

MINUTES OF THE MEETING OF PARRAMATTA CITY COUNCIL HELD IN THE
COUNCIL CHAMBER, CIVIC PLACE, PARRAMATTA ON MONDAY, 9 JULY 2012
AT 6.49 PM

PRESENT

The Lord Mayor, Councillor L E Wearne in the Chair and Councillors A Bide, J Chedid, G J Elmore, P Esber (arrived 6.51 pm), J D Finn, P J Garrard, A Issa, OAM MP, M A Lack, S D Lloyd and A A Wilson (Deputy Lord Mayor).

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Lord Mayor, Councillor L E Wearne acknowledged the Burramattagal Clan of The Darug, the traditional land owners of Parramatta and paid respect to the elders both past and present.

FOUNDATION ACKNOWLEDGEMENT

The Lord Mayor also acknowledged the colonial heritage of Parramatta and recognised the contribution of the early settlers in laying the foundations of this great and historic city.

MIGRANT ACKNOWLEDGEMENT

The Lord Mayor also acknowledged the many migrants that have come to Parramatta and now call it home.

All these elements holistically make Parramatta what it is today.

MINUTES

SUBJECT Minutes of the Council Meeting held on 25 June 2012

RESOLVED (Chedid/Lloyd)

13225 **That** the minutes be taken as read and be accepted as a true record of the Meeting.

APOLOGIES

13226 RESOLVED (Chedid/Wilson)

That an apology be received and accepted for the absence of Councillors P B Barber, C X Lim, M D McDermott and P K Maitra.

DECLARATIONS OF INTEREST

There were no declarations of interest at this meeting.

PETITIONS

NOTE: Councillor Issa OAM MP made reference to a petition received by all Councillors regarding Freedom for Smokers and suggested that the petition be considered in conjunction with Item 13.1 regarding the Smoking in Public Places Policy.

1 SUBJECT Speed of Vehicles in Model Farms Road, Winston Hills
REFERENCE F2008/03507 - D02426123
FROM R Jenkins and others
RESOLVED (Lloyd/Wilson)

13227 **That** the petition be received and referred to the Parramatta Traffic Committee for investigation and response to petitioners.

PUBLIC FORUM

1 SUBJECT Support for Smoking Ban
REFERENCE F2012/00430
FROM Marion Carroll
STATEMENT

By Ms Marion Carroll:-

13228 “As a resident of Parramatta I would like to express my congratulations to Parramatta Council and Parramatta Councillors in showing strength of leadership and concern for its citizens.

I am a mother of four children and a grandmother of two. Both my parents were heavy smokers and both passed away from cancer. I have never been a smoker but as a child I was subjected to second hand smoke. I believe that this is the reason that I am an asthmatic. As a young child my son lived in my parent’s home. He suffered from croup many times before the age of 3 and he is today a bronchial asthmatic. My daughter works in the hospitality industry in Parramatta and everyday is subjected to the effects of second-hand smoke from her customers. I worry for her future health.

We know that smoking is harmful ... there is no disputing that ... we also

Since notification of the original Development Application, the following design changes have been made by the applicant:

- Reallocation and reorganisation to the internal layout of the proposed units to improve functionality and internal amenity;
- Redesign of the southern elevation of the building to provide an improved appearance.
- Provision of screening of the garbage store from the main entry point.
- Clear dedication of private open space on the ground floor to units.
- Simplification of the roof design to reduce its bulk.
- Minor façade amendments to improve the external presentation of the building.

In addition, proposed conditions of consent 31 to 35 seek to bring about the following changes to the plans:

- The installation of inoperable privacy screening devices on the balconies associated with units 8, 9, 10, 13, 14, and 15;
- The provision of gates and fencing in locations at the front of the site to provide access control to the common areas of the development;
- Provision of a fixed bench in the common open space area to encourage use;
- Provision of fixed planter beds along the northern side of the courtyard area of Unit 3 to improve the amenity of that space.

2. *Have the windows in the units overlooking backyards in Rosehill Street been repositioned or replaced with opaque or similar glass to give privacy to homes?*

No. The type of rooms proposed on the southern side of the building, being bedrooms and kitchens, are low use and specific use rooms not used for entertaining. The windows are also located between 6.12m and 6.59m from the rear boundary line providing suitable separation from the properties to the rear. Given this context, it is considered that providing frosted glass to these units would reduce the level of solar access to the rooms, and negatively affect the external appearance of the building while not providing any significant benefit to the level of privacy enjoyed by adjoining properties.

Conditions have been proposed requiring the provision of privacy screens on the balconies that have portions facing the south. The design of the building is such that no other windows in the building provide a line of site to the rear boundary.

3. *What is the distance now between the unit building and the common back fence line shared with properties in Rosehill Street?*

The proposed building will be setback between 6.12m and 6.59m from the rear boundary.

