

MINUTES OF THE MEETING OF PARRAMATTA CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC PLACE, PARRAMATTA ON MONDAY, 24 NOVEMBER 2014 AT 6.48 PM

The Lord Mayor, Councillor S D Lloyd in the Chair and Councillors J P Abood, J Chedid (retired 9.21pm), S H Chowdhury, R Dwyer, P Esber (retired 10.21pm), 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.

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.

MINUTES

SUBJECT Minutes of the Council (Development) Meeting held on 10 November 2014

RESOLVED (Abood/Makari)

15203 **That** the Minutes be taken as read and be accepted as a true record of the Meeting.

APOLOGIES

15204 RESOLVED (Esber/Chowdhury)

That an apology be received and accepted for the absence of Councillor G J Elmore.

DECLARATIONS OF INTEREST

Councillor J P Abood declared an interest in relation to Item 13.1 of Closed Session regarding Tender 24/2014 Katia Street, North Parramatta – Drainage, Kerb & Gutter, Road Reconstruction and Associated Works as Councillor Abood's wife is a relative of one of the tenderers.

MINUTES OF THE LORD MAYOR

1 SUBJECT HMAS Parramatta IV
 REFERENCE F2014/02443
 FROM The Lord Mayor, Councillor Scott Lloyd
 RESOLVED (Lloyd/Issa)

- 15205 (a) **That** Council acknowledge and express our proud support of the *HMAS Parramatta IV* and its current activities in the Coral Sea, north of Brisbane.
 (b) **Further, that** Council and the people of Parramatta congratulate the Captain and her crew on a successful deployment.

2 SUBJECT Connection Arcade - Update on Security and General Maintenance
 REFERENCE F2014/02443
 FROM The Lord Mayor, Councillor Scott Lloyd
 RESOLVED (Lloyd/Issa)

- 15206 (a) **That** Council notes the contents of this Minute.
 (b) **Further, that** the Lord Mayor's Office sends a letter to all the Tenants of the Arcade officially advising them of the recent improvements to the Arcade as outlined in this Minute (in addition to written communications from the Arcade's Managing Agent, Knight Frank).

PUBLIC FORUM

1 SUBJECT Development Application - 2 - 4 Jubilee Lane, Parramatta
 REFERENCE DA/462/2014
 FROM Agnatios Alam

STATEMENT

By Agnatos Alam- As Tabled:-

15207 "Good evening Ladies and Gentlemen,

My name is Agnatos Alam, owner of 2-4 Jubilee Lane, Parramatta. I have owned this property for the last 12 years. Currently the property has residential studio units and has been registered with UWS accommodation database. Over the last couple of years I noticed in the area there were high rise buildings being constructed so I went to Council to see what I can do with my site. They advised me that I have zoning b4 mixed use and I can go up to 28 metres in height, depending on the design I provide. I contacted my architect to see what I can build there. He advised me that a high quality student accommodation building will be very suited to the area as it is close to Parramatta and Harris Park stations and to several educational institutions. I was specific in my request to the architect by asking him to do sketches and to organise a prelodgement meeting to see if council supports the idea prior to any further commitment of time and money. During the prelodgement meeting we received positive feedback from council officers and therefore decided to take it further. Why not? The zoning allows me to do it, I'm not breaking any laws or regulations and therefore I engaged my architect to design the complete project.

As you may know over 15 professionals have been involved with this project and thousands of dollars spent for each report. When we submitted the plans it was submitted as student housing. Somehow due to council requirements it was labelled as a boarding house. I was a little bit annoyed by that. After couple of months we heard from council officers that the project was recommended for approval. This was exciting news for me and my family. However at the council meeting on 10th November unfortunately most of you voted against the project because you thought it was a boarding house. This was a very disappointing and unexpected result for us. I felt misled by council as I had invested too much time and money into this project. Had I been given any indication at the start that this project does not meet council requirements I would not have continued.

Ladies and gentlemen, I'm a landlord, rate payer and Parramatta resident for almost 30 years. I'm not a builder or a developer. You refused my project because it is labelled boarding house but I don't want a boarding house and so we have something in common. This building is designed to be student accommodation, that's how I want it and this is how I will operate it if approved. And if needed I am more than happy to accept any condition in relation to that.

I recently received the council newsletter, Parra Pulse. I read in it about the new UWS campus to be constructed in the cbd. This is expected to be home to over 10,000 students. Don't you agree that my building will be very suitable to accommodate those students looking for convenient accommodation in the area.

Unilodge.

In summary, the proximity of tertiary education institutions, extensive public transport options, and availability of services such as medical facilities, shops and eateries indicates that the proposal and its location will successfully address every need of student accommodation and you can be confident that, like other well placed student accommodation facilities throughout the Sydney metropolitan area, it will experience high demand of applications from students.”

