
- 2) **Trading shall not commence until a final inspection has been carried out by Council's Environmental Health Officer and all requirements have been complied with. The funeral parlour shall be connected to a permanent water supply in compliance with Sydney Water**

- 3) The occupier of the premises shall register with Council's Regulatory Compliance Unit by completing the registration form available from Council. In addition, NSW Health shall be notified of the mortuary prior to the commencement of trade.**

Reason:- to ensure the funeral parlour is constructed in accordance with the relevant statutory requirements and fulfils Council's inspection requirements.

Environment and Health – Construction

The design and construction of the funeral parlour and mortuary must comply with the following requirements.

- 1) The mortuary shall be separated from all public areas of the building.**
- 2) All solid waste arising from the preparation of bodies for burial or cremation shall be disposed of as contaminated waste.**
- 3) Sufficient slabs, tables and other fittings shall be contained in the body preparation room which are constructed of smooth impervious material and designed so as to allow drainage to the floor waste.**
- 4) The body Holding room and mortuary shall be constructed in the following manner:-**
 - The body preparation room shall have a ceiling height of not less than 2.4 metres measured above the finished floor level**
 - The holding room and mortuary shall be constructed of a material that is smooth faced, durable, impervious to moisture and uniformly graded to discharge liquids to a floor waste; and a floor drain discharging through a removable screen/basket arrestor so as to prevent the discharge of any solid material into the sewerage system; and**
 - All joints between the floor and walls or partitions provided with coving of not less than 75mm radius so as to facilitate cleaning and the body holding room shall be refrigerated**
- 5) The body storage facilities shall be big enough to hold a minimum of 2 adult bodies. It shall be maintained at an internal temperature of between 1C and 5C. A visible thermometer shall be placed on the outsider of the refrigerated room. Cool room and shall be accurate to one (1) degree Celsius.**

Note: The refrigerated body storage facilities in the body preparation room and holding room shall only be used for the storage of bodies and not for any other use.
- 6) Condensation from the refrigeration units and cool room motors shall be directed to a tundish installed in accordance with the requirements of Sydney Water.**
- 7) At least one hand wash basin with an adequate supply of hot and cold water fitted with an elbow, foot or hands free operated taps shall be available in the body holding room/ viewing area to provide hand washing facilities should there be any leakage of wastes from an un-embalmed**

body.

- 8) All hand wash basins shall be provided with an adequate supply of potable water at a temperature of at least 40C mixed from a hot and cold water supply and fitted with elbow, foot operated or hands free taps. Each hand wash basin shall be supplied with soap and single use towels located next to it.**
- 9) The walls immediately behind any wash basin shall be tiled to a height of 450mm and for any distance of 150mm on either side of the basin. Alternatively another type of impervious surface may be used so as to be easily cleaned.**
- 10) A hand wash basin shall be supplied in a convenient position within the kitchen. The hand wash basin shall be provided with hold and cold water supplied through a single outlet and fitted with an approved mixing device to enable a supply of warm running water.**
- 11) A minimum of one impervious container, fitted with a close fitting cover or lid shall be provided for the reception and storage of all solid wastes arising from the preparation of bodies and for the reception and storage of all screenings from the floor drains.**
- 12) The funeral parlour and external openings on any body preparation, viewing and display areas shall be fitted with fly-proof screens on all external windows and all external doors shall be similarly fitted with self-closing fly-screen doors or other suitable apparatus to prevent the entry of flies.**
- 13) The mortuary shall be connected to a permanent water supply in compliance with the requirements of Sydney Water**
- 14) A back flow preventions device complying with the requirements of the Local Government (Water Services) Regulation, 1999, shall be provided between the water supply and all equipment, appliances, fittings and areas of the mortuary.**
- 15) The mortuary shall be provided with:**
 - One water closet for every 20 persons or part of 20 persons of each gender working in the mortuary at any one time**
 - Shower facilities with an adequate supply of potable hot and cold water for use by persons working in or about the mortuary**
 - A hand wash basin adjacent to water closet in the mortuary with an adequate supply of potable hot and cold water**
- 16) A body preparation room shall:**
 - Be capable of being sealed off from the remainder of the building and shall be provided to the mortuary**
 - Have a floor area of not less than 9.3 square metres**
 - Ceiling height of not less than 2.4 metres**
 - Have a floor drain discharging through a removable screen to prevent the discharge of solid materials to the sewerage system**
 - Have all walls and partitions of masonry or brick construction, impervious with a smooth unbroken finish capable of being readily cleansed**

