

PRESENT

The Lord Mayor, Councillor L E Wearne in the Chair and Councillors P B Barber (retired 10.24 pm), A Bide, J Chedid, G J Elmore, P Esber, P J Garrard, A Issa, OAM MP, M A Lack, C X Lim, S D Lloyd, P K Maitra, M D McDermott (retired 10.24 pm) and A A Wilson (Deputy Lord Mayor – retired 8.18 pm).

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 28 May 2012

RESOLVED (Esber/Lim)

13162 **That** the minutes be taken as read and be accepted as a true record of the Meeting.

APOLOGIES

13163 RESOLVED (Esber/Wilson)

That an apology be received and accepted for the absence of Councillor J D Finn and it be noted that Councillor A A Wilson will be retiring early from the meeting.

DECLARATIONS OF INTEREST

Councillor P Esber declared a non pecuniary interest in relation to Item 8.1 of Domestic Applications regarding the development application submitted in respect of 19/5 – 7 Kleins Road, Northmead as he is a part owner of a property at the corner of Kleins and Briens Roads, Northmead but signified his intention to remain in the Chamber and vote on this issue.

PETITIONS

1 SUBJECT Support for Harry's Cafe de Wheels Parramatta
 Extension of Trading Hours

 REFERENCE DA/523/2008/B

 FROM M Christie and others

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13164 RESOLVED (Lim/Bide)

That the petition be received and noted.

LORD MAYORAL MINUTE

1 SUBJECT Western Sydney A - League Team and Football
 Federation Australia

 REFERENCE F2008/04592

 FROM The Lord Mayor, Councillor Lorraine Wearne

 RESOLVED (Wearne/Lloyd)

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13165

- (a) **That** Council write to the FFA to offer a support package valued at over \$100,000, which includes potential office and retail space in a council -owned property, rent free for 12 months, support to engage potential sponsors, help negotiating a favourable arrangement with Parramatta Stadium and the State Government, access to council - managed sporting and training facilities where appropriate and assistance with promoting the new A-League team.
- (b) **Further, that** Council write to the local community seeking support for Council's decision.

Note

A second Lord Mayoral Minute regarding Civic Place Rebranding has been listed for consideration as Item 12.4 in Closed Session in accordance with

Section 10A(2)(d) of the Local Government Act – Commercial Information of a confidential nature.

PUBLIC FORUM

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1 SUBJECT Various Matters relating to Development Applications and On Site Meetings

REFERENCE F2008/00998

FROM Mr Bruce Berry

13166 “My comments and questions relate to the Notice of Motion, Item 10.1 on tonight’s agenda, concerning the timing of site meetings, presentation of assessment reports and determination of DAs.

Changes have been made to the site meeting process so that:-

- (a) Assessment officers now make recommendations for approval or refusal of DAs before site meetings are held. There is a clear belief that the site meetings are a waste of time and that the public is being held in contempt.
 - (b) Site meetings are held only two days before the determination of the DAs, which means that the public are prevented from raising outcomes at public forum prior to determination. Duration of the meetings is only one hour. At my last site meeting, I was unable to raise all of my concerns.
- 1. When and why were these and other changes made and was the public consulted on them before introduction? If so, in what way and if not, why not?
 - 2. Why is it that reports on site meetings do not now appear in the business papers at time of determination? Are they supplied only to the Councillors?
 - 3. How does Council explain the recommendation for approval prior to site meetings, eg 4 – 5 St Andrews Place, when the Manager Development Services has said “at the time of a site meeting, Council officers have not fully assessed the proposal against the relevant legislation and Council controls and are yet to form an objective opinion and recommendation in respect of the development?”
 - 4. Why is it that summary reports on DAs are no longer prepared for distribution at site meetings?
 - 5. Does Council agree that when Management recommends a DA for approval, but it is then refused by the Councillors, it is less likely that the refusal can be successfully defended in the L and E Court? If not, why not?
 - 6. It is therefore important that assessment reports be not finalised until all details are available, including those arising from site

meetings and they should be made available to the public well before the determination of the DA. Most importantly, key issues must not be ignored, such as those we raised at the public forum of 10 April 12, about 4 – 5 St Andrews PI and which remain unanswered.

One of these issues, which is relevant to this Notice of Motion, is why the DA was pushed through in about 8 days and over the school and Easter holidays. It included finalisation of assessment report, site meeting and the determination. This was after the developer had been allowed 18 weeks to supply requested information following an initial deadline of 2 weeks. Please comment.

7. Part (b) of the Notice of Motion calls for a report on other systems regarding community consultation on DAs. We hope that it will not take more than 2 years to present this report, as was the case with the report on accountability processes and which was presented apparently only because we kept asking about it.

Here are some of the areas where community consultation and involvement needs improvement. I hope they will receive attention now or in the forthcoming report:-

- Residents not being notified of proposed DAs in their vicinity, including adjoining owners.
- Increasing delegation of authority away from the elected Councillors which, it seems, is welcomed by the Councillors.
- Determination without discussion in the Chamber, even though these are the more important and controversial DAs.
- Total time for public forum reduced to only 15 minutes.
- Continuing failure to satisfactorily address all areas of concern.
- Failure to exhibit changes to policies for public comment.
- Inconsistency in application of development controls. Disregard for precedent. Unacceptable explanations for very large variations from development controls.
- Major changes not applied for under Section 96.
- Changes not exhibited for public comment under doubtful claims that they are not significant.
- Anomalies in availability of floor plans to the public.
- Changes to Complaints Policy so that complainants can now be declared “unreasonably persistent” and denied “further information”, which is even more unacceptable because the changes had not been publicly exhibited. This, more than anything else shows that Council is not prepared to consult with the community to the extent of resolving all issues. Rejection of this motion will be further evidence of it.”