3 SUBJECT Development Application - 14 Marshall Road, Telopea
REFERENCE DA/261/2013/A
FROM Partner of Partha Saha
QUESTIONS

By Partner of Partha Saha – As Tabled:-

“Under Section 88k if this matter were to refer to court, we may not be able to obtain an easement as from our investigations, we found that obtaining an easement is physically impossible due to proximity from the granny flat and there are a number of other practical issues as well.

These practical issues apply to both number 89 and 11 Figtree Avenue.

As we don't have any other option left to consider, can the Council please let us know any other practical alternatives for the development of our land including any route of easement Council can think of?”

15209 RESPONSE

By Mark Leotta – Manager Traffic and Transport Services:-

”Council's Senior Development Engineer has re-visited the adjoining downstream properties at 9 and 11 Fig Tree Avenue. He has reconfirmed that as originally proposed by the applicant, the location of the drainage easement through No. 11 Fig Tree Avenue does not have any obstructions in its way and the easement is physically possible. The existing granny flat on the downstream property has more than a 1m setback from the side property boundary line and the proposed drainage easement is only 1m wide and can therefore be accommodated comfortably within the setback.

The required drainage easement can also be considered along the right hand side of the property at 11 Fig Tree Avenue, instead of the left hand side, as originally planned. This will keep the drainage easement along the side of any future developments within 9 & 11 Fig Tree Avenue.

Number 14 Marshall Road, is a difficult site in terms of stormwater disposal and is also effected by natural overland flow. This means that

only a drainage easement over the downstream property will allow the property and the overland flows to be drained by gravity to Council's street system."

4 SUBJECT Development Application - 14 Station Street, Dundas
REFERENCE DA/437/2014
FROM Dr Wendy Cooke
STATEMENT

By Dr Wendy Cooke – As Tabled:-

15210 "Lord Mayor, Councillors, Council Staff.

Thank you for the opportunity to speak to you this evening.

I am here to illustrate the impact of non-compliance issues of DA/437 and 438 which flank my Veterinary hospital.

I am not against the whole development, but I am against the third storey. For a site with less than an 18 meter frontage the 81 Neighbourhood Zone has a height limit of 10 meters or 2 storeys, BOTH of which have to be considered.

My property consists of a one storey veterinary hospital at the front, and a separate 2 storey building at the back

I will concentrate on 3 points

1a. Solar access, shadowing, isolation of site.

In assessing these DA's council is obliged to consider the social, and economic impacts in the locality (s.79C(1){b) EPA Act)

The solar access development controls are not complied with both on the development sites and on my property.

Councils recommendation to install skylights does not remedy the impacts on my property, including the possibility that the developments constrain a redevelopment of my property in the future. This is in breach of the planning principle that a development must not isolate a neighbouring property by unreasonably prejudicing its future development. (Cornerstone Property Group pl vs Warringah Council 2004 NSWLEC189 at Parra 74.)

- The 3 pictures in the middle show how extreme the loss of sunlight will be to the second storey of our back building.
- The windows you are looking at are the kitchen and staff rest areas.

- Our profession works extraordinarily long hours as the norm, vets have 10 hour shifts, I personally would rarely work less than 12.
- We have a 3 %suicide rate in the first year of practice for vets, and well above average for nurses.
- I spend more time here than at home.
- The shadowing is caused by the third storey northern wall.
- If you have a look at the second page, the architectural map largely coloured in yellow is the third storey. The architect has enclosed a large void and a balcony at either end. These represent 1/3 of the third storey floor space.
- "Overshadowing arising out of poor design is not acceptable even if it satisfies numerical guidelines" (Benevolent society v Waverley council (2010) NSWLEC at(144)
- We would like you to remove the third storey
- As the second storey accommodates a perfectly adequate one bedroom unit and a studio and the area is 2 storey.
- The same shadow map applies to both DA 437 and 438, except the one south of us shadows residential properties.

2. Parking

- The required parking is 5.8 spaces per site.
- There is currently room for 2 cars in each backyard of these sites.
- The proposals will have the car spaces sharing the back yard area with an Architectural feature entry alcove.
- The developer refuses to place the residential entry at the front of the building.
- This means there is no longer enough room to house 2 cars, they cannot open their doors once parked, and cannot turn into the garage when there are cars parked close by in the car park
- They are not compliant with the standards listed. BCA AS 2890.1 2004 and AS 2890.6, and AS 1428.1 and AS 1428.2
- Council has said they can use the council car park at the rear of the building for the other 3.8 spaces. This is an untenable solution as there are 30 shops in the centre, and the council car park is not big enough to be as generous to all of them
- Local residents now have to pay for permits to park outside their own homes.
- My Veterinary hospital is dependent on the public being able to park.

The parking is inadequate, does not comply and works against the public interest.

3. Public Interest

Council is required to consider the objectives of the zone and public interest (S.79(1)(a) and (e) EPA Act)

My business provides many services that benefit the local community and council, including many free services relating to animal welfare.

The fact that we are by far the biggest employer in the centre has been

be and is hereby rescinded.

