

MINUTES OF THE MEETING OF PARRAMATTA CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC PLACE, PARRAMATTA ON MONDAY, 22 JUNE 2015 AT 6.45PM

PRESENT

The Lord Mayor, Councillor S D Lloyd in the Chair and Councillors J Chedid, S H Chowdhury (retired 9.45pm), R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa (Deputy Lord Mayor), B Makari, J L Shaw, L E Wearne and A A Wilson (retired 10.29pm).

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 (Development) Meeting held on 9 June 2015
15716 RESOLVED	(Esber/Makari)

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

APOLOGIES

An apology was received and accepted for the absence of Councillor J P Abood.

DECLARATIONS OF INTEREST

Councillor J Hugh declared an interest in relation to Item 7.4 of Economy regarding the development application submitted in respect of 28-30 Burbang Crescent, Rydalmere as he resides in proximity to the site.

PUBLIC FORUM

1 SUBJECT Request for Waiver of Section 94A Contributions -
 Ronald McDonald House

 REFERENCE DA/670/2014

 FROM Mr Ray Finn

15717 “Councillors as Chairman of the RMHW Building Committee thank you for your continued support of this much needed expansion to our House.

The bottom line of my address is to highlight the need for our Charity to retain and direct all monies raised for the expansion of this urgently needed facility to the construction of the House. We are currently turning away up to 400 families with seriously ill children a year.

I don't have to remind you how difficult it is to raise monies, let alone \$30million required for Stage 1 of this project. Your generous donation via the Lord Mayor of the Development Assessment Fee was greatly appreciated. The NSW Premier Mike Baird and Minister Skinner have lead the way by donating \$10million to our project and granting land and the subsequent yearly rent on that land so all monies we raise can be directly channelled into the benefit of the families.

Tonight I seek your support to continue in recognising their governmental and public spirited support by wavering Council's nearly \$300,000 section 94A contribution.

I note in Team Leader Brad Delapierre's report listing the issues and options relating to our request, it is stated our request "does not satisfy any of the requirement for exemption". However the report states:-

"There is no legal impediment that requires the consent authority to impose the condition requiring payment of a Levy".

In fact Council has waived section 94A contributions in approving the Children's Medical Research Institute's project as it was deemed to be in the public benefit.

Also “the development is not a profit driven development” and; Most importantly if the application had been “lodged by the Crown” (the Hospital) rather than RMH Westmead which resides on the Sydney Children’s Hospital precinct, “a contribution could not be imposed”. It should be noted as in the case with our current House at the completion of the 40 year lease this new RMH will revert back to the Hospital.

This is important as RMHW as far back as 2008 acting on a Hospital generated “Needs Analysis Report” our Board initiated plans to develop in Stage 1, 60 rooms of the 120 rooms that the report stated was urgently required by 2011.

The report goes on to say “given that this development provides a public facility of significant benefit”, “it could be considered that this development will achieve the objective of the plan”.

I urge Council tonight to take into account the estimated costs of \$377,000 the Charity is required to undertake on works outside our leased area, such as Roads and Shared paths, drainage, Water Quality and Open space and Recreation, as listed in our letter to Council dated 16th June.

These costs far outweigh the 1% contribution Council would seek to impose as S94A contributions.

Again I wish to thank the Mayor, Councillors and staff of Parramatta City Council for their outstanding assistance in our efforts to provide comfort and accommodation to families with seriously ill children while undergoing specialist’s treatment at the Sydney Children’s Hospital Westmead.

Please we need your assistance by approving our request.”

2 SUBJECT Development Application - 18-20 Mobbs Lane,
Carlingford
REFERENCE DA/818/2014
FROM shih-hao fan-chiang

15718 “Good evening Councillors and Lord Mayor,

Thank you for the opportunity to speak tonight. My name is Shih-Hao and I am the architect for the proposal at 18-20 Mobbs Lane in Carlingford. We would like to commend the Council staff for their professionalism during the assessment process and working collaboratively with the applicant and with neighbours. We submitted amended plans based on this initial feedback, which are recommended for approval, and believe that the proposal will achieve a balanced and successful outcome for the site and the area.

We look forward to delivering a high quality project and contributing to Council's vision for the LGA.

Thank you for your time."

3 SUBJECT Fit for the Future
REFERENCE F2014/02622
FROM John Perry

15719 "Does Parramatta Council's Fit for the Future submission include a proposal to take over any or all of the Holroyd Local Government Areas and have you consulted with Holroyd and Parramatta communities on this? If yes what areas of Holroyd are you proposing to take over and why?"

Response from Jane Mills – Chief Operating Officer

"A draft submission is being presented to Council this evening, 22 June 2015, for consideration. This submission includes a Standalone submission whereby the current Parramatta City Council Local Government area boundaries remain unchanged (this is known as Template 2 in the Fit for the Future process).

Council will also be considering an Alternative Submission that is proposing to create a new council to service a much larger community area. The proposed new council in this draft Alternative Submission does propose to incorporate the current Holroyd local government area. The draft submission explains the reasons underpinning this proposal, hard copies are available at tonight's Council meeting for your reference. This matter is listed as Agenda item 11.1 and Council's position on the Alternative Submission will be determined at that time.