Response by Sue Weatherley, Group Manager Outcomes:-

“My comments and questions relate to the Notice of Motion, item 10.1 on tonight's agenda, concerning the timing of site meetings,

presentation of assessment reports and determination of DAs.

Changes have been made to the site meeting process so that:

- (a) assessment officers now make recommendations for approval or refusal of DAs before site meetings are held. There is a clear belief that the site meetings are a waste of time and that the public is being held in contempt.
- (b) site meetings are held only two days before the determination of the DAs, which means that the public are prevented from raising outcomes of the site meeting at public forum prior to determination. Duration of the meetings is only one hour. At my last site meeting, I was unable to raise all of my concerns.

Question 1

Council at its meeting of 21 June 2011 resolved to change the process and timing of site meetings, so that they occurred after the assessment report and the officer's recommendation was finalized. The public was not consulted as this was a procedural matter.

Question 2

A summary of the site meeting is provided to the Councillors via a memo prior to the Council meeting.

Question 3

While am not aware of this comment by the Manager of Development Services, I assume this was made in relation to site meeting procedures adopted by the Council prior to June 21 2011, when at the time of the site meeting the application was still under assessment and it would have been extremely inappropriate for staff or Councillors to express a view about a development.

Question 4

The current process for site meetings is that the site meeting is on the Saturday before the Monday Council meeting. Council writes to objectors and applicants inviting them to the site meeting and they are also advised that they can review the whole assessment report before the site meeting as it will be available on our website by the Tuesday before the site meeting. This allows applicants, objectors and Councillors to be fully informed of the details of the proposal, including the final plans, how submissions have been addressed and comments from other government agencies.

Question 5

No. Ultimately the decision of the Land and Environment Court is dependent upon Council making decisions which are based on good

town planning principles and the law, irrespective of the officers recommendations.

Question 6

The tenet of this question appears to confuse the Assessment of development applications and Determination of development applications. Good governance in local government keeps these processes separate. It is the role of the Council officer to assess the development application and the role of the Councillor acting as the Consent Authority to determine the application.

In determining the application Councillors consider the recommendation of the officers report and seek any other relevant information they need so that they are fully informed. The Site Meeting process helps the Councillors to be fully informed by visiting the site and hearing the concerns of objectors and the applicant. This supplements other information provided by the Council officers. When the Councillors sit as the consent authority to determine the application, they consider all of these matters.

Mr Berry's questions seems to indicate that he sees the purpose of site meeting to influence the recommendations to be made by Council officers.

The reason this should not be the case is that the as a resident concerned about development in his community I am sure he would not be happy to think that the applicant had the same view.

ICAC have in a number of documents considered the responsibility of the Council as the consent authority and has emphasized that it has a responsibility to ensure, as the consent authority it makes decisions based on impartial, objective advice of high quality. In its 2002 report, Taking the Devil Out of Development, it noted that, based on its experience, some councillors and others attempt to influence staff in relation to the recommendations of staff in relation to DAs. ICAC also noted that for Councillors to make informed decisions they need to ensure that they receive accurate information and impartial advice.

While this ICAC report and other subsequent reports do not specifically deal with the issue of Site Meetings, I would say that conducting site meetings after the comprehensive assessment report is completed and the officers have made their recommendation means that no one could suggest there was an attempt to influence the impartial recommendation of the staff.

The local government act also reinforces the legal requirement for staff to provide impartial and independent advice:

352 Independence of staff for certain purposes

- (1) A member of staff of a council is not subject to direction by the council or by a councillor as to the content of any advice or recommendation made by the member.

Council officers visit the site at least once during the assessment process and in addition to reviewing the written submissions made during the assessment process they also speak to applicants and objectors.

The site meetings do not aid in their understanding of the application.

In relation to the DA 4,5 St Andrews Street (DA 746/2011), the DA was not rushed through. Under the current site meeting process, the DA should take only 3 days from site meeting to determination. In this situation there was additional time as the staff scheduled the site meeting to avoid a clash with the Easter public holidays.

Question 7

I understand that the purpose of Part B of the notice of motion is to allow the Council to consider other models for involving the community in Development Applications which are contentious. It should be noted that the site meeting model used by Parramatta Council is unique. Some Councils in Sydney have established Independent Hearing and Assessment Panels to determine DAs including considering any verbal submissions by objectors, that would otherwise have been referred to the Council for determination. Other Council's only allow objectors and the applicant to make verbal submissions at a planning committee meeting.

I anticipate that the report in response to this part of the Notice of Motion if adopted by the Council will be presented to the Council in October or November 2012."

EXTENSION OF PUBLIC FORUM

13167 RESOLVED (Bide/Barber)

That the period 15 minute period permitted for Public Forum be extended to allow the remaining participants to be heard.

2 SUBJECT Development Application - 17 - 19 Soudan Street,
Merrylands

REFERENCEDA/796/2011

FROM Hansen Zhou

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Thanks for taking consideration of my submission at previous Council meeting. I appreciated the opportunity for me to express opinion again.

Firstly, we feel if the proposal could comply with Parramatta Council DCP 3.3.3.C3 minimum requirement, it would solve those privacy, overshadowing, overlooking issues for surrounding neighbours and residents lived inside, make our life much more comfortable. Why only 30% living area meet the minimum separation requirement? Council has recommended removing Villa 9 (Assessment Page 8). Why applicant refused to adopt Councils' suggestion?