DIVISION The result being:

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

NOES Councillors R Dwyer, J D Finn, S A Issa, L E Wearne and A A Wilson.

7.1 (cont) SUBJECT Development Application – 2 - 4 Jubilee Lane, Parramatta
REPORT OF Manager Development and Traffic Services
REFERENCE DA/462/2014
MOTION (Abood/Chedid)

- (a) **That** Council as the consent authority grant development consent to Development Application No. DA/462/2014 for demolition and construction of a 9 storey boarding house comprising 20 rooms to accommodate 40 lodgers (including an onsite manager), car parking and landscaping subject to the conditions contained within Attachment 1.
- (b) **Further, that** the objectors be advised of Council's decision.

AMENDMENT (Issa/Esber)

- (a) **That** consideration of this matter be deferred pending further consideration on the permissibility of restricting the usage of the site for student housing and legal advice be sought in this regard.
- (b) **Further, that** the applicant be invited to submit a management plan for the usage of the site for student housing.

The amendment was put and lost.

15212 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, P Esber, P J Garrard, J A Hugh, S A Issa, B Makari and J L Shaw.

NOES Councillors J D Finn, P Esber, L E Wearne and A A Wilson.

REFERENCE DA/579/2014 - 1 September 2014
APPLICANT/S Mr Alvaro Beracochea
OWNERS Mr Alvaro Beracochea
REPORT OF Manager Development and Traffic Services
REASON FOR REFERRAL TO COUNCIL

The application is being referred to Council for determination as the application seeks approval for structural works to a heritage listed item.

RESOLVED (Makari/Finn)

15214 **That** Development Application DA/579/2014 for alterations and additions to a heritage listed dwelling including demolition of an outhouse and rear part of the dwelling and construction of a rear addition on land at 68 Ross Street, North Parramatta NSW 2150 be approved subject to the conditions of consent in Attachment 1 of this report.

DIVISION The result being:

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

NOES Councillors J L Shaw and A A Wilson.

8.3 SUBJECT 54-56 Mountford Avenue, Guildford
(Lot 9C DP 349583 and Lot 9A DP 349582) (Woodville Ward)

DESCRIPTION Demolition, tree removal and construction of a part 3 and part 4 storey residential flat building under the Affordable Rental Housing SEPP containing 15 units over basement carparking.

REFERENCE DA/469/2014 - Submitted - 24 July 2014

APPLICANT/S Designcorp Architects P/L

OWNERS N Yamine

REPORT OF Manager Development and Traffic Services. Also correspondence from Tim O'Donnell received 21/11/2014

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council as:-

- It relates to a development application containing affordable rental housing.
- It generated 5 petitions and 7 individual

submissions during the notification period.

- The proposal seeks to vary the maximum height limit by more than 10% (from 11 metres to 13.39 metres).

MOTION (Chedid/Esber)

- (a) **That** Council as the consent authority grant development consent to Development Application No. DA/469/2014 for demolition, tree removal and construction of a part 3 and part 4 storey residential flat building containing 15 units over basement carparking at 54-56 Mountford Avenue, Guildford with physical commencement to occur within a period of five (5) years from the date on the Notice of Determination subject to the conditions contained under Attachment 1.
- (b) **Further, that** the head petitioner and individual submitters on the proposal be advised of the decision of Council.

15215 The motion was put and carried on the Lord Mayor's Casting Vote.

DIVISION The result being:

AYES The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, S H Chowdhury, P Esber, J A Hugh and B Makari.

NOES Councillors R Dwyer, J D Finn, P J Garrard, S A Issa, J L Shaw, L E Wearne and A A Wilson.

NOTE: Councillor A A Wilson left the meeting at 7.52 pm and returned at 7.56 pm during consideration of this matter.

8.4 SUBJECT 14 Marshall Road, Telopea
(Lot 257 DP 36743) (Lachlan Macquarie Ward)

DESCRIPTION Section 96(2) modification to an approved attached 2 storey dual occupancy development including removing the requirement to obtain an easement over a downstream property and providing a pump-out stormwater system.

REFERENCE DA/261/2013/A - 11 September 2014

APPLICANT/S Ms D Liu and Mr P Saha

OWNERS Ms D Liu and Mr P Saha

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is presented to Council at the request of the Director Strategic Outcomes and Development.

RESOLVED (Esber/Abood)

15216 **That** the Section 96(2) modification to the approved attached 2 storey dual occupancy development, including removing the requirement to obtain an easement over a downstream property and providing a pump-out stormwater system be refused for the reasons contained in the Section 79C Report contained within attachment 1.

DIVISION The result being:

AYES The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, 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.

8.5 SUBJECT 10 Station Street, Dundas (Lot 12 DP 203008)
(Elizabeth Macarthur Ward)

DESCRIPTION Construction of shop top housing - two (2) residential units above an existing commercial tenancy.