- *Have all joints between the floor, walls, partitions, ceiling, ventilation grilles, fittings, pipe work, windows and light fittings sealed with an impervious material*

17) All solid waste arising from the preparation of bodies for burial or cremation shall be disposed of as contaminated waste.

18) The body preparation room shall have a vehicle reception area adjacent to it and designated from the transfer of un-coffined bodies from the area to room and the room areas shall be screened from public view

Reason:- to ensure the construction of the funeral parlour and mortuary complies with the relevant codes and standards

Environment and Health – Hygiene

1) A cleaning schedule/plan outlining the methods to be used for the cleaning of the body preparation area, the body storage cool room and all equipment used in connection with body preparation/handling, shall be implemented to ensure that the premises and equipment is kept in a clean and sanitary condition at all times.

2) Equipment and instruments which are not single use items, which come into contact with non-sterile tissue (other intact skin) must be disinfected prior to sterilisation.

Note: Where equipment or instruments that are not single use items, which have the potential to penetrate the skin, the equipment or instruments must be sterilized using an approved technique such as steam sterilization (note: you are advised to check the Classification of the Autoclave and all sterilisation procedures shall be in compliance with the Australian Standard AS 2182-1998 – Sterilisers – Steam – Bench top.

3) No other disinfectant other than a chemical Disinfectant listed on the Australian Register of Therapeutic Goods (ARTG) shall be used on the premises. A chemical disinfectant on the ARTG will have a registration certificate issued by the Therapeutic Goods Administration.

Reason:- to ensure the operation of the premises is undertaken in a hygienic manner.

Environment and Health - Waste/Stormwater

1) A copy of Permission to Discharge trade waste water shall be obtained from Sydney Water prior to the discharge of trade waste water to the sewer system. A copy shall be provided to the Principal Certifying Authority (PCA) prior to issuing the Construction Certificate. A copy shall also be provided to Council if Council is not the PCA.

2) A flood management plan shall be submitted to the Principal Certifying Authority, with a copy submitted concurrently to Council. The flood management plan shall take the form of a contingency plan in the event of a flood and shall consider alternate body storage facilities in case of emergency to ensure that bodies are not left unrefrigerated for more than 24 hours.

3) A suitably licensed waste contractor shall be engaged for the disposal of

clinical waste, contaminated waste and Sharps waste. Records of waste contracts and receipts for disposal of waste must be kept at the premises and be made accessible at all times.

Reason:- to ensure waste generated by the development is suitably disposed of and ensure suitable measures are in place relating to alternate body storage.

Environment and Health - Noise

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an offensive noise as defined under the provisions of the Protection of Environment Operations Act, 1997. Should Council receive requests regarding offensive or intrusive noise, Council may request an acoustic assessment conducted by a suitably qualified acoustic consultant with mitigation measures to be installed.

- (a) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).*
- (b) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.*
- (c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.*

For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

Reason:- to ensure adequate acoustic amenity in the locality.

Flood Risk Management

As site is affected by medium flood risk, subject development shall comply with Chapter 6 of Council's 'Auburn Development Control Plans 2000 – Stormwater Drainage'. In this regard, supporting documents shall be submitted in order to ensure that the development complies with the controls in Schedule 1 (J1) of Auburn Development Control Plans 2000 – Stormwater Drainage.

Reason:- to reduce flood risk to the people and properties.

Flood Risk Evacuation Plan

A flood risk evacuation plan shall be prepared by a suitably qualified person in conjunction with Council's floodplain risk management plan. The flood risk management plan shall be in force at all times.

Reason:- to ensure adequate evacuation procedures are implemented on the premises in the event of flooding occurring on the site.