4. *What is the proposed height of the new back fence and what materials/type of fence will be erected?*

The submitted landscape plan indicates provision of a 1.8 metre high colorbond fence along the rear boundary behind a 3 metre strip of landscaping separating it from the rear areas of private open space. This notwithstanding, boundary fences are subject to the provisions of the Dividing Fences Act 1991 and as such any approval for a boundary fence is concept only and subject to the future agreement between the owners of both properties.”

3 SUBJECT Development Application - 140 - 142 Kissing Point Road, Dundas
REFERENCE DA/857/2011
FROM David and Jennie Blacklaw
STATEMENT

By Mr David & Ms Jennie Blacklaw:-

13230 “We received notification of this meeting at 4pm on Monday 2 July giving us only 4 working days , and to read a 73 page assessment. This is clearly not enough time. As a group of residents there are some people who are sick, working full time and it is school holidays and some people are away. Having said that,

- 1) WE ARE SEEKING A VOTE THAT A DEFERRMENT BE GIVEN TO THIS DEVELOPMENT to give us more time to digest the assessment report. Following the recent site meeting it is clear to the residents that our concerns have not been heard. And we wish to highlight the following –

- 2) SOLAR ACCESS

WHY WOULD COUNCIL ALLOW THIS LARGE DEVELOPMENT TO GO AHEAD – GIVEN THAT UNITS 1, 2 AND 3 DO NOT COMPLY WITH SUFFICIENT SOLAR? (see details below)
Council have noted that units 1 2 and 3 do not comply with sufficient solar access referring to private open space.(to comply at least 20m2 of the courtyard is required to obtain solar access for 3hours on June 21st).

- 3) 144 Kissing Point Road Dundas

WHY WOULD COUNCIL ALLOW THIS LARGE DEVELOPMENT TO GO AHEAD WHEN THE ACCESS OF AN EXTRA 18 CARS AT THIS RENOWNED BLACKSPOT WOULD CREATE CAR

ACCIDENTS? (see details below) Council firstly addresses their concerns of the impact of proposed development by stating, Traffic engineer has indicated the development is not expected to have a significant impact on Kissing Point Road as they referred to the additional volume being only another 18 cars adding to the 20,000 to 40,000 car's. I DON'T THINK THIS IS THE ISSUE. The issue is the address is on a proven dangerous strip and 18+ cars entering and exiting will be a hazard and is likely to be the cause of serious road accident directly or indirectly.

144a Kissing Point Road addresses traffic again titled Impact On Road Safety stating council's traffic and transport engineers who for some strange reason have no concernsno concerns??? Of the location of proposed driveway on the site and wont have a significant impact on the functioning of the local traffic network.

4) PRIVACY FOR 4 ADDERTON ROAD

WHY WOULD COUNCIL ALLOW THIS LARGE DEVELOPMENT TO GO AHEAD WHEN A MORE TASTEFUL DESIGN OF SAY 4-6 TOWNHOUSES WOULD BE IN KEEPING WITH SURROUNDING HOMES . INSTEAD OF ALLOWING 8 TOWNHOUSE WITH 4 TO BE NO MORE THAN A FEW METRES FROM OUR BACK DECK AND LIVING AREA?

Loss of our privacy and request to have windows designed that do not look down into our backyard, deck and into our house and living spaces.

The back of our house is entirely glass and the proposed dwellings will be able to look into our private areas – our deck, back sunroom, a bedroom and even through to our main bedroom.

This back private area is often used by our daughter to get dressed.

Any windows to the rear of the Townhouses will also have a clear and permanent view of our backyard where children play and swim.

We request any Development on this site comply with the following –

- 1) All windows on the back of the Townhouses should be reduced to be as small as possible.
- 2) All windows should be above eye level so that persons can only look out and into the distance not down into our Backyard, deck and into our house and living spaces.

Alternatively –

- 3) All windows on the back of the Townhouses should be fitted with frosted or fixed window grilles, which allow viewing only to the east and not to the north (which is directly into our house and into our backyard). These grilles should be fitted so that the view is looking down Kissing Point Road – in other words ‘east’. No-one should be allowed to have a clear view into our backyard and private backyard space.

We do not accept that these new Townhouses and future occupants should be entitled to view our backyard as their ‘view’ – this is absolutely unacceptable.

Consideration for our privacy is the most important part of our request and we feel this is fair and reasonable.

This is absolutely not acceptable and is as a direct result of the Developer not allowing enough space, within the boundary of the Development, for garden views and enjoyment.

4) REAR SETBACK

WHY WOULD COUNCIL ALLOW AN EXTRA 100MM SETBACK ENCROACHING ON THE REAR BOUNDARY - WHEN THE ORIGINAL SETBACK HAS BEEN CHANGED SO DRAMATICALLY AND NOW HAS 4 DWELLINGS ON OUR SIDE BOUNDARY? IT DOES NOT COMPLY

5) EASEMENT

Should this development or any smaller development go ahead we request, that during the building process, we be given Storm water easement through to Kissing Point Road at the eastern end of 142 Kissing Point Road, or at the lowest point.”