REFERENCE DA/438/2014 - Lodged 11 July 2014

APPLICANT/S TN Architects

OWNERS Mr X H La

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council for determination as the application received 21 submissions from 17 properties during the notification of the application.

RESOLVED (Shaw/Chedid)

15217 **That** consideration of this matter be deferred for an onsite meeting, such meeting to be held after 5pm (see also Minute No. 15252).

DIVISION The result being:

AYES The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, 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.

8.6 SUBJECT 14 Station Street, Dundas (LOT 10 DP 203008)(Elizabeth Macarthur Ward)

DESCRIPTION Construction of shop top housing - two (2) residential units above an existing commercial tenancy.

REFERENCE DA/437/2014 - Lodged 11 July 2014

APPLICANT/S TN Architects

OWNERS X D La and T M Dang

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council for determination as the application received 20 submissions from 16 properties during the notification of the application.

RESOLVED (Shaw/Chedid)

15218 **That** consideration of this matter be deferred for an onsite meeting, such meeting to be held after 5pm (see also Minute No. 15252).

DIVISION The result being:

AYES The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, 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.

8.7 SUBJECT 23 Manson Street, Telopea (Lot 166 DP 36691) (Elizabeth Macarthur Ward)

DESCRIPTION Demolition, tree removal and construction of a 3 storey residential flat building containing 9 units over basement carparking under the provisions of the Affordable Rental Housing SEPP 2009.

REFERENCE DA/140/2014 - Submitted 19 March 2014

APPLICANT/S Laushing Investment Pty Ltd

OWNERS Laushing Investment Pty Ltd

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council as it seeks consent for affordable infill housing.

RESOLVED (Garrard/Shaw)

- 15219 (a) **That** Council as the consent authority grant development consent to Development Application No. DA/140/2014 for demolition, tree removal and construction of a 3 storey residential flat building containing 9 units over basement carparking under the provisions of the Affordable Rental Housing SEPP 2009 on land at 23 Manson Street, Telopea with physical commencement to occur within 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 S D Lloyd and Councillors J P Abood, J Chedid, R Dwyer, 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.

- 8.8 SUBJECT 75-77 Great Western Highway Parramatta (Lot 7 DP 668714 & Lot 1 DP 119288) (Arthur Phillip Ward)
- DESCRIPTION Section 96(2) modification application to an approved four storey residential flat building containing 18 apartments with Strata subdivision under the Affordable Rental Housing SEPP 2009.
- REFERENCE DA/685/2013/A - 12 September 2014
- APPLICANT/S Ancheb Pty. Ltd.
- OWNERS Zena Stuart and Valentine Paul Stuart
- REPORT OF Manager Development and Traffic Services
- REASON FOR REFERRAL TO COUNCIL
- The Section 96(2) modification application is referred to Council as it modifies a Development Application that was determined at a Council Meeting.
- RESOLVED (Garrard/Makari)
- 15220 **That** the Section 96(2) modification application be determined in accordance with the recommendation contained in Attachment 1.

DIVISION The result being:

AYES The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, R Dwyer, 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.

8.9 SUBJECT Granville Park, 188 Woodville Road and 2 Montrose Avenue, Merrylands
(Lots 17C, 231-234, 242-245, 249-253 in DP 752058)
(Woodville Ward)

DESCRIPTION Use of Granville Park between 9 February and 8 March 2015 by Loritz Circus

REFERENCE DA/640/2014 - Submitted - 23 September 2014

APPLICANT/S Loritz Circus

OWNERS Department of Lands in Parramatta City Council's care, control and management

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL
This application is being referred to Council as it involves land that is in Parramatta City Council's care, control and management.

RESOLVED (Issa/Chedid)

15221 **That** Council as the consent authority grant development consent to Development Application No. 640/2014 for the use of Granville Park by Loritz Circus between 9 February and 8 March 2015, at 188 Woodville Road and 2 Montrose Avenue, Merrylands subject to the recommended conditions.

DIVISION The result being:

AYES The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, 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.

8.10 SUBJECT Voluntary Planning Agreement - 316 Victoria Road

Rydalmere

REFERENCE F2014/00398 - D03365695

REPORT OF Project Officer - Land Use Planning

RESOLVED (Chedid/Hugh)

- 15222
- (a) **That** Council notes that no submissions were made to the public exhibition of the draft Voluntary Planning Agreement for 316 Victoria Road, Rydalmere.
 - (b) **That** Council endorses and enters into the Voluntary Planning Agreement provided at Attachment 1.
 - (c) **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.
 - (d) **Further, that** upon signing of the Voluntary Planning Agreement, the agreement be forwarded to the Department of Planning and Environment in accordance with Section 25G of the Environmental Planning and Assessment Regulation 2000.