Parramatta City Council has undertaken consultation with the community regarding Fit for the Future options, this has included providing information to the general community via local press advertising and information in the Lord Mayoral Column (also available in the local press). We have also had information available on our website since April. The community in general have had an opportunity to submit feedback to us via our website or by writing to us. In addition, Parramatta City Council residents were also provided information in their most recent rates notice and via an information brochure inviting feedback. Finally, Parramatta City Council has also proactively contacted 600 residents in our current LGA to conduct a telephone survey to gain further views on Fit for the Future options. Our draft submission contains further detail regarding the communications to the community and the full results of the telephone survey."

4 SUBJECT Development Application - 3 Ferndell Street, South Granville
 REFERENCE BC/10/2015
 FROM Mohamed El Dardiry

15720 As tabled.

“Dear Lord Mayor,

The subject BC has been referred by the council assessment team to the council for determination. The recommendation by the staff is for the refusal of the building certificate.

On Behalf of the Applicant and the community and the public that benefits from this establishments I would like to ask the Lord Mayor and the respected councillors to defer their decision on the matter to the next month meeting.

The reasons for refusal as per the assessment officer’s recommendation are:

Reason 1:

The development-as built, contravenes the Deemed to Satisfy Provisions in the National Construction Code – Building Code of Australia and therefore, is considered to be unsafe for occupation and use (Section 149D of the Environmental Planning and Assessment Act 1979).

The Council Staff relies on the attached BCA report Commissioned by council to an independent BCA Consultant (BCA Logic) to make the previous statement.

The assessment of the building as a new 2 story building rather than a single story alteration and addition places the building in a completely different class from BCA point of view. The BCA Assessment provided by council then assesses the building against a different set of criteria than that initially considered. However as per the report provided the following assessments comments on the assessment items are noted:

In relation to the fire Safety / Fire Resistance, As per the Consultants assessment

“The method of construction can generally comply with the requirements of the BCA, however no structural plans have been submitted and no details of Fire Resistance Levels (FRL’s) have been submitted”

In relation to *Protection of Openings, Compartmentation*, The BCA Consultant Has identifies no noncompliance and the building satisfies the requirements.

In Relation to the *Egress, Accessibility and the remaining items of the*

assessment, The Consultants has identified the areas that satisfies the requirements and the areas that doesn't and in details he provides possible solutions for a full compliance.

In summary the report identifies the building as capable of complying and capable of satisfying the BCA requirements provided some minor modifications are to be made.

I would like to note that the BCA report has been prepared on a building Type B Construction and a building classification of class 5 and class 9B. And that post the preparation of the BCA report the applicant has not been provided with a copy of the report or requested to provide any additional information or allowed an opportunity to comment on the outcome.

Reason 2:

The development as-built, is inconsistent with Development Consent DA/758/2011, where in addition, the unauthorized works sought to be recognized are of a scale that is beyond the scope of consideration in the subject Building Certificate application (Section 149D of the Environmental Planning and Assessment Act 1979).

Attached is a letter from our town planners outlining all the planning issues raised by council and has the appropriate response to each item in details.

It should also be made clear that the applicants intentions from lodging a BC is not to authorize the use of or part of the premises but rather the Authorization of the Building Works from Physical works stance and not for the use. Further to this application an appropriate Development application will be lodged to cover the relevant planning issues and the issues relation to the use of the building and will be subject to councils assessment and determination.

Reason 3:

The development as-built cannot be supported in its current form having regard to significant inconsistencies with the merit consideration of applicable planning provisions which apply to the site consisting of State Environmental Planning Policy No.55 – Remediation of Land, Sydney Regional Environmental Plan Sydney Harbour Catchment) 2005, Parramatta Local Environmental Plan 2011 and the Parramatta Development Control Plan 2011 (Section 149D of the Environmental Planning and Assessment Act 1979).

A Site investigation report has been prepared and submitted as part of the Construction Certificate Documents however that report could be submitted to council as additional information part of the building certificate assessment documents.

As per Section 149C of the EP&A Act Where it is stated that:

“(1) On receipt of an application, the council may, by notice in writing served on the applicant, require the applicant to supply it with such

The application is referred to Council for determination as the application seeks a variation to the height development standard Clause 4.3 in excess of 10%.

15722 RESOLVED (Garrard/Issa)

That consideration of this matter be deferred until after the mid meeting adjournment (see Minute No. 15743).

7.2 SUBJECT 356 Church Street, Parramatta
(Lot B DP 154618) (Arthur Phillip Ward)

DESCRIPTION Alterations and additions to a heritage listed building for use as a dental surgery with associated signage.

REFERENCE DA/91/2015 - 27 February 2015

APPLICANT/S Tolish P/L

OWNERS Tolish P/L

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

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

15723 RESOLVED (Makari/Finn)

That Development Application 91/2015 for alterations and additions to a heritage listed building for use as a dental surgery with associated signage at Lot B, 356 Church Street, Parramatta be approved subject to the conditions of consent in Attachment 1 of this report.