Secondly, for road safety concerns:

1) 40 householders in this area believe the proposed 20 cars' driveway entrance is too close to the intersection. There were 3 head-on collisions and 2 off carriageway accidents reported before June 2010. Why Council did not obtain current two years accidents report? The frontage of the entrance is a classified arterial road- "Mombri Street", a 60 k speed zone. It would cause more traffic conflicts, chaos, and delays in this intersection and adjacent intersection

2) According Council's assessment (Page 13): "Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on Soudan Street and the surrounding road network." But the applicants' traffic report does not mention one word about the intersection, nor does the traffic condition in Mombri Street, the real street provide entrance for this development.

3) There is no safe walk route to train station from this site because of lack of pedestrians crossing in major intersections around. Actual walk distance to train station would double the 400 metres. It would increase risk for pedestrians.

4) Eastern part of Soudan Street is a short and quiet street. There are about twenty children under 10 usually playing along the street. Only this part of Soudan Street can offer spaces for construction vehicles and new residents' parking later on. It would change our safe street environment for ever.

Finally, The four townhouses in front have flat roofs, does not match the street character at all. And why there is no retaining wall in eastern boundary to protect neighbours' property?

For above reasons, this development would not be in the public interest. We are plea Council to exam above issues, and consider reducing the size of redevelopment and redesigning the driveway access. Thanks."

Response from Brad Delapierre, Team Leader-Development Assessment:-

“Question 1:

Response: The assessment of the application reveals that there are no significant overlooking or overshadowing issues from the proposed development. The separation distances within the proposed development relate to internal, not external amenity issues. There are only 3 areas of non-compliance with separation distances. It is considered that the separation distances are acceptable having regards to the usage of those spaces. The rear internal courtyard acts as an external foyer and is the primary access to the 5 rear dwellings and spans a small distance of approximately 12m in length. This area will only be used for pedestrian access directly to dwellings. It will not be used as a common open space area or for any type of high usage activities. It is considered that the separation distances between the buildings allow for adequate landscaping, privacy and safe pedestrian access. This results in a satisfactory amenity for the future occupants of the site, as well as visitors to the site.

Council's Urban Designer recommended the consideration of removing or relocating Villa 9 to improve internal amenity. The villas were reconfigured (and Villa 9 reduced in size) to provide a more pleasant entry environment and more defined common space. This design modification addressed the concerns raised.

Question 2:

Response: At the time of writing the previous comments the most recent accident was up to June 2010. According to this RMS accident data, there have been 5 reported accidents (2 single vehicle - off carriageway to left and right bend and 3 head-on collisions) in the east-south bound direction near the intersection of Mombri Street/Loftus Street and Soudan Street, Merrylands during the 5-year period from July 2005 to June 2010. Data up to the end of 2010 is now available. From July 2010 to December 2010, there have been 2 reported accidents (single vehicle - off road collision) at this bend. Note that there were also likely to have been unreported accidents.

The accidents at this bend do not relate to the intersection with Soudan Street or the driveways at the site of the proposed development.

Works were undertaken to correct the super elevation of the bend along this section of Mombri Street between 13 February 2012 and 11 April 2012. This work is to address the collision history and in theory will result in less accidents.

Mombri Street is classified as a secondary road under the control and management of Council. Soudan Street is a local road. The driveway is located in Soudan Street.

Question 3:

Response: The proposed development is for construction of 4 townhouses and 5 villas. In accordance with the RMS Guide to Traffic Developments, the traffic estimated to be generated by the proposal is 5.4 vehicle trips during the peak hour. The traffic generation of the existing dwellings is estimated to be 1.7 vehicle trips during the peak hour. Therefore, the potential increase in traffic generation is estimated to be 3.7 vehicle trips per peak hour. This is not a significant addition to the existing traffic volume in Soudan Street and Mombri Street. The average daily traffic volume in Soudan Street is 355 vehicles as measured in 2008.

Question 4:

Response: The median island in Loftus Street between Soudan Street and Smythe Street has a gap (similar to a refuge island) with kerb ramps for pedestrians to cross the road in two parts. Residents of the area generally use this route to access the railway station. Residents can walk to the station via the north side of and Mombri Street and under the Railway Terrace bridge to avoid crossing Loftus Street and Mombri Street.

Question 5:

Response: If this DA is to be approved, a Construction Traffic Management Plan would be required to be submitted to Council for approval prior to issue a construction certificate, as part of the DA Consent for this proposal. There are 20 parking spaces for residents and visitors proposed for the 9 dwellings. DCP 20011 requires 16 spaces to be provided for the development. The development exceeds this requirement. Given there is unlikely to be a significant increase in on-street parking as a result of this development.

Question 6:

Response: The majority of the existing housing stock within the area is low density detached dwelling houses. The subject site is zoned R3 Medium Density Residential and the envisaged future character of the area will incorporate multi dwelling housing. Whilst the proposal contains elements of design that are not in character with the

area, they are compatible with the existing character and typical of the future character of the area. Many new higher density developments have low pitched roofs. This is a design element that not only reflects modern architectural trends, but also assists in reducing impacts of bulk and scale and overshadowing. The proposed roof design is acceptable from an urban design perspective.

There is no cut or fill proposed along the eastern boundary and therefore no retaining walls are required along this boundary.”