8.11 SUBJECT Voluntary Planning Agreement Exhibition - 12-14 Phillip Street & 331A -339 Church Street Parramatta

REFERENCE RZ/4/2013 - D03370586

REPORT OF Project Officer - Land Use Planning

RESOLVED (Chedid/Makari)

- 15223
- (a) **That** Council notes that no submissions were made during the exhibition of the draft Voluntary Planning Agreement for 12 - 14 Phillip Street & 331A – 339 Church Street Parramatta.
 - (b) **That** Council endorses and enters into the Voluntary Planning Agreement provided at Attachment 1 subject to an amendment to potentially allow substitution of the fountain element with a monetary contribution of \$300,000 for expenditure on public domain elements on the broader river foreshore.
 - (c) **That** the Lord Mayor and Chief Executive Officer be given delegated authority to finalise drafting amendments and execute and affix the Common Seal of Council to the necessary documents.
 - (d) **Further, that** upon signing of the Voluntary Planning Agreement, the agreement be forwarded to the Department of Planning and Environment in accordance with Section 25G of the Environmental Planning and Assessment Regulation 2000.

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

8.12 SUBJECT Review of use and occupation of Council's property 35 South Street, Rydalmere (Rydalmere Bowling Club) in

accordance with the Property Lease and Licence Policy and Procedure.

REFERENCE F2012/01046 - D03330422
REPORT OF Service Manager Property Plan & Program
RESOLVED (Chedid/Esber)

15224 **That** consideration of this matter be deferred to the New Year pending the supply of relevant information in relation to the proposed tenancy to Councillors.

8.13 SUBJECT Land Acquisition and Disposal Procedure
REFERENCE F2013/02331 - D03243513
REPORT OF Service Manager - Asset Management Strategy
MOTION (Abood/Issa)

- (a) **That** Council adopt the new Land Acquisition and Disposal Procedure as per Attachment 1 of this report.
- (b) **That** Council repeal the existing Policy for Purchase & Disposal of Property Policy (210) (Attachment 2).
- (c) **That** Council note that the new Land Acquisition and Disposal Procedure will supersede the Council resolution of 10 February 2014 that relates to the Land Acquisition and Disposal Policy and Procedure for Council Land.
- (d) **That** Council note the scope of the new Land Acquisition and Disposal Procedure excludes;
 - 1 Property Leases and Licenses which has a specific Policy and Procedure;
 - 2 Land Owners Consent as listed in Appendix C of the Procedure.
- (e) **Further, that** the delegation to sign Land Owner Consent as listed in Appendix C of the Procedure, remain with the Chief Executive Officer and sub-delegated as appropriate.

AMENDMENT (Finn/Chowdhury)

That consideration of this matter be deferred for 2 weeks.

15225 The amendment was put and carried and on being put as the motion was again carried.

NOTE: Councillor P Esber left the meeting at 8.38 pm and returned at 8.39 pm during consideration of this matter.

8.14 SUBJECT Heritage Advisory Committee Minutes for October 2014
REFERENCE F2013/00235 - D03379383
REPORT OF Project Officer- Land Use Planning
RESOLVED (Esber/Wearne)

15226 **That** the Minutes of the Heritage Advisory Committee Meeting of 15 October 2014 be received and noted.

8.15 SUBJECT Sydney Festival - In Principle Agreement
REFERENCE F2014/02487 - D03363321
REPORT OF Manager, City Animation
RESOLVED (Dwyer/Wilson)

15227 (a) **That** Council give its in-principle support to the Chief Executive Officer and the Director Marketing and City Identity to continue discussions with Sydney Festival regarding the delivery of Sydney Festival in Parramatta in future years.
(b) **Further, that** a report be presented to Council in early 2015 outlining the proposed future partnership between Council and Sydney Festival, for further consideration.

8.16 SUBJECT Parramasala - In Principle Agreement
REFERENCE F2014/02487 - D03363317
REPORT OF Manager, City Animation. Also Memorandum from Acting Manager City Activation dated 21/11/2014
MOTION (Chowdhury/Shaw)

- (a) **That** Council provide in principle support to Parramasala, with any PCC commitment being contingent on adequate funds secured from other sources.
- (b) **That** Council agrees to become the sole shareholder of Parramasala Pty Ltd pending ministerial approval.
- (c) **Further, that** a report be presented to Council in early 2015 outlining proposed delivery options and potential funding sources for further consideration.

AMENDMENT (Issa/Dwyer)

- (a) **That** Council give its in-principle support to the Chief Executive Officer, the Director Marketing and City Identity and the Council representatives on the Parramasala Board to continue discussions with Parramasala Pty Ltd regarding future delivery options for Parramasala.

- (b) **Further, that** a report be presented to Council in early 2015 outlining proposed delivery options and potential funding sources, for further consideration.

15228 The amendment was put and carried and on being put as the motion was again carried.

NOTE: Councillor J P Abood the meeting at 8.45 pm and returned at 8.53 pm 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 9.21 pm for a period of 19 minutes.

RESUMPTION OF MEETING

The meeting resumed in the Council Chamber at 9.40 pm, there being in attendance The Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, S H Chowdhury, R Dwyer, J D Finn, P J Garrard, J A Hugh, S A Issa, B Makari, J L Shaw, L E Wearne and A A Wilson.

NOTE

Councillor J Chedid did not return to the meeting following the adjournment.

ENVIRONMENT AND INFRASTRUCTURE

9.1 SUBJECT Parramatta River Catchment Group (PRCG)
REFERENCE F2014/01141 - D03381717
REPORT OF Manager, Environmental Outcomes
RESOLVED (Issa/Hugh)

- 15229 (a) **That** Council notes the new direction of the Parramatta River Catchment Group (PRCG).
(b) **Further, that** Council supports the PRCG's campaign to determine the level of community interest in their new direction.

COMMUNITY AND NEIGHBOURHOOD

10.1 SUBJECT Naming of Unnamed Reserve Between Dandarbong Avenue and Perry Street in Dundas Valley as Eyles Reserve
REFERENCE F2014/01312 - D03324926
REPORT OF Open Space & Natural Area Planner
RESOLVED (Issa/Abood)

- 15230
- (a) **That** the unnamed public reserve between Dandarbong Avenue and Perry Street in Dundas Valley be endorsed in principle to be named 'Eyles Reserve'.
 - (b) **That** the name 'Eyles Reserve' be referred to the Geographical Names Board of NSW for formal assignment under the Geographical Names Act 1966.
 - (c) **That** if approval is granted by the Geographical Names Board, appropriate interpretive name signage be erected at reserve entrances to be funded under the 2014/15 Parks Improvement Program.
 - (d) **Further, that** the Parramatta & District Historical Society and others who provided submissions during the community consultation period be thanked and advised of Council's decision.

10.2 SUBJECT Access Advisory Committee Meeting Minutes 21 October 2014
REFERENCE F2005/01944 - D03363308
REPORT OF Community Capacity Building Officer, Community Capacity Building
RESOLVED (Garrard/Hugh)

15231 **That** the Minutes of the Access Advisory Committee meeting on 21 October 2014 (Attachment 1) be received and noted.

NOTE: Councillor P Esber returned to the meeting at 9.41 pm during consideration of this matter.

10.3 SUBJECT Draft Parramatta Safety Plan 20014-2018
REFERENCE F2012/02774 - D03376937
REPORT OF Project Officer, Social Outcomes
RESOLVED (Dwyer/Chowdhury)

- 15232
- (a) **That** Council adopts the draft Parramatta Safety Plan 2014-2018 (Attachment 1).
 - (b) **That** a copy of the adopted plan be sent to the NSW Department of Attorney General and Justice for endorsement to ensure Council can apply for funding.

- (c) **That** staff provide Councillors with a list of safety improvements in Parramatta.
- (d) **Further that** the CEO be authorised to make any necessary administrative changes within the Plan.

GOVERNANCE AND CORPORATE

11.1 SUBJECT Disclosure of Interests Register as at 30 September 2014

REFERENCE F2004/07102 - D03351313

REPORT OF Service Manager Governance, Quality and Performance

RESOLVED (Issa/Hugh)

15233 **That** consideration of this matter be deferred to the next Council Meeting.

11.2 SUBJECT Delegation of Authority to the Lord Mayor and Chief Executive Officer during the Christmas/New Year Period

REFERENCE F2004/07400 - D03309463

REPORT OF Service Manager Governance, Quality and Performance

RESOLVED (Wearne/Hugh)

15234 **That** the Lord Mayor and the Chief Executive Officer be delegated joint authority under Section 377 of the Local Government Act, 1993, for the period Tuesday, 16 December 2014, until Friday, 6 February 2015, to deal with important or urgent business of the Council including the determination of development applications subject to:-

- 1 Notice of the business to be determined under delegation being provided to all Councillors at least three (3) days prior to the Delegated Authority Meeting.
- 2 Prior to any item being considered at the Delegated Authority Meeting, a referral, signed or emailed by 2 Councillors, be permitted to refer such item to a full Council Meeting for consideration.
- 3 The Minutes for all of the business dealt with under delegation over this period being submitted to the first available Council Meeting of the New Year.

NOTE: Councillor P J Garrard requested his name be recorded as having voted against this decision.

11.3 SUBJECT Code of Conduct Complaints

REFERENCE F2013/02450
REPORT OF Coordinator Investigations and Probity
RESOLVED (Issa/Garrard)

15235 **That** Council receive and note the statistics provided in the attached report titled "Code of Conduct Complaints Report".

11.4 SUBJECT To present the 2013/14 Financial Report and Auditor's Report to the public.

REFERENCE F2008/01460 - D03349174

REPORT OF Manager Finance

RESOLVED (Garrard/Wearne)

15236 **That** the 2013/14 Financial Reports and the Auditor's Reports be received and presented to the public.

11.5 SUBJECT Investments Report for September 2014

REFERENCE F2009/00971 - D03352588

REPORT OF Manager Finance

RESOLVED (Issa/Garrard)

15237 **That** Council receives and notes the Investments Report for September 2014.

11.6 SUBJECT Quarterly Report on Corporate Plan and Quarterly Budget Review Statement

REFERENCE F2014/01650 - D03360875

REPORT OF Manager Finance; Service Manager Governance, Quality and Performance

RESOLVED (Issa/Hugh)

15238 (a) **That** Council adopts the September 2014 Quarterly Review of the eleven (11) Major Priorities established in Council's Parramatta

Corporate Plan 2013 – 2017.

- (b) **That** Council adopts the September 2014 Quarterly Budget Review Statement and the Responsible Accounting Officer's report on the financial position of the Council.
- (c) **Further, that** Council notes the additional Major Priority – Fit for the Future.

11.7 SUBJECT Partial closure of part of Morris Street, Carlingford for the proposed sale to the adjoining owner at 228 Marsden Road, Carlingford

REFERENCE F2013/00553 - D03238006

REPORT OF Service Manager-Property Services & Space Management

RESOLVED (Issa/Wearne)

- 15239
- (a) **That** Council resolve to permanently close part of Morris Street, Carlingford as shown on the plan at Attachment 10 and apply to the Minister for Primary Industries for formal road closure.
 - (b) **That** Council resolve to classify the subject land to operational upon formal road closure.
 - (c) **That** Council resolve to rezone a small part of the subject land from SP2 (Classified Road) Infrastructure to R2 Low Density Residential under Parramatta Local Environmental Plan (LEP) 2011.
 - (d) **That** Council resolve to heritage list the subject land.
 - (e) **That** the proposed changes in (c) and (d) be incorporated in the next "housekeeping" amendment to Parramatta LEP 2011.
 - (f) **That** Council resolves to sell the proposed area of road closure to the adjoining owners, at 228 Marsden Road, Carlingford, on the terms and conditions contained within the body of the report.
 - (g) **That** Council resolve that authority be delegated to the Chief Executive Officer to sign all documents, including but not limited to land owner's consent, if required, (other than any document which must be signed under common seal) in connection with this matter.
 - (h) **That** the Lord Mayor and Chief Executive Officer be authorised to execute under seal, linen plans, Section 88B instruments, transfer, contracts and deeds of agreement, if required, for the road closure and consolidation.
 - (i) **Further, that** Council grant authority for Council officers to enter into negotiations with the owner of 2 Morris Street for the possible closure and sale of the road along the frontage of 2 Morris Street, as shown by shading on the plan at Attachment 8 and that the outcomes of the negotiations be reported to Council for consideration.

NOTICES OF MOTION

12.1 SUBJECT Retail Strategy
REFERENCE F2013/02305 - D03367462
REPORT OF Councillor A A Wilson
RESOLVED (Wilson/Wearne)

- 15240 (a) **That** Parramatta City Council seek input from the Chamber of Commerce and the University of Western Sydney in crafting a retail strategy based on a careful analysis of trends, the built form, physical layout and future planned development.
- (b) **That** this report be completed by 1 March 2015, if possible, and placed before Council for consideration.
- (c) **That** Council then look to provide this information to potential shop keepers and developers.
- (d) **Further, that** Council prepare a report indicating whether or not the Council has available resources to provide the type of information and support sought in relation to this matter.

12.2 SUBJECT Membership for Epping Chamber of Commerce
REFERENCE F2006/00532 - D03378622
REPORT OF Councillor J P Abood
RESOLVED (Abood/Issa)

15241 **That** PCC become a Premier member of the Epping Chamber of Commerce.

12.3 SUBJECT Maintaining the City Care team
REFERENCE F2004/06182 - D03384552
REPORT OF Councillor J Shaw

15242 **NOTE: This motion was withdrawn by Councillor J L Shaw.**

CLOSED SESSION

RESOLVED (Esber/Wearne)

15243 Members of the press and public be excluded from the meeting of the Closed Session and access to the correspondence and reports relating to

the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:-

- 1 Tender 24/2014 Katia Street, North Parramatta – Drainage, Kerb & Gutter, Road Reconstruction and Associated Works. (D03328114) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*
- 2 Bartlett Park Settlements. (D03366490) - *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 PS 2, 5 and 6 EOI and Major Tenant (D03397927) - *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.*
- 4 Legal Matters Monthly Update (F2014/01779) - *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.*
- 5 Parramatta Square - Verbal Update - *This verbal 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 Tender 24/2014 Katia Street, North Parramatta – Drainage, Kerb & Gutter, Road Reconstruction and Associated Works

REFERENCE F2014/02146 - D03328114

REPORT OF Project Manager

RESOLVED (Garrard/Esber)

- 15244
- (a) **That** the tender submitted by Melhemcorp Pty Ltd for drainage, kerb & gutter, road reconstruction and associated works at Katia Street, North Parramatta between Bellevue and Romani Streets for the sum of \$486,556.00 (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.