4 SUBJECT Support for Development Application - 140 -142 Kissing Point Road, Dundas
REFERENCE DA/857/2011
FROM Tone Wheeler
STATEMENT

By Mr Tone Wheeler:-

13231 “As detailed in the Assessment Report we have worked hard over seven months to resolve issues raised by Council and to minimise any potential impacts on the amenity of the surrounding properties. We now have a scheme that Council Officers are able to support.

At the Councillor inspection on 23 July 2012 concerns were raised regarding the location of the driveway relative to the intersection of

Kissing Point Road and Adderton Road. Council's Assessment Report notes that the relevant Australian Standard only requires the driveway to be 10 metres from the intersection. The proposed driveway will be located in the same position as the existing driveway servicing 140 Kissing Point Road, 25 metres from the intersection.

With the design changes recommended by Council, we believe the driveway will allow vehicles to safely enter and exit the site.

The driveway can technically be moved to the eastern side of the site however this would result in greater impacts on the adjoining properties, particularly 144 Kissing Point Road. The proposed driveway is located adjacent to a garage and therefore the acoustic impact of the driveway on the surrounding properties has been minimised.

If Council was of a mind to require the driveway to be relocated we ask that this be required as a Deferred Commencement Condition, to avoid any further unnecessary delays to the determination of the application."

5 SUBJECT Smoking in Public Places Policy
REFERENCE F2012/00430
FROM Mr Omar Jamal

"1. On 20 June 2012, Judge Biscoe in the Land and Environment Court said, and I quote:

"The Applicants have been successful" (Paragraph 83 of the Judgment).

As the Parramatta Business Freedom Association and Armani Restaurant were successful, His Honour made an Order that Council are to pay the Costs of the litigation to both Applicants (Paragraphs 84 and 85 of the Judgment).

The Judge made these findings because His Honour held that Council staff had acted unlawfully, and without authority, in that Council Staff amended the "Smoking in Public Places Policy November 2011" (**SIPP November 2011**) adopted by Council on 12 December 2011 by producing and implementing the "Smoking in Public Places Policy December 2011" (**SIPP December 2011**) which was never put to the Councillors for adoption. To illustrate this, His Honour said at Paragraph 25 of the Judgment, and I quote:

25 The endorsement at the end "Adopted by Council on 12th December 2011 MINUTE Number 12892" is wrong. What was adopted on 12 December 2011 was SIPP November 2011. SIPP December 2011 has not been adopted by the Council. SIPP December 2011 is the creation of council staff who had no authority to change SIPP November 2011."

Given His Honour's findings that Council staff acted unlawfully and wrongly, we ask the following questions:

(a) Is Council prepared to lodge a Code of Conduct complaint against those staff who acted unlawfully?

(b) Is Council prepared to lodge a Code of Conduct complaint against those who instructed and authorised the staff to create the December 2011 document unlawfully?

(c) Despite the Court's Orders that Council staff had acted unlawfully and the grant of a costs order against Council, there is now a new Policy listed for adoption at tonight's meeting (Item 130.1). Who authorised the listing of this Policy for adoption at tonight's meeting without any public consultation as to its new wording, and its suitability?

13232 RESPONSE

By Mr Maurice Doria, General Counsel:-

"Question 1a

Clause 11.1 of the Code of Conduct permits complaints under the code to be made by a person only. Council (as a body) cannot make a complaint under the code. It is personal matter for councillors (like any other person) to determine whether or not they wish to make a complaint.

Question 1b

The response to question 1(a) above applies to this question.

Question 1c

The resolution relating to the Smoking in Public Places Policy from the 12 December 2011 council meeting formally records Council's policy decision which requires smoking to not occur in outdoor dining areas. In light of the Land & Environment Court decision (delivered on 20 June 2012), it is appropriate to bring the matter back to Council in order to ensure that the policy documentation aligns with Council's policy direction and give Council the opportunity to issue further policy direction."

REPORTS - DOMESTIC APPLICATIONS

8.1 SUBJECT 320 Church Street, Parramatta
 (Lot 1 DP 217677) (Arthur Phillip Ward)

DESCRIPTION Alterations and additions to a commercial building, fitout
 and use of tenancy as a restaurant with 334 seats,
 including outdoor dining and signage

REFERENCE DA/218/2012 - Submitted 13 April 2012

APPLICANT/S Marrace Pty Ltd

OWNERS Marrace Pty Ltd

REPORT OF Manager Development Services. Also correspondence
 from Dyldam received on 6 and 9 July 2012.

REASON FOR REFERRAL TO COUNCIL

The application has been referred to Council as it
proposes works on Council owned land.

RESOLVED (Bide/Chedid)

- 13233 (a) **That** the outdoor dining component of the application be granted
 at a consideration of a roadway occupation approval fee of
 \$40,000 per year, such fee to be subject to a yearly CPI
 increase. Further, this approval be subject to the extension of
 the pathway to the 4 car parking spaces to be at the cost of the
 applicant.
- (b) **Further, that** Council as the consent authority grant
 development consent to Development Application No.
 DA/218/2012 for the fitout and use of a tenancy as a restaurant
 with 278 seats and signage with outdoor dining on land at 320
 Church Street Parramatta for a period of five (5) years from the
 date on the Notice of Determination subject to the conditions
 contained in attachment 1 amended appropriately to permit
 outdoor dining.

