

MINUTES OF THE MEETING OF PARRAMATTA CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC PLACE, PARRAMATTA ON MONDAY, 13 OCTOBER 2014 AT 6.52 PM

PRESENT

The Lord Mayor, Councillor S D Lloyd in the Chair and Councillors J P Abood (retired 8.34pm), J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S A Issa (Deputy Lord Mayor), B Makari, J L Shaw, L E Wearne and A A Wilson (retired 9.50pm).

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Lord Mayor, Councillor S D Lloyd acknowledged the Burrumattagal 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 22 September 2014

RESOLVED (Esber/Issa)

15106 **That** the Minutes be taken as read and be accepted as a true record of the Meeting.

SUBJECT Minutes of the Special Council Meeting held on 29 September 2014

RESOLVED (Esber/Makari)

15107 **That** the Minutes be taken as read and be accepted as a true record of the Meeting.

DECLARATIONS OF INTEREST

- 1 Councillor J P Abood declared a non-pecuniary interest in relation to Item 9.5 of Major Applications regarding 2-4 Amos Street, Parramatta as he is a member of Australian Kfarsghab Association, being the owners of the subject property. Councillor Abood did not intend to retire from the meeting during consideration of this matter.

- 2 Councillor L E Wearne declared an interest in relation to Item 10.2 of Economy and Development regarding Dixon Street Component of the Auto Alley Precinct and Item 10.3 of Economy and Development regarding Planning Proposal for land at 12-20 Dixon Street, Parramatta as Councillor Wearne has a client who owns property that adjoins Dixon Street. Councillor Wearne will not be voting on these issues but will not be retiring from the meeting during their consideration.

LORD MAYORAL MINUTES

- 1 SUBJECT Creation of Local Government "Fit for the Future" Response Committee
REFERENCE F2007/02184
FROM The Lord Mayor, Councillor S D Lloyd
RESOLVED (Lloyd/Issa)

- 15108 (a) **That** Council establish a Local Government 'Fit for the Future' Response Committee to develop and regularly report to Council on Parramatta City Council's suggested response to the NSW Government's 'Fit for the Future' proposals.
(b) **Further, that** the Committee be comprised of the Lord Mayor, the Deputy Lord Mayor, Councillors P Esber and P J Garrard, Mr Greg Dyer CEO and other relevant staff as agreed with the CEO.

PUBLIC FORUM

- 1 SUBJECT Development Applications - 364 Woodville Road, Guildford and 366 Woodville Road, Guildford
REFERENCE DA/719/2013
FROM Adam Byrnes
STATEMENT

NOTE: Mr Byrnes did not attend the meeting.

2 SUBJECT Development Application - 10 - 12 Milner Road,
Guildford
REFERENCE DA/809/2013
FROM Ku Chiu-O Chen
QUESTIONS

By Ku Chiu-O Chen:-

- “1 How will Council and the developer do in regards to the privacy issue on both side residents - no. 8 & no. 14 Milner Road Guildford and the rear side of the develop land?
- 2 Why will the council approve so many town houses facing both side residents? There are some existing new town houses around the area that they do not have this problem for both side residents. Such as three sites on Roseberry Road.
- 3 How do Council and the developer guarantee the foundation of both side properties will not have movement or damaged as the development side will be dug up five meters deep.
- 4 How will Council do in regards to the increasing water usage under current depressors water problem?
- 5 How will Council do in regards to internet quarto under current low quarto in the Guildford?”

15109 RESPONSE

By Mark Leotta – Acting Unit Manager Development and Traffic:-

- 1 Concern is raised that the adjoining properties will experience a loss of privacy.

Parramatta Development Control Plan 2011 requires townhouses that face adjoining properties to have a minimum setback of 4.5m.

The development has a minimum setback of 7.6m to 8 Milner road and 5.03m to No. 14.

The minimum rear setback required for multi dwelling housing developments is the equivalent of 15% of the length of the site. The length of the site is 60.96 metres. The minimum rear setback to be provided is 9.144 metres. The proposal provides a rear setback of 9.145 metres.

Given this and noting that the first floor contains low use rooms such as bedroom as well as the proposed landscaping along the

side it is not considered that these properties will experience an unacceptable loss of privacy.

2 Side Facing townhouses

Council's planning controls allow side facing townhouses provided that they are designed to minimize impacts on adjoining properties. This development with setbacks greater than that required by DCP 2011 achieves this.

3 Construction Damage to adjoining properties.

Standard condition have been imposed requiring the applicant to prepare dilapidation reports for adjoining properties before construction commences and after construction is completed. This will allow any damage that occurs during the construction phase to be identified.