DIVISION The result being:-

AYES: Councillors J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari, J L Shaw, L E Wearne and A A Wilson

NOES: Nil

7.3 SUBJECT 18 - 20 Mobbs Lane (cnr Raimonde Road), Carlingford
(Lots 7 & 8 DP39354) (Lachlan Macquarie Ward)

DESCRIPTION Demolition, tree removal, consolidation and re-

subdivision into 3 lots. Approval is also sought to construct two attached and one detached dual occupancy developments with Torrens title subdivision.

REFERENCE DA/818/2014 - Submitted 2 December 2014

APPLICANT/S Fusion Sydney Pty Ltd

OWNERS Ms M Zhi

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council for determination as 21 submissions were received.

15724 RESOLVED (Wearne/Issa)

That the application be deferred and the applicant be requested to substantially redesign dwellings 18A, 18B and No. 20, such redesign to reduce the bulk and scale and reduce overshadowing and overlooking of surrounding neighbours.

DIVISION The result being:-

AYES: Councillors J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari, J L Shaw, L E Wearne and A A Wilson

NOES: Nil

7.4 SUBJECT 28 -30 Burbang Crescent, Rydalmere (Lots 12 and 13 in DP 31350) (Elizabeth Macarthur Ward)

DESCRIPTION Section 82A review for demolition, tree removal and construction of a three storey Residential Flat Building over basement carparking under the Affordable Rental Housing SEPP 2009

REFERENCE DA/391/2014 - Section 82A review submitted 15 April 2015

APPLICANT/S Antoine International Pty Ltd

OWNERS Antoine International Pty Ltd

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council as it is a Section 82A review and it relates to an Affordable Housing development under the ARHSEPP 2009.

15725 RESOLVED (Issa/Makari)

(a) **That** Council change its previous decision to refuse consent to

DA/391/2014 and subsequently grant development consent to Development Application No. DA/391/2014 for demolition, tree removal and construction of a three storey Residential Flat Building containing 18 units with basement car parking containing 18 car parking spaces as part infill affordable housing under the Affordable Rental Housing SEPP 2009 at 28-30 Burbang Crescent Rydalmere, with 5 years from the date on the notice of determination for physical commencement to occur subject to the conditions contained within Attachment 1.

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

DIVISION The result being:-

AYES: Councillors R Dwyer, P Esber, J D Finn, P J Garrard, S T Issa, S D Lloyd, B Makari, L E Wearne and A A Wilson

NOES: Councillors J Chedid, S H Chowdhury, G J Elmore and J L Shaw

NOTE:

Councillor J Hugh declared an interest in relation to this matter as he resides in proximity to the site and temporarily retired from the meeting during consideration and voting on this issue.

- 7.5 SUBJECT 3 Ferndell Street, South Granville
(Lot 2 DP 530345) (Woodville Ward)
- DESCRIPTION A Building Certificate has been lodged to recognise the unauthorised work relating to the alterations and additions to an existing building for use as a place of worship
- REFERENCE BC/10/2015 - 25 March 2015
- APPLICANT/S Architectural Design Studio
- OWNERS Al Noor Islamic Association Incorporated
- REPORT OF Manager Development and Traffic Services. Also Manager Development and Traffic Services Memorandum dated 17 June 2015.
- REASON FOR REFERRAL TO COUNCIL
- The application has been referred to Council for determination as the application is on land in which Council had previously resolved to take compliance action.
- MOTION (Finn/Elmore)

- (a) **That** Council refuse the Building Certificate application No. BC/10/2015 which seeks to recognise the unauthorised work relating to the alterations and additions to an existing building for use as a place of worship at Lot 2 DP 530345 SPL COR, No.3 Ferndell Street, South Granville for the following reasons:
1. The development-as built, contravenes the Deemed to Satisfy Provisions in the National Construction Code – Building Code of Australia and therefore, is considered to be unsafe for occupation and use (Section 149D of the Environmental Planning and Assessment Act 1979).
 2. The development as-built, is inconsistent with Development Consent DA/758/2011, where in addition, the unauthorised works sought to be recognised are of a scale that is beyond the scope of consideration in the subject Building Certificate application (Section 149D of the Environmental Planning and Assessment Act 1979);
 3. The development as-built cannot be supported in its current form having regard to significant inconsistencies with the merit consideration of applicable planning provisions which apply to the site consisting of State Environmental Planning Policy No.55 – Remediation of Land, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, Parramatta Local Environmental Plan 2011 and the Parramatta Development Control Plan 2011 (Section 149D of the Environmental Planning and Assessment Act 1979).
- (b) **That** Council not commence any action on the subject site until after Ramadan.
- (c) **Further, that** Council seek the applicant's agreement to not use the mezzanine during this period and to install fire safety equipment within 48 hours.