DIVISION The result being:

AYES Councillors A Bide, J Chedid, G J Elmore, P Esber, J D
 Finn, P J Garrard, M A Lack, S D Lloyd and A A Wilson.

NOES The Lord Mayor, Councillor L E Wearne and Councillor A
 Issa, OAM, MP.

REPORTS - MAJOR APPLICATIONS

9.1 **SUBJECT** 23 Elizabeth Street (Former PCC Granville Depot)
Granville (Lot 100 DP 1168741) (Woodville Ward)

DESCRIPTION Section 96(1A) modification to modify development consent No. DA/129/2010 for the construction of 19 townhouses over basement carparking. The modifications involve the reconfiguration of the dwellings within the approved building envelopes and increased floor areas.

REFERENCE DA/129/2010/B - 30 March 2012

APPLICANT/S Arise Holdings Pty Ltd

OWNERS Arise Holdings Pty Ltd

REPORT OF Manager Development Services

REASON FOR REFERRAL TO COUNCIL

The parent development application was lodged by Council with the site also being owned by Council until October 2011.

RESOLVED (Esber/Chedid)

13234 **That** Council as the consent authority, modify development consent DA/129/2010 for demolition, tree removal, remediation of the site and construction of 19 x 2 storey townhouses over basement car parking to include modifications comprising internal alterations and minor increase in floor space on land at Lots 13/16 sec 1 DP 277 23 Elizabeth Street (Former PCC Granville Depot) GRANVILLE as shown on the plans submitted with the modification of determination, for a period of five (5) years from the date being 23 March 2012 on the original Notice of Determination subject to the following modifications:

Modify Consent Number DA/129/2010 in the following way:

1. The proposal description to be modified to : Demolition, tree removal, remediation of the site and construction of 9 x 3 bedroom and 10 x 2 bedroom 2 storey townhouses over basement car parking.
2. Condition 1 be modified by the addition of the following:

Except as modified by:

- ☐ Plans titled Lots 13-16 SEC 1 DP 277 DA/229/2010: Issued for S 96 by Atelier One Pty Ltd for Arise Holding Pty Ltd drawing numbers 1112CC01 Revision D, Issued dated March; 1112CC10-16 Revision C dated March 12;
- ☐ BASIX certificate 298394M_04 dated 29 March 2012;
- ☐ Statement of Environmental Effects prepared by Altier One Pty Ltd dated March 2012;
- ☐ Waste Management Plan prepared by Arise Construction Pty Ltd dated 29/03/2012

3. Insert new condition 55A as follows:

“Occupation of any part of footpath or road at or above (including construction and/or restoration of footpath and/or kerb or gutter) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is required to submit an application for a Road Occupancy Permit through Council’s Traffic and Transport Services, prior to carrying out the construction/restoration works.”

4. Insert new condition 120A as follows:

“Oversize vehicles using local roads require Council’s approval. The applicant is required to submit an application for Oversize Vehicle Access Permit through Council’s Traffic and transport Services, prior to driving through roads within Parramatta LGA.”

5. Amend condition 139 by deletion of “255926M” and replacement with “298394M_04”.

6. Insert new condition 151:

“No additional walls or room dividing devices are to be installed in any dwelling without consent.”

Reason: to ensure the development complies with the approval and increased occupancy does not occur without consent.

7. All other conditions of DA/129/2010 remain unmodified.

DIVISION The result being:

AYES The Lord Mayor, Councillor L E Wearne and Councillors A Bide, J Chedid, G J Elmore, P Esber, J D Finn, P J Garrard, A Issa, OAM, MP, M A Lack, S D Lloyd and A A Wilson.

NOES None.

9.2 SUBJECT 1-5 Chestnut Avenue & 6-8 Burke Street, Telopea (Lot 101 DP 36691, Lot 102 DP 1691, Lot 103 DP 36691, Cor Lot 124 DP 36691 & Lot 123 DP 36691) (Elizabeth Macarthur Ward)

DESCRIPTION Demolition, tree removal and construction of an affordable rental housing development under Division 1 of the Affordable Rental Housing SEPP comprising 5 buildings containing a total of 24 units, carparking for 14 vehicles and consolidation of all lots into 1 lot.

REFERENCE DA/116/2011 - Submitted 8 March 2011

APPLICANT/S NSW Department of Housing

OWNERS NSW Department of Housing

REPORT OF Manager Development Services. Also Memorandum from Team Leader – Development Assessment Services dated 29 June 2012.

REASON FOR REFERRAL TO COUNCIL

The proposal relates to a development proposed under the SEPP (Affordable Rental Housing) 2009.