4 How will Council do in regards to the increasing water usage under current depressors water problem?

5 How will Council do in regards to internet quarto under current low quarto in the Guildford?

Conditions of consent will be imposed to require the developer to liaise with both a Sydney Water agent and a telecommunication provider to ascertain whether Sydney Water/the internet provider require any amplification of the existing network to ensure that this development does not result in an unacceptable reduction in service to nearby properties."

3 SUBJECT Development Application - 10 - 12 Milner Road,
Guildford

REFERENCE DA/809/2013

FROM Maria Matkovic

QUESTIONS

By Ms Maria Matkovic:-

"Why is this size development allowed for a flood zone area. All residents attending the on-site meeting were surprised that zoning has changed from low density (Duplex Building Type) to medium density allowing multiple unit development. No one remembers being advised of zoning changes.

Main points of concern from me as I am directly below the development

at 3 Salisbury Road is:-

- The development is too big. It goes too far down the 2 blocks.
- It is too close to the back fence boundary.
- Privacy issues.
- There is also an underground creek covered at the back of blocks. Drainage issues – clay soil problems
- Building is too high at the back – equivalent to 3 storeys - as the parking at the back is not underground but above ground due to downward slope to the back of the blocks.

Other issues raised at the on-site meeting were:-

- Impact of such a large development during construction and when finished.
- Noise levels.
- Effects on neighbours buildings/homes.
- Footing cracking walls.
- Stormwater.
- Parking not enough.
- Streets too narrow for street parking.
- Danger to pedestrians and passing traffic.
- Rubbish bins general and recycle on the street for council collection (20 bins).
- Increase in crime rates.
- No guarantee of type of residents will purchase units. There is a noted increase in crime and theft where there are multiple dwellings drugs, car theft, dumping of rubbish etc.
- Water pressure reduces noticeably if this sized development goes ahead.
- It will set a precedent and drive out the current residents who have been here for many decades.

This sized development should not be approved for Milner Road and Salisbury Road. Flood Zone. Two houses and duplex are enough.”

15110 RESPONSE

By Mark Leotta – Acting Unit Manager Development and Traffic:-

“The rezoning of the site under PLEP 2011 was initiated in 2009 and gazetted after community consultation in 2011. Under this consultation process, all properties subject to the provisions of PLEP 2011 were notified of the changes to PLEP.

Council’s Land Use Planners confirmed that the residents of Salisbury Street were notified of the rezoning of this portion of Milner Road.

Multi-dwelling developments are permissible in the R3 Zone and the applicant has addressed the flooding constraints of the site to the satisfaction of Council’s catchment engineers. The proposal is not considered to be an overdevelopment of the site with the development having a FSR of 0.49:1 that is less than the floor space ratio allowed by PLEP 2011 of 0.6:1.”

4 SUBJECT Development Application - 10 - 12 Milner Road,
Guildford
REFERENCE DA/809/2013
FROM Kevin Leung
STATEMENT

By Mr Kevin Leung:-

15111 “The development of ten townhouses on this block, comprising of three and four bedroom dwellings will create overcrowding and unfavourable living conditions for the neighbourhood. This will have a huge impact on traffic on already narrow streets (Milner Road) and on street parking, especially on garbage collection day, where there will be twenty bins on the road.

A development of this scale will have adverse effects to the neighbours which includes invasion of privacy, noise/disturbance, obstructed access to driveways, littering, significant increase in traffic, reduction in water pressure, structural damage to neighbouring houses due to settlement/disturbance to active clay foundations, increase crime rate associated with dense living and building, so many dwellings on a flood zone presents drainage and environmental impacts.”

NOTE: Councillor P J Garrard left the meeting at 7.11 pm during consideration of this matter.

REPORTS - DOMESTIC APPLICATIONS

8.1 SUBJECT 42 Rippon Avenue, Dundas
(LOT 42 DP 12687) (Elizabeth Macarthur Ward)
DESCRIPTION Alterations and additions to a single storey dwelling.
REFERENCE DA/430/2014 - 11 July 2014
APPLICANT/S Mr D R Britos
OWNERS Mr D R Britos and Ms S Forte
REPORT OF Manager Development and Traffic Services
REASON FOR REFERRAL TO COUNCIL
One of the owners of the subject site is a Council employee.
RESOLVED (Esber/Elmore)

15112 (a) **That** Council as the consent authority grant development consent

to Development Application No 430/2014 for alterations and additions to a single storey dwelling subject to the conditions contained within Attachment 1.

- (b) **Further, that** the person who lodged an individual submission be advised of Council's determination of the application.

DIVISION The result being:

AYES The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, J A Hugh, S A Issa, B Makari, J L Shaw, L E Wearne and A A Wilson.

NOES None.