3 SUBJECT Development Application - 59 Kirby Street, Rydalmere
REFERENCE DA/114/2012
FROM Darryle Alexander

13169 “Has Council done an impact study on the bridge in Kirby Street,
Rydalmere NSW re Heavy Rigid and Semi Trailer use of this bridge re
deliveries to factories in Kirby St.

I would like to know the load limit on said bridge.”

**Response from Brad Delapierre, Team Leader-Development
Assessment:-**

“The bridge is not currently load limited. Council’s Civil Infrastructure Team have reviewed our records and advise that they do not currently have data on the structural load limit of this bridge. We have however commenced the process to engage a structural engineer to advise us of the capacity of the bridge. It is expected that this report will be finalised in August.

I note that if the bridge is required to be load limited to a load that would prevent heavy vehicles using it, that access to 59 Kirby Street would remain available from Kissing Point Road.”

4 SUBJECT Development Application - 19/5 - 7 Kleins Road,
Northmead
REFERENCE DA/106/2012
FROM Joseph and Sheila Karam

13170 “Regarding the executive summary report, there is a recommendation
that the seating in the shop be limited to 20 seats. How does reducing
the shops seating help the parking concerns in the area? This is only
preventing the growth of my business. The shop has the capacity to hold

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at least 34 seating safely. To pay the rent for the size of my shop I need to utilise my space not decrease it. I made regular visits to the area during the day/night and there has been plenty of parking especially in the evenings, further down Kleins Road and all of the side streets off Kleins Road. For these reasons this is an unfair restriction to the business."

Response by Brad Delapierre, Team Leader – Development
Assessment:-

“Condition no.24 recommends that the pizza café is to have a maximum of 20 seats for dining in. The application proposes 34 seats.

In accordance with the requirements of DCP 2011 for a food and drink premises, 15 spaces are required to be provided. The premise has 3 off-street parking spaces that the applicant has indicated will be used by staff. This results in the need for customers other than those who walk to the premises relying on street parking. Given the existing neighbourhood shops and the redevelopment of the area over recent years for mixed use and medium density development, on-street parking can be difficult at times.

Condition no.24 has been recommended to respond to the extent of the DCP departure, the existing parking issues and the parking issues raised in the petition submitted to Council. The petition raised concern that there is currently a lack of parking in the immediate area and this is affecting the viability of the local business.

The operator also has the opportunity in the future to submit a section 96 modification, accompanied by traffic and parking report that indicates that increasing the number of seats to 34 will not unduly impact on on-street parking availability in the area.”

ITEMS TO BE BROUGHT FORWARD

13171 RESOLVED (Wilson/Lloyd)

That Items 9.1, 9.4 and 9.8 of Reports – Major Applications be brought forward and heard at this point in the meeting.

9.1 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

REASON FOR REFERRAL TO COUNCIL

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

RESOLVED (Garrard/Bide)

13172

- (a) **That** this matter be deferred for an on site meeting to be held on Friday afternoon, 22 June 2012 at 1.00pm.
- (b) **Further, that** Council officers ensure that an invitation to attend the on site meeting is forwarded to the residents of 16 and 26 Wellington Road, South Granville.

DIVISION The result being:-

AYES The Lord Mayor, Councillor L E Wearne and Councillors P B Barber, A Bide, J Chedid, P Esber, A Issa OAM MP, P J Garrard, G Elmore, M Lack, C X Lim, S Lloyd, M McDermott, P Maitra and A A Wilson.

NOES Nil.

9.4 SUBJECT 5 Lexington Avenue Eastwood (Lot 9 DP 9950) (Lachlan Macquarie Ward)

DESCRIPTION Demolition, tree removal and construction of a two storey attached dual occupancy development.

REFERENCE DA/34/2012 - Lodged 18 January 2012

APPLICANT/S Mr H Zhang

OWNERS Mrs N F Steele

REPORT OF Manager Development Services. Also Team Leader – Development and Certification Memorandum dated 5 June 2012.

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council due to the number of submissions received.

RESOLVED (Wilson/Esber)

13173

- (a) **That** Council as the consent authority grant development consent to Development Application No. DA/34/2012 for demolition, tree removal and construction of a two storey attached dual occupancy development with front fence and Torrens title subdivision at 5 Lexington Avenue, EASTWOOD NSW 2122 for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions contained in attachment one (1) together with the following amendments and additional condition to reflect the amended plans received following

the on-site meeting of 2 June 2012:

Condition no. 1 shall be modified 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
Survey plan (demolition plan) Prepared by MXM Survey Pty Ltd	7/11/2011
Site plan (site analysis) 2 nd issue Prepared by 3D Archplan	8/02/2012
Ground floor plan 2 nd issue Prepared by 3D Archplan	8/02/2012
First floor plan 2 nd issue Prepared by 3D Archplan	8/02/2012
North elevation/south elevation 3 rd issue Prepared by 3D Archplan	7/06/2012
West elevations/east elevation 3 rd issue Prepared by 3D Archplan	7/06/2012
Section AA/Fence Elevation 3 rd issue Prepared by 3D Archplan	7/06/2012
Subdivision plan 2 nd issue Prepared by 3D Archplan	8/02/2012
Landscape plan Revision A Prepared by Michael Siu	4/05/2012
Stormwater drainage plan Issue 3 Prepared by MBC Engineering	30/04/2012

Document(s)	Dated
BASIX Certificate No. 411912S_02	6/06/2012
BASIX Certificate No. 411914S_02	9/06/2012
Schedule of Finishes	Undated

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance

with the approved plans.