Electrical equipments

All Electrical and flood sensitive equipments shall be located no lower than 1

in 100 year flood level.

Reason:- *to minimise the flood risk to person and property.*

Stormwater treatment device

Stormwater runoff from the parking area including access ways will have to undergo a form of primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy shall also be provided to Council if Council is not the PCA.

Reason:- *to ensure the stormwater quality is maintained.*

Sediment control

Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated March 2004 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Reason:- *to ensure sediment and erosion controls are maintained during the construction process to prevent water pollution from occurring.*

For: Councillors Anmak, Attie, Di Paolo, Michels, Simms and Zraika.

Against: Councillors Oueik, Au and Lam.

Note: Voting on the above motion was by way of a division.

114/11 Lot 72 Brooks Circuit, LIDCOMBE
DA-424/2010 GF : CC

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Attie:

Part A - Section 96(AA) Application No. 572/2002/H

That Section 96(AA) Application No. DA-572/2002/H to modify the consent for the staged redevelopment of the Former Lidcombe Hospital site to allow for the demolition of building 69 (Annex to Nurses Quarters No.1) and a change in the building's status from 'retained building' to 'demolished building' on land at Lot 72 Brooks Circuit, LIDCOMBE be approved subject to modification of condition '1' as follows:

1. Staged Development Consent – specified part or aspect of that development

That pursuant to S.80(4) of the Environmental Planning & Assessment Act 1979 consent be granted to Development Application 572/02 for the staged development of the former Lidcombe Hospital site for subdivision, civil works including roads, drainage and provision of open space, demolition of buildings, regrading, landscaping, removal of trees, site remediation, and separate access

and uses.

- (a) staged subdivision of the land in accordance with drawing Civil 01 Rev "T" dated 24 May 2010;**
- (b) proposed open space to be dedicated to Council shown on drawing Civil 01 Rev "T" dated 24 May 2010 as "Future Public Reserve";**
- (c) civil works, including roads, drainage, services and infrastructure in accordance with drawings Civil-03 Rev "F" dated 20 June 2007; Civil-04 Rev "J" dated 6 April 2010; Civil 05 Rev "C" dated 16 October, 2002; Civil 07 Rev "C" dated 23 June, 2003; Civil 08 Rev "C" dated 23 June, 2003 and associated dedication of roads and open space;**
- (d) civil works including site re-grading, in accordance with drawing Civil-02 Rev "N" dated 6 May 2010 as varied by drawing 7218/P1D entitled "Road-works cut/fill plan" dated 10 May 2010 prepared by J Wyndham Prince Pty Limited and conditions 8 and 45 of this consent;**
- (e) site remediation as specified in the remediation plan referred to in Condition No. 4 of this consent;**
- (f) construction and embellishment of public open space areas and landscaping as shown on drawings Figure 9 Rev 05 dated June, 2007; Figure 10 Rev 03 dated November, 2007; Figure 11 Rev 01 dated June, 2003; Figure 13 Rev 01 dated June, 2003; Figure 14 Rev 01 dated June, 2003; Figure 20 Rev 02 dated November 2007;**
- (g) removal of trees as shown to be removed on drawing Figure 15 Rev 10 dated 11 January 2010 as modified by Drawing No. 205024 L / SD/ P4 01 Rev 01 dated 6 December 2007; and the area shown clouded in red on Figure 15 Rev 05A dated June, 2007 only insofar as trees affected by civil works, and "Tree Schedule – s96 changes to Fig. 15, Rev.04 – Precinct 7, Botanica, Lidcombe" detailed in Report No. 1074s96Rev2 prepared by Tree Wise Men and dated June 2007 only insofar as this modifies 'Trees to be retained' to 'Trees to be assessed in subsequent DA' (with these plans prevailing over any other plan referred to in this consent with respect to trees to be retained, trees to be assessed in subsequent development applications and trees approved to be removed);**
- (h) demolition of buildings and associated infrastructure as shown on drawing Figure 03C dated May 2008, as modified by Figure 03B Revision B dated August 2003 (with these plans prevailing over any other plan referred to in this consent with respect to buildings to be demolished),**
- (i) separate access to the Site via Joseph Street and Weeroona Road.**

each of (a) to (i) above to be generally in accordance with development application and accompanying statement of environmental effects and each of the drawings referred to in (b) to (g) above to be amended as required to be consistent with Drawing Civil 01 Rev "T" dated 24 May 2010.

