

MINUTES OF THE MEETING OF PARRAMATTA CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC PLACE, PARRAMATTA ON MONDAY, 10 NOVEMBER 2014

LACK OF QUORUM

It was noted that a community celebration was currently being held to celebrate the recent success of the Western Sydney Wanderers in the Asian Champions League. All Councillors had been invited to attend this celebration.

At the scheduled time of commencement of this meeting (6.45 pm), and as a result of the above celebrations, no Councillors were in attendance in the Chamber.

The time subsequently reached 7.15 pm and there still being no Councillors in attendance at the meeting, the Chief Executive Officer determined, in accordance with Section 233 of the Local Government Local Government (General) Regulation 2005, that the Council Meeting be adjourned until 7.45 pm on 10 November 2014.

ADJOURNMENT OF MEETING

The meeting adjourned at 6.45pm.

RESUMPTION OF MEETING

The meeting resumed at 7.45pm on 10 November 2014, there being in attendance The Lord Mayor, Councillor S D Lloyd in the Chair and Councillors J P Abood, J Chedid (retired 10.12 pm), S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh (retired 10.52 pm), S A Issa (Deputy Lord Mayor), B Makari (retired 10.49 pm), J L Shaw, L E Wearne and A A Wilson (retired 10.12 pm).

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Lord Mayor, Councillor S D Lloyd 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 (Development) Meeting held on 27 October 2014

RESOLVED (Issa/Esber)

15177 **That** the Minutes be taken as read and be accepted as a true record of the Meeting subject to it being noted that Councillor J D Finn was not present at the meeting.

DECLARATIONS OF INTEREST

There were no declarations of interest at this Council (Development) Meeting.

LORD MAYORAL MINUTES

1 SUBJECT 2014 Lord Mayor Christmas Lights Decoration Competition

REFERENCE F2014/02443

FROM The Lord Mayor, Councillor Scott Lloyd

RESOLVED (Lloyd/Issa)

15178 (a) **That** Council conduct a 2014 Lord Mayor's Christmas Lights Decorations Competition for residential homes and local business across the five wards of Parramatta LGA.

(b) **That** Council establish four categories for judging being; Best Overall Residential display across LGA, Best Overall Business display across the LGA, Best Overall Street display across the LGA and Best Business & Residential display per ward.

(c) **That** Council establish a judging committee to determine winners of each category consisting of Lord Mayor and any interested Councillors.

- (d) **That** Council close entries at 9am on 15 December 2014 and judging be completed on 19 December 2014.
- (e) **That** Council engage local media to provide in kind marketing sponsorship and encourage local business to sponsor the competition.
- (f) **That** Council provide community engagement within the suburbs to encourage competition entries.
- (g) **Further, that** Council allocate \$10,000 to deliver the 2014 Lord Mayor's Christmas Lights Decorations Competition from the Community Capacity Building budget.

PUBLIC FORUM

1 SUBJECT Development Application - 2-4 Jubilee Lane, Parramatta

REFERENCE DA/462/2014

FROM Tim Nagle

QUESTIONS

By Mr Tim Nagle:-

"My name is Tim Nagle, I have been a resident of Parramatta for the last 27 years and am a home owner for the last 2 years with my wife residing at 2a Jubilee Lane on the border of Parramatta and Harris Park.

We recently received the letter of proposed development for 2-4 Jubilee Lane which as it stands would severely encumber our living conditions if going ahead. The proposed building butts up to our property and would tower over us leaving no sunlight and over shadowing us for the majority of the day as shown in the outline provided by Jones Sonter architects.

We believe the proposed building would take away from our privacy with the open staircase as well as creating unnecessary noise for people exiting and coming in on a daily basis.

The current parking situation on our street is limited and the proposed building only provides 4 car spaces for a up to 40 new residents which will not be ample.

Our property was not mentioned in the "social impact document" provided by Planning Direction Pty Ltd. Instead only the property behind us "20a Marion Street" was mentioned and by this we have not been accounted for when developing the plan.

In summary the noise, parking, privacy and complete overshadowing of our property will be problematic to our current living. We would like know if the proposed development will be declined and the Council's decision on this."