Condition no. 56 shall be modified as follows:

56. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. No. 411912S_02 and No. 411914S_02, will be complied with prior to occupation.
Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

The following additional condition shall be included under 'Prior to the release of the Construction Certificate' and shall be known as condition 20(a):

- 20(a). The floor to ceiling heights on the ground floor shall be reduced to a maximum of 2.7m (apart from a transition zone 3m deep where FFL's change, where the floor to ceiling height may be 3m) The first floor ceiling heights shall be reduced from 2.6m to 2.4m. Further the overall height of the building shall also be lowered to reflect the lowering of the internal floor to ceiling heights. Amended plans illustrating this shall be submitted to the PCA prior to the release of the Construction Certificate.
Reason: To improve the availability of sunlight to the adjoining properties.

- (b) **Further, that** the objectors be advised of Council's decision.

DIVISION The result being:-

- AYES The Lord Mayor, Councillor L E Wearne and Councillors P B Barber, A Bide, J Chedid, P Esber, A Issa OAM MP, P J Garrard, G Elmore, M Lack, C X Lim, S Lloyd, M McDermott, P Maitra and A A Wilson.
- NOES Nil.

- 9.8 SUBJECT V by Crown Development, 45-47 Macquarie Street and 134-140 Marsden Street Parramatta
- DESCRIPTION Pursuant to Section 75W of the Environmental Planning and Assessment Act 1979, a modification of approval is sought to modify the design of the approved mixed use development.
- REFERENCE NCA/6/2010 - NCA/6/2010
- APPLICANT/S Crown International Holdings (Crown)

OWNERS Crown Landmark Pty. Ltd and Sathio Investments Pty. Ltd and Crown Cornerstone Investments Pty. Limited.

REPORT OF Manager Development Services. Senior Development Assessment Officer Memorandum dated 12 June 2012.

REASON FOR REFERRAL TO COUNCIL

To seek Council's endorsement of a submission to the Director – General of the Department of Planning on the draft Director General's Requirements which will assist the applicant in the preparation of a future application to modify conditions on approved major project applications: Major Project MP09_0167.

RESOLVED (Esber/Garrard)

13174

That Council make a submission in the following terms:-

1. The Council accepts the change in use from commercial office to serviced apartments.
2. The Council accepts the minor increase in FSR proposed due to the change being negligible and can be substantiated by the material public benefit created by the applicant's treatment of public accessible spacing fronting Macquarie Street including the archaeological interpretation.
3. The applicant shall provide details of the external elevations to ensure a high quality urban expression consistent with Council's desired architecture outcome for the Parramatta CBD.
4. The applicant shall provide details of the height clearances required for the cellar component of the interpretive facility.
5. The council accepts that the proposed car park is no different than that previously approved.
6. The applicant shall provide details indicating how the piazza can be activated.
7. That bike spaces to remain at 86 spaces.
8. That Section 94 levy is to be 3%.

DIVISION The result being:-

AYES The Lord Mayor, Councillor L E Wearne and Councillors P B Barber, A Bide, J Chedid, P Esber, A Issa OAM MP, P J Garrard, M Lack, C X Lim, S Lloyd, P Maitra and A A Wilson.

NOES Councillors G Elmore and M McDermott.

NOTE

1. **Councillor A Bide left the meeting at 7.55pm and returned at 7.57pm during consideration of this matter.**
2. **Councillor P J Garrard left the meeting at 8.08pm and returned at 8.09 pm during consideration of this matter.**
3. **Councillor P B Barber left the meeting at 8.15pm during**

consideration of this matter.

4. **Councillor A Wilson retired from the meeting at 8.18pm following consideration of this matter.**

FURTHER ITEM TO BE BROUGHT FORWARD

13175 RESOLVED (Chedid/Lloyd)

That Item 9.2 regarding the development application submitted for 70 Wigram Street, Harris Park be brought forward and considered at this point in the meeting.

9.2 SUBJECT 70 Wigram Street, Harris Park (Lot C DP 395244)(Elizabeth Macarthur Ward)

DESCRIPTION Fit out and use as a restaurant.

REFERENCE DA/887/2011 - DA/887/2011

APPLICANT/S Mr D Bhardwaj

OWNERS Dr R Parkawk

REPORT OF Manager Development Services

REASON FOR REFERRAL TO COUNCIL

The application has been referred to Council as the proposal involves building works to a heritage item.

RESOLVED (Chedid/Lloyd)

13176

(a) **That** the Council as the consent authority grant development consent to Development Application No. DA/887/2011 for fitout and use as a restaurant including internal fitout works and construction of an awning over outdoor seating at 70 Wigram Street, HARRIS PARK NSW 2150 for a period of five (5) years from the date on the Notice of Determination subject to the conditions contained in Attachment 1.

(b) **Further, that** the objector be advised of Council's decision.

DIVISION The result being:-

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

NOES Councillor M McDermott.

REPORTS - DOMESTIC APPLICATIONS

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8.1 **SUBJECT** 19/5-7 Kleins Road Northmead
 (Lot 19 SP 86116) (Arthur Phillip Ward)

DESCRIPTION Occupation of Unit 19 as a pizza cafe

REFERENCE DA/106/2012 - Submitted 23 February 2012

APPLICANT/S Mr J A Karam

OWNERS Kleins Road Developments Pty Ltd

REPORT OF Manager Development Services. Also Development and
 Certification Officer Memorandum dated 7 June 2012.

REASON FOR REFERRAL TO COUNCIL

The application has been referred to Council as 2
petitions containing 17 signatures were received during
the notification period.