RESOLVED (Wilson/Chedid)

13235 **That** the application be refused for the following reasons:-

1. The proposal fails to satisfy the provisions of State Environmental Planning Policy (Affordable Rental Housing) Amendments 2011 as it does not satisfy the local character provision as the proposed development will not be compatible with the existing and/or the desired future character of the locality.
2. The proposed development is contrary to the aims and objectives of Parramatta Local Environmental Plan 2001 and Parramatta Local Environmental Plan 2011 and the proposed residential flat building is a prohibited development under the zoning of the site and is out of character with the area.
3. The proposed development will have an unacceptable acoustic and visual privacy impact upon adjoining properties.
4. The proposed development will have an unacceptable visual bulk when viewed from adjoining properties.
5. The proposed development will result in unacceptable social impacts upon the community.
6. The proposed development will result in the displacement of existing tenants who are part of the community.
7. The proposed development is not in the public interest.

DIVISION The result being:

AYES The Lord Mayor, Councillor L E Wearne and Councillors A Bide, J Chedid, P Esber, J D Finn, P J Garrard, M A Lack, S D Lloyd and A A Wilson.

NOES Councillors A Issa, OAM, MP and G J Elmore.

9.3 SUBJECT 3 Ferndell Street , South Granville NSW 2142
LOT 2 DP 530345
(Woodville Ward)

DESCRIPTION Occupation of premises as a place of public worship with internal alterations and additions.

REFERENCE DA/758/2011 - 31 October 2011

APPLICANT/S Bukhari House Association

OWNERS Bukhari House Association Incorporated

REPORT OF Manager Development Services. Also correspondence from Adam Byrnes dated 9 July 2012. Also Senior Development Assessment Officer Memorandum dated 9 July 2012.

REASON FOR REFERRAL TO COUNCIL

This application is referred to Council for determination as the proposal is for a place of public worship.

MOTION (Esber/Finn)

- (a) **That** the Section 79C report be approved subject to amended conditions of consent as follows:-

Condition 1 to be amended as follows;

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent:

Drawing N ^o	Dated
Site Plan A1000, Issue B by Ghazi Alali Architect	27 June 2012
Ground Floor plan A 1200, Issue A by Ghazi Alali Architect	19 Sept 2011
Roof plan A 1400 Issue A by Ghazi Alali Architect	19 Sept 2011
South and North Elevation Plans A 1500 Issue A by Ghazi Alali Architect	19 Sept 2011
East and West elevation Plans A 1501 Issue A by Ghazi Alali Architect	19 Sept 2011
Sections A 1600 Issue A by Ghazi Alali Architect	19 Sept 2011

Document(s)	Dated
Statement of Environmental Effect by Byrnes PDM	September 2011 and 7 March 2012
BCA Capability report by Vic Lilli & Partners	21 September 2011
Operational Management Plan Attachment 4 of Statement of Environmental Effects by Byrnes PDM	September 2011
Amended Traffic Report and submission by Paul Corbett	17 Nov 2011 March 2012
Acoustic report 20110869.1/ 20110927/HPa-RO_DA. by Acoustic Logic	Undated.

Condition 15 of DA/ 758/2011 needs to be amended to read as follows;

“The access arrangements are to be revised to provide the following:

- The northernmost access near Ferndell Street/Clyde Street and Rawson Road intersection is to be reconstructed with the driveway being channelised within the site to restrict any egress movements from the site at this access point, as shown on the submitted amended Traffic Report (Site Plan A1000, Issue B by Ghazi Alali Architect dated 27 June 2012).
- The southern most access point is to be widened to provide an entry driveway (6m wide) and exit driveway (4m wide) separated with a median island off Ferndell Street, as shown on the submitted amended Traffic Report (Site Plan A1000, Issue B by Ghazi Alali Architect dated 27 June 2012). This access point will allow vehicles travelling from the west and south to safely access the site rather than the proposed access which will require all vehicles accessing the site to do so from the north along Clyde Street. Vehicles travelling in a northern direction on Ferndell Street and easterly direction in Rawson Road shall not be able to turn into the proposed mosque from any other direction”.

Additional Condition 15A to read as follows;

The access to and from the site shall be entirely from Ferndell Street. No ingress for vehicular traffic is permitted from the north western end of the site at the intersection of Rawson Road, Ferndell Street and Clyde Street.

Reason: To ensure adequate safe access to and from the site.

- (b) **Further, that** all other conditions remain as already recommended in the Section 79 C report.

AMENDMENT (Garrard/Bide)

- (a) **That** the Section 79C report be approved subject to amended conditions of consent as follows subject to an adjustment to the conditions to permit 250 worshippers only.