RESPONSE

By Anthony Newland – Major DA Project Manager:-

- 15179 "This site is zoned B4 –Mixed Use by the Parramatta City Centre Local Environmental Plan. The planning controls within this document allow a building on this site to have a nil setback, a height of 28 m and a floor space ratio of 2:1. Given these controls is it considered that planning controls envisage a building that is significantly greater in bulk and scale than the single storey building that adjoins the site. The ARH SEPP also allows the FSR of a development on this site to be increased to 2.5:1.

The building design has considered that impacts on adjoining properties. The open stairwell does provide opportunities for overlooking into the front yard of No.2A Jubilee Lane , however this is likely to be infrequent given that a lift provides access to all levels of this 9 storey building.

The proposal provides 5 car parking spaces for future occupants. The ARH SEPP contains minimum car parking provisions and states that an application cannot be refused if the minimum spaces are provided. In this case the ARH SEPP indicates that a minimum of 5 spaces must be provided. The development complies with this rate .

It is acknowledged that the Social Impact Assessment does not explicitly mention the objectors property at 2A Jubilee Lane. It does however discuss the impacts on adjoining properties. Council planning staff have also extensively considered the impacts of the development on this property and concluded that the development warrants support as these impacts are reasonable in the context of the zone and development controls which apply."

2 SUBJECT Development Application - 4 Ungarra Street Rydalmer
REFERENCE DA/322/2014
FROM Sonya Richards
STATEMENT

By Ms Sonya Richards:-

- 15180 "Good evening, this evening I am speaking on behalf of the residents of no's 2, 5, 6, 7, 8, 9 & 10 Ungarra Street. We choose to live in Ungarra Street because of its ambience. It's a quiet street that backs onto parkland, it has limited traffic flow and is not congested. Ladies and Gentlemen of the council I urge you to vote against the proposal to put a two level dual occupancy at number 4 Ungarra Street.

The proposed development has the potential to increase the number of cars in the street by at least 2 and possibly up to 16 depending upon the age and demographic of the occupants. The decision on the proposal

should be carefully considered and not a rubber stamping exercise. The opinions of the residents of Ungarra Street should be considered as it is our street and changes to it have a huge impact on the streets amenity and attraction to future residents. Our way of life should not be in the hands of a developer. The developer is not going to live in the chaos he creates.

The addition of 2 villas with eight bedrooms potentially adds 16 cars to the street making parking impossible within Ungarra Street. This includes parking on both sides of the sharp bend in the street. At the moment no one chooses to park their cars in the bulb of the cul-de-sac where 6 residents have driveways entering their properties. With the extra cars that the proposed development will bring, cars that enter Ungarra Street not knowing that it's a cul-de-sac, will have difficulty turning around. Every night residents of Kirby Street park in Ungarra St in front of numbers 1 and 2 and 12. When cars park on either side of the street (e.g. outside numbers 3 and 9) there is only just room for one car to drive on the road. At least three of the houses on the lower side of the hill have driveways going uphill to Ungarra Street. Adding more parked cars to Ungarra Street is going to make it quite difficult to back out.

The police have advised us that any car parked in the street must be 1m from a drive way and be 1-1.5 m apart. At the entrance to Ungarra Street you have to park 8-10m back from Kirby Street. So it is only possible to park a maximum of 17 cars in Ungarra Street at any one time.

The Council is obligated to provide rubbish collection services. This is already difficult for the rubbish truck and bin spacing and access for the truck requires difficult and delicate manoeuvring. Currently the rubbish truck does not pick up bins placed alongside parked cars. The residents have no control over where cars park in the night and soon will have no control over their rubbish collection. We understand that this is a WHS issue for the driver of the rubbish truck. The residents should not be disadvantaged by the presence of the extra cars parked in the street that will occur if number 4 becomes two story dual occupancy.

The rubbish truck has great difficulty turning in the bulb of the cul-de-sac and usually does a three to four point turn including entering the driveway of number 8. Causing damage to the guttering. This is shown by the cracks in the entrance to the driveway. With the proposed development, more cars will be parked in the cul-de-sac, these are likely to be damaged by the rubbish truck at Council's expense.

Regardless of how deep the garage and driveway at number 4 is, it is unreasonable to suggest that cars will park behind one another on an ongoing basis, they will look for an alternative which will be the street.

Noise from the high side of the street travels downhill. With the dual occupancy development the people in houses numbered 8 to 10 will be exposed to more noise. Instead of one outdoor area facing Ungarra St the proposal includes two balconies.

