

MINUTES OF THE MEETING OF PARRAMATTA CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC PLACE, PARRAMATTA ON TUESDAY, 9 JUNE 2015 AT 6.52PM

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PRESENT

The Lord Mayor, Councillor S D Lloyd in the Chair and Councillors J P Abood (retired 10.23pm), J Chedid, S H Chowdhury, G J Elmore, P Esber (retired 9.55pm), J D Finn, J A Hugh, S T Issa (Deputy Lord Mayor – retired 10.45pm), B Makari, J L Shaw, L E Wearne and A A Wilson (retired 10.46pm).

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 25 May 2015

15681 RESOLVED (Esber/Hugh)

**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 Councillors R Dwyer and P J Garrard.

DECLARATIONS OF INTEREST

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

### MINUTES OF THE LORD MAYOR

1           SUBJECT       Winston Hills Mall - 180 - 192 Caroline Chisholm Drive,  
                                  Winston Hills - Hills Shire Council  
REFERENCE   DA/1410/2015/JP  
FROM         The Lord Mayor, Councillor Scott Lloyd

15682       RESOLVED     (Lloyd/Issa)

**That** Council ask the Director Strategic Outcome & Development to prepare a submission which addresses the concerns of the residents that may be affected by the proposed development.

2           SUBJECT       Demolition Applications Relating to Parramatta Square  
REFERENCE   DA/237/2015  
FROM         The Lord Mayor, Councillor Scott Lloyd

15683       RESOLVED     (Lloyd/Issa)

**That** Council grant delegated authority to the CEO to determine the remaining three demolition applications (DA/237/2015, DA/236/2015 and DA/235/2015) relating to Parramatta Square.

### PUBLIC FORUM

1           SUBJECT       Transport in Parramatta  
REFERENCE   F2011/03613  
FROM         Mr Simon Lovell

15684       As submitted.

“1) Why has the council abandoned its own report's recommendations to route the light rail via Eastwood in favour of via Epping? The Light Rail has enough unanswered questions of how it will get through the Parramatta CBD and going via Eastwood throws in questions of how it would get through Carlingford Rd and parts of Pennant Hills Rd without taking 2 of the 4 lanes or running in mixed traffic. The extension from Epping to Macquarie Park duplicates a corridor already served by buses and trains whereas going via Eastwood opens up possibilities not well served at present.

Going back to the bit through Parramatta, one map from Urbangrowth NSW shows it running down Macquarie St in both directions, which would create some unacceptable traffic outcomes.

- 2) Why are council's representations confined to a single mode? We already have some great infrastructure which is not used at all on weekends and used minimally even in peak hour. I refer to the Cumberland line. This should run every 15 minutes in peak hour and on weekends during and shortly after shopping hours to give a number of people an alternative to accessing Westfield via car as well as Parramatta workers in peak hour. Weekend traffic congestion rivals peak hour so I don't really know how it could be a good idea to have mediocre public transport on weekends.
- 3) I would also note that there is a lack of a bus lane southbound on Smith St/Wilde Ave between George St and Victoria Rd. This means that buses must run in congested mixed traffic until nearly Macquarie St where they meet the bus only lane. A bus lane would have a negligible impact on car traffic which cannot get through Station St any faster than at present but would speed up bus services, making Parramatta a more attractive location for placing jobs.
- 4) Also, there is the lack of a bus stop on Wilde Ave near Victoria Rd. This means that Church St services cannot stop near the school and Victoria Rd services can require 2 green lights to get around the corner - one to reach the stop on Victoria Rd and another to actually make the turn. This is a poor practice.
- 5) Final point is the lack of limited stops bus services to Parramatta. "Sydney's Bus Future" proposed what is in effect upgrading the M52 to limited stops for the full journey rather than just Ryde-CBD and upgrading the frequency to 10 minutes interpeak (from 15) and to 15 minutes on weekends from 20. These upgrades would be welcome but have not been implemented and do not go far enough. Specifically nothing is proposed for other limited stops services particularly along Windsor Rd and Pennant Hills Rd. The other point is that until routes like the M52 can run every 15 minutes until midnight 6 days a week, Sydney's public transport will never be a service that you can rely on."

**Response by Sue Weatherley, Director Strategic Outcomes and Development:-**

"In terms of Light Rail, Council is still awaiting an announcement from the Minister of Transport as to which is the preferred route alignment for the first phase. Eastwood could still be part of a preferred route alignment for the first or a subsequent light rail phase(s).

In terms of bus routes and stops within Parramatta CBD, Transport for NSW is currently reviewing all bus services pending the announcement of the preferred light rail route alignment."

