

MINUTES OF THE MEETING OF PARRAMATTA CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC PLACE, PARRAMATTA ON MONDAY, 7 DECEMBER 2015 AT 6.47PM

PRESENT

The Lord Mayor, Councillor P J Garrard in the Chair and Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J A Hugh, S T Issa (retired at 9.25pm), S D Lloyd, B Makari (Deputy Lord Mayor), J L Shaw, L E Wearne and A A Wilson.

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Lord Mayor, Councillor P J Garrard acknowledged the Burrumattagal Clan of The Darug, the traditional land owners of Parramatta and paid respect to the elders both past and present.

MINUTES

SUBJECT Minutes of the Council Meeting held on 23 November 2015

16210 RESOLVED (Esber/Makari)

That the minutes be taken as read and be accepted as a true record of the Meeting with the following amendment:-

1. In relation to Item 7.12 of Economy regarding the Submission on Auburn City Council Draft Planning Proposal – 300 Manchester Road, Auburn, that Council resolved to take no further action on this matter.

APOLOGIES

16211 RESOLVED (Esber/Makari)

That an apology be received and accepted for the absence of Councillors J Chedid and J D Finn.

DECLARATIONS OF INTEREST

1. Councillor J P Abood declared a non-significant, non-pecuniary interest in relation to Item 14.2 of Closed Session regarding the Expression of Interest for 1-3 Onslow Street, Granville as Councillor Abood is a financial member of one of the clubs who have submitted an application.
2. Councillor J P Abood declared an interest in relation to Item 1 of Suspension of Standing Orders regarding the Submission in favour of an

application lodged by Parramatta Leagues Club for a Multi-Storey Car Park as he is a member of the JRPP.

3. Councillor S Chowdhury declared a non-pecuniary interest in relation to Item 14.1 of Closed Session in relation to the Review of Use and Occupation of Council's Properties currently Occupied by the Scouts and Girl Guides as Councillor Chowdhury is a long term member of the Scouts.
4. Councillor G J Elmore declared a non-pecuniary interest in relation to Item 9.10 of Major Reports in relation to 22D Cowells Lane, Ermington as the utility that Councillor Elmore works for has an easement over the property and he has involvement in the management of the overhead transmission lines.
5. Councillor P Esber declared an interest in relation to Item 12.1 of Leadership and Development in relation to the Policy and Procedure – Unauthorised use of Public Land as Councillor Esber's property backs on to open space covered in this policy.
6. The Lord Mayor, Councillor P J Garrard declared an interest in relation to Item 1 of Suspension of Standing Orders regarding the Submission in favour of an application lodged by Parramatta Leagues Club for a Multi-Storey Car Park as he is a member of the Parramatta Leagues Club Board.
7. Councillor J Shaw declared an interest in relation to Item 1 of Suspension of Standing Orders regarding the Submission in favour of an application lodged by Parramatta Leagues Club for a Multi-Storey Car Park as he is a member of the Parramatta Leagues Club.
8. Councillor A A Wilson declared an interest in relation to Item 1 of Suspension of Standing Orders regarding the Submission in Favour of Application lodged by Parramatta Leagues Club for Multi-Storey Car Park as he is a member of the JRPP.

MINUTES OF THE LORD MAYOR

1 SUBJECT Free Wi-Fi to be Established within Parramatta CBD
REFERENCE F2014/03305
FROM The Lord Mayor, Councillor Paul Garrard

16212 RESOLVED (Garrard/Issa)

- (a) **That** Council undertakes relevant national research, including a two day study tour to identify how other Australian Cities - such as Adelaide City Council are benefitting from using a Smart City Framework – in particular the use of City Wide Wi-Fi; and
- (b) **Further, that** a report be brought back to Council including options available from other 'Australian' and 'International Cities' that are currently benefitting from their direct involvement of being a Smart

City, with a plan to implement within Parramatta CBD.

2 SUBJECT 2016 to be Dedicated to the "Year of the Community"
REFERENCE F2014/03305
FROM The Lord Mayor, Councillor Paul Garrard

16213 RESOLVED (Garrard/Wilson)

- (a) **That** Council endorse '2016' to be dedicated in honour of 'Our Community, The People We Serve' and that each year Council adopt 'a theme for the coming 12 month period'.
- (b) **That** Council adopt the principle of 'Community Hubs' and that the CEO prepare an urgent report back to Council in February 2016, for implementation of this initiative.
- (c) **That** the CEO develop a 'Neighbourhood Policy' promoting liveable neighbourhoods and that a cross functional team within the organisation work with the Councillors in achieving an effective outcome.
- (d) **Further, that** the CEO undertakes to have five Council Meetings with the surrounding suburbs during 2016 and future years.

PUBLIC FORUM

1 SUBJECT Development Application - 53 Buckleys Road, Winston Hills
REFERENCE DA/380/2015
FROM Mr Jake Passmore

16214 "Dear Councillors, my name is Jake Passmore I am the in-house Planner for Anytime Fitness, prepared this application and have been the main point of contact throughout.

As a brief summary – the application seeks to change an existing gym, group class and squash court into a 24hr gym only. With this change in hours to the existing gym we understand that brings potential issues to the surrounding area into play which we take very seriously as working with the community is the key to Anytime Fitness' success. Anytime Fitness are experienced international club operators, with 3000 clubs across the globe and 420 clubs across Australia and one reason why we have a successful brand is we take responsibility from the top down and

recommended you not proceed with the planning amendment to permit part residential development of the site. Although I am not here to argue the planning merits of the proposal, I note that the staff and various studies do not oppose in principle the introduction of residential on large sites in the commercial core. I wish to address you on what we perceive to be the key issue in the report - the objection to the provision of commercial and residential in a single tower form.

As you are aware the Parramall site has the capacity for up to 40,000m² of GFA and the planning proposal is that a single tower be built that would deliver to the CBD 20,000m² of A Grade commercial floor space and 20,000m² of residential floor space.

We are confident that this site is capable of delivering an architectural outcome of design excellence that will provide a significant contribution to the architecture of the city and will play an important part in contributing to the urban fabric of the city, particularly on this important site that sits mid-way between Parramatta Square and River Square, at the heart of the city.

We have collaborated on a mixed use retail / residential / commercial development that forms part of the Central Park Development in Sydney which we believe, through its diverse uses, and high quality design will make a significant contribution to the public domain and vibrancy of the area. This project not only has different uses arranged one above the other but also side by side in co-joined tower blocks, an arrangement that may well be appropriate in the Parramall location.

I do not see any reason why a high quality commercial space cannot exist adjacent to residential if properly designed; there are many examples of this worldwide, in fact this is not an uncommon arrangement in some countries.

I understand that a paper has been distributed to all Councillors that we have prepared that shows high quality examples of mixed use buildings. (Simon to reference the images to the Councillors).

It is important to note that not all sites can deliver this outcome. But the Parramall site can for the following reasons –

- it is significant in area
- the area allows for a part of the site to form a piazza / public space to the George St frontage
- with 3 street frontages the site is able to provide a primary dramatic commercial lobby fronting George St and secondary residential access from another street

These final points I read on behalf of Dyldam -

- The Parramall site is unique in its size and its ability to deliver 40,000m² of floor space. It is bigger than 95% of the sites in the

CBD. The average commercial building in the last 20 years in Parramatta has been closer to 10,000m² and never more than 25,000m².

- This proposal represents an opportunity to leverage significant commercial floor space (20,000m² GFA) into the heart of the CBD, through the delivery of residential at the upper levels. There is simply no demand for 40,000m² of commercial for this site.
- To not capitalize on the mixed commercial and residential proposal, will mean Parramall may well not be redeveloped in our lifetime. This would in our view be a wasted opportunity.
- There are intelligent design solutions that can create a great mixed use building.
- We need the help of Councillors to endorse the Planning Proposal. Or to defer this and discuss the issue further with Councillors and staff. We urge the Council if you have doubts about refusing the mixed used approach please let us find a good planning and design excellence solution together.”

3 SUBJECT Planning Proposal - 197-207 Church St, Parramatta
REFERENCE RZ/4/2015
FROM Gavin Carrier

16216 “I refer to the above matter and am writing to earnestly urge you to:

- Reject parts (a), (b) and (c) of the Recommendation made by Council officers to limit the floor space ratio for the site to 10:1 (excluding design excellence) and to provide a reference design for that FSR*
- Instead, support the requested increase in the FSR to 16.5:1 (including design excellence) with a direction to undertake an international design competition the brief for which is to be agreed between Holdmark and the CEO of Council*

The crux of this issue is to decide what your vision is for Parramatta:

- Is it a vibrant, world-class city displaying cutting-edge architecture

OR

- Is it just another CBD filled with ordinary buildings

At Holdmark we share Council’s vision for Parramatta to be “*Australia’s Next Great City*”. An FSR uplift of up to 16.5:1 on this key site will enable us to meaningfully contribute to that vision, whereas an FSR of 10:1 would severely restrict that ability.

I set out below 7 key reasons for seeking your support for our requested FSR.

1. UNIQUE, STRATEGICALLY-LOCATED, KEY CBD SITE

The strategic importance of this site is undisputed and is acknowledged in the Council officers' report. Any redevelopment should provide a world-class, landmark building as a counterpoint to Aspire tower. In our opinion a FSR of 16.5:1 is required in order to provide the opportunity to create an iconic, world class development on the site.

2. INTERNATIONAL DESIGN EXCELLENCE COMPETITION

Holdmark is committed to conducting an international design competition to ensure the outcome for this site is one of which both Holdmark and Council can be proud. The matters of concern raised in the Council officer's report (including heritage, overshadowing, sun access, urban context, traffic, aeronautical height limits, etc) are all matters which can be appropriately incorporated into the brief for that competition. But we believe that a building envelope with a height of 250m(subject to relevant Aeronautical approvals) and an FSR of 16.5:1 will be required in order to provide an imaginative designer with sufficient flexibility to create a building which provides the desired outcomes.

3. HERITAGE

We are very cognisant and supportive of the heritage values of this site. All of the objectives of Council and the OEH can be appropriately incorporated into the brief for the International Design Competition. Conserving and interpreting heritage items is, however, very expensive. Moreover, appropriately dealing with the unknown potential in-ground archaeological remains presents a huge risk in terms of both cost and time. If there is insufficient commercial incentive to absorb this risk, then the site will simply never be developed. An FSR of 16.5:1 is required to provide this commercial incentive.

4. COMMERCIAL ACTIVITY

We recognise the importance of retaining and encouraging commercial activity in the CBD. Our proposal already increases the current non-residential GFA from approximately 6,000sqm to over 14,000sqm. We are willing to consider increasing this further to assist in creating a vibrant commercial hub.

5. PUBLIC BENEFIT

We sincerely want to significantly contribute to the growth and development of Parramatta as "*Australia's Next Great City*". To provide meaningful public benefit, we need to create a development of a size that will provide sufficient commercial return to allow us to

do so. Our view is that an FSR of 16.5:1 FSR will be required to facilitate this.

6. RISK

To undertake a redevelopment of this site with its significant heritage and archaeological issues and to and commit to providing material public benefit has huge risks attached. Unless there is sufficient commercial incentive, then meaningful redevelopment of the existing buildings is unlikely to ever take place. Holdmark believes that an FSR of 16.5:1 is required to provide sufficient commercial incentive to be prepared to accept and address those risks.

7. PRECEDENT

There are numerous examples of sites throughout the CBD where Council has applied a FSR of greater than 10:1.

For example, 5-7 Charles Street is within an area which is recommended to have a FSR of 10:1 in the CBD Planning Framework and adopted Parramatta CBD Planning Strategy. The Planning Proposal for 5-7 Charles Street, which is seeking a FSR of 21.85:1, received Gateway determination on 19 February 2015 and on 10 August 2015 Council resolved to endorse the Planning Proposal and forward it to DP&E for the plan to be made. The Planning Proposal for 5-7 Charles Street also amended the zoning of the site from B3 Commercial Core to B4 Mixed Use.

Also, Item 10.6 on the Business Paper for the meeting of 7 December 2015 is a Planning Proposal for 2-10 Phillip Street. The Council Officers' Recommendation in relation to that Planning Proposal is for a maximum FSR of 17:1 subject to the provision of certain floorspace usage.

These examples, plus other Planning Proposals which have received Gateway determination subsequent to the adoption of the Parramatta City Centre Planning Framework and which exceed the recommended controls as set out in the Framework, demonstrate that Council is willing to consider developments which provide for a greater density.

We believe the site at 197 Church Street warrants similar special consideration given its strategically important location within the CBD. We are confident that the concerns raised in the Council officer's report with respect to overshadowing, heritage, streetscape and traffic can be appropriately addressed as part of an international design competition for the site.

CONCLUSION

If Council is committed to driving Parramatta to be "Australia's Next Great City" it follows that a "business-as-usual" approach is not acceptable and that innovative, ground-braking decisions are required.

Holdmark recognises this and that is why we are seeking Council's support for our Planning Proposal providing an FSR of 16.5:1 for the subject site. Holdmark sincerely wants to work in collaboration with Council to achieve its vision for Parramatta.

Our suggested alternative resolution to replace parts (a) (b) and (c) of the Recommendation in item 10.5 of the Business Papers has been forwarded to you under separate cover.

I most sincerely hope that the foregoing provides a compelling explanation as to why the Recommendation on page 962 of the Business Papers should be rejected and, instead, support should be given to providing for an increase in FSR to 16.5:1 on this strategically significant site in accordance with the attached proposed alternative resolution.

Thank you for the opportunity to address you in relation to this important matter.”

4 SUBJECT Development Application - 7/3 Sutherland Street, Clyde
REFERENCE DA/910/2008/B
FROM Paul Marsh

16217 As tabled.

“Dear Councillors,

As I was only allocated for 5 minutes. I will just go straight into the point.

The DA assessment of the Councillor officer on the 7/3 Sutherland Street, Clyde is biased and prejudices and more worriedly assess without the facts. A government Assessment is not a High School assignment, it needs to be based on the actual facts and proper considerations.

I will go through the conclusion of the report and respond why this report is indeed off the facts and should not be adopted by the Councillor.

(1) General Industrial Zone

This has been dealt with in the court decision on 13 December 2010 (IV Trading Pty Ltd v Parramatta City Council) Nothing has changed. Since 2010.

(2) Distance from Residential and public worship

This has been dealt with in the court decision in IV Trading Pty Ltd case on 13 December 2010. Nothing has changed since 2010.

For Public Worship, the brothel that is closer to the worship is 26 George Street, Clyde. Not our shop.

(3) Disturbance in neighbourhood?

The FACT that there is no submission nor complaints during the advertising period is clearly contravene with this point.

(4) Increase in Crime?

There has been no incidents nor crime reported since our management team take over in November 2014.

(5) High concentration of sex services?

There is a higher concentration of the Motor Vehicle industry within the zone. And there is no scientific proof that a high concentration of the Sex service industry is against public interest.

(6) Cultural activities.

The residential area is in another side of the railway. Not on the Parramatta Road side. As for public worship, we have no knowledge on why the council approve a public worship in an industry zone.

(7) Location, Parking, Hours of Operation, Safety and Security.

Location - (i)there are at least double the number of Car yards in this light industry area. (ii) Location of shop 7 is actually making least impact on the area. (iii) The court decision clearly object this view on high concentration of brothels

Parking: (i) The condition of the parking is exactly the same after the court decision in 2010. (ii) Sutherland Street is wider than all 3 other streets in this zone. (iii) The hour of operation in this shop is after business hour, it actually contributes the time sharing concept of the parking spaces in this zone.

Hour of operation: (i) There is NO negative impact on the hour of operation. It is operating after business hour, which actually provide a better use for a light industrial zone. (ii) All the other 3 brothels are 24 hours operational.

Safety and Security: (i) The use of the premises prove to be with the safety and security measure since my Management team takes over on November 2014.

Lastly, My management team and I would like to plead to the Parramatta City Council. The assessing officer claim that there are concerns on the past management on this shop. However we have stated that we signed up a 10 years lease with IV Trading Pty Ltd to operate this shop. We are the same management team for 45 George Street, Clyde; 22 Brodie Street, Rydalmere. We have a good track record of management in the past.

Please give this shop another chance. And we will ensure its operation in accordance with the Plan of Management.

Thank you.”

REPORTS - DOMESTIC APPLICATIONS

8.1 SUBJECT 11 Denison Street, Parramatta NSW 2150
(Lot 18 DP 11406) (Arthur Phillip Ward)

DESCRIPTION Demolition of existing structures and construction of a
single storey detached dwelling with a secondary
dwelling.

REFERENCE DA/651/2015 - 16 September 2015

APPLICANT/S A Helmy

OWNERS Ms R Gilani, Ms L Taha, Mr D Feizi-Sobbi and Mrs S
Feizi-Sobbi

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The subject application is referred to Council for
determination as the proposal has attracted 9
submissions in response to the public notification and
advertising period.

RESOLVED (Makari/Issa)

16218 **That** consideration of this matter be deferred until February 2016 to
allow re-notification of the application to an extended notification area.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, P
Esber, 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: Councillor G J Elmore

8.2 SUBJECT 13 Denison Street, Parramatta NSW 2150
(Lot 19 DP 11406) (Arthur Phillip Ward)

DESCRIPTION Demolition of existing structures, tree removal and
construction of a single storey detached dwelling with a
secondary dwelling.

REFERENCE DA/652/2015 - 16 September 2015

APPLICANT/S A Helmy

OWNERS Ms R Gilani, Ms L Taha, Mr D Feizi-Sobbi and Mrs S
Feizi-Sobbi

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The subject application is referred to Council for determination as the proposal has attracted 9 submissions in response to the public notification and advertising period.

RESOLVED (Makari/Issa)

16219 **That** consideration of this matter be deferred until February 2016 to allow re-notification of the application to an extended notification area.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, P Esber, 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: Councillor G J Elmore

8.3 SUBJECT 33 Prospect Street, Rosehill
(Lot 1 DP 128403)(Elizabeth Macarthur Ward)

DESCRIPTION Alterations and additions to an existing Residential Flat Building including changes to external finishes and extension of existing balconies.

REFERENCE DA/662/2015 - Submitted 18 September 2015

APPLICANT/S Bimby Property Pty Ltd

OWNERS Bimby Property Pty Ltd

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 Clause 4.6 variation in excess of 10% to Clause 4.3 Height of Buildings in the Parramatta Local Environmental Plan 2011.

RESOLVED (Esber/Issa)

16220 (a) **That** Council supports the variation to Clause 4.3 of Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6.

(b) **Further, that** Council as the consent authority grant development consent to development Application No. DA/662/2015 for alterations and additions to an existing Residential Flat Building including changes to external finishes and extension of existing balconies at 33 Prospect Street, Rosehill, for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions contained in

Attachment 1.

DIVISION The result being:-
AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, 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

8.4 SUBJECT 1/5 Ross Street, PARRAMATTA NSW 2150
(Lot 1 SP 19007) (Arthur Phillip Ward)
DESCRIPTION Fitout and use of existing unit as beauty centre including skincare, acupuncture, physiotherapy and remedial massage services
REFERENCE DA/666/2015 - 21 September 2015
APPLICANT/S A Wang
OWNERS Mrs Y Lin
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 a beauty centre with remedial massage.
RESOLVED (Wilson/Makari)

16221 **That** Council as the consent authority grant development consent to Development Application No. DA/666/2015 for fitout and use of an existing unit as a beauty centre including skincare, acupuncture, physiotherapy and remedial massage services on land at Lot 1 SP 19007, 1/5 Ross Street, Parramatta for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to conditions contained in Attachment 1.

DIVISION The result being:-
AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, 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

REPORTS - MAJOR APPLICATIONS

9.1 SUBJECT 53 Buckleys Road, Winston Hills (Lot 1 DP 550235)

(Caroline Chisholm Ward)

DESCRIPTION Change of use, internal fit out and associated signage for a 24 hour gym

REFERENCE DA/380/2015 - Submitted June 25 2015

APPLICANT/S Anytime Fitness Australia Pty Ltd

OWNERS Eyeworks Pty Limited

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The development application is referred to Council for consideration as the application received a total of 73 submissions, including a petition of 161 signatures, during two notification periods. The submissions received are both against and in support of the proposed development.

RESOLVED (Issa/Hugh)

16222 (a) **That** Council grant development consent to DA/380/2015 for the change of use, internal fit out and associated signage for a 24 hour gym at 53 Buckleys Road, Winston Hills for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions contained in attachment 1 and the following additional condition:-

1. The exterior of the building be painted and the grounds be kept in good order.

(b) **Further, that** all submitters be advised of Council's decision.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, G J Elmore, P Esber, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari and A A Wilson

NOES: Councillors R Dwyer, J L Shaw and L E Wearne

9.2 SUBJECT 10 Dixmude Street, South Granville NSW 2142
(Lot 179 DP 8821) (Woodville Ward)

DESCRIPTION Demolition of the existing dwelling and construction of an attached dual occupancy development with Torrens title subdivision

REFERENCE DA/646/2015 - Submitted 15 September 2015

APPLICANT/S D. Govender

OWNERS D. Govender, V. Govender, S. Govender and A. Govender

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

This development application is referred to Council for determination as the proposal involves the construction of a dual occupancy on an allotment with an area of 592.6 m², which represents a variation of 1.23% (or 7.4m²) from the minimum requirement of 600m² as prescribed by Clause 6.11(1) of Parramatta Local Environmental Plan 2011 (PLEP 2011).

RESOLVED (Elmore/Issa)

- 16223 (a) **That** Council support the variation to Clause 6.11(1) of Parramatta Local Environmental Plan 2011 under the provisions of clause 4.6.
- (b) **Further, that** Council grant development consent to DA/646/2015 for demolition of the existing dwelling and construction of an attached dual occupancy development with Torrens title subdivision at 10 Dixmude Street, South Granville, for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to the conditions contained in the report.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, 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

9.3 SUBJECT 1R Land Under Roads - DUMRD, PARRAMATTA NSW
2150 (bus shelter adjacent to 116-118 James Ruse Drive (Rydges), ROSEHILL)

DESCRIPTION Replacement of existing advertising panels with digital screen advertising on the bus shelter adjacent to 116 - 118 James Ruse Drive (Rydges), Rosehill

REFERENCE DA/548/2015 - 18 August 2015

APPLICANT/S Adshel Street Furniture Pty Ltd

OWNERS Parramatta City Council

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The subject application is one (1) of seven (7) Development Applications which propose work to bus

shelters situated on Council owned land but managed by Adshel Street Furniture Pty Ltd.

RESOLVED (Esber/Issa)

16224 **That** Council, as the consent authority, grant development consent to Development Application No. DA/548/2015 for replacement of existing advertising panels with digital screen advertising on the bus shelter adjacent to 116-118 James Ruse Drive, Rosehill, subject to conditions.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, 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

9.4 SUBJECT 1R Land Under Roads- DUMRD, PARRAMATTA NSW 2150 (bus shelter adjacent to 203 Victoria Road, RYDALMERE)

DESCRIPTION Replacement of existing advertising panels with digital screen advertising on the bus shelter adjacent to 203 Victoria Road, Rydalmere

REFERENCE DA/547/2015 - 18 August 2015

APPLICANT/S Adshel Street Furniture Pty Ltd

OWNERS Parramatta City Council

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The subject application is one (1) of seven (7) Development Applications which propose work to bus shelters situated on Council owned land but managed by Adshel Street Furniture Pty Ltd.

RESOLVED (Esber/Issa)

16225 **That** Council, as the consent authority, grant development consent to Development Application No. DA/547/2015 for replacement of existing advertising panels with digital screen advertising on the bus shelter adjacent to 203 Victoria Road, Rydalmere, subject to conditions.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, 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

9.5 SUBJECT 1R Land Under Roads - DUMRD, PARRAMATTA NSW
2150 (bus shelter adjacent to 92 Windsor Road,
NORTHMEAD)

DESCRIPTION Replacement of existing advertising panels with digital
screen advertising on the bus shelter adjacent to 92
Windsor Road, Northmead

REFERENCE DA/546/2015 - 18 August 2015

APPLICANT/S Adshel Street Furniture Pty Ltd

OWNERS Parramatta City Council

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The subject application is one (1) of seven (7)
Development Applications which propose work to bus
shelters situated on Council owned land but managed
by Adshel Street Furniture Pty Ltd.

RESOLVED (Esber/Issa)

16226 **That** Council, as the consent authority, grant development consent to
Development Application No. DA/546/2015 for replacement of existing
advertising panels with digital screen advertising on the bus shelter
adjacent to 92 Windsor Road, Northmead, subject to conditions.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J
Elmore, P Esber, 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

9.6 SUBJECT 1R Land Under Roads- DUMRD, PARRAMATTA NSW
2150 (bus shelter adjacent to 21 Victoria Road,
PARRAMATTA)

DESCRIPTION Replacement of existing advertising panels with digital
screen advertising on the bus shelter adjacent to 21
Victoria Road, Parramatta

REFERENCE DA/554/2015 - 18 August 2015
APPLICANT/S Adshel Street Furniture Pty Ltd
OWNERS Parramatta City Council
REPORT OF Manager Development and Traffic Services
REASON FOR REFERRAL TO COUNCIL

The subject application is one (1) of seven (7) Development Applications which propose work to bus shelters situated on Council owned land but managed by Adshel Street Furniture Pty Ltd.

RESOLVED (Esber/Issa)

16227 **That** Council, as the consent authority, grant development consent to Development Application No. DA/554/2015 for replacement of existing advertising panels with digital screen advertising on the bus shelter adjacent to 21 Victoria Road, Parramatta, subject to conditions.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, 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

9.7 SUBJECT 1R Land Under Roads - DUMRD, PARRAMATTA NSW 2150 (bus shelter adjacent to 529 Church Street, NORTH PARRAMATTA)

DESCRIPTION Replacement of existing advertising panels with digital screen advertising on the bus shelter adjacent to 529 Church Street, North Parramatta

REFERENCE DA/551/2015 - 18 August 2015
APPLICANT/S Adshel Street Furniture Pty Ltd
OWNERS Parramatta City Council
REPORT OF Manager Development and Traffic Services
REASON FOR REFERRAL TO COUNCIL

The subject application is one (1) of seven (7) Development Applications which propose work to bus shelters situated on Council owned land but managed by Adshel Street Furniture Pty Ltd.

RESOLVED (Esber/Issa)

16228 **That** Council, as the consent authority, grant development consent to Development Application No. DA/551/2015 for replacement of existing

advertising panels with digital screen advertising on the bus shelter adjacent to 529 Church Street, North Parramatta, subject to conditions.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, 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

9.8 SUBJECT 1R Land Under Roads - DUMRD, PARRAMATTA NSW 2150 (bus shelter adjacent to 459-463 Church Street, PARRAMATTA)

DESCRIPTION Replacement of existing advertising panels with digital screen advertising on the bus shelter adjacent to 459-463 Church Street, Parramatta

REFERENCE DA/552/2015 - 18 August 2015

APPLICANT/S Adshel Street Furniture Pty Ltd

OWNERS Parramatta City Council

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The subject application is one (1) of seven (7) Development Applications which propose work to bus shelters situated on Council owned land but managed by Adshel Street Furniture Pty Ltd.

RESOLVED (Esber/Issa)

16229 **That** Council, as the consent authority, grant development consent to Development Application No. DA/552/2015 for replacement of existing advertising panels with digital screen advertising on the bus shelter adjacent to 459-463 Church Street, Parramatta, subject to conditions.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, 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

9.9 SUBJECT 1R Land Under Roads - DUMRD, PARRAMATTA NSW
2150 (bus shelter adjacent to 531-537 Victoria Road,
ERMINGTON)

DESCRIPTION Replacement of existing advertising panels with digital
screen advertising on the bus shelter adjacent to 531-
537 Victoria Road, Ermington

REFERENCE DA/553/2015 - 18 August 2015

APPLICANT/S Adshel Street Furniture Pty Ltd

OWNERS Parramatta City Council

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The subject application is one (1) of seven (7)
Development Applications which propose work to bus
shelters situated on Council owned land but managed
by Adshel Street Furniture Pty Ltd.

RESOLVED (Esber/Issa)

16230 **That** Council, as the consent authority, grant development consent to
Development Application No. DA/553/2015 for replacement of existing
advertising panels with digital screen advertising on the bus shelter
adjacent to 531-537 Victoria Road, Ermington, subject to conditions.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J
Elmore, P Esber, 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

9.10 SUBJECT 22D Cowells Lane, Ermington (Lot 5 DP 1198522)
(Lachlan Macquarie Ward)

DESCRIPTION Construction of a two storey attached dual occupancy
including Torrens Title Subdivision

REFERENCE DA/154/2015 - Submitted 18 March 2015

APPLICANT/S ACM Civil & Structural Engineers Pty Ltd

OWNERS Overings Pty Ltd

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

This development application is referred for Council's
consideration as the application relates to development
on land that was previously owned by Council.

RESOLVED (Abood/Wearne)

16231 **That** Council approve DA/154/2015 for a dual occupancy development including Torrens Title subdivision, subject to conditions contained within Appendix 3 of Attachment 1.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, 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

Councillor G J Elmore had previously declared a non-pecuniary interest in this matter as the utility that Councillor Elmore works for has an easement over the property and he is involved with the management of the overhead transmission lines.

Councillor Elmore left the meeting during consideration and voting on this matter.

9.11 SUBJECT 22E Cowells Lane Ermington (Lot 4 DP 1198522)
(Lachlan Macquarie Ward)

DESCRIPTION Construction of a two storey attached dual occupancy including Torrens Title Subdivision

REFERENCE DA/155/2015 - Submitted - 18 March 2015

APPLICANT/S ACM Civil & Structural Engineers Pty Ltd

OWNERS Overings Pty Ltd

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

This development application is referred for Council's consideration as the application relates to development on land that was previously owned by Council.

RESOLVED (Abood/Wearne)

16232 **That** Council grant approval to DA/155/2015 for a dual occupancy development including Torrens Title subdivision, subject to conditions contained within Appendix 3 of Attachment 1.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, 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

9.12 SUBJECT Lot 1 DP 28308, Shop 2 382 Victoria Road, Rydalmere
(Elizabeth Macarthur Ward)

DESCRIPTION Change of use of shop 2 for the purposes of a hair salon
and remedial massage

REFERENCE DA/408/2015 - Submitted 3 July 2015

APPLICANT/S Ms S Ma

OWNERS Mr C W Mew & Mrs S S L Mew

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 a
remedial massage service.

RESOLVED (Issa/Wearne)

16233 **That** Council as the consent authority grant development consent to
development application No. DA/408/2015 for the occupation of Shop 2
as a hair salon and remedial massage business at 382 Victoria Road,
Rydalmere for a period of 2 years from the date of the Occupation
Certificate subject to the conditions outlined in the Section 79C Report
contained within Attachment 1.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J
Elmore, P Esber, 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

9.13 SUBJECT 19-21 Charles Street, Carlingford NSW 2118 (IOTS 7 &
8 dp 10279) (Elizabeth Macarthur Ward)

DESCRIPTION Construction of a multi-dwelling housing development
comprising 10 dwellings.

REFERENCE DA/174/2014 - 1 April 2014

APPLICANT/S Harry Sidaway & Associates Pty Ltd

OWNERS Lifa Development Pty Ltd aft the Lao Trust

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council for determination as the application received 9 submissions (1 individual submission and 1 petition from 8 properties) over two notification periods.

RESOLVED (Issa/Shaw)

16234 (a) **That** Council grant development consent to DA/174/2014 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to the conditions contained in Attachment 1.

(a) **Further, that** objectors are advised of Council's decision.

DIVISION The result being:-

AYES: Councillors J P Abood, R Dwyer, G J Elmore, P Esber, 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: Councillor S H Chowdhury

9.14 SUBJECT 7/3 Sutherland Street, Clyde (LOT 7 SP 64748)
(Elizabeth Macarthur Ward)

DESCRIPTION Section 96AB Review of modification application DA/910/2008/A which sought modification to delete Condition No. 2 which prescribed a three year trial period for the premises to be used as a Brothel.

REFERENCE DA/910/2008/B - Lodged 13 May 2015

APPLICANT/S Brothel Keepers Pty Ltd

OWNERS IV Trading Pty Ltd

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council for determination as the proposal relates to a brothel which was approved by the Land and Environment court in 2010.

RESOLVED (Makari/Chowdhury)

16235 **That** Council as the consent authority, refuse to modify development consent DA/910/2008 for the following reasons:

(1) The proposal does not meet the objectives of the IN1 General Industrial zone as the sex services premises results in an adverse impact on other land uses within the immediate area.

(2) The proposal does not comply with PLEP 2011 Clause 6.9

Location of sex services premises as the site is located within 200m of land in a residential zone, within 200m from a place of public worship and within 50m of a railway station.

- (3) The proposal does not comply with PLEP 2011 Clause 6.9(3)(a) as the operation of the sex services premises causes a disturbance in the neighbourhood due to the hours of operation which presents a higher risk of victimisation.
- (4) The proposal does not comply with PLEP 2011 Clause 6.9(3)(b) as the operation of the sex services premises interferes with the amenity of the neighbourhood with an increase in crime in the area.
- (5) The proposal does not comply with PLEP 2011 Clause 6.9(3)(c) as the operation of the sex services premises contributes to a high concentration of sex services premises in the area.
- (6) The proposal does not comply with PLEP 2011 Clause 6.9(3)(c) as the operation of the sex services premises is within close proximity to a place that is regularly frequented by children for cultural activities.
- (7) The proposal does not comply with Section 5.6 Sex Services and Restricted Premises of Parramatta Development Control Plan 2011, specifically:
 - a. 'Location' – The site is within 200m of four sex services premises. There is presently a very high concentration of brothels in this light industrial area.
 - b. 'Parking' – The parking area does not ensure safety and security with the parking area resulting in places of entrapment and concealment.
 - c. 'Hours of Operation' – The hours of operation being, 6pm to 7am the next day, 7 days a week have a negative impact on the community, and nearby land uses.
 - d. 'Safety and Security' – The use of the premises over the trial period has proven to have a negative impact on the surrounding area.
- (8) The proposal is not in the public interest.

DIVISION The result being:-

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

NOES: Councillor L E Wearne

9.15 SUBJECT 36 Baronbali Street, DUNDAS
(Lot 19 DP 220815) (Elizabeth Macarthur Ward)

DESCRIPTION Section 82A Review of Section 96(1A) modification application to an approved two storey dwelling. The modifications relate to the front fence, driveway and landscaping

REFERENCE DA/734/2011/B - 15 September 2015

APPLICANT/S Mrs M Alam-Ishac and N Ishac

OWNERS Mrs M Alam-Ishac

REPORT OF Manager Development and Traffic Services. Also Manager Development and Traffic Services Memorandum dated 7 December 2015.

REASON FOR REFERRAL TO COUNCIL

The application has been referred to Council as it involves a Review of Determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979. The request for the review of the determination relates to the Section 96(1A) modification application DA/734/2011B that was approved under delegated authority.

RESOLVED (Issa/Hugh)

16236 (a) **That** Council, as the consent authority, approve the Section 82(A) Review of Determination application, regarding modifications to the front fence, driveway and landscaping for the property at 36 Baronbali Street, DUNDAS NSW 2117.

(b) **That** condition No. 1 be amended to the following:

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent:

Drawing N ^o	Dated
DA-A1c Plans, Issue 5, prepared by H Design Group	20/6/2012
DA-A2 Plans, prepared by H Design Group	20/10/2011
DA-A3b Elevations, prepared by H Design Group	20/6/2012
DA-A4a Plans, prepared by H Design Group	7/11/2011
DA-A8a BASIX Commitments, amend. a, prepared by H Design Group	7/11/2011
DA-A9c Site Plan, prepared by H Design Group	10/09/2015
Hydraulic and Sediment Plan, prepared by MM Farah	5/12/2011
Landscape plan, prepared by Monaco Designs	18/10/2011

Document(s)	Dated
BASIX Certificate No. 415789S_03	27/7/2012
Waste management plan	21/9/2011
External finishes	October 2011

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

Reason: To ensure the work is carried out in accordance with the approved plans.

Amended by Section 82A amendment determined December 2015.

(c) **Further, that** Condition No. 12a be deleted from the Notice of Determination:-

12a. The driveway and crossover is to remain as approved under DA/734/2011/A, as annotated in red on the stamped approved plans.

Reason: To comply with Council requirements.
Amended by Amendment B determined August 2015.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, 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

ECONOMY

10.1 SUBJECT Options for reviewing Condition No 26 relating to Section 94A contributions for 2 Macquarie Street, Parramatta (Lot 362 DP 752058) (Arthur Phillip Ward)

REFERENCE DA/805/2013 - D03996266

REPORT OF Team Leader. Development Advice

RESOLVED (Makari/Wearne)

16237 **That** Council receive and note the report.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, 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

10.2 SUBJECT Variations to Standards under Clause 4.6 of LEP 2011, Clause 24 of LEP 2007 and SEPP 1
REFERENCE F2009/00431 - D03987834
REPORT OF Manager Development and Traffic Services
RESOLVED (Abood/Issa)

16238 **That** the report be received and noted.

10.3 SUBJECT Planning Proposal for land at 246-264 Woodville Road, 2-4, 8-8A and 14-16 Lansdowne Street, and 19 Highland Street, Merrylands (John Cootes site)
REFERENCE RZ/14/2015 - D03983785
REPORT OF Project Officer Land Use
RESOLVED (Issa/Abood)

16239 (a) **That** Council endorse the Planning Proposal provided at Attachment 1 for land at 246-264 Woodville Road, 2-4, 8-8A and 14-16 Lansdowne Street, and 19 Highland Street, Merrylands and forward it to the Department of Planning and Environment for Gateway determination. The Proposal is to amend the Parramatta Local Environmental Plan (LEP) 2011 and seeks to:

- Rezone the subject site from part B6 Enterprise Corridor and part R2 Low Density Residential to B4 Mixed Use;
- Increase the maximum height of building control from part 12m (3 storeys) and part 9m (2 storeys) to up to 31m (9 storeys);
- Increase the maximum floor space ratio control from part 1.5:1 and part 0.5:1 to 2.25:1; and
- Incorporate a clause that will allow wintergardens to be included for residential development fronting Woodville Road in a manner that excludes the wintergarden floor area from the FSR calculation for the development.

(b) **That** a further Environmental Site Investigation be carried out to characterise potential contamination and assess the environmental risk prior to public exhibition, should a Gateway determination be issued for the Proposal.

(c) **That** a site-specific development control plan (DCP) be prepared and reported to Council prior to formal exhibition of the Planning Proposal.

- (d) **That** Council proceed with negotiations for a Voluntary Planning Agreement (VPA) with the landowner in relation to the Planning Proposal, where the VPA would be considered in addition to Section 94A contributions applicable.
- (e) **That** delegated authority be given to the CEO to negotiate the VPA on behalf of Council and that the outcome of negotiations be reported back to Council prior to its exhibition.
- (f) **That** Council advises the Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (g) **That** Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-amendment process.
- (h) **Further, that** consultation be undertaken with the owners of 244 Woodville Road, and 6, 10 and 12 Lansdowne Street, Merrylands about the potential for these sites to be rezoned to permit higher density development as part of a housekeeping Planning Proposal or any Planning Proposal arising from the Woodville Road Planning Strategy.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, 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

10.4 SUBJECT Planning Proposal for land at 61B George Street, Parramatta, known as the "Parramall" site.

REFERENCE RZ/11/2014 - D03985458

REPORT OF Team Leader - Land Use Planning

MOTION (Makari/Wilson)

16240 **That** Council not support the planning proposal to amend Schedule 1 Additional Permitted Uses of Parramatta City Centre Local Environmental Plan 2007 to include '*residential accommodation*' at 61B George Street, Parramatta.

AMENDMENT (Shaw/Esber)

That consideration of this matter be deferred until February 2016 to seek further information on this matter.

The amendment was put and lost.

The motion was put and carried.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, 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: Councillor P Esber

10.5 SUBJECT Planning Proposal for land at 197-207 Church Street, Parramatta
REFERENCE RZ/4/2015 - D03993596
REPORT OF Project Officer - Land Use Planning
MOTION (Esber/Issa)

16241 (a) **That** Council endorse the Planning Proposal in Attachment 1 subject to it being modified as follows:

- To incorporate the recent changes proposed by the applicant detailed in the section of this report titled 'Final Planning Proposal' for 197-207 Church Street, Parramatta.
- Provide an increase in FSR to 15:1 (excluding design excellence) subject to compliance with the sun access provisions of Clause 29E of PCCLEP 2007, including the "45-minute rule" for overshadowing of the solar zone of Parramatta Square and SEPP 65.
- Inclusion of a clause requiring an international design competition.
- A height to be determined by the design competition as described in (b).

(b) **That** the applicant work collaboratively with the CEO to draft a brief for an international design competition to design a building on the site, demonstrating compliance with the sun access provisions (Clause 29E of PCCLEP 2007) including the "45-minute rule" for overshadowing of the solar zone of Parramatta Square and SEPP 65. In particular, any future building on the site must demonstrate a built form that appropriately addresses the building separation controls of the ADG to ensure future development on adjacent sites is not compromised (including 20-22 Macquarie Street, Parramatta).

If any design competition entry proposes a height greater than 156AHD it will need to be supported by an Aeronautical Study to

address the relevant Section 117 Direction.

The design competition brief must require entrants to retain the HERITAGE façade of the existing building on the site.

The applicant must include, as one of the entries in the design competition, the “Boomerang” design already submitted to Council in support of its Planning Proposal, modified as required to comply with the design competition brief.

- (c) **That**, following drafting of the design competition brief, the CEO forward the Planning Proposal (together with the design competition brief) to the Department of Planning and Environment, seeking a Gateway determination.
- (d) **That** Council proceed with negotiations for a Voluntary Planning agreement VPA with the landowner in relation to the Planning Proposal including an amount for Uplift of FSR from 10:1 to 15:1 and that any VPA entered into would be an addition to S94 Development Contributions.
- (e) **That** delegated authority is given to the CEO to negotiate the VPA on behalf of Council and that the outcomes of negotiations are reported back to Council prior to its public exhibition.
- (f) **That** Council advises the Department of Planning and Environment that the CEO will be exercising the plan making delegations for this Planning Proposal as authorised by Council on 26th November 2012.
- (g) **Further, that** council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-amendment process.

AMENDMENT (Chowdhury/Elmore)

- (a) **That** Council endorse the Planning Proposal in Attachment 1 subject to it being modified as follows:
 - To incorporate the recent changes proposed by the applicant detailed in the section of this report titled ‘Final Planning Proposal’ for 197-207 Church Street, Parramatta.
 - Provide an increase in FSR to 10:1 (excluding design excellence) subject to compliance with the sun access provisions of Clause 29E of PCCLEP 2007 and the SEPP 65 Apartment Design Guide.
 - A height to be determined by the lodgement of a reference design as described in (b) and (c) below.
- (b) **That** the applicant provide a reference design with an FSR no greater than 10:1, demonstrating compliance with the sun access provisions (Clause 29E of PCCLEP 2007) and the SEPP 65 Apartment Design Guide (ADG). In particular, it must

demonstrate a built form that complies with the building separation controls of the ADG to ensure future development on adjacent sites is not compromised (including 20-22 Macquarie Street, Parramatta). If the reference design proposes a height greater than 156AHD the reference design will need to be supported by an Aeronautical Study to address the relevant Section 117 Direction.

- (c) **That** the CEO be delegated responsibility to consider the reference design provided by the applicant and determine the exact height that will be included in the Planning Proposal prior to it being forwarded to the Department of Planning and Environment seeking a Gateway determination.
- (d) **That** Council proceed with negotiations for a Voluntary Planning Agreement (VPA) with the landowner in relation to the Planning Proposal and that any VPA entered into would be in addition to S94A Development Contributions.
- (e) **That** delegated authority be given to the CEO to negotiate the VPA on behalf of Council and that the outcome of negotiations be reported back to Council prior to its public exhibition.
- (f) **That** Council advises the Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (g) **Further, that** Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan- amendment process.

The amendment was put and lost.

The motion was put and carried

DIVISION The result being:-

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

NOES: Councillors S H Chowdhury, J L Shaw and A A Wilson

10.6 SUBJECT Planning proposal for land at 2-10 Phillip Street, Parramatta

REFERENCE RZ/13/2014 - D03989954

REPORT OF Team Leader - Land Use Planning

RESOLVED (Esber/Issa)

- 16242 (a) **That** Council endorses the planning proposal contained at Attachment 1 subject to the planning proposal being modified to;
- permit a maximum floor space ratio of 10:1 (plus design excellence bonus) of which a minimum 1:1 must be provided as non-residential floorspace and
 - include a site specific provision allowing any floorspace above 10:1 up to an additional 5.5:1 to not contribute towards the calculation of the maximum floorspace only where provided as a hotel.
- (b) **That** the planning proposal as amended be forwarded to the Department of Planning and Environment for Gateway determination.
- (c) **That** it be clearly noted in the exhibition material that the provision of any floorspace above 10:1 (plus design excellence) be subject to the satisfactory completion of the broader traffic and transport modelling work currently underway as part of the Parramatta CBD Planning Framework process.
- (d) **That** the applicant be advised of the need to consult with the NSW Office of Environment and Heritage to further investigate the sites archaeological constraints. The findings are to be exhibited with planning proposal following Gateway determination.
- (e) **That** Council advises the NSW Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this planning proposal as authorised by Council on 26 November 2012.
- (f) **That** the applicant be requested to prepare a site specific Development Control Plan (DCP) to guide potential re-development of the site that incorporates the following principles; demonstration of an acceptable treatment of the heritage items on the site, no overhanging of any part of the building over the former St Andrew's Church, facilitation of the adaptive re-use of the former church hall, minimizes disruption to the exterior walls and roof of the hall and demonstrates compliance with the SEPP 65 Apartment Design Guidelines with respect to tower separation to other adjoining developments.
- (g) **That** the site specific DCP be reported to Council for endorsement and be exhibited concurrently with the planning proposal.
- (h) **That** Council invite the proponent to make an offer of a

Voluntary Planning Agreement (VPA) in relation to the planning proposal to deliver a public benefit.

- (i) **That** delegated authority be given to the CEO to negotiate the VPA on behalf of Council and that the outcome of negotiations be reported back to Council prior to its public exhibition.
- (j) **That** Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan amendment process.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, 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

10.7 SUBJECT Planning Proposal for land at 66 Phillip Street, Parramatta

REFERENCE RZ/25/2014 - D03993701

REPORT OF Project Officer- Land Use Planning

RESOLVED (Wearne/Wilson)

16243 **That** consideration of this matter be deferred as an urgent item to the Council Meeting to be held on 14 December 2015.

DIVISION The result being:-

AYES: Councillors J P Abood, G J Elmore, P Esber, P J Garrard, J A Hugh, S T Issa, B Makari, J L Shaw, L E Wearne and A A Wilson

NOES: Councillors S H Chowdhury, R Dwyer and S D Lloyd

10.8 SUBJECT Protocol - Assessment Governance Framework

REFERENCE F2008/00998 - D03966340

REPORT OF Director Strategic Outcomes and Development

RESOLVED (Elmore/Makari)

16244 (a) **That** the draft Protocol For Councillor Interaction And Development Applications be adopted by Council.

(b) **Further, that** a copy of the protocol be placed on Council's website.

10.9 SUBJECT Draft Parramatta Employment Lands Strategy 2015
REFERENCE F2012/02143 - D03995446
REPORT OF Team Leader LUP
RESOLVED (Abood/Issa)

- 16245 (a) **That** Council receive and note the recommendations of the Draft Parramatta Employment Lands Strategy 2015.
- (b) **That** the Draft Parramatta Employment Lands Strategy 2015, at Attachment 1 be placed on public exhibition for a period of no less than twenty eight (28) days from the day it is advertised in the local newspaper.
- (c) **That** a report be submitted to Council post public exhibition detailing the results of the public exhibition.
- (d) **Further, that** Council endorse the Draft Strategy recommendation for the southern portion of Precinct 18 – Guildford (Railway Terrace) which seeks to rezone the subject sites to R4 with a Floor Space Ratio of 2:1 with appropriate transition to adjoining areas and that the applicant/owners be advised of Council’s position.

DIVISION The result being:-

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

NOES: Councillors J L Shaw and A A Wilson

10.10 SUBJECT Support for future planning for former Parramatta Gaol site
REFERENCE F2014/00735 - D03990719
REPORT OF Senior Project Officer - Land Use
MOTION (Elmore/ Chowdhury)

- (a) **That** Council write to the NSW Government requesting it assist the Deerubbin Aboriginal Land Council in preparing background studies and analysis to support a planning proposal for the former Parramatta Gaol and adjoining land in North Parramatta.
- (b) **Further, that** Council receive a report on the maintenance and care of the site.

AMENDMENT (Wilson/Abood)

- 16246 (a) **That** no further action be taken on this matter.
- (b) **Further, that** Council receive a report on the maintenance and care of the site.

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

NOTE

Councillors J P Abood and P Esber left the meeting at 8.16pm and returned at 8.18pm during consideration of this matter.

10.11 SUBJECT 24-32 Koorine Street, Ermington -Variation to easement for drainage purposes.

REFERENCE DA/770/2013 - D03698670

REPORT OF Service Manager-Property Services & Space Management

RESOLVED (Wearne/Elmore)

- 16247 (a) **That** Council resolve to grant a variation to an Easement for Drainage of Water Variable Width over part of 24-32 Koorine Street, Ermington, being Lot 302 DP1175644 and also being proposed Lot 4007 DP1207710 on the terms and conditions contained within the report.
- (b) **That** Council resolve that authority is delegated to the Chief Executive Officer to sign all documents (other than any document which must be signed under common seal) in connection with this matter.
- (c) **Further, that** the Lord Mayor and Chief Executive Officer be authorised to execute under seal, if required, documentation relating to plans of subdivision, plans of easements, Section 88B instruments, transfers, transfers granting easements, including the terms of the easement and associated plans, contracts and deeds of agreement (if required) in connection with this matter.

10.12 SUBJECT 22 Neptune Street Dundas Valley - Proposed drainage easement over Council's land

REFERENCE DA/210/2015 - D03979489

REPORT OF Property Services Officer

RESOLVED (Wearne/Hugh)

- 16248 (a) **That** Council resolve to create an easement for drainage over Sir Thomas Mitchell Reserve (being Lots V and 1134 DP 36698) in favour of the property at 22 Neptune Street, Dundas Valley (being

Lot 1818 DP 529340) on the terms stated 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.

SUSPENSION OF STANDING ORDERS

16249 RESOLVED (Hugh/Esber)

That Standing Orders be suspended to enable consideration of an urgent motion pertaining to an application to be considered by the Joint Regional Planning Panel (JRPP) on Wednesday, 9 December 2015 regarding an application lodged by the Parramatta Leagues Club for a 1000 space, multi storey car park on land located on the existing at-grade car park.

NOTE

- 1. Prior to consideration of this matter, Councillors Abood and Wilson declared an interest as Members of the JRPP and left the meeting.**
- 2. The Lord Mayor also declared an interest prior to the consideration of this matter as a Member of the Parramatta Leagues Club Board and left the meeting.**
- 3. Councillor J Shaw declared an interest as he is a member of the Parramatta Leagues Club, but remained in the Chamber during consideration of this matter.**
- 4. In the absence of the Lord Mayor, the Deputy Lord Mayor, Councillor B Makari assumed the Chair.**

The Chairperson ruled that the matter was one of urgency.

1 SUBJECT Submission in Favour of Application Lodged by
Parramatta Leagues Club for Multi-Storey Car Park
REFERENCE DA/310/2015
FROM Councillor John Hugh
MOTION (Hugh/Esber)

- (a) **That** subject to legal advice, Parramatta City Council wishes to make the following submission in favour of the application to the Parramatta Leagues Club which proposes a 1000 space, multi-storey car park on land located on the existing at-grade car park.

- (b) **That** Council sees the site as suitable for the development. This was confirmed at the pre-lodgement meeting with Council dated 15 April, 2015 as follows:-

“The proposal...is considered as an ancillary development to a registered club, a recreational facilities/recreational facility (major) as the car park may also facilitate the adjoining Pirtek Stadium and a recreation facility (outdoor) being Parramatta Park”.

The pre-lodgement clearly points out that *“the proposed works are suitably located”* and that the proposal is in accordance with the Zone Objectives and, quote *“are of a bulk and scale that maintains suitable amenity for adjoining sites.”*

- (c) **That** Council views the proposal as complying with all standards and objectives of the Parramatta LEP 2011. The proposal complements the character and form of the adjoining building and provides activation to the south-east of the proposed car park.
- (d) **That** Council views the development of a 1000 space car park as enhancing the existing entertainment precinct, promoting at the same time support for the cultural, social and economic benefits for the city.
- (e) **That** in conclusion, Council supports the application and is satisfied that the proposed car park is an ancillary use to the existing permissible use on the site.
- (f) **Further, that** it be noted that nothing in this motion is intended to change or influence the recommendation made by council staff.

NOTE

- 1. Councillor R Dwyer left the meeting at 8.20pm during consideration of this matter and returned at 8.24pm.**
- 2. Councillor L E Wearne left the meeting at 8.24pm during consideration of this matter and returned at 8.30pm.**
- 3. Councillor Wearne expressed concern that the proposed motion was inappropriate and may be illegal.**

PROCEDURAL MATTER (Issa/Lloyd)

That consideration of this matter be deferred until after the mid meeting adjournment.

ADJOURNMENT OF MEETING

In accordance with Council's decision of 23 October 2000 (Minute No 5712), the meeting adjourned at 8.40pm for a period of 28 minutes.

RESUMPTION OF MEETING

The meeting resumed in the Council Chamber at 9.08pm, there being in attendance the Deputy Lord Mayor, Councillor B Makari in the Chair and Councillors S H Chowdhury, R Dwyer, G J Elmore, P Esber, J A Hugh, S T Issa, S D Lloyd, J L Shaw and L E Wearne.

NOTE

Debate on the submission in favour of an application lodged by Parramatta Leagues Club for Multi-Storey Car Park continued.

16250 AMENDMENT (Esber/Wearne)

- (a) **That** consideration of this matter be deferred to the next Council Meeting to be held on 14 December 2015 pending the provision of information on the application to all Councillors.
- (b) **Further, that** the JRPP be requested to defer the application to enable Council to make a formal submission on this matter.

The amendment was put and carried.

DIVISION (Wearne/Esber) The result being:-

AYES: Councillors S H Chowdhury, R Dwyer, G J Elmore, P Esber, S D Lloyd, B Makari, J L Shaw and L E Wearne

NOES: Councillors J A Hugh and S T Issa

The Deputy Lord Mayor again declared the amendment carried and the amendment, upon being put as the motion, was again carried.

NOTE

1. **The Lord Mayor, Councillor P J Garrard and Councillors J P Abood and A A Wilson returned to the meeting at 9.25 pm following consideration of this matter.**
2. **The Lord Mayor, Councillor P J Garrard once again assumed the Chair.**
3. **Councillor S Issa retired from the meeting at 9.25pm following consideration of this matter.**

FURTHER SUSPENSION OF STANDING ORDERS

16251 RESOLVED (Esber/Lloyd)

That Standing orders continue to be suspended to enable consideration of an urgent motion pertaining to pertaining to rates associated with the

relocation of the St Ioannis Greek Orthodox Church to 163-165 George Street, Parramatta.

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

- 2 SUBJECT Rates associated with the Relocation of the St Ioannis Greek Orthodox Church to 163-165 George Street, Parramatta
- REFERENCE F2004/08234
- FROM Councillor Pierre Esber
- RESOLVED (Esber/Lloyd)

16252 **That** Council explore options and seek to reach an agreement in relation to the payment of rates for the St Ioannis Greek Orthodox Church site at 163-165 George Street, Parramatta.

FURTHER SUSPENSION OF STANDING ORDERS

- 16253 RESOLVED (Dwyer/Lloyd)

That Standing Orders continue to be suspended to consider an urgent motion regarding traffic safety on Woodlands Street, Winston Hills.

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

- 3 SUBJECT 'No Right Turn' signs on Woodlands St, Winston Hills
- REFERENCE F2015/00119
- FROM Councillor Bob Dwyer
- RESOLVED (Dwyer /Lloyd)

- 16254 (a) **That** Council, with a view to avoiding a potential fatal accident, write an urgent letter to all residents in Woodlands St, Winston Hills to seek their views and thoughts on the potential for erection of a 'No Right Turn' sign into Woodlands St, Winston Hills from Windsor Rd as well as a 'No Right Turn' sign from Woodlands St into Windsor Rd.
- (b) **Further, that** a report be brought to Council on the outcome of the consultation with residents in Woodlands St, Winston Hills along with an appropriate recommendation for future action, if any.

RESUMPTION OF STANDING ORDERS

- 16255 RESOLVED (Makari/Wilson)

That Standing Orders be resumed.

ENVIRONMENT

11.1 SUBJECT Smart City flood information system for the Parramatta River
REFERENCE F2014/01051 - D03985426
REPORT OF Senior Project Officer - Environmental Outcomes
RESOLVED (Wearne/Wilson)

- 16256 (a) **That** Council supports further investigations into the feasibility of a flood information system for the Parramatta River, and its integration in the “Smart City” initiative; and
- (b) **Further, that** a report be made to Council once investigations are completed.

NOTE

Councillor P Esber left the meeting at 9.32pm during consideration of this matter.

LEADERSHIP AND GOVERNANCE

12.1 SUBJECT Policy and Procedure - Unauthorised Use of Public Land
REFERENCE F2014/00579 - D03462946
REPORT OF Manager Asset Strategy and Property Management
RESOLVED (Wearne/Elmore)

- 16257 (a) **That** Council adopted the Unauthorised Use of Public Land Policy and Procedure.
- (b) **That** a report be brought back to Council in 24 months to provide an update on the implementation of the Policy and Procedure.
- (c) **Further, that** Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise.

NOTE

Councillor P Esber had previously declared an interest in this matter as Councillor Esber’s property backs on to open space covered in this policy.

Councillor Esber had previously left the meeting.

NOTICES OF MOTION

13.1 SUBJECT Marketing Educational Opportunities to Overseas Students
REFERENCE F2004/06182 - D03984632
REPORT OF Councillor A A Wilson
RESOLVED (Wilson/Abood)

- 16258 (a) **That** Parramatta City Council prepare a report seeking to liaise with Granville TAFE, WSU and Parramatta's other tertiary educational institutions with a view to combining Parramatta's offering to overseas students in the manner of the "Study Geelong" campaign.
- (b) **Further, that** should there be sufficient interest, the Lord Mayor host an appropriate meeting of potential partners with a view to formalising an appropriate agreement.

NOTE

Councillor P Esber returned to the meeting at 9.33pm during consideration of this matter.

13.2 SUBJECT Construction of Pedestrian Bridge - From Morton Street, Parramatta East to Alfred Street, Parramatta
REFERENCE F2006/00965 - D03987668
REPORT OF Councillor J Chedid
RESOLVED (Esber/Lloyd)

16259 **That** consideration of the following motion be deferred as an urgent item to the Council Meeting to be held on 14 December 2015:-

(a) ***That** the CEO Parramatta City Council proceeds with the strategy of building the pedestrian bridge connecting the east with south end of the river as adopted in a council resolution in 2006.*

(b) **That** the funding model is to include the below options:

1. *Development Contribution from Planning Proposal agreement of \$2.5 million and \$800,000 through VPA (Voluntary Planning Agreements), resulting in \$3.3 million;*
2. *Future development along the river and surrounding areas like Rosehill, Alfred Street, James Ruse Drive, Thomas Street and MacArthur Street Parramatta and all the way to Victoria Road should contribute towards the pedestrian bridge through Section 94 and VPA funding.*
3. *That any development within the Western Sydney University Parramatta campus through Section 94 and VPA make a*

cash contribution towards the Bridge development.

- (c) Invite the State and Federal Government to become a strategic partner in this project by either making a cash contribution or develop the whole project for Parramatta's economics contribution towards the NSW and Australian economy as a Regionally City.*
- (d) Include a detailed report on what other states on similar projects have developed in regards to pedestrian bridges e.g. Brisbane City Council.*
- (e) That this project be listed as a high priority for Parramatta City Council after 8 years of being put on the back burner and not be deferred.*
- (f) That all future developments along the River Foreshore are to include in the planning zones, a mixed use retail zone to accommodate hospitality operations, such as cafes, restaurants like most development in Australia and around the world.*
- (g) That a traffic transport study be undertaken for the Parramatta CBD and include future development East and North of Parramatta and assess the opportunity for additional lanes on the Parramatta Gaswork bridge.”*

13.3 SUBJECT Councillor Service Awards
REFERENCE F2005/02435 - D03990398
REPORT OF Councillor A A Wilson
RESOLVED (Wilson/Makari)

- 16260 (a) **That** staff undertake the appropriate investigations with a view to ensuring that any Councillor receives the appropriate certificate or award for length of service.
- (b) **That** Council that investigate whether the position of Emeritus Mayor applies to Councillor Chedid.
- (c) **Further, that** Council undertake an appropriate ceremony if required to recognise individual Councillors.

13.4 SUBJECT Change to Voluntary Planning Agreement Policy
REFERENCE F2015/02769 - D03993693
REPORT OF Councillor J Chedid
RESOLVED (Chowdhury/Abood)

16261 **That** consideration of the following motion be deferred as an urgent item to the Council Meeting to be held on 14 December 2015:-

- “(a) **That** Council reviews its policy on Voluntary Planning Agreements, to*
- i. identify the key projects that should be supported by public benefits to be delivered via VPAs,*
 - ii. how this contribution should be delivered, and*
 - iii. recognise that value sharing is an appropriate approach for determining the value of a VPA contribution*
- (b) **That** while the review of the Policy is being undertaken, all VPAs associated with development proposals in the CBD, should seek to deliver public benefit contributions for the River Foreshore Strategy and associated projects, Council's major improvement projects , upgrades and delivery of new public domain and open spaces in the CBD, with a preference for River Foreshore Strategy projects.*
- (c) **That** in accordance with the current policy all VPAs be referred to Council for consideration of the initial offer and approval of the final offer.*
- (d) **Further, that** any upgrade or improvement surrounding a new development site be required as conditions of development consent e.g pedestrian link, road way and new footpath.”*

13.5 SUBJECT North Parramatta Heritage Precinct
REFERENCE F2014/00735 - D03996413
REPORT OF Councillor J Shaw
RESOLVED (Shaw/Wilson)

16262 **That** with respect to the North Parramatta Heritage precinct, Parramatta City Council calls on the NSW Government to:

1. Reverse the decision to re-zone the precinct.
2. Pause any urban renewal process of the site for 6 months for genuine and transparent consultation with the community, stakeholders and Parramatta City Council about the future of the site. This should include the exploration of alternative visions for the site.
3. Organize a further tour of the site following on from the heritage tour that has occurred. This tour is to be about the proposed development of the site and to be facilitated by Urban Growth. This should include invitees from the community.

NOTE

A notice of motion to rescind the above decision was tabled after the conclusion of the meeting and subsequently will be listed as an urgent item at the Council Meeting to be held on 14 December 2015.

CLOSED SESSION

NOTE

Prior to moving into Closed Session, the Lord Mayor asked the public gallery if any attendee wished to make representations in relation to any matter to be discussed in Closed Session.

No member of the gallery wished to make representations.

16263 RESOLVED (Makari/Dwyer)

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(s) of the Local Government Act, 1993 as the items listed come within the following provisions:-

- 1 Review of use and occupation of Council's properties currently occupied by the Scouts and Girl Guides. (D03941764) - *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 Expression of Interest for 1-3 Onslow Street Granville. (D03935215) - *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 9 Seville Street North Parramatta - Class 1 Appeal proceedings against Council's Refusal of Modification Application DA/140/1998/B. (D03987661) - *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.*
- 4 Legal Status Report. (D03994530) - *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 Council Report on Commonwealth Bank Decision. (D03994047) - *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.*

14.1 SUBJECT Review of use and occupation of Council's properties currently occupied by the Scouts and Girl Guides
REFERENCE F2015/02099 - D03941764
REPORT OF Service Manager Property Plan & Program
RESOLVED (Wearne/Wilson)

- 16264 (a) **That** Council resolve to progress the lease and licence process with Scouts and Girl Guides for 3 Edison Parade, Winston Hills and 42A Yates Avenue, Dundas as outlined in this report and that a report come back to Council.
- (b) **Further, that** Council receive a report on possible alternative sites for the Ermington Scouts should Sydney Water sell their properties.

NOTE

Councillor S Chowdhury declared a non-pecuniary interest in relation to this matter as he is a long term member of the Scouts.

Councillor Chowdhury remained in the Chamber during consideration of this matter.

14.2 SUBJECT Expression of Interest for 1-3 Onslow Street Granville
REFERENCE F2011/03679 - D03935215
REPORT OF Service Manager-Property Services & Space Management
MOTION (Wilson/Elmore)

- (a) **That** the Council offer a lease for 1-3 Onslow Street Granville to the Preferred Applicant on the terms outlined in this report.
- (b) **That** the Chief Executive Officer be delegated to negotiate with the Preferred Applicant in respect to Council's capital works contribution of the lease, and
- (c) **Further, that** the Chief Executive Officer be delegated to sign necessary documentation in respect to the lease.

AMENDMENT (Dwyer/Makari)

16265 **That** consideration of this matter be deferred as an urgent item to the Council Meeting to be held on 14 December 2015 for further information pertaining to such issues as why the previous tenants had moved out and the overall benefit of each proposal.

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

NOTE

Councillor J P Abood previously declared a non-significant, non-pecuniary interest in relation to this matter as Councillor Abood is a financial member of one of the clubs who have submitted an application.

Councillor Abood remained in the Chamber during consideration of this matter.

14.3 SUBJECT 9 Seville Street North Parramatta - Class 1 Appeal proceedings against Council's Refusal of Modification Application DA/140/1998/B
REFERENCE F2015/02950 - D03987661
REPORT OF Legal Services Manager
RESOLVED (Makari/Hugh)

16266 **That** Council maintain its defence of the appeal and have the matter listed for hearing before a Commissioner of the Land and Environment Court, subject to Council not providing any evidence in support of the above contentions.

14.4 SUBJECT Legal Status Report
REFERENCE F2004/07898 - D03994530
REPORT OF Legal Services Manager
RESOLVED (Elmore/Dwyer)

16267 **That** the report be received and noted.

14.5 SUBJECT Council Report on Commonwealth Bank Decision
REFERENCE F2015/00073 - D03994047
REPORT OF Commercial Manager
RESOLVED (Dwyer/Wilson)

16268 **That** Council receive and note this report.

The meeting terminated at 10.39pm.

RESCISSION MOTION

Immediately following the closure of the meeting, a notice of motion was lodged to rescind Item 13.5 of Notices of Motion regarding the North Parramatta Heritage Precinct by Councillors Abood, Lloyd and Dwyer.

The notice of rescission will be considered at the Council Meeting to be held on 14 December 2015.

THIS PAGE AND THE PRECEDING 45 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 7 DECEMBER 2015 AND CONFIRMED ON MONDAY, 14 DECEMBER 2015.

Lord Mayor