[Condition '1' modified by Section 96(AA) Application Nos. DA572/2002/B, DA572/2002/E, DA572/2002/F and DA572/2002/G]

Part B - Development Application No. 424/2010

That Development Application No. DA-424/2010 for Demolition of Building No. 69 (Annex to Nurses Quarters No.1) at the former Lidcombe Hospital site on land at Lot 72 Brooks Circuit, LIDCOMBE be approved subject to the following appropriate conditions:

- a) Standard Conditions as detailed in Council's Standard Conditions Book:**

GE001	GE003	DM001	DM002	DM003	DM004
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DM005	DM006	DM009	DM010	DM011	DM012
DM013	DM014	DM015	DM017	CM056	EG007
CM006	CM009	LD019			

b) The following special conditions:

22. Heritage Council – General Terms of Approval

(a) All work shall comply with the information contained within:

- (i) Project No. 05-032: Drawing Nos: S60 82-2101, Issue A; S60 82-3101, Issue A dated 21 July 2010 by Allen Jack + Cottier Pty. Ltd; Existing Site Features Changes Incorporated, Figures 03B dated July 2010; Existing Site Features Changes Incorporated Figure 03B revision B dated August 2010 by the Cox Group Pty Ltd.**
- (ii) Botanica Building 69 Photographic Survey dated 1 July 2010 by AJ+C Allen Jack + Cottier.**
- (iii) Lidcombe Hospital Site – Precincts 7 and 8 Development Application (DA8) Heritage Impact Statement dated May 2006 by Godden, Mackay Logan Pty Ltd.**
- (iv) Demolition Management Plan of Building No. 69 – Former Nurses Quarters Botanica Weeroona Road Lidcombe dated 21 June 2010 by J. Wyndham Prince Pty Ltd.**
- (v) Lidcombe Hospital Nurses' Quarters Group (DA82) Heritage Impact Statement dated June 2010 by Godden Mackay Logan Pty Ltd.**
- (vi) Botanica Joseph Street Lidcombe Stage 1 Modification Application and Statement of Environmental effects demolition of Building 69 and Breezeway dated 9 July 2010 by McKenzie Land Planning Services Pty. Ltd.**

EXCEPT AS AMENDED by the following:

- (b) All heritage work shall be supervised by a qualified heritage consultant to ensure that the impact of the works on the heritage significance of the adjoining building(s) is minimised and all work has been carried out in accordance with the conditions of this consent.**
- (c) All work shall be carried out by suitably qualified tradesmen with practical experience in conservation and restoration of similar heritage items. The nominated heritage consultant must be consulted prior to the selection of appropriate tradesmen.**
- (d) Following the determination of the development application by Auburn Council an application under Section 60 of the NSW Heritage Act 1977 must be submitted to and approved by the NSW Heritage Council.**

For: Councillors Oueik, Anmak, Attie, Au, Di Paolo, Lam, Michels, Simms and Zraika.

Against: Nil.

Note: Voting on the above motion was by way of a division.

115/11 Information Report for JRPP - 88-90 Water Street, Auburn

DA-485/2010 GF : CC

Note: Clr Attie, Clr Au and Clr Zraika each declared a non-pecuniary interest in the matter and left the Chamber before the consideration of the matter and remained outside the Chamber during all of the discussions.

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Michels that Council receive and note the information report for DA-485/2010 regarding the proposed construction of a four (4) storey building for use as a medical training and research facility with associated site works by The University of Notre Dame (Crown DA) on land at 88-90 Water Street, AUBURN.

For: Councillors Oueik, Anmak, Di Paolo, Lam, Michels and Simms.

Against: Nil.

Note: Voting on the above motion was by way of a division.