If this proposal proceeds the ambiance of Ungarra St will be greatly changed, such that we will no longer enjoy living in our homes. Ladies and Gentlemen I urge you to vote against the proposal to put a two level dual occupancy at number 4 Ungarra Street."

NOTE:

A Combined Response for Public Forums 2 & 3 was provided by Anthony Newland - Major DA Project Manager – Minute No 15181 refers.

3 SUBJECT Development Application - 4 Ungarra Street, Rydalmer
REFERENCE DA/322/2014
FROM Yvette Taylor
STATEMENT

By Ms Yvett Taylor:-

"Lord Mayor and councillors my name is Yvette Taylor of 7 Ungarra St Rydalmer.

I am here to object to

Application No: DA/322/2014
Property: Lot 9 DP30320, 4 Ungarra St
Rydalmere NSW 2116

I live in the bulb of the cul-de-sac where there are 6 driveways that enter 6 different properties.

There is limited parking available in the bulb of the cul-de-sac.

No dual occupancy development such as this should be permitted in a cul-de-sac.

This development will negatively impact all the residence lives in our street with increased traffic and on-street parking.

I live in a 3 bedroom house and have 3 cars parked on my property.

No 4 is a 3 bedroom home with 3 cars parked on the property.

The proposed development is two 4 bedroom dual occupancies. This will increase the number of cars to a minimum of 8 to a possible 16 cars.

There is not 16 car spaces shown in the development plans nor is their 8 for that matter.

My concerns are :-

- Increased cars parked in the street. Legally only 17 cars can be parked in our street in according to the police.
- Failure to collect residence garbage bins due to cars being parked in front residence bins.

Residence should not inconvenience by non-collection of garbage due to overflow of cars being park on the street because of no. 4.

- Garbage truck drivers will not move our bins for garbage collection due to OH&S reasons.
- Garbage truck has limited turning ability in the bulb of the cul-de-sac. With additional cars the truck will have to utilise driveways and this will damage private property.
- Destruction of a 30 year old gum tree.

The planned proposal on 4 Ungarra St, Rydalmer never showed where the cars would park on the property other than deep garages. Deep garages are generally not fully utilised as it an inconvenient parking solution.

Where will the 8 to 16 cars be parked on the property ?

How will council guarantee garbage services to the residence ?

How will council guarantee our property will not be damaged by the garbage truck utilising driveways to turn ?

These types of developments in cul-de-sac's should not be permitted. Other council's recognise this like Holroyd Council don't permit dual occupancy in cul-del-sac's due to the problems this type development causes established residences in the street with increased parking, traffic and interruption to residences council services.

We live in a quiet residual street cul-de-sac, not every street in our suburb should be filled with dual occupancy dwelling or units, some streets should remain residual.

I ask all of you to decline this proposed development.

Thank you."

COMBINED RESPONSE FOR PUBLIC FORUMS 2 & 3

By Anthony Newland - Major DA Project Manager:-

15181 "Council's Development Control Plan requires dual occupancy developments of this size to be provided with two car parking spaces per dwelling. The development complies with this control and provides four

off street parking spaces, comprising two garage spaces and a tandem space in front of each of the garages. Given this the development is not considered that the development is likely to result in an unacceptable increase in on-street parking.

The additional dwelling on the site is likely to result in 10 additional daily vehicle movements within Ungarra Street. The local road network has the capacity to absorb the additional traffic that will result from this development.

The cul-de sac head provides sufficient turning capacity for a garbage truck to turn around in. It is acknowledged that if vehicles are parked in the cul-de-sac head that additional turning movements may be required by the driver. This is not uncommon in cul-de-sacs and parts of Parramatta that have high on-street parking usage.

If cars are parked in front of bins placed out for collection, the truck driver is able to move the bins to facilitate collection. This ensures that a waste/recycling service will still be provided to all residents following completion of the development.

The proposal does not result in the removal of a 30 year old eucalypt tree. The proposal requires the removal of two trees within the front setback, being a Lemon-Scented Tea Tree and a Black Tea Tree.

The removal of these two trees was supported by Council's landscape officers.

The development will also result in 6 trees being planted on the site that will grow to a height of between 6m and 15m. This will ensure that the landscaped setting of the area is enhanced as a result of this development."