Condition 1 to be amended as follows;

1. The development is to be carried out in accordance with the following plans endorsed with Council’s Stamp as well as the documentation listed below, except where amended by other conditions of this consent:

Drawing N ^o	Dated
Site Plan A1000, Issue B by Ghazi Alali Architect	27 June 2012
Ground Floor plan A 1200, Issue A by Ghazi Alali Architect	19 Sept 2011
Roof plan A 1400 Issue A by Ghazi Alali	19 Sept 2011

Architect	
South and North Elevation Plans A 1500 Issue A by Ghazi Alali Architect	19 Sept 2011
East and West elevation Plans A 1501 Issue A by Ghazi Alali Architect	19 Sept 2011
Sections A 1600 Issue A by Ghazi Alali Architect	19 Sept 2011

Document(s)	Dated
Statement of Environmental Effect by Byrnes PDM	September 2011 and 7 March 2012
BCA Capability report by Vic Lilli & Partners	21 September 2011
Operational Management Plan Attachment 4 of Statement of Environmental Effects by Byrnes PDM	September 2011
Amended Traffic Report and submission by Paul Corbett	17 Nov 2011 March 2012
Acoustic report 20110869.1/ 20110927/HPa-RO_DA. by Acoustic Logic	Undated.

Condition 15 of DA/ 758/2011 needs to be amended to read as follows;

“The access arrangements are to be revised to provide the following:

- The northernmost access near Ferndell Street/Clyde Street and Rawson Road intersection is to be reconstructed with the driveway being channelised within the site to restrict any egress movements from the site at this access point, as shown on the submitted amended Traffic Report (Site Plan A1000, Issue B by Ghazi Alali Architect dated 27 June 2012).
- The southern most access point is to be widened to provide an entry driveway (6m wide) and exit driveway (4m wide) separated with a median island off Ferndell Street, as shown on the submitted amended Traffic Report (Site Plan A1000, Issue B by Ghazi Alali Architect dated 27 June 2012). This access point will allow vehicles travelling from the west and south to safely access the site rather than the proposed access which will require all vehicles accessing the site to do so from the north along Clyde Street. Vehicles travelling in a northern direction on Ferndell Street and easterly direction in Rawson Road shall not be able to turn into the proposed mosque from any other direction”.

Additional Condition 15A to read as follows;

The access to and from the site shall be entirely from Ferndell Street. No ingress for vehicular traffic is permitted from the north western end of the site at the intersection of Rawson Road, Ferndell Street and Clyde Street.

Reason: To ensure adequate safe access to and from the site.

(b) **Further, that** all other conditions remain as already recommended in the Section 79 C report.

13236 The amendment was put and carried and on being put as the motion was again carried.

DIVISION The result being:

AYES Councillors A Bide, J Chedid, P J Garrard, M A Lack, S D Lloyd and A A Wilson.

NOES The Lord Mayor, Councillor L E Wearne and Councillors G J Elmore, P Esber, J D Finn and A Issa, OAM, MP.

NOTE: Councillor J Chedid left the meeting at 7.55 pm and returned at 7.57 pm during consideration of this matter.

9.4 SUBJECT 140-142 Kissing Point Road Dundas (Lot 7 and Lot 8 DP 705877)

DESCRIPTION Development Application for demolition of the existing structures on site, tree removal, and construction of eight townhouses over a basement car park.

REFERENCE DA/857/2011 -

APPLICANT/S SBC Holdings

OWNERS Jae My (Vic) Pty. Ltd

REPORT OF Manager Development Services

REASON FOR REFERRAL TO COUNCIL

This application is referred to Council because 10 individual submissions were received during the notification period.

RESOLVED (Chedid/Lack)

13237 **That** consideration of this matter be deferred for one month to enable the applicant to consider the matters raised by the objectors and as outlined in Public Forum (Minute No. 13230 refers) and includes:-

1. Solar Access;
2. Access of premises at renowned blackspot;
3. Privacy for 4 Adderton Road;
4. Rear setback;
5. Stormwater easement through to Kissing Point Road.

DIVISION The result being:

AYES The Lord Mayor, Councillor L E Wearne and Councillors A Bide, J Chedid, G J Elmore, P Esber, J D Finn, P J Garrard, A Issa, OAM, MP, M A Lack, S D Lloyd and A A Wilson.

NOES None.

9.5 SUBJECT 11-15 Dixon Street Parramatta (Lots 20, 21, and 22 DP 1620)

DESCRIPTION Demolition, tree removal, consolidation of three existing Torrens title lots, construction of a 3 storey residential flat building over a basement car park, landscaping, and strata subdivision

REFERENCE DA/91/2012 - DA/91/2012 - Lodged 16 February 2012

APPLICANT/S Architex

OWNERS Mr Khalil Youssef Kisrwani (11-13 Dixon Street), Mrs Layle Kisrwani (15 Dixon Street)

REPORT OF Manager Development Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council for consideration as submissions from 27 households objecting to the proposal have been received.

RESOLVED (Esber/Elmore)

- 13238 (a) **That** Council support the variation to Clause 4.4 of the PLEP 2011 under the provisions of Clause 4.6 of PLEP 2011.
- (b) **That** Council as the consent authority grant development consent to Development Application 91/2012 for the demolition of all existing structures on the site, removal of 7 trees, and construction of a residential flat building containing 15 residential units over a basement car park at 11-15 Dixon Street Parramatta NSW 2150 for a period of five (5) years from the date on the Notice of Determination subject to the conditions set out in Attachment 1.
- (c) **Further, that** the head petitioner and the persons who made a submission be advised of Council's decision.