REPORTS - MAJOR APPLICATIONS

- 9.1 SUBJECT 64 - 68A Phillip Street (cnr George Khattar Lane), PARRAMATTA (Lot 3 DP 591970, Lots 1 and 2 DP 128452, Lot 36 DP 1104223) (Arthur Phillip Ward)
- DESCRIPTION Section 96(1A) modification to an approved development application for alterations to a Heritage Building and construction of a 13 storey mixed use development containing a ground floor cafe and 49 apartments. The modifications include provision of an additional basement carpark and an increase in the number of carparking spaces from 43 to 59.
- REFERENCE DA/587/2012/A - Submitted 10 July 2014
- APPLICANT/S Hallmark Developments Pty Ltd
- OWNERS Wallaroo Properties Pty Ltd and Parramatta City Council
- REPORT OF Manager Development and Traffic Services
- REASON FOR REFERRAL TO COUNCIL
- As per the Council resolution of 27 June 2011, any building works associated with a heritage listed building are to be referred to Council for determination. Part of the site is also currently owned by Council.
- The development relates to a Local Heritage Listed building in Schedule 5 of Parramatta City centre Local Environmental Plan 2007.
- RESOLVED (Makari/Finn)
- 15113 (a) **That** Council as the consent authority grant development consent to modify Development Application No. DA/587/2012/A for

alterations to a heritage building and construction of a 13 storey mixed used development containing a ground floor café and 49 apartments at 64-68A Phillip Street (Cnr George Khattar Lane), PARRAMATTA NSW 2150 subject to modifying conditions of consent as outlined in Attachment 1.

- (b) **Further, that** the objectors be advised of the outcome of the Council meeting.

DIVISION The result being:

AYES The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, J A Hugh, S A Issa, B Makari, J L Shaw, L E Wearne and A A Wilson.

NOES None.

9.2 SUBJECT 364 Woodville Road, Guildford (Lot 3 DP 6425)
(Woodville Ward)

DESCRIPTION Construction of a 2 storey boarding house comprising 10 rooms to accommodate 19 lodgers (including the onsite manager), car parking & landscaping.

REFERENCE DA/719/2013 - 6 November 2013

APPLICANT/S Nicholas Ross

OWNERS Saliba Pty Ltd

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council as it relates to a boarding house.

RESOLVED (Issa/Elmore)

15114 (a) **That** Items 9.2 (DA/719/2013) and 9.3 (DA/720/2013) be considered in conjunction with each other.

(b) **Further,** that the applications be refused for the following reasons:-

1. The proposed development is inconsistent with the current predominantly low density residential character of the surrounding area as the proposal results in a much higher density on site.
2. The proposed development area is in Woodville Road which is currently going through a land use/zone review that will affect the area and proposed development in the future.
3. The proposal fails to demonstrate that there will not be an adverse cumulative social impact both on future residents and

existing residents through the concentration of affordable housing.

4. The proposed development is proposed at a scale and density similar to multi-unit housing but fails to provide an adequate level of amenity for future residents of the respective developments.
5. Notwithstanding compliance with on-site parking requirements under State Environmental Planning Policy Affordable Rental Housing, given the density of the development, the proposal may result in adverse cumulative traffic generation and parking demand within the surrounding road network from visitors to the site.
6. Council has adopted a strategic policy to ensure that boarding houses are away from low density residential zones to avoid the impacts detailed above.
7. The application does not satisfy the local character test.
8. The proposed development is not in the public interest.

DIVISION The result being:

AYES The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S A Issa, B Makari, J L Shaw, L E Wearne and A A Wilson.

NOES None.

- NOTE:**
1. **Councillor P J Garrard returned to the meeting at 7.19 pm during consideration of this matter.**
 2. **Councillor J P Abood left the meeting at 7.35 pm following consideration of this matter.**

9.3 SUBJECT 366 Woodville Road, Guildford (LOT 1 DP 792816)
(Woodville Ward)

DESCRIPTION Construction of a 2 storey boarding house comprising 24 rooms to accommodate 40 lodgers (including the onsite manager), car parking & landscaping

REFERENCE DA/720/2013 - Submitted 6 November 2013

APPLICANT/S Nicholas Ross

OWNERS Saliba Pty Ltd

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council as it relates to a boarding house.

NOTE: This matter was considered in conjunction with Item 9.2 of (Minute No 15114 refers).