4

SUBJECT Development Application - 49-51 High Street,
Parramatta

REFERENCE DA/406/2014

FROM Adam Byrnes

STATEMENT

By Mr Adam Byrnes:-

15182

"I have read the report in the business paper and thank council for their assessment. My client supports the recommendation and seeks Councils adoption of the recommendation and approval of the application this evening."

REPORTS - DOMESTIC APPLICATIONS

8.1 SUBJECT 4 Ungarra Street, RYDALMERE

DESCRIPTION Demolition, tree removal and construction of an attached 2 storey dual occupancy development with Torrens title subdivision.

REFERENCE DA/322/2014 - 30 May 2014

APPLICANT/S Mr P J Crowley

OWNERS Mr P J Crowley

REPORT OF Manager Development and Traffic Services. Also correspondence from Mary Edgar dated 20 June 2014 and from Tony Wells dated 5 June 2014.

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council as it has more than 7 objections.

15183 (a) **That** the application be refused for the following reasons:-

1. The proposed development does not comply with the Parramatta Development Control Plan 2011 in relation to development on sloping land;
2. The proposed development does not comply with the Parramatta Development Control Plan 2011 in relation to minimum street frontage required;
3. The proposed development does not comply with the Parramatta Development Control Plan 2011 in relation to rear setback;
4. The proposed development does not comply with the Parramatta Development Control Plan 2011 in relation to deep soil zone required;
5. The proposed development does not comply with the Parramatta Development Control Plan 2011 in relation to building façade and articulation required;
6. The proposed development does not comply with the Parramatta Development Control Plan 2011 in relation to roof design;
7. The development will create issues in relation to the collection of rubbish in Ungarra Street;
8. The development will have a negative impact on residents in Ungarra Street;
9. The development will cause traffic concerns in Ungarra

Street;

10. The development will have a negative impact on the streetscape and environment;
 11. The development is not in the public interest.
- (b) **Further, that** Council investigate the possibility of adopting a similar policy to Holroyd City Council which does not permit dual occupancies in cul-de-sacs, preferably as part of this Council's Development Control Plan.

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, J D Finn, P J Garrard, J A Hugh, B Makari, J L Shaw, L E Wearne and A A Wilson.

NOES Councillors P Esber and S A Issa.

8.2 SUBJECT 20/16 Buckleys Road, Winston Hills
DESCRIPTION Construction of a two storey dwelling house
REFERENCE DA/578/2014 - Submitted 29 August 2014
APPLICANT/S Blue World Architecture
OWNERS One Tree Hill Projects Pty Ltd
REPORT OF Manager Development and Traffic Services
REASON FOR REFERRAL TO COUNCIL

The application is referred to Council as it seeks a variation of more than 10% to the Floor Space Ratio Control within Clause 4.4 of Local Environmental Plan 2011 and the application is accompanied by a Clause 4.6 Exemption under LEP 2011.

RESOLVED (Dwyer/Issa)

15184 (a) **That** Council as the consent authority grant development consent to construction of a two storey dwelling house subject to conditions contained within Attachment 1.
(b) **Further, that** the persons 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, P J Garrard, 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 2-4 Jubilee Lane, Parramatta NSW 2150
 Lot 21 DP 1148773 (Ward - Arthur Phillip)

DESCRIPTION Demolition of existing building and construction of a 9 storey boarding house containing 20 rooms with associated car parking and landscaping works.

REFERENCE DA/462/2014 - Lodged- 22 July 2014

APPLICANT/S Marion Australia Pty Ltd

OWNERS Marion Australia 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.

MOTION (Issa/Makari)

That the application 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 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.
3. 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.
4. 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.
5. The proposed development is too close to the nearby heritage dwelling.
6. The application does not satisfy the local character test.

7. The proposed development is not in the public interest.

FORESHADOWED
MOTION (Chedid/Chowdhury)

- (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.

15185 The motion was put and carried.

DIVISION The result being:

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

NOTE:

1. **Councillor J L Shaw left the meeting at 8.32 pm and returned at 8.35 pm during consideration of this matter.**
2. **A Notice of Motion to rescind this decision was submitted prior to the conclusion of the meeting.**

9.2 SUBJECT 49-51 High Street, Parramatta
(Lot 2 DP 530845 and Lot B DP 388388) (Arthur Phillip Ward)

DESCRIPTION Alterations to a heritage listed building, tree removal, re-subdivision of the site to create three Torrens title allotments and construction of a four storey Residential Flat Building containing 11 units over basement carparking.