MOTION (Lim/Issa OAM MP)

- (a) **That** Council as the consent authority grant development consent to Development Application No. DA/106/2012 for the occupation of Unit 19 as a pizza cafe at 19/5-7 Kleins Road, NORTHMEAD NSW 2152 for a period of five (5) years from the date on the Notice of Determination subject to the conditions contained in attachment 1 with the exception that condition 24 be amended to read:-

“(24) “The maximum number of seats shall not exceed 34. Any increase in proposed seating shall be the subject of a further Development Application to the Council.
Reason To ensure the development does not expand beyond that approved.”

- (b) **Further that**, persons who made an individual submission and the head petitioners be advised of Council's decision.

AMENDMENT (Maitra/Lack)

- (a) **That** Council as the consent authority grant development consent to Development Application No. DA/106/2012 for the occupation of Unit 19 as a pizza cafe at 19/5-7 Kleins Road, NORTHMEAD NSW 2152 for a period of five (5) years from the date on the Notice of Determination subject to the conditions contained in attachment 1.
- (b) **Further that**, persons who made an individual submission and the head petitioners be advised of Council's decision.

13177 The amendment was put and lost.
 The motion was put and carried.

DIVISION The result being:-

AYES The Lord Mayor, Councillor L E Wearne and Councillors A Bide, J Chedid, P Esber, A Issa OAM MP, P J Garrard, C X Lim and S Lloyd.

NOES Councillors P B Barber, G Elmore, M Lack, M McDermott and P Maitra.

NOTE

- 1. Councillors Garrard (8.34 pm) and McDermott (8.35 pm) left the meeting and both returned at 8.36 pm during consideration this matter.**
- 2. Councillor P B Barber returned to the meeting at 8.20 pm.**
- 3. Councillor P Esber had previously declared a non pecuniary interest in relation to this item as he is the part owner of a property at the corner of Briens and Kleins Road, Northmead. Councillor Esber did not retire from the meeting during consideration of this matter.**

ADJOURNMENT OF MEETING

In accordance with Council's decision of 23 October 2000 (Minute No 5712) the meeting adjourned at 8.51 pm for a period of 18 minutes.

RESUMPTION OF MEETING

The meeting resumed in the Council Chamber at 9.09 pm, there being in attendance The Lord Mayor, Councillor L E Wearne and Councillors P B Barber, A Bide, J Chedid, G J Elmore, P Esber, P J Garrard, A Issa, OAM MP, M A Lack, C X Lim, S D Lloyd, M D McDermott and P K Maitra.

8.2 **SUBJECT** 179 Bungaree Road, Pendle Hill
 (Lot 5 DP 14077) (Arthur Phillip Ward)

DESCRIPTION Use of part of an existing dwelling as a home business
 for therapeutic and remedial massage.

REFERENCE DA/143/2012 - 9 March 2012

APPLICANT/S Mr H Gonzales

OWNERS Mr H and Mrs M C Gonzales

REPORT OF Manager Development Services

REASON FOR REFERRAL TO COUNCIL

The application is being referred to Council for

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determination as the application seeks approval for use of part of an existing dwelling as a home business for therapeutic and remedial massage.

RESOLVED (Esber/Maitra)

13178

- (a) **That** Development Application 143/2012 for use of part of an existing dwelling as a home business for therapeutic and remedial massage on land at 179 Bungaree Road, Pendle Hill be approved subject to the conditions of consent in Attachment 1 of this report.
- (b) **Further, that** the objectors be advised of Council's decision on the matter.

DIVISION The result being:-

AYES The Lord Mayor, Councillor L E Wearne and Councillors P B Barber, A Bide, J Chedid, P Esber, A Issa OAM MP, P J Garrard, G Elmore, M Lack, C X Lim and P Maitra.

NOES Councillors S Lloyd and M McDermott.

8.3 SUBJECT Part of the Fennell Street Carpark, 431 Church Street, Parramatta NSW 2150
(Lot 1 DP 998949, Lots A-B DP 159311, Lots 1-3 DP 436171, Lot 7 DP 843045, Lot 1 DP 998949) (Arthur Phillip Ward)

DESCRIPTION Section 96(2) modification to an approved mobile food van (Harry's Cafe de Wheels) seeking the following:
1. Deletion of condition 2 which restricted trade to a maximum of 24 months; and
2. Modification of condition 34 to increase hours of trade to be from 9am to 12 Midnight, Sunday - Thursday and 9am to 2am, Friday & Saturday.

REFERENCE DA/523/2008/B - Submitted 22 December 2011

APPLICANT/S M Sahyoun

OWNERS Parramatta City Council

REPORT OF Manager Development Services

REASON FOR REFERRAL TO COUNCIL

The previous development applications (DA/523/2008 and DA/523/2008/A) were determined by Council on 9 June 2009 and 14 March 2011, respectively and the application relates to land that Council owns.

RESOLVED (Lim/Bide)

13179

- (a) **That** pursuant to Section 96(2) of the Environmental Planning and

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Assessment Act, 1979 that Council as the consent authority, modify development consent DA/523/2008 for an approved mobile food van seeking deletion of a 24 month trial period restriction and to increase the hours of operation, subject to the following:-

Restricted consent period

Condition 2 is to be deleted and replaced with the following condition.

2. This development consent is valid until 9 December 2015. At the end of this period, the development must reapply for the Council's consideration to extend its operations.