116/11 Adoption of Integrated Planning and Reporting Suite of Documents

S-57-31 AK : CC

RESOLVED on the motion of Clr Simms, seconded Clr Attie:

- 1. That Council adopt the Community Strategic Plan 2021;***
- 2. That Council adopt the 2011 to 2015 Delivery Program;***
- 3. That Council adopt the 2011/2012 Operational Plan incorporating the 2011/2012 Budget, the Annual Revenue Policy Statement;***
- 4. That Council adopt the Resourcing Strategy comprising the Asset Management Plan, Long Term Financial Plan and the Workforce Management Plan; and***
- 5. That Council, in accordance with Section 608 of the Local Government Act 1993, set the Fees and Charges for 2011/2012, as detailed in the Schedule of Fees and Charges for 2011/2012.***

For: Councillors Oueik, Anmak, Attie, Au, Lam, Michels, Simms and Zraika.

Against: Councillor Di Paolo.

117/11 Issues relating to the Detached Dwellings and Dual Occupancies DCP

T-10-06/09 GF : EG

RESOLVED on the motion of Clr Attie, seconded Clr Anmak:

- 1. That a detailed planning report be prepared for the consideration of Council looking at addressing the issues of:***
 - (a) a sliding scale of calculating deep soil for developments in the R2, R3 and R4 zones based on lot sizes;***

(b) and reducing the mandatory side setback requirements for lots over 450sqm to a minimum of 900mm to a maximum 1.2 for dwellings;

(c) increasing the size of a “granny flat” for sites with a site area in excess of 470sqm to 60sqm for 1 bed/studio and 75sqm for 2 bed and must comply with site coverage, drainage and landscape provisions;

(d) maximum site coverage increased for townhouses and residential flat buildings to be 70% as the majority contain on site detention (the landscape requirement remains unchanged).

2. That from the findings of this report addressing the issues above, Council commence the process to amend the relevant Sections of the DCP.

For: Councillors Oueik, Anmak, Attie, Au, Lam and Zraika.

Against: Councillors Di Paolo, Michels and Simms.

118/11 March 2011 Quarter Review of the 2010/2011 Management Plan
B-23-09/10 AK : CC

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Anmak:

- 1. That the report be received and the information therein noted.**
- 2. That the March 2011 Quarter Review of Management Plan for 2010/2011 be hereby noted and approved.**

119/11 March 2011 Quarter Review of the 2010/2011 Budget
L-22-04/05 HWH : MW

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Anmak:

- 1. That the Report be received and the information therein noted.**
- 2. That the March 2011 Quarter Review of revised estimates of income and expenditure for 2010/2011 be hereby noted and approved.**

120/11 Advice of Counsel - Role of General Manager in Industrial Relations Issues
S-14-04 BC : PV

Moved Clr Di Paolo, seconded Clr Michels:

1. That the report be received and the information therein noted.
2. That the information requested in Item 313/10 at the Ordinary Meeting of Council on November 17, 2010 be provided.

Amendment

An amendment was moved Clr Simms, seconded Clr Attie that the report be received and

the information therein noted and no action be taken in respect to Item 313/10.

The amendment was put to the vote and declared carried and became the motion.

For: Councillors Oueik, Anmak, Attie, Au, Lam, Simms and Zraika.

Against: Councillors Di Paolo and Michels.

The motion was put to the vote and declared carried.

RESOLVED on the motion of Clr Simms, seconded Clr Attie that the report be received and the information therein noted and no action be taken in respect to Item 313/10.

For: Councillors Oueik, Anmak, Attie, Au, Lam, Simms and Zraika.

Against: Councillors Di Paolo and Michels.

121/11 Parramatta Council - Proposed Rail for Western Sydney
C-41-10 BC : PV

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Anmak:

- 1. That the Council provide a letter of support for the proposal by Parramatta City Council for its alternate rail line for Western Sydney.***
- 2. That the report be otherwise received and the information therein noted.***

122/11 2011 National General Assembly of Local Government - Canberra - Request for Approval to Attend by Clr Michels
L-28-01/03 BC : MW

RESOLVED unanimously on the motion of Clr Michels, seconded Clr Simms:

- 1. That the Council note the request expressed by Councillor Michels to attend the 2011 National General Assembly of Local Government in Canberra and approve of her attendance otherwise in accordance with the Council's Civic Expenses Policy.***
- 2. That the Council meet the registration fee, travel, accommodation and out of pocket expenses in accordance with its Civic Expenses Policy for the attendance by Councillor Michels.***
- 3. That Council note the requirement in its Civic Expenses Policy for a Delegates Report to be provided by attendees at such Conferences.***

123/11 Re-submitted Item - Notice of Business - Installation of 'No Parking' Signs at 360 Park Road, Auburn - Clr Michels
P2920360 BC : MW

RESOLVED unanimously on the motion of Clr Michels, seconded Clr Simms:

- 1. That the proprietor be advised to apply to Council to widen the exit vehicular***

crossing to improve sight distance for vehicles exiting the service station, noting that all associated cost shall be borne by the proprietor.

2. *That the proprietor be advised to comply with Condition 89 of DA 327/2007, within 3 months as listed below:*

Condition 89 – Provision of Right Turning Traffic:

“All reasonable measure to be taken to prevent right turn entry to the site from northbound traffic on Park Road as well as right turn exit from the site onto Park Road.

In this regard adequate signs and pavement markings are to be provided to direct the flow of traffic within the site.

Details are to be provided prior to the issue of the construction certificate.

Reason:- to assist with traffic flow within the development.”

124/11	Tender Number T-2011-001 - Electrical Repairs and Installations
T-2011-001	AG : TH

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Anmak:

1. *That Council accept the tender of DJ Staniforth & Co as the preferred contractor as set in the schedule of rates for a two year period from June 1 2011 with Council's option to extend the initial contract for a further two years in yearly increments.*
2. *That Council accept the tender of B&G Enterprises (NSW) Pty Ltd as the 2nd ranked contractor as set in the schedule of rates for a two year period from June 1 2011 with Council's option to extend the initial contract for a further two years in yearly increments.*
3. *That Council accept the tender of Ron Bateman Pty Ltd as the 3rd ranked contractor as set in the schedule of rates for a two year period from June 1 2011 with Council's option to extend the initial contract for a further two years in yearly increments.*
4. *That the unsuccessful tenderers be advised of Council's decision.*

125/11	Aboriginal Protocols and Guidelines
C-37-67	BE : MW

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Anmak that the Draft Aboriginal Protocols and Guidelines be placed on public exhibition for a period of 28 days, after which it will be resubmitted to Council, along with any submissions received for consideration and for adoption.

126/11 Sustainable Event Management Policy

P-13-01/07 MD : MW

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Anmak:

- 1. That the attached draft Auburn City Council Sustainable Event Management Policy be placed on public exhibition for a period of 14 days.**
- 2. That following the public exhibition, the Policy be adopted by Council.**

127/11 Auburn City Council Community Grants Program

C-28-02/03 BE : OG

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Anmak that Council allocate a total of \$99,530 funds from its 2011 Community Grants Program budget to the following community organisations:

Mabaan Community in NSW Inc	\$4,177
Australian Ataturk Cultural Centre	\$4,996
Regents Park Veterans and Community Men's Shed	\$5,000
Sydney Stars Somali Football Club	\$5,000
African Hunting Performance Group	\$4,929
NSW STARTTS	\$10,000
Wentwest Limited	\$10,000
Fitted For Work	\$10,000
Asian Women at Work	\$3,500
Friends of STARTTS	\$10,000
Football United	\$9,900
Inner West Skills Centre Inc	\$7,929
Inner West Skills Centre Inc	\$4,200
Auburn Community Development Network	\$9899

128/11 Results of Community Engagement and Telephone Survey for Special Rates Variation (February/March 2011)

R-42-01 AK : MW

RESOLVED on the motion of Clr Simms, seconded Clr Attie that the report be received and the information therein noted.

For: Councillors Oueik, Anmak, Attie, Au, Lam, Michels, Simms and Zraika.

Against: Councillor Di Paolo.

129/11 Relocation to 9 Northumberland Road, Auburn

C-28-02/03 BE : OG

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Anmak that the report be received and the information therein noted.