REFERENCE DA/406/2014 - 2 July 2014

APPLICANT/S AZUL HOLDINGS PTY LTD and NACHO 77 PTY LTD

OWNERS Kagyu E Vam Buddhist Institute Incorporated

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application relates to works to a heritage listed building under Schedule 5 of Parramatta City Centre Local Plan 2007. The zoning of the site is B4 Mixed Use.

The proposal also seeks approval for a variation to the height and minimum street frontage standards under PCCLEP 2007 exceeding 10%.

RESOLVED (Garrard/Finn)

- 15186 (a) **That** Council as the consent authority grant development consent to Development Application No 406/2014 for alterations to a heritage listed building to create two dwellings, tree removal, re-subdivision of the site to create three Torrens title allotments and construction of a four storey Residential Flat Building containing 11 units over basement carparking subject to the conditions contained within Attachment 1.
- (b) **Further, that** the persons 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, P Esber, J D Finn, P J Garrard, J A Hugh, S A Issa, B Makari and J L Shaw.

NOES Councillors G J Elmore, L E Wearne and A A Wilson.

- 9.3 SUBJECT 64 Fitzgerald Road Ermington (Lot 4 DP 548978)
(Lachlan Macquarie Ward)
- DESCRIPTION Section 96(1A) modification to an approved subdivision of a former Council Reserve into 7 Torrens Title allotments. The modifications include changes to conditions of development consent relating to kerbside drainage pits and footpath construction.
- REFERENCE DA/765/2013/A - 26 August 2014
- APPLICANT/S LTS Lockley
- OWNERS Parramatta City Council
- REPORT OF Manager Development and Traffic Services
- REASON FOR REFERRAL TO COUNCIL
The application is referred to Council as the site is owned by Council.
- RESOLVED (Esber/Issa)

- 15187 (a) **That** Council as the consent authority grant development consent to modify Development Application No. DA/765/2013/A for a 7 lot Torrens Title subdivision at 64 Fitzgerald Road Ermington, subject to modifying the conditions of consent as outlined in Attachment 1.
- (b) **Further, that** Council place the construction of the approved Fitzgerald Road and Cowells Lane Footpath on the works programme for completion by December 2016.

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.

ECONOMY AND DEVELOPMENT

- 10.1 SUBJECT Variations to Standards under SEPP 1
 REFERENCE F2009/00431 - D03351699
 REPORT OF Manager Development and Traffic Services
 RESOLVED (Issa/Makari)

- 15188 **That** the report be received and noted.

- 10.2 SUBJECT Parramatta Square - Draft Amendment 3 to the Parramatta City Centre City Centre S.94A Development Contributions Plan
 REFERENCE F2013/02717 - D03339844
 REPORT OF Snr Project Officer
 RESOLVED (Esber/Chedid)

- 15189 (a) **That** Council note that no submissions were made during the public exhibition of Draft Amendment 3 to the Parramatta City Centre S.94A Development Contributions Plan.
 (b) **That** Council adopt Parramatta City Centre S.94A Development Contributions Plan (Amendment 3) as provided at Attachment 1.
 (c) **That** a notice be placed in the local newspapers advising of the

- adoption of the amended Parramatta City Centre S.94A Development Contributions Plan.
- (d) **Further, that** a copy of the adopted Parramatta City Centre S.94A Development Contributions Plan (Amendment 3) be forwarded to the Minister for Planning as required by the *Environmental Planning and Assessment Act 1979*.

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.

NOTICES OF MOTION

- 11.1 SUBJECT NSW Government Strategy to Amalgamate Councils
 REFERENCE F2004/07141 - D03350164
 REPORT OF Councillor A A Wilson
 RESOLVED (Wilson/Chedid)
- 15190 (a) **That** we note that the NSW government strategy is to amalgamate Councils, though the State Government has yet to clearly outline the specific objectives of such amalgamations, that PCC doesn't engage/agree to any formal amalgamation without the express permission of the Parramatta residents and rate payers.
 (b) **That** this permission should be obtained from a ballot question at the first available election.
 (c) **That** prior to any amalgamation ballot, Parramatta City Council conduct a community meeting with equal time made for speakers for and against any proposal.
 (d) **That** a full page advertisement stating the case for and against be taken out in the week prior to any amalgamation vote.
 (e) **Further, that** the above action should, however, have no effect on any measures taken by PCC to work with neighbouring councils in such areas as reducing costs by amalgamating services, cost sharing and so forth.