Note:

The Council may, upon receiving an application under Section 96 of the Environmental Planning and Assessment Act 1979 (EP&A Act), prior to the lapse date of this consent extend the period in which this consent is valid.

Any application under Section 96 of the EP&A Act should be made to Council at least 12 months prior to the lapse date of the consent in order to allow adequate processing/ assessment of the application. This application must be on the prescribed form. Any application received after the lapse date cannot be considered, as the consent must be valid for any application under Section 95A of the EP&A Act to be approved.

Reason: To ensure that road works to Church Street and Fennell Street car park are not unduly delayed.

Operating hours

Condition 34 is to be amended as follows:

34. The days and hours of operation are restricted to 8am to 11pm on Mondays to Thursdays, 8 am to 1 am on Fridays and Saturdays, and 9 am to 11 pm on Sundays. Any alterations to the above will require further development approval.

Reason: To minimise the impact on the amenity of the area.

The following conditions are to be added to the consent.

42. All external speakers and audio equipment capable of amplifying sound beyond Fennell Street and the Fennell Street

car park be removed.

43. That a report be provided to Council every year presenting the views of Council's Regulatory Services Unit, the Community Crime Prevention Office and the NSW Police regarding any instances of development consent breaches and/or anti-social behaviour.

All other conditions of consent of DA/523/2008 and DA/523/2008/A are to remain.

- (b) **That** submitters be advised of Council's decision.
- (c) **Further, that** the application be referred to Council's Regulatory Services Unit to undertake inspections of the premises over the next 6 months on a random basis to monitor compliance with conditions of consent.

DIVISION The result being:-

AYES The Lord Mayor, Councillor L E Wearne and Councillors P B Barber, A Bide, J Chedid, P Esber, A Issa OAM MP, P J Garrard, G Elmore, M Lack, C X Lim, S Lloyd, M McDermott and P Maitra.

NOES Nil.

REPORTS - MAJOR APPLICATIONS

9.3 SUBJECT 317-319 Kissing Point Road, DUNDAS NSW 2117
Lot B DP 391925 (Lachlan Macquarie Ward)

DESCRIPTION Section 82A review of determination of the refusal of DA/847/2010 for demolition, tree removal and construction of a multi-unit dwelling development containing 7 townhouses over basement car parking.

REFERENCE DA/847/2010 - S82 submitted 6 December 2011

APPLICANT/S Mr E Hassib

OWNERS Mr E Hassib, Mrs W Hassib, Mr M Y Hassib and Mrs M Hassib

REPORT OF Manager Development Services. Also email from Brad

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Delapierre dated 12 June 2012.

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council as it is an application made under Section 82A of the Environmental Planning and Assessment Act, 1979.

RESOLVED (Lack/Esber)

13180

- (a) **That** Council change its previous determination of DA/847/2010 and grant a deferred commencement consent to Development Application DA/847/2010 for demolition, tree removal and construction of a multi-unit dwelling development containing 7 townhouses over basement car parking at 317-319 Kissing Point Road, DUNDAS NSW 2117 for the reasons contained in Attachment 1 of this report.
- (b) **Further that** the objectors be advised of Council's decision.

DIVISION The result being:-

AYES The Lord Mayor, Councillor L E Wearne and Councillors P B Barber, A Bide, J Chedid, P Esber, A Issa OAM MP, P J Garrard, G Elmore, M Lack, C X Lim, S Lloyd and P Maitra.

NOES Councillor M McDermott.

9.5

SUBJECT 59 Kirby Street, Rydalmere
(Lot 20 DP 855339) (Elizabeth Macarthur Ward)

DESCRIPTION Fitout and use of premises for manufacture, warehousing and distribution of pharmaceutical products with associated fencing and signage.

REFERENCE DA/114/2012 - Lodged 27/2/12

APPLICANT/S Kirbymere Pty Ltd

OWNERS IWPE Nominees Pty Limited

REPORT OF Manager Development Services. Also Senior Development Assessment Officer Memorandum dated 12 June 2012.

REASON FOR REFERRAL TO COUNCIL

Twenty (20) submissions.

RESOLVED (Bide/Lim)

13181

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- (a) **That** Council as the consent authority grant development consent to Development Application No. DA/114/2012 for fit out and use of the existing premises for manufacture, warehousing and distribution of pharmaceutical products at 59 Kirby Street, RYDALMERE 2116 for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions contained in Attachment 1 to the report.
- (b) **That** the objectors be advised of Council's decision.
- (c) **Further, that** an investigation of the bridge in Kirby Street, Rydalmere be undertaken as a matter of urgency.

DIVISION The result being:-

AYES The Lord Mayor, Councillor L E Wearne and Councillors P B Barber, A Bide, J Chedid, P Esber, A Issa OAM MP, P J Garrard, G Elmore, M Lack, C X Lim, S Lloyd, M McDermott and P Maitra.

NOES Nil.

9.6 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 Acting Team Leader Development Assessment Memorandum dated 8 June 2012.

REASON FOR REFERRAL TO COUNCIL

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

RESOLVED (Esber/Lack)

13182

That the application be deferred to the next Council Meeting (Regulatory) with a report to be brought back to Council providing grounds for the possible refusal of the application.

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DIVISION The result being:-

AYES The Lord Mayor, Councillor L E Wearne and Councillors A Bide, J Chedid, P J Garrard, G Elmore, M Lack, C X Lim, M McDermott and P Maitra.

NOES P B Barber, P Esber, A Issa OAM MP and S Lloyd.