NOTE: Councillor J P Abood had previously declared an interest in relation to this matter as his wife is a relative of one of the tenderers.

Councillor Abood temporarily retired from the meeting during consideration and voting on this issue.

13.2 SUBJECT Bartlett Park Settlements
REFERENCE F2014/00250 - D03366490
REPORT OF Manager Finance
RESOLVED (Esber/Garrard)

- 15245
- (a) **That** Council note the options in relation to treatment of the net proceeds of \$129.4m from the Sale of the Bartlett Park sites on Victoria Road as outlined in this report.
 - (b) **That** Council approve implementation of the financial strategies in relation to Council's Loans and investment portfolios as outlined in this report.
 - (c) **That** the proceeds of the sale are invested in a combination of fixed and variable interest deposits in 4 equal tranches for terms of 6, 9,12 and 18 months.
 - (d) **Further, that** no long term/alternate use or application of funds will occur without approval of Council.

13.3 SUBJECT PS 2, 5 and 6 EOI and Major Tenant
REFERENCE F2014/02333
REPORT OF Property Development Director
RESOLVED (Esber/Chowdhury)

- 15246
- (a) **That** Council agree the acceptable commercial terms to be provided to developers for the opportunity are a land payment noted in point 16 of the report with potential for further upside from increased net lettable area and improvement in yield.
 - (b) **That** Council endorse the shortlist to pursue the opportunity as the proponents referred to in part 12 of the report.
 - (c) **Further, that** Council endorse the decision by the Director of

Property & Significant Assets to shorten the tender period for response from 21 days to 15 days in order to meet the tenant timetable and on the basis the proponents were already aware of the opportunity and timetable.

13.4 SUBJECT Legal Matters Monthly Update
REFERENCE F2014/01779
REPORT OF Manager Development and Traffic Services. Also
 Manager Development and Traffic Services
 Memorandum dated 24 November 2014.
RESOLVED (Abood/Wearne)

15247 **That** Council adopt option 2 as outlined in Manager Development and Traffic Services on the basis of the legal advice received and the comments of Council's independent planning consultant which concluded that the Applicant has now responded to Council's concerns by amending the proposal to achieve an acceptable outcome.

13.5 SUBJECT Verbal Update – Parramatta Square
REFERENCE N/A
FROM Director Property & Significant Assets

15248 **NOTE:**

A brief verbal update was provided by the Director Property and Significant Assets in relation to Parramatta Square.

FURTHER NOTE:

1. **Following the completion of Closed Session, the Lord Mayor advised the public gallery of the decisions carried during the closed portion of the meeting.**
2. **Councillor Esber retired from the meeting at 10.21pm at this point in the meeting.**

QUESTION TIME

1 SUBJECT Parking Permits
 REFERENCE F2014/00047
 FROM Councillor J D Finn

15249 Councillor Finn questioned why persons were unable to electronically pay for parking permits.

The Chief Operating Officer advised that this issue had been identified as part of the Customer Service Review and was currently receiving consideration.

2 SUBJECT Chief Executive Officer's Key Performance Indicators (KPIs)
 REFERENCE F2008/04592
 FROM Councillor J P Abood

15250 Councillor Abood sought advice on the progress with respect to the Chief Executive Officer's KPIs and noted that as yet the Chamber had not seen nor adopted any indicators.

Councillor Abood requested that this issue be brought before Council as soon as possible.

3 SUBJECT Tramway Avenue, Parramatta - Dumped Rubbish
 REFERENCE F2014/02479
 FROM Councillor P J Garrard

15251 Councillor Garrard noted that Tramway Avenue, Parramatta, on the western side of James Ruse Drive, had been the subject of considerable Council attention in recent times.

Councillor Garrard asked that as the property was presently the subject of being leased, could advice be provided as to who was responsible for the refuse which was presently sited on the premises and when such refuse would be removed.

Councillor Garrard further requested that he be advised on the progress of the proposed lease.

4 SUBJECT On-site Meeting - 10 & 14 Station Street, Dundas
 REFERENCE DA/438/2014
 FROM Councillor L E Wearne

15252 Councillor Wearne referred to Items 8.5 and 8.6 regarding 10 and 14 Station Street, Dundas as considered previously at this meeting and sought advice on an appropriate date to hold the on-site meeting.

Ms Weatherley noted that there had been some concerns over the safety of councillors and staff at the previously held on-site meeting and suggested it may be more appropriate to invite objectors to a more formally structured meeting to be held at Council on Tuesday, 2 December 2014 or Thursday 4 December 2014 after 5pm.

The Chamber was in agreement with this suggestion and it was noted that formal advice would be circulated to all Councillors in the near future.

The meeting terminated at 10.30 pm.

THIS PAGE AND THE PRECEDING 28 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 24 NOVEMBER 2014 AND CONFIRMED ON MONDAY, 8 DECEMBER 2014.

Lord Mayor