2           SUBJECT       Level of Service  
              REFERENCE   F2010/01092  
              FROM           Mr Bruce Berry

15685       As tabled.

“Lord Mayor,

I have some inquiries about Council's level of service. They are related to development applications and Council policy, so are acceptable for public forum.

I have written several letters to Council on level of service issues and while there have been improvements, I have supplied a great deal of evidence that shows that "the high standards of Council officers", as claimed by Management, is not warranted. It is shown in such areas as long delays in responding, not responding at all, unsubstantiated decision making, inconsistencies and errors. It is also a reason why I have chosen to speak at public forum rather than writing another letter that may be ignored.

1. PLEASE PROVIDE A SUITABLE RESPONSE TO THE ABOVE.

Management's letter of 5 February 2015 claims that "accurate" answers have been given and lists its letters of "10 September 2014, October and November 2014" as proof. None of these letters address the concerns we raised, as follows :-

a. 10 September 2014. This letter responds to only 10 of the 32 issues I raised. My 3 page letter of 10 November to Management outlined why the letter is unacceptable.

b. 15 October 14. From the Legal Support Officer. It is a notification letter about the L and E Court amendments, with nothing about our concerns on the assessment.

Another of my letters (19 January 15) has been placed in Council's records, instead of answers being supplied to it. I have asked for details of the records keeping policy (3 months ago), but it has been ignored.

c. 28 October 14. From another Legal Support Officer and it is simply an acknowledgement of my submission on the L and E Court amendments.

d. 11 November 14. Another letter from the Legal officer, concerning L and E Court procedures, with nothing on the assessment.

e. 12 November 14. From the Records Officer and simply an acknowledgement of my GIPA application.

f. 13 November 14. From Management, stating that Council "endeavoured in good faith" to answer my queries. A very brief letter with no specific details, just opinion. It is very obvious that Management was wrongly "advised that Council officers responded in writing on 28 October 2014" on my inquiries.

g. 25 November 14. From the Legal Officer about the Consent Orders hearing. A notification letter only.

2. I WOULD LIKE TO KNOW HOW THE ABOVE LETTERS ARE "ACCURATE" AND HOW THEY ADDRESS OUR CONCERNS.

Council's letter of 19 March 2015 told me that I would be receiving a response to my letters of 27 February and 16 March 15 "over the coming weeks" . It has still not arrived after 9 weeks.

3. WHY HAS THERE BEEN THIS LONG DELAY AND WHEN WILL I RECEIVE THE RESPONSE ?

Other unresolved matters :-

Unsatisfactory Building Certification.

I mentioned at least 4 building sites in our area where construction has begun without any details of the certifier. The details must be provided on site even before demolition.

Because of this disregard for the consent conditions, I have compiled a list of all the other conditions that must receive the attention of the certifier before the Construction Certificate is issued. There are 36 of them.

The neighbours to the RFD at 11-13 Evans Rd Telopea sent a letter on these matters to Management, dated 16 February 2015. Council provided us with the name of the certifier and the address of the Buildings Professional Board. Apparently it took no action on reporting any failure of the certifier to adequately supervise the site. There has been no response on our point that Council should report certifiers to the BPB because it has a policy on it.

It is alarming that even standard conditions of consent do not appear to be enforced.

4. (a) PLEASE COMMENT ON THE ABOVE  
(b) WHAT, EXACTLY, IS COUNCIL'S POLICY ON REPORTING PRIVATE CERTIFIERS TO BPB AND HOW MANY TIMES THIS YEAR HAS IT HAPPENED?  
(c) ON HOW MANY OCCASIONS THIS YEAR HAS COUNCIL ACTED AS PCA?

## Failure to Table Our Petition

We entrusted our petition on 77 Kissing Point Rd Dundas to one of the Councillors, urgently asking for it to be tabled at Council meeting on 8 September 2014, prior to the DA being determined later in the meeting.

Our requests were ignored and we have had no explanations since then. The DA was approved. It should have been deferred until our petition was tabled.

### 5. WHAT IS THE EXPLANATION FOR THIS UNFAIR TREATMENT OF PETITIONERS?

Non Declaration of Developer Donations I first raised this matter in my letter of 19 January 2015 to Management. It was the only issue responded to from the many that I raised. It was suggested that I contact ICAC or the Dept of Local Government.

The details came from the Electoral Funding Authority which stated that the two Councillors had failed to disclose the donations. It named the Councillors, the developer and the amounts of the donations.

By the time I received the details, the three-year deadline for lodging complaints had expired.

### 6. WERE THE TWO COUNCILLORS ASKED FOR EXPLANATIONS AT ANY STAGE AND WAS ANY ACTION TAKEN UNDER COUNCIL'S CODE OF CONDUCT? IF NOT, WHY NOT?

### 7. MY SUBMISSION ON THE DRAFT CODE OF MEETING PRACTICE WAS MISHANDLED TO THE EXTENT THAT IT WAS NOT CONSIDERED.

### 8. PLEASE RESPOND SUITABLY TO EACH OF THE FOLLOWING:-

(a) 175-177 Kissing Pt Rd

No answer was given to my inquiry on :-

- (i) whether Council carried out the Critical Stage inspections as PCA and are the reports available.
- (ii). how can it be claimed that Council officers have provided "accurate" answers when the wrong address has been quoted for the site.

(b) 81-83 Kissing Pt Rd

After failing to contact the Compliance Manager and also his Acting Service Manager, I was told by the Assessment Officer that she would look into the matter. I have heard nothing since. In the meantime, the Occupation Certificate has been issued, without certifier details on site and with wrong and ineffective privacy screens on the eastern and western elevations.

(c) 66-68 Park Rd Rydalmere

I was not notified of the Conciliation Conference even though I had lodged a submission.

(d) 77 Kissing Pt Rd

The Assessment Officer has wrongly said that :-

(i) the isolated site at 75 Kissing Pt Rd is able to amalgamate with the heritage building at 25 Station St. The correct heritage building is 27 Station St.

(ii) there is a "shared driveway with access to St Andrews St". There is no such driveway and access.

Other examples from 66-68 Park Rd :-

(i) The assessment refers to "reduction in the FSR from 1.14:1 to 1.35:1". It is obviously not a reduction ; it is an increase.

(ii) "The proposal has an FSR of 0.59:1", which is described as a "departure of 0.9:1". The true departure is 0.09:1.

These are more examples of Council officers not being "accurate" or reaching "high standards". I have also seen no evidence that they have acted in "good faith".

**Response by Sue Weatherley, Director Strategic Outcomes and Development:-**

"A detailed and coordinated response will be provided to Mr Berry."

3           SUBJECT       Draft Amendment to Parramatta DCP  
REFERENCE   F2012/01980  
FROM         Keith Hamilton - Senior Minister Group CEO at  
              Parramatta Mission

15686       As tabled.

"Parramatta Mission is a parish mission of the Uniting Church in Australia. Then known as the Methodist church, it began on its current site in 1821. From that time, we have sought to express our faith in a way that builds up and strengthens the whole community. This means assisting people who are often marginalised or neglected, such as people who are homeless, facing homelessness, sleeping rough, hungry, socially disconnected and/or living with a mental illness.

We believe that God created the whole creation and continues to grace creation. God is interested and involved in the whole of life, including our work. Buildings express, whether by design or not, a world view, a

theology or understanding of God. Our building planning is guided by the assertion that there is no separation between sacred and secular; God is involved in the whole of life. So, our building design aims to express that the praying heart of Parramatta Mission is interconnected with hospitality, residential and commercial. Therefore our building proposals are expressions of our theological principles that we have developed and are refining.

We want to have buildings that enable people to move through the buildings and around the buildings, integrating with the Square and other buildings, contributing to the fabric and texture of the square. We want people to appreciate the historic Leigh Memorial church, without making it a monument or museum.”

4           SUBJECT        Amendment to Parramatta DCP 2011 - Parramatta Square  
              REFERENCE    F2012/01980  
              FROM           Michael Coombes – Coombes Property Group

15687       As tabled.

“Introduction

Good evening Lord Mayor and Councillors. Thank you for the opportunity to present to you tonight.

As a landowner and investor in Parramatta, I support the proposal to remove the restrictions on overshadowing of Parramatta Square and recommend that this be supported by Council.

Parramatta – Sydney’s second CBD

Parramatta has emerged as Sydney’s premier regional CBD. The new metropolitan strategy, ‘A Plan for Growing Sydney’, seeks to reinforce this.

One of the main actions of the document is “growing Greater Parramatta as Sydney’s second CBD.”

This kind of growth can only be achieved by servicing the CBD with appropriate infrastructure, and by allowing new development to provide sufficient height and floor space to accommodate much needed jobs and housing growth in Sydney’s west.

It is to be expected that this kind of growth will result in taller buildings in the Parramatta CBD – because if you can’t build out, you have to build up.

And it’s inevitable that new CBD-style development will cause overshadowing of nearby public spaces.



If overshadowing is completely avoided, then how is Parramatta expected to accommodate the kind of housing and jobs growth that is envisaged?

#### Overshadowing of public spaces

The current controls encourage shorter, squatter building forms that cast slow moving shadows over Parramatta Square in mid-winter. On the other hand, the proposal before Council tonight will allow taller & slender tower forms that will cast slimmer and faster moving shadows and therefore cause less overall impact.

Parramatta Square's east-west alignment makes it difficult to protect solar access to this space in the middle of the day during mid-winter. There are other existing and planned public spaces in the Parramatta CBD that are easier to protect because of their north-south alignment, such as Church Street Mall and Jubilee Park.

I do not support the Council officers' recommendation to amend the DCP to "minimise overshadowing". This is vague and does not create any more certainty than removing the restriction altogether. Also, contrary to the Council officers' report, removing the overshadowing restriction would not trigger the whole of the square to be subject to consideration under clause 29E – because if there is no restriction, then clause 29E simply does not apply.

For these reasons, I support the exhibited proposal to remove overshadowing restrictions on Parramatta Square. This is critical to promoting economic development in Parramatta and supporting its emerging CBD profile."

#### **Response by Sue Weatherley, Director Strategic Outcomes and Development:-**

"The concern raised by this public forum statement in relation to certainty around application of the words 'minimise overshadowing' has also been raised by Councillors at a recent workshop (3 June 2015). A memo has been circulated to Councillors this evening for consideration by Council to address this concern.

Council officers have undertaken further testing of proposed schemes to the north of Parramatta Square. As a result the following wording is provided for consideration for inclusion in providing guidance and certainty as to what level of overshadowing may be acceptable in the identified area within Parramatta Square.

*"Overshadowing is to be minimised within the area outlined in red in Figure 4.3.3.7.3 between mid-winter 12pm-2pm. Buildings shall be designed so as to ensure that no point of the area outlined in red is in shadow for a period greater than 45 minutes between 12pm-2pm mid-winter"*

This suggested control will ensure that developments to the north are provided in a tall, slender form and will not unreasonably restrict development."

**NOTE:**

1. **Councillor J Hugh left the meeting at 7.08pm and returned at 7.10pm during consideration of this matter.**
2. **Councillor A A Wilson left the meeting at 7.10pm during consideration of this matter.**

PETITIONS

1 SUBJECT Objections (2) to Development Application - 110, 112 and 112A Adderton Road, Carlingford  
REFERENCE DA/318/2014  
FROM Chen Ping Chung

15688 RESOLVED (Hugh/Chedid)

- (a) **That** the petition be considered in conjunction with Item 9.2 of Major Applications (Minute No. 15691 refers).
- (b) **Further, that** the head petitioner be advised of the relevant decision.

REPORTS - DOMESTIC APPLICATIONS

8.1 SUBJECT 39 Campbell Street, Parramatta  
(Lot 1 DP 83294) (Arthur Phillip Ward)  
DESCRIPTION Alterations to an existing State Heritage Listed building known as Lennox House for use as a medical centre (Physiotherapy and Rehabilitation Centre). The application is Integrated Development under the Heritage Act 1977.  
REFERENCE DA/752/2014 - Submitted 5 November 2014  
APPLICANT/S GLMC PROPERTIES 2 PTY LTD  
OWNERS GLMC PROPERTIES 2 PTY LTD  
REPORT OF Manager Development and Traffic Services  
REASON FOR REPORT TO COUNCIL

The application is referred to Council for determination in accordance with its resolution dated 27 June 2011 that Council considers Development Applications for works to a heritage item.

15689 RESOLVED (Hugh/Makari)

- (a) **That** Council grant development consent to DA/752/2014 subject to the conditions contained in Attachment 1.
- (b) **Further, that** the persons who lodged an individual submission be advised of Council's determination of the application.

DIVISION The result being:-

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

NOES: Nil

### REPORTS - MAJOR APPLICATIONS

9.1 SUBJECT 188 Woodville Road & 2 Montrose Avenue, Merrylands (Lots 17C, 231-234, 242-245, 249-253 in DP 752058, Granville Park, Pk 24) (Woodville Ward)

DESCRIPTION Use of Granville Park between 22 June and 12 July 2015 by Circus Royale and for 3 weeks annually for a 5 year period

REFERENCE DA/171/2015 - Submitted 24 March 2015

APPLICANT/S Circus Royale

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

REPORT OF Manager Development and Traffic Services

REASON FOR REPORT TO COUNCIL

The reserve is under Council's care, control and management.

15690 RESOLVED (Issa/Elmore)

**That** Council as the consent authority grant development consent to Development Application No. 171/2015 for the use of Granville Park by Circus Royale between 22 June and 12 July 2015, and for a maximum period of 3 weeks, once each year in 2016, 2017, 2018 and 2019 at 188 Woodville Road and 2 Melrose Avenue, Merrylands, subject to the recommended conditions.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, S H Chowdhury, G J Elmore, P Esber, J D Finn, J A Hugh, S T Issa, S D Lloyd,

B Makari, J L Shaw and L E Wearne.

NOES: Nil

9.2 SUBJECT 110, 112 & 112A Adderton Road, CARLINGFORD  
NSW 2118  
(Lot A DP 358117, Lot 2 DP 539923 and Lot 1 DP  
539923)  
(Elizabeth Macarthur Ward)

DESCRIPTION Demolition, lot consolidation, tree removal, right of way  
for access road and construction of a 5 storey residential  
flat building containing 44 units over basement parking  
and strata subdivision.

REFERENCE DA/318/2014 - Lodged 28 May 2014

APPLICANT/S Rockform Construction

OWNERS DTRT Group Pty Ltd

REPORT OF Manager Development and Traffic Services

REASON FOR REPORT TO COUNCIL

The application is referred to Council as the proposal  
seeks to vary the maximum permissible building height  
of the building by 20% and vary the floor space ratio by  
9.4%.

15691 RESOLVED (Hugh/Shaw)

**That** consideration of this matter be deferred to enable negotiations to  
occur between the applicant and effected property owners at 106A and  
108 Adderton Road, Carlingford, particularly in relation to the following:-

1. Addressing safety and noise concerns arising from the driveway;
2. Possible negotiations to reduce the height from the southern end to  
minimise overshadowing impact to the southern properties;
3. Possible widening of the driveway to include pedestrian access to  
the site if the driveway is going to be shared by more than 44  
apartments.

DIVISION The result being:-

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

NOES: Nil

**NOTE:**

1. **Councillor J P Abood left the meeting at 7.14pm and returned  
at 7.16pm during consideration of this matter.**

**2. Councillor A A Wilson returned to the meeting at 7.16pm during consideration of this matter.**

9.3 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 REPORT 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).

MOTION (Issa/Makari)

- (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.

15692 AMENDMENT (Chedid/Esber)

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

FORESHADOWED MOTION (Hugh/Chowdhury)

That the application be refused.

The amendment was put and carried and became the motion.

The foreshadowed motion became the amendment and was put and lost.

The motion (for deferral) was put and carried.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, G J Elmore, P Esber, J D Finn, S D Lloyd, B Makari, J L Shaw and A A Wilson

NOES: Councillors S H Chowdhury, J A Hugh, S T Issa and L E Wearne

9.4 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

REASON FOR REPORT 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).

MOTION (Issa)

(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 conditions in Attachment 1.

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

15693 AMENDMENT (Chedid/Shaw)

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

FORESHADOWED MOTION (Wearne/Hugh)

**That** the application be refused for the following reasons:-

1. Bulk and scale of the development;
2. Proposed development is in a flood zone;
3. The lack of transition between the proposal and the R2 zone;
4. The proposal is an overdevelopment of the site;
5. The proposal is not in the public interest;
6. Any other matters that the staff may consider appropriate.

The amendment was put and carried and became the motion.

The foreshadowed motion became the amendment and was put and lost.

The motion (which was originally the amendment) was put and carried.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, S H Chowdhury, G J Elmore, P Esber, J D Finn, S T Issa, S D Lloyd, B Makari and J L Shaw

NOES: Councillors J A Hugh, L E Wearne and A A Wilson

**NOTE:**

**Councillor J P Abood left the meeting at 8.10pm and returned to the meeting at 8.11pm during consideration of this matter.**

### ECONOMY

10.1 SUBJECT Review of use and proposed occupation of Council's property Suite 6, 70 Macquarie Street Parramatta, in accordance with the Property Lease and Licence Policy and Procedure

REFERENCE F2012/01067 - D03676730

REPORT OF Space Management Officer. Also Manager Asset Strategy and Property Management Memorandum dated 29 May 2015.

15694 RESOLVED (Wearne/Wilson)

**That** this matter be considered in Closed Session (see Minute No. 15707)

#### ACKNOWLEDGEMENT OF CRAIG HUGHES-CASHMORE

Councillor J P Abood acknowledged the presence of Craig Hughes-Cashmore, Co-Founder and Executive Director of Survivors and Mates Support Network, in the public gallery at this point in the meeting.

10.2 SUBJECT Proposed sale of Council land at 134A Park Road Rydalmere  
REFERENCE F2014/02254 - D03679159  
REPORT OF Property Services Officer. Also Memorandum dated 9 June 2015 from Manager Asset Strategy and Property Management dated 9 June 2015.

15695 RESOLVED (Issa/Elmore)

**That** the Lord Mayor and the Chief Executive Officer, pursuant to sale of Council owned subject land, being 134A Park Road Rydalmere (Lot 18A DP 442056), be authorised to execute a plan of consolidation under Council seal of the subject land with 134 Park Road Rydalmere (Lot 18 DP 21646).

10.3 SUBJECT Variations to Standards under Clause 4.6 of LEP 2011, Clause 24 of LEP 2007 and SEPP 1  
REFERENCE F2009/00431 - D03679840  
REPORT OF Manager Development and Traffic Services

15696 RESOLVED (Esber/Makari)

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

#### ADJOURNMENT OF MEETING

In accordance with Council's decision of 23 October 2000 (Minute No 5712) the meeting adjourned at 8.25pm for a period of 27 minutes.

#### RESUMPTION OF MEETING



The meeting resumed in the Council Chamber at 8.52pm, there being in attendance the Lord Mayor, Councillor S D Lloyd and Councillors J P Abood, J Chedid, S Chowdhury, G J Elmore, J D Finn, J A Hugh, S T Issa, B Makari, J L Shaw, L E Wearne and A A Wilson.

10.4 SUBJECT Amendment to Parramatta Development Control Plan 2011 – Parramatta Square – Outcomes of Public Exhibition

REFERENCE F2012/01980 - D03681082

REPORT OF Project Officer - Land Use Planning. Also Service Manager Land Use and Planning Memorandum dated 9 June 2015.

15697 RESOLVED (Issa/Esber)

- (a) **That** Council receive and note the submissions made during the exhibition of the amendment to Parramatta Development Control Plan 2011 - Parramatta Square contained at Attachment 1.
- (b) **That** Council endorse the amendments as exhibited to the Parramatta Development Control Plan 2011 contained at Attachment 2, subject to the controls related to solar access for Parramatta Square being modified as;
- The current area subject to the solar access controls outlined in red of approximately 3000m<sup>2</sup> area contained in Figure 4.3.3.7.3 being retained
  - Site objectives - C.2 - Overshadowing is to be minimised within the area outlined red in Figure 4.3.3.7.3
  - Building form – C.7 – Overshadowing is to be minimised within the area outlined in red in Figure 4.3.3.7.3.
  - Legend of Figure 4.3.3.7.3 be amended to read; Minimise overshadowing between mid-winter 12pm-2pm
- (c) **That** Council take the necessary steps to implement these amendments and that a notice be published in the local newspaper to put into effect the draft amendment to Parramatta Development Control Plan 2011.
- (d) **That** Council authorise the CEO to make any minor amendments and corrections of an administrative and non-policy nature that may arise while finalising the plan amendment.
- (e) **That** a further amendment as follows be exhibited for a period of 28 days:-

*Building form – C.7 – Overshadowing is to be minimised within the area outlined in red in Figure 4.3.3.7.3. Buildings shall be designed so as to ensure that no point of the area outlined in red is in shadow for a period greater than 45 minutes between 12pm-2pm mid-winter*

- (f) **Further, that** the outcomes of this further public exhibition be

reported to Council.

DIVISION The result being:-

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

NOES: Councillors S H Chowdhury

**NOTE:**

**Councillor P Esber returned to the meeting at 8.53pm during consideration of this matter.**

10.5 SUBJECT Voluntary Planning Agreement Offer: 2-8 River Road West, Parramatta

REFERENCE RZ/6/2010 - D03687745

REPORT OF Project Officer, Land Use Planning

MOTION (Wearne/Wilson)

**That** consideration of this matter be deferred until such time as the Chamber is informed in relation to the relevant Development Application submitted for 3 extra storeys.

15698 AMENDMENT (Esber/Issa)

(a) **That** Council proceed with negotiations for a draft Voluntary Planning Agreement (VPA) (or amendment to existing VPA) in relation to a mixed use development at 2-8 River Road West, Parramatta.

(b) **Further, that** Council authorise the CEO to negotiate the VPA (new or amendment) on behalf of Council and report back to Council with a recommendation on whether the draft VPA should proceed.

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

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, P Esber, J A Hugh, S T Issa, S D Lloyd and B Makari

NOES: Councillors S H Chowdhury, G J Elmore, J D Finn, J L Shaw, L E Wearne and A A Wilson

10.6 SUBJECT Voluntary Planning Agreement Offer: 158-164  
Hawkesbury Road and 2A Darcy Road, Westmead ( UWS Westmead)

REFERENCE DA/571/2014 - D03687788

REPORT OF Project Officer, Land Use Planning

15699 RESOLVED (Esber/Makari)

(a) **That** Council proceed with negotiations for a Voluntary Planning Agreement (VPA) to be made in lieu of payment of Section 94A development contributions applicable to DA/571/2014.

(b) **Further, that** Council authorise the CEO to negotiate the VPA on behalf of Council and report back to Council with a recommendation on whether the draft VPA should proceed.

DIVISION The result being:-

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

NOES: Nil

10.7 SUBJECT PS3 - 153 Macquarie Street, Parramatta - Early Works  
DA for Basement Structure

REFERENCE F2015/00178 - D03690596

REPORT OF Asst Development Manager

15700 RESOLVED (Esber/Makari)

(a) **That** the Chief Executive Officer be authorised to grant land owners consent and sign other permits required for the lodgement of a development application for the PS3 basement and Macquarie St access ramp.

(b) **That** the Property Development Group be authorised to progress the detailed design of the basement and access ramp to a tender level of drawings.

(c) **That** the Property Development Group be authorised to seek tenders from qualified and experience builders for the construction of the PS3 basement and access ramp.

- (d) **Further, that** a report on tenders for the construction of the PS3 basement and access ramp be presented to Council for their consideration.

### ENVIRONMENT

11.1 SUBJECT Barry Wilde Bridge Sewer Pipe Relocation  
REFERENCE F2010/02284 - D03691805  
REPORT OF Senior Project Officer - Environmental Outcomes

15701 RESOLVED (Wilson/Wearne)

- (a) **That** Council authorise the CEO to finalise and execute an MOU with Sydney Water for the concept design of the sewer pipe relocation.
- (b) **Further, that** a report on the sewer pipe relocation be presented to Council for its consideration, once the concept design and costing of the relocation has been completed.

11.2 SUBJECT Naming of Bushland Reserve Between Kirby Street, Kissing Point and Park Roads in Dundas and Rydalmere as Marri Badoo Reserve

REFERENCE F2015/00747 - D03693528

REPORT OF Open Space & Natural Area Planner

15702 RESOLVED (Chedid/Makari)

**That** consideration of this matter be deferred to investigate the possible division of the park into 4 parts with 2 of the subsequent parts of this reserve to be known as the John Haines Reserve and the Honourable Phillip Ruddock Reserve, respectively.

#### **NOTE:**

**Councillor A A Wilson left the meeting at 9.16pm during consideration of this matter.**

### SUSPENSION OF STANDING ORDERS

SUBJECT Light Rail in Western Sydney

REFERENCE MAYOR/2015/00831

FROM Councillor John Chedid

15703 RESOLVED (Chedid/Hugh)

**That** Standing Orders be suspended to enable consideration of an urgent motion pertaining to the need for a response to a recent story in the Telegraph pertaining to an alternate route for light rail to Olympic Park.

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

**NOTE:**

**Councillor A A Wilson returned to the meeting at 9.20pm during consideration of this matter.**

15704 RESOLVED (Chedid/Hugh)

(a) **That** the Lord Mayor write to the Premier and relevant authorities outlining Council's concerns and objection to any light rail proposal that goes to Olympic Park instead of through the UWS and Eastwood.

(b) **That** Council seek an appointment with the relevant Minister to reinforce Council's views in relation to this matter.

(c) **Further, that** Council release a public statement in response to the recent news article outlining Council's view on the preferred light rail route.

**NOTE:**

**Councillor P Esber left the meeting at 9.37pm and returned at 9.41pm during consideration of this matter.**

RESUMPTION OF STANDING ORDERS

15705 RESOLVED (Wearne/Esber)

**That** Standing Orders be resumed.

CLOSED SESSION

15706 RESOLVED (Wearne/Issa)

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:-

10.1 Review of use and proposed occupation of Council's property Suite 6, 70 Macquarie Street Parramatta, in accordance with the Property Lease and Licence Policy and Procedure - *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.*

1 Tender No 13/2015 Collett Village Neighbourhood Centre, North Parramatta - Paving Upgrade and Associated Works. (D03671423) - *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 ITT 7/2014 Provision of Legal Services. (D03674983) - *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 Council Car Park Opportunities. (D03697136) - *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.*

4 Urgent Legal Matter – 10 – 12 Milner Road, Guildford (F2015/00192) *This memorandum is confidential in accordance with section 10A (2) (g) of the Local Government Act 1993 as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

5 Parramatta Square – (D03711650) *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.*

10.1 SUBJECT Review of use and proposed occupation of Council's property Suite 6, 70 Macquarie Street Parramatta, in accordance with the Property Lease and Licence Policy and Procedure

REFERENCE F2015/00073

REPORT OF Space Management Officer. Also Manager Asset Strategy and Property Management Memorandum dated 29 May 2015.

15707 RESOLVED (Abood/Issa)

- (a) **That** Council lease office Suite 6, 70 Macquarie Street Parramatta and approve option 2 as outlined in paragraph 15 of this report.
- (b) **Further, that** Council authorises the Chief Executive Officer to prepare, negotiate and finalise lease and associated documents that formally records the legally binding arrangement to lease the Premises.

12.1 SUBJECT Tender No 13/2015 Collett Village Neighbourhood Centre, North Parramatta - Paving Upgrade and Associated Works

REFERENCE F2015/00956 - D03671423

REPORT OF Project Manager

15708 RESOLVED (Chedid/Issa)

- (a) **That** the tender submitted by Mansour Paving (Aust) Pty Ltd for the footpath upgrade and associated works at the Collett Village Neighbourhood Centre, corner of Victoria Road and Pennant Street, North Parramatta for the sum of \$166,457.41 (excluding GST) be accepted.
- (b) **That** all unsuccessful tenderers be advised of Council's decision in this matter.
- (c) **That** the Lord Mayor and Chief Executive Officer be given delegated authority to execute and affix the Common Seal of Council to the necessary documents.
- (d) **Further, that** Councillors be advised, via monthly meeting, of any projects being undertaken in their respective wards.

**NOTE:**

**Councillor P Esber retired from the meeting at 9.55pm during consideration of this matter.**

12.2 SUBJECT ITT 7/2014 Provision of Legal Services

REFERENCE F2015/00686 - D03674983

REPORT OF Legal Services Manager

15709 RESOLVED (Issa/Elmore)

**That:-**

- (i) The proposals for the provision of legal services be accepted from: HWL Ebsworth; Marsdens Law Group; Sparke Helmore; Storey & Gough; and, Matthews Folbigg and, for those legal services providers to be appointed to the panel of legal service providers for a period of 3 years (with an option for a further one (1) year term, followed by a further option for an additional one (1) year term, both exercisable at Council's discretion).
- (ii) Council reserves the right to engage legal services providers from outside the legal panel if the Chief Executive Officer or, the Manager of Legal Services or, both of them, thinks fit.
- (iii) The Chief Executive Officer be authorised to sign on behalf of Council a services agreement with each legal service provider in the form contained in the Tender subject to any minor amendments the Chief Executive Officer considers reasonably necessary.
- (iv) The legal service providers appointed to the panel, will be required to provide Council with a report annually as to their performance in the previous 12 months. The report is to be addressed to the Chief Executive Officer and Manager Legal Services and will be referred to the Council for its consideration.

12.3 SUBJECT Council Car Park Opportunities

REFERENCE F2015/00178 - D03697136

REPORT OF Senior Development Manager

15710 RESOLVED (Chedid/Issa)

**That** to assist in finalisation of Council's Carparking Strategy, the Council adopts the recommendations in paragraph 22 of the report.

**NOTE:**

**Councillor J Hugh left the meeting at 10.10pm during consideration of this matter.**

12.4 SUBJECT Urgent Legal Matter - 10 - 12 Milner Road, Guildford

REFERENCE F2015/00192

FROM Memorandum from Legal Services Memorandum dated 9 June 2015.



15711 RESOLVED (Issa/Chowdhury)

**That** the option contained in paragraph 20(a) of Legal Services Memorandum dated 9 June 2015 be adopted by Council on the basis of Council's legal advice and the views of the experts who considered the amended plans, all of whom concluded that Council's concerns had been satisfactorily addressed by the amended plans.

**NOTE:**

**Councillor J Hugh returned to the meeting at 10.13pm during consideration of this matter.**

12.5 SUBJECT Parramatta Square  
REFERENCE F2015/00178  
FROM Director Property and Significant Assets

15712 RESOLVED (Chedid/Wilson)

**That** Council note this report and adopt the recommendations contained in Paragraph 14 of the report.

SUSPENSION OF STANDING ORDERS

SUBJECT Staff Restructures  
REFERENCE F2014/01410  
FROM Councillor Glenn Elmore

15713 RESOLVED (Elmore/Shaw)

**That** Standing Orders be suspended to enable consideration of an urgent motion pertaining to staff restructures.

The Lord Mayor ruled the matter was one of urgency.

MOTION (Elmore/Shaw)

**That** all staff restructures (current or planned) at Parramatta City Council be reviewed by the Chamber. If any urgent restructuring is required, it be subject to the decision of this Chamber.

15714 AMENDMENT (Wearne/Chedid)

**That** the Chief Executive Officer provide Councillors with:-

1. Detailed information in relation to the Finance Department

- restructure;
2. Details on any proposed future departmental restructures.

The motion was withdrawn.

The amendment became the motion and was put and carried.

**NOTE:**

1. **Councillor J P Abood retired from the meeting at 10.23 during consideration of this matter.**
2. **Councillor S T Issa retired from the meeting at 10.45pm during consideration of this matter.**
3. **Councillor A A Wilson retired from the meeting at 10.46pm during consideration of this matter.**

RESUMPTION OF STANDING ORDERS

15715 RESOLVED (Wearne/Makari)

**That** Standing Orders be resumed.

The meeting terminated at 10.48pm.

THIS PAGE AND THE PRECEDING 24 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 9 JUNE 2015 AND CONFIRMED ON MONDAY, 22 JUNE 2015.

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Lord Mayor