15726

AMENDMENT (Garrard/Hugh)

That Council refuse the Building Certificate application No. BC/10/2015 which seeks to recognise the unauthorised work relating to the alterations and additions to an existing building for use as a place of worship at Lot 2 DP 530345 SPL COR, No.3 Ferndell Street, South Granville for the following reasons:

1. The development-as built, contravenes the Deemed to Satisfy Provisions in the National Construction Code – Building Code of Australia and therefore, is considered to be unsafe for occupation and use (Section 149D of the Environmental Planning and Assessment Act 1979).
2. The development as-built, is inconsistent with Development Consent DA/758/2011, where in addition, the unauthorised works sought to be recognised are of a scale that is beyond

the scope of consideration in the subject Building Certificate application (Section 149D of the Environmental Planning and Assessment Act 1979);

3. The development as-built cannot be supported in its current form having regard to significant inconsistencies with the merit consideration of applicable planning provisions which apply to the site consisting of State Environmental Planning Policy No.55 – Remediation of Land, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, Parramatta Local Environmental Plan 2011 and the Parramatta Development Control Plan 2011 (Section 149D of the Environmental Planning and Assessment Act 1979).

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

DIVISION The result being:-

AYES: Councillors J Chedid, R Dwyer, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari, L E Wearne and A A Wilson

NOES: Councillors S H Chowdhury, G J Elmore, P Esber, J D Finn and J L Shaw

- 7.6 SUBJECT 125-129 Arthur Street, PARRAMATTA NSW 2150
(Lot 5, Lot 6 and Lot 7 DP 27997)
(Elizabeth Macarthur Ward)
- DESCRIPTION Demolition of existing buildings, tree removal and construction of a part 4, 6 and 7 storey residential flat building comprising 64 dwellings and basement car parking.
- REFERENCE DA/776/2014 - Lodged-17 November 2014
- APPLICANT/S SJB Planning Pty Ltd
- OWNERS Sarkar Pty Limited
- REPORT OF Manager Development and Traffic Services. Also Senior Development Assessment Officer Memorandum dated 17 June 2015.
- REASON FOR REFERRAL TO COUNCIL
- The application is referred to Council as the proposal seeks to vary the maximum permissible building height of the building by 107% (from RL14 to RL29).
- 15727 RESOLVED (Esber/Chowdhury)

- (a) **That** Council support the variation to Clause 4.3 of the PLEP

2011 under the provisions of Clause 4.6.

- (b) **That** Council as the consent authority grant development consent to Development Application No. DA/776/2014 for demolition of existing buildings, tree removal and construction of a part 4, 6 and 7 storey residential flat building comprising 64 dwellings and basement car parking at 125-129 Arthur Street PARRAMATTA NSW 2150 for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the following conditions.
- (c) **Further, that** the objectors be notified of the outcome.

DIVISION The result being:-

AYES: Councillors J Chedid, S H Chowdhury, R Dwyer, P Esber, S T Issa, S D Lloyd, B Makari and L E Wearne

NOES: Councillors G J Elmore, J D Finn, P J Garrard, J A Hugh, J L Shaw and A A Wilson

7.7 SUBJECT 27 Oak Street & 19-21 Hope Street, ROSEHILL NSW 2142
(Lot 3 DP 505445, Lot 9 DP 21950 and Lot 10 DP 21950)
(Elizabeth Macarthur Ward)

DESCRIPTION Demolition, tree removal and construction of two residential buildings comprising 60 residential units over basement car parking.

REFERENCE DA/629/2014 - Lodged -16 September 2014

APPLICANT/S CONSTRUCT CORP PTY LTD

OWNERS Merinos Investments Pty Ltd

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council as the proposal seeks to vary the maximum permissible building height of the building by 26.6% for Block A (from 13 metres to 16.48 metres) and by 60% for Block B (from RL14 to RL22.52).

15728 RESOLVED (Makari/Issa)

- (a) **That** the Council support the variation to Clause 4.3 of the PLEP 2011 under the provisions of Clause 4.6 of the LEP.

(b) **That** the Council as the consent authority grant development consent to Development Application No. DA/629/2014 for demolition, tree removal and construction of two residential flat buildings comprising 60 residential units, over basement car parking at 27 Oak Street & 19-21 Hope Street, ROSEHILL NSW 2142 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 1.

(c) **Further, that** the objector be notified of the outcome.

DIVISION The result being:-

AYES: Councillors J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari, L E Wearne and A A Wilson

NOES: J L Shaw

7.8 SUBJECT Request for waiver of Section 94A contributions - Ronald McDonald House
REFERENCE DA/670/2014 - D03700888
REPORT OF Team Leader - Development Assessment. Also correspondence from Lindsay Bennelong Developments Pty Ltd dated 16 June 2015.

15729 MOTION (Wilson/Chedid)

That Council waive the Section 94A contribution for DA/670/2014 for Ronald McDonald House.

FORESHADOWED MOTION (Esber)

That Council not vary the requirements to pay as it would be contrary to the exemption criteria contained in Council's Section 94A plan.

The motion was put and carried.