DIVISION The result being:

AYES The Lord Mayor, Councillor L E Wearne and Councillors A Bide, J Chedid, G J Elmore, P Esber, J D Finn, P J Garrard, A Issa, OAM, MP, M A Lack, S D Lloyd and A A Wilson.

NOES None.

NOTICES OF MOTION

10.1 SUBJECT Review of Disabled Parking Spaces and Footpaths
REFERENCE F2004/10001 - D02409652
REPORT OF Councillor J D Finn
RESOLVED (Finn/Lack)

- 13239 (a) **That** Council review the location of disabled parking to ensure that suitable footpaths are available.
- (b) **Further, that** a report be prepared identifying all disabled parking areas that are not adequately supported by footpaths.

10.2 SUBJECT Incentives for Rooftop Gardens in Apartment Buildings
REFERENCE F2009/02368 - D02409678
REPORT OF Councillor J D Finn
RESOLVED (Finn/Lack)

- 13240 (a) **That** a report be prepared outlining the costs and incentives required to encourage the installation of rooftop gardens on apartment buildings and including advice as to whether this outcome can be achieved through planning controls.
- (b) **Further, that** the report consider:-
- (i) Recently approved CBD high rise apartments with rooftop gardens in reviewing appropriate incentives and potential issues for smaller unit blocks.
 - (ii) Ways of dealing with water from the gardens including favourable construction techniques.

ADJOURNMENT OF MEETING

In accordance with Council's decision of 23 October 2000 (Minute No 5712) the meeting adjourned at 8.40 pm for a period of 14 minutes.

RESUMPTION OF MEETING

The meeting resumed in the Council Chamber at 8.54 pm, there being in attendance The Lord Mayor, Councillor L E Wearne in the Chair and Councillors A Bide, J Chedid, G J Elmore, P Esber, J D Finn, A Issa, OAM, MP, M A Lack, S D Lloyd and A A Wilson.

ECONOMY AND DEVELOPMENT

11.1 SUBJECT Variations to Standards under SEPP 1
REFERENCE F2009/00431 - D02401418
REPORT OF Acting Manager Development Services
RESOLVED (Esber/Lack)

13241 **That** the report be received and noted.

11.2 SUBJECT Draft DCP and VPA 2-12 River Road West, Parramatta
REFERENCE RZ/6/2010 - D02405892
REPORT OF Project Officer, Land Use Planning
RESOLVED (Esber/Lack)

- 13242 (a) **That** Council endorse the draft Development Control Plan (DCP) and draft Voluntary Planning Agreements prepared for 2-12 River Road West, Parramatta, as provided at Attachment 1 and Attachment 2.
- (b) **That** delegated authority be given to the CEO to make minor amendments to the draft DCP and/or draft VPAs which do not change the intent of the document prior to public exhibition.
- (c) **Further, that** the draft DCP and draft VPAs be placed on public exhibition concurrently with the planning proposal for 2-12 River Road West, Parramatta, for a minimum period of 28 days, and the outcome of the public exhibition be reported back to Council.

DIVISION The result being:

AYES The Lord Mayor, Councillor L E Wearne and Councillors A Bide, J Chedid, G J Elmore, P Esber, J D Finn, A Issa, OAM, MP, M A Lack, S D Lloyd and A A Wilson.

NOES None.

11.3 SUBJECT Review of the Rosehill Master Plan
REFERENCE F2004/07242 - D02409052
REPORT OF Project Officer- Land Use Planning
RESOLVED (Lack/Chedid)

- 13243 (a) **That** the proposed amendment to Parramatta DCP 2011 at Attachment 4 relating to the subject block be endorsed by Council and be publicly exhibited.
- (b) **That** a report be put to Council following the public exhibition.
- (c) **Further, that** Council also consider the submission made by Mr William Picken.

DIVISION The result being:

AYES The Lord Mayor, Councillor L E Wearne and Councillors A Bide, J Chedid, G J Elmore, P Esber, J D Finn, P J Garrard, A Issa, OAM, MP, M A Lack, S D Lloyd and A A Wilson.

NOES None.

NOTE: Councillor P J Garrard returned to the meeting at 8.57 pm during consideration of this matter.