NOTE: A Notice of Motion to rescind this decision was lodged prior to the conclusion of the Council Meeting and was subsequently considered as a matter of urgency (Minute Nos 15193 & 15194 refer).

The above decision was subsequently rescinded under Minute No. 151914.

11.2 SUBJECT Parramatta Foundation Day 2014
REFERENCE F2014/01748 - D03363933
FROM Councillor R Dwyer
RESOLVED (Dwyer/Makari)

15191 **That** a report be brought to Council on the result of Parramatta Foundation day festival on 2 November 2014. The report should include the numbers of attendees and overall feedback received from people who attended as well as from organisations such as schools, local restaurant owners, performing bands, local newspapers, heritage and Aboriginal groups. In addition recommendations from Council's event staff with regard to the future of this Festival.

NOTE: Councillor L E Wearne left the meeting at 9.31 pm and returned at 9.34 pm during consideration of this matter.

11.3 SUBJECT Rating in areas effected by Rezoning
REFERENCE F2014/00046 - D03364797
REPORT OF Councillor A A Wilson
RESOLVED (Wilson/Chowdhury)

15192 **That** PCC conduct a report into rating where rezoning has occurred, such report to examine the effect on properties that are not available for redevelopment or have owners receiving fixed income or pensions.

NOTE: Councillor J L Shaw left the meeting at 9.41 pm and returned at 9.42 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 9.42 pm for a period of 12 minutes.

RESUMPTION OF MEETING

The meeting resumed in the Council Chamber at 9.54 pm, there being in attendance 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.

RESCISSON MOTIONS

The Lord Mayor advised that Notices of Motion to rescind the following decisions had been submitted during the meeting:-

- 1 Item 11.1 of Notices of Motion regarding the NSW Government Strategy to Amalgamate Councils by Councillors J Chedid, J P Abood and R Dwyer.
- 2 Item 9.1 of Major Developments regarding the development application submitted in respect of 2 – 4 Jubilee Lane, Parramatta by Councillors J P Abood, J Chedid and J Hugh.

The Lord Mayor ruled that Rescission Motion 2 was not of an urgent nature.

1 SUBJECT NSW Government Strategy to Amalgamate Councils
REFERENCE F2004/07141 - D03350164
REPORT OF Councillor A A Wilson
RESOLVED (Chedid/Issa)

15193 **That** the Notice of Rescission submitted by Councillors J Chedid, J P Abood and R Dwyer in relation to Minute No. 15190 concerning the NSW Government Strategy to Amalgamate Councils be considered as a matter of urgency.

The Lord Mayor ruled that the matter was one of urgency.

1a SUBJECT NSW Government Strategy to Amalgamate Councils
REFERENCE F2004/07141 - D03350164
FROM Councillor J Chedid
RESOLVED (Chedid/Abood)

15194 **That** the resolution of the Council Meeting held on 10 November 2014 in relation to Item 11.1 of Notices of Motion regarding the NSW Government Strategy to Amalgamate Councils (Minute No. 15190) be

and is hereby rescinded.

NOTE: Councillors J Chedid and A A Wilson retired from the meeting at 10.12 pm following consideration of this matter.

CLOSED SESSION

RESOLVED (Esber/Issa)

15195 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. (D03351706) - *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 To obtain authority for Council staff to assess the future use of Council land at 37 East Street, Granville following an unsolicited request to purchase the site from both of the adjoining land owners. (D03361433) - *This report is confidential in accordance with section 10A (2) (c) of the Local Government Act 1993 as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
- 3 Independent Members of the Major Projects Advisory Committee. (D03361466) - *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 Invitation to Tender (ITT 48/2013) Phase 2 - Parramatta Square Central Energy Plant. (D03361646) - *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.*
- 5 Procurement of Legal Services for PS2 and PS5&6 EOI/ITT . (D03363178) - *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.