- 9.4 SUBJECT 10-12 Milner Road, GUILDFORD NSW 2161
(LOT 15 and 16 DP 4047) (Woodville Ward)
- DESCRIPTION Demolition, tree removal and construction of a multi dwelling housing containing 10 townhouses over basement carparking.
- REFERENCE DA/809/2013 - 9 December 2013
- APPLICANT/S ROCKWALL CONSTRUCTIONS PTY LTD
- OWNERS Mehcur Investments
- REPORT OF Manager Development and Traffic Services
- REASON FOR REFERRAL TO COUNCIL
- The application is referred to Council as more than 7 objections have been received.
- The application generated 1 individual submission and 1 petition with signatures from 16 households.
- MOTION (Hugh/Makari)

That the application be refused for the following reasons:-

- 1 The proposal will cause loss of privacy to surrounding residences (as raised by residents, especially during Public Forum).
- 2 The potential of damage to adjoining properties during the construction phase.
- 3 Excessive bulk and scale of this development.
- 4 Excessive noise level arising from this proposal.
- 5 Inadequate provision of parking.
- 6 Excessive traffic impact on the area, especially as Milner Road is very narrow.
- 7 The proposal does not fully comply with Parramatta Development Control Plan 2011 in relation to height of buildings.
- 8 The proposal does not comply with Parramatta Development Control Plan 2011 in relation to Minimum 40% Landscaped area.
- 9 The proposal does not comply with Parramatta Development Control Plan 2011 in relation to Attics.
- 10 The proposal does not comply with Parramatta Development Control Plan 2011 in relation to Cross Ventilation/Building Depth.
- 11 The proposal is not in the public interest.

FORESHADOWED
MOTION (Chowdhury)

- (a) **That** Council as the consent authority grant development consent to Development Application No 809/2013 for demolition, tree removal and construction of a multi dwelling housing development containing 10 townhouses over basement carparking subject to the conditions contained within Attachment 1.
- (b) **Further that** the persons who lodged an individual submission and head petitioner be advised of Council's determination of the application.

15115 The motion was put and carried.

DIVISION The result being:

AYES The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S A Issa, B Makari, J L Shaw, L E Wearne and A A Wilson.

NOES Councillor S H Chowdhury.

- NOTE:**
1. **Councillor J P Abood returned to the meeting at 7.40 pm during consideration of this matter.**
 2. **As the motion was successful, there was no need to consider the foreshadowed motion.**

9.5 SUBJECT 2-4 Amos Street, Parramatta
(Lots 1-5 DP 20190) (Arthur Phillip)

DESCRIPTION Consolidation of 5 lots into 1 lot, demolition, tree removal and construction of 2 x 6 storey Residential Flat Buildings comprising a total of 56 units over basement carparking.

REFERENCE DA/700/2013 - Submitted 29 October 2013

APPLICANT/S Zhinar Architects

OWNERS Australian Kfarsghab Association Limited

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

This application is referred to Council as more than 7 objections have been received.

MOTION (Makari/Wearne)

- (a) That Council as the consent authority grant development consent to Development Application No. DA/700/2013 for lot

consolidation, demolition of existing buildings, tree removal and construction of 2 x 6 storey Residential Flat Buildings comprising a total of 56 units over basement carparking at 2, 2A, 4 Amos Street, Parramatta for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions as outlined in the attached Section 79C Assessment Report.

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

AMENDMENT (Chowdhury/Shaw)

- (a) **That** Council as the consent authority grant development consent to Development Application No. DA/700/2013 for lot consolidation, demolition of existing buildings, tree removal and construction of 2 x 6 storey Residential Flat Buildings comprising a total of 56 units over basement carparking at 2, 2A, 4 Amos Street, Parramatta for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions as outlined in the attached Section 79C Assessment Report, together with the following additional condition:-

“That 2 native trees of 100 litre size be planted at a suitable location as decided upon by Council Officers.”

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

The amendment was put and lost.

15116 The motion was put and carried.

DIVISION The result being:

AYES The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S A Issa, B Makari, J L Shaw, L E Wearne and A A Wilson.

NOES None.

NOTE: Councillor J P Abood had previously declared a non-pecuniary interest in relation to this matter as a member of the Australian Kfarsghab Association but did not retire from the meeting during consideration and voting on this issue.

9.6 SUBJECT 83 Macquarie Street, Parramatta
(LOT L DP 15108) (Arthur Phillip Ward)

DESCRIPTION Alterations to the existing building, fitout, signage and

change of use to a food and drink premises (restaurant).

REFERENCE DA/594/2014 - Submitted 4 September 2014

APPLICANT/S Trattoria 1 Pty Ltd

OWNERS Mr J D Symond

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council for determination as the proposal involve works to a heritage item, as per Council's resolution dated 27 June 2011 regarding staff delegations.

RESOLVED (Makari/Hugh)

15117 **That** Council as the consent authority grant development consent to Development Application No. DA/594/2014 for alterations to the existing building, fitout, signage and change of use to a food and drink premises (restaurant) on land at 83 Macquarie Street, Parramatta for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions in Attachment A.

DIVISION The result being:

AYES The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S A Issa, B Makari, J L Shaw, L E Wearne and A A Wilson.

NOES None.

9.7 SUBJECT 19/531-537 Victoria Road, Ermington (Lot 19 SP 44081)(Elizabeth Macarthur Ward)

DESCRIPTION Section 96(1A) modification to an approval for the occupation of Unit 19 as a remedial massage clinic with associated signage. The modification includes changes to Condition No. 21 regarding the number of employees.