ENVIRONMENT AND INFRASTRUCTURE

12.1 SUBJECT Parramatta Free Shuttle Bus Service

REFERENCE F2004/08730 - D02399841

REPORT OF Group Manager City Services

RESOLVED (Wilson/Chedid)

- 13244 (a) **That** Council notes that Transport for NSW has given notice to terminate the funding agreement for the operation of the Parramatta Free Shuttle Bus Service from 21 August 2012.
- (b) **That** Council endorses the transfer of responsibility for provision of the Parramatta Free Shuttle Bus Service to Transport for NSW from 21 August 2012.
- (c) **That** Council prepare a report on the disposal of the buses which also examines the prospect of a pilot programme in Westmead and the possibility of a shuttle service to Parramatta's historic buildings such as Hambleton Cottage and Experiment Farm Cottage.
- (d) **That** should Council dispose of the three buses the revenue generated be used to retire debt.
- (e) **That** Council writes to the Minister for Transport, the Hon Gladys Berejiklian MP, seeking consideration of free shuttle bus services between Parramatta and Rydalmere and within the Westmead medical precinct.
- (f) **Further, that** Council writes to the Minister for Health, the Hon Jillian Skinner, MP, seeking consideration of free shuttle bus services within the Westmead medical precinct.

COMMUNITY AND NEIGHBOURHOOD

13.1 SUBJECT Smoking in Public Places Policy and Outdoor Dining Policy - Update

REFERENCE F2012/00430 - D02409397

REPORT OF Group Manager Outcomes and Development. Also late submission from Omar Jamal dated 6 July 2012.

MOTION (Esber/Finn)

- (a) **That** Council adopts the updated Smoking In Public Places Policy and the Outdoor Dining Policy attached to this report.
- (b) **That** the Chief Executive Officer be authorised to make minor administrative amendments to the policies attached to this report provided these amendments do not change the intent of the policies and all changes of an administrative nature made be reported to Council.
- (c) **That** the policies attached to this report apply to the determination of any application to which the policies are relevant from the date of adoption of the policies attached to this report irrespective of the date of any application to which the policies are relevant.
- (d) **Further, that** the Chief Executive Officer ensure that the all other elements of Council's resolution of 12 December 2011 are implemented.

AMENDMENT (Lloyd/Issa, OAM, MP)

That consideration of this matter be deferred and a workshop be held to discuss the outcomes of the court decision pertaining to this matter.

The amendment was put and lost.

13245 The motion was put and carried.

NOTE:

1. **The Deputy Lord Mayor, Councillor A A Wilson assumed the Chair during discussion on this matter (but prior to voting), to enable the Lord Mayor, Councillor L E Wearne, to participate in debate.**
2. **A notice of motion to rescind this item was submitted following the termination of the meeting.**

CLOSED SESSION

NOTE In accordance with the requirements of the Local Government Act, 1993, the Lord Mayor asked the gallery if any person wished to make representations in relation to the items listed in Closed Session.

No member of the gallery wished to make a submission.

RESOLVED (Esber/Lack)

13246 Members of the press and public be excluded from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:-

- 1 Tender for Planning Services - ITT 10/2012. (D02365463) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*
- 2 Legal Matters Monthly Report to Council. (D02401420) - *This report is confidential in accordance with section 10A (2) (g) of the Local Government Act 1993 as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

NOTE: An additional matter was considered during Closed Session regarding Possible Variation of Development Standards - 189 Macquarie Street, Parramatta following a Suspension of Standing Orders.

RESUMPTION OF MEETING

That the decisions of Closed Session be noted as follows:-

14.1 SUBJECT Tender for Planning Services - ITT 10/2012
REFERENCE F2012/00857 - D02365463
REPORT OF Acting Manager Development Services
RESOLVED (Esber/Elmore)

- 13247 (a) **That** Council appoint Respondent No's 1-5, 7-14, 16-26 to form a panel of town planning experts for a term of 36 months.
- (b) **That** Council expressly reserve the right to engage planning consultants from outside the panel of planning consultants if the Chief Executive Officer or Group Manager Outcomes and Development or both of them thinks fit.
- (c) **Further, that** the Chief Executive Officer be authorised to sign on behalf of Council a services agreement with each planning consultant in the form contained in the Tender subject to any amendments the Chief Executive Officer considers reasonably necessary.

14.2 SUBJECT Legal Matters Monthly Report to Council
REFERENCE F2004/07898 - D02401420
REPORT OF Acting Manager Development Services
RESOLVED (Esber/Issa OAM)

13248 **That** the report be received and noted.

14.3 SUBJECT Possible Variation of Development Standards - 189
 Macquarie Street, Parramatta
REFERENCE F2011/03835
FROM Councillor P J Garrard
RESOLVED (Garrard/Wilson)

- 13249 (a) **That** a report be prepared which reviews the legal options available to Council to vary the development standards eg a greater height and FSR on the 189 Macquarie Street, Parramatta site under Clause 24 of the LEP.
- (b) **Further, that** in seeking to explore available variations, Council wishes to seek an expedited outcome which enables design elements to be prepared prior to a development application in which Council's objectives for the subject site can be incorporated before the design being submitted to the Department of Planning for their review and concurrence.

The meeting terminated at 10.40 pm.

THIS PAGE AND THE PRECEDING 21 PAGES ARE THE MINUTES OF THE
ORDINARY COUNCIL MEETING HELD ON MONDAY, 9 JULY 2012 AND
CONFIRMED ON MONDAY, 23 JULY 2012.

Lord Mayor