- 6 Parramatta Square 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.*

12.1 SUBJECT Legal Matters Monthly Report to Council
REFERENCE F2004/07898 - D03351706
REPORT OF Group Manager Outcomes and Development. Also Director Strategic Outcomes and Development Memorandum dated 6 November 2014. Also Manager Development and Traffic Services Memorandum dated 10 November 2014.
RESOLVED (Wearne/Elmore)

- 15196 (a) **That** the report be received and noted.
(b) **Further, that** in relation to 527 Woodville Road, Guildford, Council undertake the action as recommended in Director Strategic Outcomes and Development Memorandum dated 6 November 2014.

15197 RESOLVED (Wearne/Elmore)
That in relation to 271 – 273 Excelsior Street, Guildford, Council adopt option 1 as outlined in Manager Development and Traffic Services Memorandum dated 10 November 2014.

12.2 SUBJECT To obtain authority for Council staff to assess the future use of Council land at 37 East Street, Granville following an unsolicited request to purchase the site from both of the adjoining land owners.
REFERENCE F2012/01046 - D03361433
REPORT OF Service Manager Property Plan & Program
RESOLVED (Finn/Shaw)

- 15198 (a) **That** Council assess the future use of the Council property at 37 East Street, Granville and report the findings back to Council.
(b) That an Assessment Team, including the Ward Councillors of Elizabeth Macarthur and Woodville be formed to review the future use of the property consistent with the Lease and Licence Policy and Procedure.
(c) **That** other interested Councillors be nominated for the

- (d) Assessment Team.
That Council Staff be authorised to discuss the unsolicited purchase request with the adjoining land owners as per Council's Land Acquisition and Disposal Procedure to inform the assessment process.
- (e) **Further, that** any sale include a delayed settlement of 9 months to allow additional time for the tenant to locate a suitable alternative property.

12.3 SUBJECT Independent Members of the Major Projects Advisory Committee

REFERENCE F2014/00413 - D03361466

REPORT OF Property Development Director

RESOLVED (Issa/Esber)

- 15199 (a) **That** Council appoints respondents #10, #2, #1, #13 as independent community representatives to MPAC for a period of 3 years.
- (b) **Further that** Council delegates to the Chief Executive Office authority to finalise the engagement terms and fees for the services to be provided by the independent community members of the Major Projects Advisory Committee.

12.4 SUBJECT Invitation to Tender (ITT 48/2013) Phase 2 - Parramatta Square Central Energy Plant

REFERENCE F2013/03174 - D03361646

REPORT OF Manager, Environmental Outcomes. Also further report from Manager Environmental Outcomes (D03379783).

RESOLVED (Esber/Hugh)

- 15200 (a) **That** the tender received from Brookfield Energy Australia Pty Ltd be accepted.
- (b) **That** the Lord Mayor and Chief Executive Officer be given delegated authority to finalise the Framework Agreement and associated transaction documents consistent with the Final Offer submitted, and as per the items specified in the Tender Evaluation Report; and
- (c) **Further, that** subject to the finalisation of the Framework Agreement, 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 B Makari retired from the meeting at 10.49 pm during consideration of this matter.

- 12.5 SUBJECT Procurement of Legal Services for PS2 and PS5&6
EOI/ITT
- REFERENCE F2014/02333 - D03363178
- REPORT OF Senior Development Manager
- RESOLVED (Issa/Esber)
- 15201 **That** Council resolve to continue to procure legal services from Clayton Utz in accordance with S55(3) of the Local Government Act 1993 for the preparation of documentation for the Request for Detailed Proposal (RFDP) phase of the PS2 and PS5&6 EOI as detailed in Section 8 of the report, having regard to the restricted time frame, the fast paced and complex intricacies of the documentation and the project and the importance of consistency of knowledge capital held by Clayton Utz who have produced all the EOI documentation to date.
- NOTE: Councillor J A Hugh retired from the meeting at 10.52 pm during consideration of this matter.**
- 12.6 SUBJECT Parramatta Square Verbal Update
- REFERENCE F2014/00669
- FROM Chief Executive Officer
- RESOLVED (Issa/Abood)
- 15202 **That** consideration of this matter be deferred pending the Workshop to be held on Wednesday, 12 November 2014.

The meeting terminated at 10.54 pm.

THIS PAGE AND THE PRECEDING 20 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 10 NOVEMBER 2014 AND CONFIRMED ON MONDAY, 24 NOVEMBER 2014.

Lord Mayor