REFERENCE DA/633/2013/A - Lodged 19 August 2014

APPLICANT/S Mr S A Wallace

OWNERS Mr K C Khoury

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council for determination as the application relates to an approved massage clinic.

RESOLVED (Garrard/Elmore)

15118 **That** Council as the consent authority, modify development consent DA/633/2013/A as follows:

1 Modify condition No. 21 in the following way:

21 The maximum number of employees shall not exceed 4, with a maximum of 3 therapists and 1 receptionist on any shift at any one time. Any increase in employees shall be the subject of a further Development Application to the Council. All therapists must be appropriately trained and accredited in line with the requirements set out in PDPC2011.

Reason: To ensure the development does not expand beyond that approved.

2. All other conditions of DA/633/2013 remain unmodified.

DIVISION The result being:

AYES The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S A Issa, B Makari, J L Shaw, L E Wearne and A A Wilson.

NOES None.

9.8 SUBJECT 54A Epping Avenue, Epping

DESCRIPTION Tree removal and construction of a two storey dwelling.

REFERENCE DA/83/2014 - 21 February 2014

APPLICANT/S Mr D Bird and Mr P Campton

OWNERS Mr D Bird and Mr P Campton

REPORT OF Manager Development and Traffic Services. Also Senior Development and Certification Officer Memorandum dated 8 October 2014. Also Acting Unit Manager Development and Traffic Services (Confidential) Memorandum dated 7 October 2014 (tabled in conjunction with Item 13.1).

REASON FOR REFERRAL TO COUNCIL

Council at its meeting of 8 September 2014 resolved to defer this item pending further discussions with the applicant.

MOTION (Wearne/Abood)

That application be refused for the following reasons:-

1 The dwelling is two storey by design and is inconsistent with clause 3.1.3 of the Parramatta Development Control Plan 2011 which restricts dwellings on battle-axe allotments to single storey in

- height.
- 2 The dwelling will result in unacceptable impacts in terms of privacy given the two storey design and alignment of the battle-axe lot to the neighbouring allotments.
 - 3 The development will set an undesirable precedent and undermines the integrity of Parramatta Development Control Plan 2011.
 - 4 Commissioner Fakes of the Land and Environment Court on the appeal in this matter on the subdivision in a number of sections of the judgement, particularly section 40 page 15 said the block can only support a single storey dwelling and in section 7 pages 25-26 said 'that the fact that a single storey dwelling is permitted on a battle-axe block' .
 - 5 On appeal the applicant's diagram of indicative footprints showed a 'single storey dwelling' as per the Development Control Plan.
 - 6 The development is not in the public interest.

FORESHADOWED
MOTION (Issa/Dwyer)

- (a) **That** Development Application DA/83/2014 for tree removal and construction of a 2 storey dwelling on land at Lot 3, 54A Epping Avenue, Epping 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.

15119 The motion was put and carried.

DIVISION The result being:

AYES Councillors J P Abood, J Chedid, S H Chowdhury, G J Elmore, P Esber, J D Finn, J A Hugh, J L Shaw, L E Wearne and A A Wilson.

NOES The Lord Mayor, Councillor S D Lloyd and Councillors R Dwyer, P J Garrard, S A Issa and B Makari.

NOTE: As the motion was successful, there was no need to consider the foreshadowed motion.

ECONOMY AND DEVELOPMENT

10.1 SUBJECT Proposed sale of Council land at 134A Park Road Rydalmere

REFERENCE F2014/02254 - D03298901
REPORT OF Property Services Officer
RESOLVED (Esber/Hugh)

15120 **That** Council authorise Council Officers to enter into negotiations with the owner at 134 Park Road Rydalmere on a proposed sale of the Council land at 134A Park Road Rydalmere (Lot 18A DP 442056) for combined redevelopment.

10.2 SUBJECT Dixon Street component of the Auto Alley Precinct
REFERENCE F2011/02749 - D03322497
REPORT OF Snr Project Officer
RESOLVED (Esber/Makari)

- 15121
- (a) **That** Council note the outcomes of the Councillor workshop on 17 September 2014 regarding the proposed planning controls for Dixon Street under the draft Auto Alley planning framework.
 - (b) **That** Council endorse the planning controls that are proposed for Dixon Street as part of the draft Auto Alley planning framework, and as shown in Attachment 1, for the purpose of preliminary community and public authority consultation.
 - (c) **That** Council adopt an FSR of 3:1 with complementary height controls and also the requirement to enter into a design competition for those properties on the north side of Dixon Street in the Auto Alley precinct (west of the proposed road).
 - (d) **Further, that** when considering the South Parramatta Study, the south side of Dixon Street be considered with what is being proposed in relation to this issue.