NOTE:

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

7.9 SUBJECT Parramatta CBD Planning Strategy – Park Edge Highly Sensitive Area adjacent to World Heritage-Listed Old Government House and Domain and Solar Access to Key Public Spaces

REFERENCE F2013/02004 - D03705570
REPORT OF Team Leader Strategy. Also Manager City Strategy
Memorandum dated 19 June 2015.
15730 RESOLVED (Garrard/Chedid)

(a) **That** consideration of this matter be deferred to the next Council Meeting.

(b) **Further, that** in the meantime, a copy of the Architectus Study (2014) be provided to all Councillors.

DIVISION The result being:-

AYES: Councillors J Chedid, S H Chowdhury, R Dwyer, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari, J L Shaw, L E Wearne and A A Wilson

NOES: G J Elmore

7.10 SUBJECT Naming of Parramatta Square and Centenary Square
REFERENCE F2015/01583 - D03686819
REPORT OF Property Services Officer
15731 RESOLVED (Esber/Makari)

(a) **That** Council endorse in-principle the names Parramatta Square and Centenary Square shown on the plan at Attachment 1 of this report.

(b) **Further, that** the names Parramatta Square and Centenary Square be referred to the Geographical Name Board of NSW for formal assignment under the Geographical Names Act 1996.

7.11 SUBJECT Proposed Drainage Easement over Council Land known as Ponds/Subiaco Creek Reserve South
REFERENCE DA/815/2014 - D03697504
REPORT OF Property Services Officer
15732 RESOLVED (Esber/Elmore)

(a) **That** Council resolve to create an easement for drainage over the Ponds/Subiaco Creek Reserve South (Lot 11 DP 29574) in favour of the property at 6 Ellimatta Street, Rydalmere (Lot 20 DP 30287) on the terms outlined in this report.

(b) **Further, that** the Lord Mayor and Chief Executive Officer be authorised to execute under seal plans of subdivision, Section 88B instrument, transfer granting easement and deed of agreement if required for creation of the easement.

7.12 SUBJECT Review of the development controls for the South Parramatta Heritage Conservation Area and adjoining areas

REFERENCE F2014/00181 - D03712923

REPORT OF Project Officer- Land Use Planning

15733 RESOLVED (Makari/Hugh)

That consideration of this matter be deferred pending the holding of a workshop on this issue.

DIVISION The result being:-

AYES: Councillors J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari, J L Shaw, L E Wearne and A A Wilson

NOES: Nil

CONNECTIVITY

8.1 SUBJECT Minutes of the Parramatta Traffic Committee meeting held on 4 June 2015

REFERENCE F2015/00098 - D03709676

REPORT OF Traffic & Transport Support Officer. Traffic and Transport

15734 RESOLVED (Dwyer/Chowdhury)

That the minutes of the Parramatta Traffic Committee held on 4 June 2015 be adopted.

NOTE:

Councillor J Shaw left the meeting at 7.45pm during consideration of this matter.

8.2 SUBJECT Minutes of the Traffic Engineering Advisory Group meeting held on 4 June 2015

REFERENCE F2015/00097 - D03710092

REPORT OF Traffic & Transport Support Officer. Traffic and Transport

15735 RESOLVED (Esber/Elmore)

- (a) **That** the minutes of the Traffic Engineering Advisory Group meeting held on 4 June 2015 be adopted with the exception of Item 1506 B5 regarding the intersection of Balmoral Road and Kleins Road, Northmead – Petition for Bollards or Fence.
- (b) **Further, that** in relation to Item 1506 B5, this matter be deferred for an on-site meeting with ward and other interested Councillors.

NOTE:

- 1. **Councillor J Shaw returned to the meeting at 7.48pm during consideration of this matter.**
- 2. **Councillor S Issa left the meeting at 7.50pm and returned at 7.51pm during consideration of this matter.**

PEOPLE AND NEIGHBOURHOODS

9.1 SUBJECT Aboriginal and Torres Strait Islander Advisory Committee Meetings 24 March 2015, 28 April 2015 and 26 May 2015

REFERENCE F2014/01121 - D03708512

REPORT OF Community Capacity Building Officer

15736 RESOLVED (Esber/Wearne)

- (a) **That** the minutes of the meetings of the Aboriginal and Torres Strait Islander Advisory Committee of 24 March 2015, 28 April 2015 and 26 May 2015 be received and noted.
- (b) **That** Council note that the Committee requests that Council actively support the relocation of the Powerhouse Museum to Parramatta and that Council seek a meeting with the Powerhouse Museum and members of the Aboriginal and Torres Strait Islander Advisory Committee to explore the option to have an Aboriginal Dreamtime Cultural Centre within the Powerhouse Museum.
- (c) **Further, that** a memorandum be provided to all Councillors providing the outcome of paragraph (b) when available.

NOTE:

Councillor P Esber left the meeting at 7.52pm and returned at 7.53pm during consideration of this matter.

CULTURE AND SPORT

10.1 SUBJECT Sydney Festival - 2016
REFERENCE F2015/01712 - D03714598
REPORT OF Manager-City Activation

15737 RESOLVED (Esber/Finn)

- (a) **That** Council support the presentation of Sydney Festival in Parramatta in January 2016.
- (b) **That** Council provide a sponsorship for the presentation of Sydney Festival in Parramatta in January 2016 for the budgeted amount of \$500,000.
- (c) **That** Council consider allocation of an additional \$100,000 at its next budget review.
- (d) **That** Council delegates to the Chief Executive Officer authority to negotiate and enter into (on behalf of the Council) a binding sponsorship in terms of the previous agreement between Sydney Festival and the Council; and
- (e) **Further, 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.

LEADERSHIP AND GOVERNANCE

11.1 SUBJECT Submission to NSW Government 'Fit for the Future'
REFERENCE F2014/02622 - D03713270
REPORT OF Manager Governance & Risk. Also Chief Operating Officer Memorandum dated 22 June 2015.

15738 MOTION (Issa/Chowdhury)

- (a) **That** Council provide an update of the outcomes from the Councillor Workshop held on Saturday 13 June 2015.
- (b) **That** Council submit the proposed submission to IPART, this submission contains an Alternative Submission and the Standalone Template 2 response.

- (c) **That** Council make a submission to the NSW Legislative Council – Inquiry into local government in New South Wales.
- (d) **That** Council authorise the Lord Mayor and Chief Executive Officer to make any minor administrative amendments prior to submission of the documents to IPART on 30 June 2015.
- (e) **That** Council authorise the Lord Mayor and Chief Executive Officer to develop a suite of community communications in line with our Submission.
- (f) **That** in accordance with the Fit for the Future Template 2 submission requirements, Parramatta City Council's standalone submission is based on current LGA boundaries and all of the analysis in this Standalone submission is based on operational and financial data of the current LGA with no changes to boundaries.
- (g) **Further, that** Council notes that Hornsby Shire Council on 10 June 2015 and Hills Shire Council on 26 May 2015 resolved to expand its boundaries in Epping, Carlingford, Winston Hills and Northmead, respectively, to incorporate existing Parramatta City Council areas. Parramatta City Council notes that no analysis or justification was provided to underpin these proposed boundary changes and Parramatta City Council rejects these propositions.

AMENDMENT (Finn/Elmore)

That Council only submit template 2.

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

DIVISION (Finn/Garrard) The result being:-

AYES: Councillors J Chedid, S H Chowdhury, R Dwyer, P Esber, J A Hugh, S T Issa, S D Lloyd, B Makari and L E Wearne

NOES: Councillors G J Elmore, J D Finn, P J Garrard, J L Shaw and A A Wilson

The Lord Mayor again declared the motion carried.

NOTE:

1. **Councillor J Hugh left the meeting at 7.54pm and returned at 8.24pm during consideration of this matter.**
2. **Councillor P Esber left the meeting at 8.02pm and**

- returned at 8.06pm during consideration of this matter.
3. **The Deputy Lord Mayor, Councillor S Issa assumed the Chair for a portion of the discussions on this matter to enable the Lord Mayor, Councillor S D Lloyd to participate in debate.**
 4. **Councillor A A Wilson requested that his name be recorded as having voted against this decision.**

ADJOURNMENT OF MEETING

In accordance with Council's decision of 23 October 2000 (Minute No 5712) the meeting adjourned at 9.10pm for a period of 27 minutes.

RESUMPTION OF MEETING

The meeting resumed in the Council Chamber at 9.33pm, there being in attendance Councillor S D Lloyd in the Chair and Councillors S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, S T Issa (Deputy Lord Mayor), J L Shaw, L E Wearne and A A Wilson.

11.2 SUBJECT Updated Corporate Plan 2013/2017 (incorporating the Delivery Program and Operational Plan and Budget 2015/16) and Schedule of Fees and Charges 2015/16

REFERENCE F2015/00386 - D03686472

REPORT OF Manager Governance & Risk

15739 RESOLVED (Esber/Issa)

(a) **That** Council adopt the updated Parramatta Corporate Plan 2013/14-2016/17 incorporating the Delivery Program and Operational Plan and Budget for 2015/16 subject to the amendments set out in paragraph 7 of this report;

(b) **That** Council adopt the Schedule of Fees and Charges 2015/16;

(c) **Further, that** Council adopt the updated Long Term Financial Plan.

11.3 SUBJECT Investments Report for May 2015

REFERENCE F2009/00971 - D03712192

REPORT OF Manager Finance

15740 RESOLVED (Esber/Issa)

That Council receives and notes the investments report for May 2015.

11.4 SUBJECT Making of the Rates & Annual Charges 2015
REFERENCE F2014/02600 - D03705115
REPORT OF Manager - Rates

15741 RESOLVED (Issa/Elmore)

That Council makes the Rates and Charges for the 2015/16 Rating year using the Land Values with a base date of valuation 01 July 2013, and adopt the overdue Rates and Charges interest rate of 8.5%, as outlined in paragraphs (A)(1) through (B)(4).

NOTE:

Councillor B Makari returned to the meeting at 9.34pm during consideration of this matter.

NOTICES OF MOTION

12.1 SUBJECT Survey of parking needs in Winston Hills
REFERENCE F2015/00103 - D03713668
REPORT OF Councillor R Dwyer

15742 RESOLVED (Dwyer/Chowdhury)

- (a) **That** Council take steps to calculate over a period of 1 week in the week commencing 13 July 2015, the number of motorists parking daily on a long stay basis (more than 3 hours) in Winston Hills within Olympus St, Remus Place, Bellona St, Langdon Rd, Romulus St and the western section of Junction Road.
- (b) **That** a report on the outcome of this survey of parked vehicles be brought to the Council meeting on 27 July 2015 with a recommendation as to the options that could be considered to reduce current long stay parking in these residential streets and with a view to protecting residential amenity to these Winston Hills residents.
- (c) **Further, that** Parramatta Council send a letter to all Winston Hills residents when a date for the proposed residents' conciliation meeting is set by The Hills Council with respect to a proposed development of 102 residential apartments on the top of Winston Hills Shopping Centre to be considered by that Council.

NOTE:

Councillors J Chedid, P J Garrard and J Hugh returned to the meeting at 9.35pm during consideration of this matter.

PREVIOUSLY DEFERRED ITEM

7.1 SUBJECT 22-24 Rawson Road, Guildford
(Lot 18 DP 14788 & Lot B DP 390823, LOT C DP
390823)(Woodville Ward)

REFERENCE DA/569/2014

DESCRIPTION Construction of a shop top housing development
comprising a ground floor child care centre and 14
residential units.

REFERENCE DA/569/2014 - Lodged 27 August 2014

APPLICANT/S Australian Consulting Architects

OWNERS D W W Holdings

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council for determination
as the application seeks a variation to the height
development standard Clause 4.3 in excess of 10%.

15743 RESOLVED (Garrard/Elmore)

- (a) **That** Council notes the comments of the Design Excellence Advisory Panel at its meeting on 29 October 2014.
- (b) **Further, that** Council defer consideration of this item and requests the Chief Executive Officer have staff reassess the basement car parking and the appropriateness and suitability of a commercial child care centre as such centre is considered to be an overdevelopment of the site.

DIVISION The result being:-

AYES: Councillors J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari, J L Shaw, L E Wearne and A A Wilson

NOES: Nil

NOTE:

This matter had been deferred from earlier in the meeting (see Minute No. 15722).

CLOSED SESSION

15744 RESOLVED (Esber/Elmore)

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 Review of use and proposed occupation of Council's property Shop 3, 70 Macquarie Street Parramatta, in accordance with the Property Lease and Licence Policy and Procedure. (D03691224) - *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 Outdoor Dining Fee Arrears in Parramatta CBD. (D03711639) - *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 a proposal received for an outdoor recreation facility at Rydalmere Park. (D03699321) - *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 Tender 6/2015 Sir Thomas Mitchell Reserve - Drainage Improvement Works. (D03672348) - *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 Legal Matters Monthly Report to Council. (D03679845) - *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.*
- 6 ITT 22/2015 - Parramatta Square - Electrical Asset Relocation. (D03708979) - *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.*

- 7 ITT 29/2015 Parramatta Square and Riverbank Precincts Engagement and Communications Strategy. (D03712331) - *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.*
- 8 Report on the proposed Finance and future restructure plans. (D03714787) - *This report is confidential in accordance with section 10A (2) (a) of the Local Government Act 1993 as the report contains personnel matters concerning particular individuals.*
- 9 Parramatta Square – *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.*

NOTE:

Councillor S Chowdhury retired from the meeting at 9.45pm during consideration of this matter.

13.1 SUBJECT Review of use and proposed occupation of Council's property Shop 3, 70 Macquarie Street Parramatta, in accordance with the Property Lease and Licence Policy and Procedure

REFERENCE F2012/01067 - D03691224

REPORT OF Space Management Officer

15745 RESOLVED (Issa/Esber)

That Council adopt option 1 as detailed in Space Management Officer Report.

13.2 SUBJECT Outdoor Dining Fee Arrears in Parramatta CBD

REFERENCE F2013/02669 - D03711639

REPORT OF Service Manager-Property Services & Space Management; Manager Finance

15746 RESOLVED (Esber/Elmore)

(a) **That** Council note the Outdoor Dining (ODD) fee arrears in Parramatta CBD, the current process to reduce fee arrears and the options available to reduce the arrears as outlined in the report.

(b) **That** Council adopt Option C in paragraph 10, being that when a

business owner failures to pay ODD arrears within seven 7 days of the Final Reminder Letter (as per Debt Recovery process), Council will commence enforcement action under the Local Government Act. This may include instructions to cease trading on the footpath and remove all outdoor furniture.

- (c) **Further, that** a workshop be held on this matter which addresses such issues as activation in the CBD, possible payment of bonds, current policy, credit card payments and direct debit with a view to devising a more holistic approach.

13.3 SUBJECT Report on a proposal received for an outdoor recreation facility at Rydalmere Park
REFERENCE F2004/07854 - D03699321
REPORT OF Service Manager Property Plan & Program
15747 RESOLVED (Issa/Makari)

- (a) **That** Council note a commercial outdoor recreation facility such as a mini golf centre is not currently permitted under the Plan of Management in the proposed location of Rydalmere Park which is categorised as Park.
- (b) **That** Council note the process required to establish a commercial outdoor recreation facility such as a mini golf centre in the proposed location.
- (c) **That** Council note the limited options to establish a commercial outdoor recreation facility on alternate land owned or control by Council.
- (d) **Further, that** Council adopt Option B in response to the proposal as outlined in paragraph 28 of the Report.

13.4 SUBJECT Tender 6/2015 Sir Thomas Mitchell Reserve - Drainage Improvement Works
REFERENCE F2015/00424 - D03672348
REPORT OF Project Manager
15748 RESOLVED (Issa/Wearne)

- (a) **That** the tender submitted by Citywide Civil Engineering (NSW) Pty Ltd for Drainage Improvement Works at Sir Thomas Mitchell Reserve, Dundas for the sum of \$222,464.92 (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.

13.5 SUBJECT Legal Matters Monthly Report to Council
REFERENCE F2004/07898 - D03679845
REPORT OF Legal Services Manager
15749 RESOLVED (Issa/Wearne)

That the report be received and noted.

13.6 SUBJECT ITT 22/2015 - Parramatta Square - Electrical Asset
Relocation
REFERENCE F2015/00178 - D03708979
REPORT OF Asst Development Manager. Also Supplementary
Report from Development Manager Assistant.
15750 RESOLVED (Issa/Makari)

- (a) **That** Council accept the tender received by Wilken Service Pty Ltd.
- (b) **Further, that** the Lord Mayor and Chief Executive Officer be given delegated authority to finalise the terms of the tender with the nominated proponent and execute contracts.

13.7 SUBJECT ITT 29/2015 Parramatta Square and Riverbank
Precincts Engagement and Communications Strategy
REFERENCE F2015/00178 - D03712331
REPORT OF Development Manager Assistant. Also Development
Manager Assistant Memorandum dated 17 June 2015.
15751 RESOLVED (Chedid/Issa)

That consideration of this matter be deferred to the Council Meeting to be held on 13 July 2015.

- 13.8 SUBJECT Report on the proposed Finance and future restructure plans
- REFERENCE F2007/02407 - D03714787
- REPORT OF Chief Financial Officer. Also Chief Executive Officer Supplementary Report.
- MOTION (Dwyer/Makari)
- (a) **That** Council receives and notes the proposed restructure of the Finance Directorate.
- (b) **That** Council notes that no other departmental restructures are currently proposed.
- (c) **Further, that** Council notes that a report on any future departmental restructure proposals will be provided to Council at that time.

15752 AMENDMENT (Elmore/Shaw)

- (a) **That** Council receives and notes the proposed restructure of the Finance Directorate.
- (b) **That** Council notes that no other departmental restructures are currently proposed.
- (c) **That** Council notes that a report on any future departmental restructure proposals will be provided to Council at that time.
- (d) **Further, that** a panel of 3 Councillors be formed to review the Finance Restructure prior to it taking place.

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

NOTE:

1. **Councillors R Dwyer and L E Wearne requested that their names be recorded as having voted against this decision.**
2. **Councillor P Esber left the meeting at 10.26pm and returned at 10.27pm during consideration of this matter.**
3. **Councillor A A Wilson retired from the meeting at 10.29pm during consideration of this matter.**

- 13.9 SUBJECT Verbal Update on Parramatta Square

REFERENCE F2014/00669
FROM Chief Executive Officer

NOTE:

A brief verbal update on Parramatta Square was provided by the Chief Executive Officer.

QUESTION TIME

1 SUBJECT Photograph of Councillors and Council Chamber
REFERENCE F2008/04592
FROM Councillor Pierre Esber

15753 Councillor Esber requested that a photographer be available to take appropriate photographs of the last Council Meeting held in the Council Chamber prior to the Chamber's demolition.

2 SUBJECT Surveillance in Alice Street, Harris Park
REFERENCE F2008/04592
FROM Councillor John Chedid

15754 Councillor Chedid sought clarification that Council officers were required to be open and visible when issuing infringement notices.

The Director Strategic Outcomes and Development confirmed that this was the case and added that any covert actions would need the prior approval of Council.

Councillor Chedid advised that he had received reports from parents of students of Our Lady of Lebanon School located in Alice Street, Harris Park indicating that a Council vehicle had been travelling up and down Alice Street taking photos.

Councillor Chedid asked that a memorandum be provided to Councillors by 23 June 2015 outlining the circumstances of this particular case together with any necessary action undertaken.

The meeting terminated at 10.34pm.

THIS PAGE AND THE PRECEDING 27 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 22 JUNE 2015 AND CONFIRMED ON MONDAY, 13 JULY 2015.

Lord Mayor