9.7 SUBJECT 17-19 Soudan Street, Merrylands
(Lot 1 DP 112379 & Lot 1 DP 659694 Lot 12 DP 112924
& Lot 2 DP 661377) (Woodville Ward)

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DESCRIPTION Demolition, tree removal and the construction of a multi unit housing development containing 4 townhouses and 5 villas with attic accommodation over basement carparking with strata subdivision.

REFERENCE DA/796/2011 - Submitted 14 November 2011

APPLICANT/S Chanine Design Pty Ltd

OWNERS Mr K F Leung

REPORT OF Manager Development Services. Senior Development Assessment Officer Memorandum dated 12 June 2012. Also submission from E and J Conroy dated 7 June 2012. Also submission from Z Chanine dated 28 May 2012.

REASON FOR REFERRAL TO COUNCIL

The report was deferred from the Council Meeting held on 28 May 2012 to enable the provision of further information.

Also, the proposal is referred to Council for consideration as submissions from 24 households objecting to the application have been received.

RESOLVED (Esber/Maitra)

13183

- (a) **That** Council as the consent authority grant development consent to Development Application No. DA/796/2011 for the demolition, tree removal and the construction of a multi unit housing development containing 4 townhouses and 5 villas with attic accommodation over basement car parking with strata subdivision at 17-19 Soudan Street, Merrylands for a period of five (5) years from the date on the Notice of Determination subject to the conditions contained in Attachment 1.
- (b) **Further that**, those persons who made a submission be advised of Council's determination of the application.

DIVISION The result being:-

AYES The Lord Mayor, Councillor L E Wearne and Councillors P B Barber, A Bide, J Chedid, P Esber, M Lack, S Lloyd and M McDermott.

NOES Councillors G Elmore, P J Garrard, A Issa OAM MP, C X Lim and P Maitra.

NOTICES OF MOTION

10.1 SUBJECT Amendment to policy regarding timing of site meetings
REFERENCE F2008/00998 - D02384827
REPORT OF Councillor M A Lack
RESOLVED (Lack/Elmore)

13184

- (a) **That** the site meeting process be amended so that the meetings are conducted prior to the Council meeting business papers being prepared so that the outcome of the Site Meeting can be included in the reports and, where appropriate, outcomes can be incorporated into the Memo attached to the report for that particular Development Application.
- (b) **Further, that** officers prepare a report on other systems available regarding community consultation on development matters and to bring this report back to the Chamber for further consideration.

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ECONOMY AND DEVELOPMENT

11.1 SUBJECT Variations to Standards under SEPP 1
REFERENCE F2009/00431 - D02363561
REPORT OF Acting Manager Development Services
RESOLVED (Esber/Elmore)

13185

That the report be received and noted.

NOTE

1. **Councillors M McDermott and P B Barber retired from the meeting at 10.24 pm.**
2. **Councillor A Bide left the meeting at 10.24 pm and returned during Item 12.3 of Closed Session.**

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CLOSED SESSION

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 Legal Matters Monthly Report to Council. (D02363547) - *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.*
- 2 Tender 29/2011 Lennox Bridge Carpark Site. (D02381317) - *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.*
- 3 Tender 4/2012 Macquarie Street Carpark. (D02385265) - *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.*

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 item listed in Closed Session.

No member of the gallery wished to make a submission.

RESUMPTION OF MEETING

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

12.1 SUBJECT Legal Matters Monthly Report to Council
REFERENCE F2004/07898 - D02363547

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REPORT OF Acting Manager Development Services

RESOLVED (Esber/Lim)

13187

That the report be received and noted.

12.2 SUBJECT Tender 29/2011 Lennox Bridge Carpark Site

REFERENCE F2011/03681 - D02381317

REPORT OF Development Manager. Property Development

RESOLVED (Esber/Chedid)

13188

(a) **That** Council note the report.

(b) **That** Council authorises the exercise of the Option Agreement to purchase the property located at 333 Church Street, Parramatta;

(c) **Further, that** Council be provided with a further report on the response to the shortlisted submissions for development of the Lennox Bridge Carpark site when the Evaluation Committee has completed its assessment.

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12.3 SUBJECT Tender 4/2012 Macquarie Street Carpark

REFERENCE F2011/03835 - D02385265

REPORT OF Development Manager Analyst. Property Development

RESOLVED (Esber/Lloyd)

13189

(a) **That** Council accept the Tender submission received from Toplace Pty Ltd for redevelopment of the Macquarie Street Carpark site described in the report.

(b) **That** the Chief Executive Officer be delegated authority to conduct negotiations with Toplace Pty Ltd to finalise the terms and conditions of a legally binding contract containing the terms and conditions of the sample project development agreement included in the RFP and the key terms of the development proposal described in the report and addendum.

(c) **That** the Common Seal of Council be affixed to the project development agreement for the Macquarie Street Car park project.

(d) **That** the Chief Executive Officer be delegated authority to sign all ancillary documents for the Macquarie Street Car park project.

(e) **Further, that** all unsuccessful tenderers be advised of Council's

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decision on this matter.

12.4 SUBJECT Civic Place Rebranding
REFERENCE F2004/06420
FROM The Lord Mayor, Councillor Lorraine Wearne
RESOLVED (Wearne/Esber)

13190

That Council approve the rebranding of Civic Place as outlined in this Lord Mayoral Minute.

The meeting terminated at 10.34 pm.

THIS PAGE AND THE PRECEDING 28 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 12 JUNE 2012 AND CONFIRMED ON MONDAY, 25 JUNE 2012.

Lord Mayor