DIVISION The result being:

AYES The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S A Issa, B Makari and J L Shaw.

NOES Councillor A A Wilson.

- NOTE:**
- 1 **Councillor L E Wearne had previously declared an interest in relation to this matter as a client owns property in the vicinity. Councillor Wearne remained in the Chamber during discussions but did not vote on the issue.**
 - 2 **Councillor J P Abood left the meeting at 8.23 pm and returned at 8.26 pm during consideration of this matter.**

10.3 SUBJECT Planning Proposal for land at 12-20 Dixon Street,
Parramatta
REFERENCE RZ/10/2014 - D03305401
REPORT OF Project Officer - Land Use Planning
RESOLVED (Esber/Makari)

- 15122 (a) **That** Council adopt an FSR of 3:1 with complementary height controls and also the requirement to enter into a design competition for this site.
- (b) **That** an updated planning proposal and supporting documentation be prepared in accordance with the Option as endorsed by Council above and that Council forwards this to the NSW Department of Planning and Environment for Gateway determination.
- (c) **That** Council advises the NSW Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this planning proposal as authorised by Council on 26 November 2012.
- (d) **That** Council receives a report on the outcome of the community consultation.
- (e) **Further, that** Council grant delegated authority to the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the amendment process.

DIVISION The result being:

AYES The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S A Issa, B Makari and J L Shaw.

NOES Councillor A A Wilson.

NOTE: Councillor L E Wearne had previously declared an interest in relation to this matter as a client owns property in the vicinity. Councillor Wearne remained in the Chamber during discussions but did not vote on the issue.

ADJOURNMENT OF MEETING

In accordance with Council's decision of 23 October 2000 (Minute No 5712) the meeting adjourned at 8.34 pm for a period of 18 minutes.

- and Monday 9 March 2015, and
- Determine the Development Application following an independent assessment.

10.7 SUBJECT Stormwater Disposal Policy
REFERENCE F2004/08626 - D03322496
REPORT OF Acting Manager Development and Traffic Services
RESOLVED (Garrard/Wilson)

15126 **That** consideration of this matter be deferred for 2 weeks.

NOTE: Councillor B Makari returned to the meeting at 8.53 pm during consideration of this matter.

GOVERNANCE AND CORPORATE

11.1 SUBJECT Council Committees- Review of Councillor Membership
REFERENCE F2004/07851 - D03309063
REPORT OF Service Manager Governance, Quality and Performance
RESOLVED (Issa/Garrard)

15127 **That** Council appoint the following Councillors to the following Committees:-

- 1 Arthur Phillip Committee – Councillors R Dwyer and B Makari.
- 2 Audit and Risk Committee – Councillors J D Finn, B Makari and A A Wilson.
- 3 Council Significant Property Projects Committee – The Lord Mayor - Councillor S D Lloyd, the Deputy Lord Mayor, Councillor S A Issa and Councillors J P Abood, J Chedid, P Esber, P J Garrard, L E Wearne and A A Wilson.
- 4 Greater Western Sydney Local Land Service Local Government Advisory Group - The Lord Mayor (or nominee) and an alternate.
- 5 International Business and Investment Committee – Councillors J A Hugh, S A Issa and Councillor J Chedid as an alternate.
6. Joint Regional Planning Panel –Councillors J P Abood, J Chedid, A A Wilson and Councillors J D Finn and P J Garrard as alternates.
- 7 Lord Mayors’ Public Domain Activation Committee – The Lord Mayor – Councillor S D Lloyd, Deputy Lord Mayor – Councillor S A Issa and Councillors J P Abood, J Chedid, G J Elmore, P J Garrard B Makari and J L Shaw.
- 8 Lord Mayor’s Sporting and Recreation Facilities Advisory Committee – The Lord Mayor, Councillor S D Lloyd, Deputy Lord Mayor, Councillor S A Issa and Councillors J Chedid and P Esber.
- 9 Lord Mayor Youth Action Team – The Lord Mayor, Councillor S D

- Lloyd with Deputy Lord Mayor, Councillor S A Issa and Councillor J Chedid being appointed as alternates.
- 10 Major Projects Advisory Committee – appointments be deferred pending legal advice in relation to the requirement to have Councillors sitting on the Committee together with clarification of the role of this Committee.
 - 11 NSW Public Libraries Association – Councillor J A Shaw.
 - 12 Parramatta City Chamber of Commerce & Industry Inc - The Lord Mayor, Councillor S D Lloyd and Deputy Lord Mayor, Councillor S A Issa.
 - 13 Parramatta City Council Community Grants Committee - The Lord Mayor, Councillor S D Lloyd, Deputy Lord Mayor, Councillor S A Issa, Councillors J Chedid, J D Finn, P J Garrard and Councillor J L Shaw as alternate.
 - 14 ParraConnect Advisory Committee - The Lord Mayor, Councillor S D Lloyd, Deputy Lord Mayor, Councillor S A Issa and Councillors J Chedid, P J Garrard and J A Hugh.
 - 15 Parramatta Floodplain Risk Management Committee – The Lord Mayor, Councillor S D Lloyd and Councillors S H Chowdhury, P J Garrard and J L Shaw.
 - 16 Parramatta River Catchment Group – The Lord Mayor, Councillor S D Lloyd and Councillor S Chowdhury.
 - 17 Parramatta Traffic Committee (PTC) – Councillor P J Garrard as Chairperson and Councillor J A Hugh as alternate Chairperson.
 - 18 Parramatta Traffic Engineering Advisory Group (TEAG) - Councillor P J Garrard as Chairperson and Councillor J A Hugh as alternate Chairperson.
 - 19 Riverside Theatres Advisory Board – The Lord Mayor, Councillor S D Lloyd and Councillors R Dwyer, G J Elmore and A A Wilson with Councillor S Chowdhury to be appointed as an alternate.
 - 20 Review of Planning Framework for the CBD Committee- The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, P Esber, P J Garrard, J A Hugh, B Makari and L E Wearne.
 - 21 The 100th Anniversary of World War 1 - Councillors R Dwyer, J A Hugh and A A Wilson.
 - 22 UWS Branding Committee – The Lord Mayor, Councillor S D Lloyd as Co-Chairperson and an alternate.
 - 23 Western Light Rail Steering Committee – The Lord Mayor, Councillor S D Lloyd and Deputy Lord Mayor, Councillor S Issa and as an alternate.
 - 24 Western Sydney Regional Organisation of Councils Board – WSROC – The Lord Mayor, Councillor S D Lloyd as Director, Deputy Lord Mayor, Councillor S A Issa as Director and Councillors B Makari and L E Wearne as alternate Directors.
 - 25 Westpool – Deputy Lord Mayor, Councillor S A Issa and Councillor J A Hugh as delegates and Councillor B Makari as an alternate delegate.

NOTICES OF MOTION

12.1 SUBJECT Formation of Committee for 2015 Chinese New Year Celebrations
REFERENCE F2014/01541 - D03317162
REPORT OF Councillor A A Wilson
RESOLVED (Wilson/Makari)

- 15128 (a) **That** Council form a Councillor Committee including The Lord Mayor of the Day and Councillors J D Finn, J A Hugh and A A Wilson and representatives from the Chinese Council, to enhance the celebration of Chinese New Year in 2015, such Committee to report back to Council by the end of November.
- (b) **Further, that** Council be provided with a report addressing Sponsorship for the 2015 Event with an interim report being provided prior to Christmas.

NOTE: Councillor P Esber left the meeting at 9.16 pm during consideration of this matter.

12.2 SUBJECT User Pays Policing
REFERENCE F2004/06010 - D03329755
REPORT OF Councillor A A Wilson
RESOLVED (Wilson/Chedid)

- 15129 (a) **That** Parramatta City Council in conjunction with the Parramatta Police receive a report to introduce a user pay policing seven days a week in the Parramatta CBD.
- (b) **Further, that** Council ask the New South Wales State government to contribute half the cost of a seven day a week Police service.

NOTE: Councillor P Esber returned to the meeting at 9.19 pm during consideration of this matter.

12.3 SUBJECT Streamlining Council Services
REFERENCE F2007/02184 - D03332658
REPORT OF Councillor A A Wilson
MOTION (Wilson/Chedid)

That Parramatta City Council prepare a report in relation to entering into discussions with neighbouring Councils with a view to streamlining services and creating efficiencies.

15130 The motion was put and lost.

CLOSED SESSION

RESOLVED (Issa/Hugh)

15131 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. (D03315775) - *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 16/2014 Barnetts Road, Winston Hills – Stormwater Drainage Improvements. (D03317728) - *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 Report on Negotiations for the disposal of 42 Bridge Street Rydalmere (Mary Parade). (D03323566) - *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.*

13.1 SUBJECT Legal Matters Monthly Report to Council
REFERENCE F2004/07898 - D03315775
REPORT OF Group Manager Outcomes and Development. Also Acting Unit Manager Development and Traffic Services Memoranda dated 1 October and 7 October 2014.
MOTION (Issa/Garrard)

- (a) **That** the report be received and noted.
- (b) **That** in relation to 1 Nirvana Street, Pendle Hill, Council adopt Option 2 as outlined in Acting Unit Manager Development and

Traffic Services dated 1 October 2014, subject to the alteration as discussed at the meeting.

- (c) **That** in relation to 66-68 Park Road, Rydalmere, undertake option 1 as outlined in Acting Unit Manager Development and Traffic Services Memorandum dated 9 October 2014.

AMENDMENT (Wearne/Elmore)

- (a) **That** the report be received and noted.
- (b) **That** in relation to 54A Epping Avenue, Epping, Council take the action as outlined in the 2nd dot point in the penultimate paragraph of Acting Unit Manager Development and Traffic Services Memorandum dated 7 October 2014.
- (c) **That** in relation to 1 Nirvana Street, Pendle Hill, Council adopt Option 2 as outlined in Acting Unit Manager Development and Traffic Services dated 1 October 2014, subject to the alteration as discussed at the meeting.
- (d) **Further, that** in relation to 66-68 Park Road, Rydalmere, undertake option 1 as outlined in Acting Unit Manager Development and Traffic Services Memorandum dated 9 October 2014.

The motion was put and lost.

- 15132 The amendment was put and carried and on being put as the motion was again carried.

NOTE: Councillor S A Issa requested his name be recorded as having voted against this decision.

- 13.2 SUBJECT Tender 16/2014 Barnetts Road, Winston Hills – Stormwater Drainage Improvements
- REFERENCE F2014/01972 - D03317728
- REPORT OF Project Manager
- RESOLVED (Issa/Wearne)

- 15133 (a) **That** the tender submitted by Murphy McCarthy & Associates Pty Ltd for new stormwater line, stormwater pits, headwall, gabion wall, reconstruction of kerb and gutter and associated works in Barnetts Road, Winston Hills between Oakes Road and Marconi Street, for the lump sum of \$210,684.23 (excluding GST) be accepted.
- (b) **That** all unsuccessful tenderers be advised of Council's decision in this matter.
- (c) **Further, that** the Lord Mayor and Chief Executive Officer be given delegated authority to execute and affix the Common Seal of Council to the necessary documents.

13.3 SUBJECT Report on Negotiations for the disposal of 42 Bridge Street Rydalmere (Mary Parade)
REFERENCE F2012/00916 - D03323566
REPORT OF Property Development Manager
RESOLVED (Issa/Hugh)

15134 **That** consideration of this matter be deferred pending a report which includes advice of all offers submitted by all real estate agents on this issue.

NOTE: Councillor A A Wilson retired from the meeting at 9.50 pm following consideration of this matter.

NOTE: At the conclusion of Closed Session, the Lord Mayor, Councillor S D Lloyd advised the public gallery of the decisions made during Closed Session.

QUESTION TIME

1 SUBJECT Diwali Festival and Parramasala
REFERENCE F2009/02982
FROM Councillor J D Finn

15135 Councillor Finn noted that the Hindu Council is holding the Diwali Festival at Parramatta Park on Sunday 19 October, 2014, the same day as Parramasala is being held in Parramatta.

Councillor Finn questioned why these 2 events had not been integrated as they had been in the past.

2 SUBJECT Granville Pool - Leak
REFERENCE F2010/00289
FROM Councillor S A Issa

15136 Councillor Issa advised that Granville Ward Councillors had recently been notified of a leak in a pool constructed in Granville Swimming Centre in 2005.

Apparently the leak had been discovered in 2012 where it was noted that either the pool would need to be rebuilt or rectification works undertaken.

Councillor Issa questioned:-

- Who had signed off the works in 2005 and further, if the leak had been discovered in 2012, whether any required works could be claimed under warranty;
- Why this issue had taken 2 years to be notified to Councillors;
- Whether legal advice could be sought on the best avenue to address a 7 year old pool with a leak.

Councillor Issa further commented that such an important issue should have been the subject of formal advice to the Chamber.

Councillor Garrard responded that the leak had been discovered earlier than 2012 and at that time, advice had been received that the required works would not be covered under insurance.

3 SUBJECT Lighting in Centenary Square
REFERENCE F2013/02565
FROM Councillor P J Garrard

15137 Councillor Garrard made reference to the phased lighting provided in Centenary Square/Parramatta Town Hall and commented that on opening night, the lighting had been magnificent.

Since that date, however, the lighting had become static and had not reached the previous standard.

Councillor Garrard questioned why the lights could not remain at the standard established at the opening.

4 SUBJECT 10/50 Vegetation Clearing Entitlement Area
 REFERENCE F2004/06158
 FROM Councillor L E Wearne

15138 Councillor Wearne made reference to the 10/50 Clearing Entitlement Rule relating to the clearing of trees and shrubs in proximity to a resident's property in bushland areas to increase protection against bushfires.

Councillor Wearne advised that initial advice had indicated that Council was not affected by this rule but further advice received may contradict the initial advice.

Councillor Wearne requested that Councillors be advised of the exact impact of the 10/50 rule on Council.

The meeting terminated at 9.58 pm.

THIS PAGE AND THE PRECEDING 24 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 13 OCTOBER 2014 AND CONFIRMED ON MONDAY, 27 OCTOBER 2014.

Lord Mayor