130/11 Provision of Insurance Services - Metro Pool Group

I-03-03/19 BC : PV

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Anmak that the report be received and the information therein noted.

131/11 Constitutional Recognition of Local Government - Reply from Hon Tony Abbott MHR

L-28-01/03 BC : PV

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Anmak that the report be received and the information therein noted.

132/11 Investments Report for March 2011

A-05-01/05 HWH : MW

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Anmak that the report be received and the information therein noted.

133/11 Investment Balances as at 30 April, 2011

A-05-01/05 HWH : MW

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Anmak that the report be received and the information therein noted.

134/11 Business and Finance Activity and OH&S Statistics Report for March 2011

S-18-08/04 PV : PV

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Anmak that the report be received and the information therein noted.

135/11 Report on Actions from Council Decisions

C-28-17 BC : MW

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Anmak that the report be received and the information therein noted.

136/11 Local Government Remuneration Tribunal - 2011 Annual Determination

C-27-02/05 BC : PV

RESOLVED on the motion of Clr Lam, seconded Clr Attie:

- 1. That in accordance with the provisions of Section 249 of the Local Government Act 1993, the annual Mayoral Fee for the period July 1, 2011 to June 30, 2012 be fixed at \$36,320.00.***

- 2. That in accordance with the provisions of Section 248 of the Local Government Act 1993, the annual Councillor Fee for the period July 1, 2011 to June 30, 2012 be fixed at \$16,640.00.**

For: Councillors Oueik, Anmak, Attie, Au, Lam, Michels and Zraika.

Against: Councillors Di Paolo and Simms.

137/11 Planning Proposal for New Town Centre Development Standards
PP-2/2011 AK : MW

RESOLVED unanimously on the motion of Clr Lam, seconded Clr Anmak that the report be received and the information therein noted.

138/11 Acquisition of 102 Woodburn Road, Berala
L-03-01/04 AG : TH

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Attie:

- 1. That the action taken by the General Manager to acquire 102 Woodburn Road, Berala, for the sum of \$590,000, be endorsed by Council.***
- 2. That the Mayor and General Manager sign and seal all documents associated with the purchase.***
- 3. That Council give public notice of its intentions to classify the land known as Lot 1 DP 301052 as Community Land in accordance with the provisions of Section 34 of the Local Government Act 1993.***
- 4. That if no adverse submissions are received then the classification as Community Land be confirmed.***
- 5. That the General Manager be authorised to acquire the property at 98 Woodburn Road, Berala known as Lot 3, DP 301052, for use as public open space based on a valuation established by a qualified valuer.***

139/11 General Manager's Performance Review
C-28-11 BC : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Anmak:

- 1. That a meeting of the General Manager's Performance Review Committee be called for Wednesday, June 8, 2011 commencing at 6.30pm for the purpose of conducting the Performance Review for the General Manager.***
- 2. That an Extraordinary Meeting of Council be called for Wednesday, June 8, 2011 commencing at 7.30pm for the purpose of considering the recommendations of the General Manager's Performance Review Committee.***

CLOSED SESSION

C-28-01/06 BC : MW

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Attie that the Council convene in closed session to consider the following item:

C004/11 Payce Properties Pty Ltd v Auburn City Council

The item contained advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with Section 10A(2) (g) of the Local Government Act, 1993.

The Council convened in Closed Session at 8.07pm. The public and media left the Chamber.

On completion of the consideration and determination of the matter Council resolved to reconvene in Open Session.

RESOLVED unanimously on the motion of Clr Simms, seconded Clr Anmak that Council move out of Closed Session and reconvene in Open Session.

The Council reconvened in Open Session at 8.28pm.

On resumption in Open Session, the General Manager announced that the Council in closed session had made its determination as follows:

C004/11 Payce Properties Pty Ltd v Auburn City Council

A-44-29 JB : MW

RESOLVED unanimously on the motion of Clr Attie, seconded Clr Simms:

- 1. That Norton Rose be instructed to reject the settlement offer from Payce.**
- 2. That progress be reported to Council.**

There being no further matters, the meeting was closed at 8.30pm.

CONFIRMED:

MAYOR

DATE: