

MINUTES OF THE MEETING OF PARRAMATTA CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC PLACE, PARRAMATTA ON MONDAY, 9 NOVEMBER 2015 AT 6.48PM

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PRESENT

The Lord Mayor, Councillor P J Garrard in the Chair and Councillors J P Abood (retired 8.35pm), J Chedid (retired 8.35pm), S H Chowdhury, G J Elmore, P Esber (retired 8.20pm), J D Finn, J A Hugh, S T Issa (retired 8.34pm), S D Lloyd, B Makari (Deputy Lord Mayor – retired 8.38pm), J L Shaw, L E Wearne and A A Wilson.

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Lord Mayor, Councillor P J Garrard acknowledged the Burramattagal 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 (Ordinary) Meeting held on 26 October 2015
16124	RESOLVED	(Makar/Esber)

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

APOLOGIES

16125	RESOLVED	(Abood/Lloyd)
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**That** an apology be received and accepted for the absence of Councillor R Dwyer.

DECLARATIONS OF INTEREST

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

MINUTES OF THE LORD MAYOR

1	SUBJECT	Northcott's Annual 20th Year Anniversary Cricket Legends Lunch - \$5000 Event Sponsorship
	REFERENCE	F2015/02763

FROM The Lord Mayor, Councillor Paul Garrard

16126 RESOLVED (Garrard/Wilson)

**That** Council purchase an event sponsorship package to Northcott's Annual Cricket Legends Lunch for \$5,000 to support the 20<sup>th</sup> Year Anniversary.

2 SUBJECT Coo-ee Reenactment March and Remembrance Day 2015

REFERENCE F2014/03305

FROM The Lord Mayor, Councillor Paul Garrard

16126 RESOLVED (Garrard/Makari)

(a) **That** Council formally acknowledge those participating in the Coo-ee Re-enactment March;

(b) **That** Council observe one minute's silence to remember the fallen and;

(c) **Further, that** Council formally acknowledge the memory of the fallen, by Council staff observing one minute's silence on Wednesday 11 November 2015, 11:00am.

**Note**

**The Chamber observed one minute's silence following consideration of this matter.**

PUBLIC FORUM

1 SUBJECT Planning Proposal - 14-20 Parkes Street, Harris Park

REFERENCE RZ/9/2015

FROM Michael Harrison

16128 **Presentation to Parramatta City Council by Michael Harrison, Director Urban Design and Urban Planning, Architectus. Michael assisted Council with the strategic review of built form for the City Centre in 2014.**

As tabled.

"Strategic importance of the site

The Parramatta City Centre is the alternative CBD to Central Sydney - together a global city.

Parramatta should compare itself to Central Sydney. The site is only 2

street blocks or 400m from Parramatta Rail Station and bus interchange.

#### Transition to Conservation Areas

##### *Central Sydney/ The Rocks Conservation Area*

The transition between the CBD skyline of Central Sydney to one of Australia's most highly recognised conservation areas - The Rocks - is quite sharp - from 2-4 storeys to over 40 storeys across a street.

##### *Central Park (Central Sydney)/ Chippendale HCA*

The recent Central Park development on the former CUB site has a sharp transition from 34 storeys to the 2 storey Chippendale conservation area to the south in the space of one street block - like the subject proposal which is one block north of the Harris Park Conservation area.

The conclusion is that a fairly sharp transition reinforces the strong skyline quality of the CBD and also the difference in contrasting built form actually reinforces the heritage character of the nearby conservation areas.

##### *Council report diagrams*

- The diagram showing all buildings the same height under 10.0:1 looks boring because of the flatness of all the buildings being the same height.
- In reality, 10.0:1 buildings will vary significantly in height depending on site size and footplate size - so the skyline will actually be visually interesting.
- The Council report does not show built form for the intervening street block at all. If the built form of lesser FSR was shown on the intervening street block then you would still see a transition in scale if a sharper transition is not desired.

#### FSR transition from site to Harris Park Conservation Area

Actual street level views (the photomontages) are from the Harris St conservation area in Wigram St to the south and from the parkland in Ruse St to the east show the subject site at 10.0:1 FSR in the future skyline context. This shows that the subject proposal fits in well. These views are not in Council's report – however, these views accurately show the real visual impact – which is the subject proposal in a context of tall buildings that are planned for the City Centre.

A suitable transition would be:

- Proposed development: 10:1+15% design excellence bonus
- Sites in the intervening street block to the south:

- 6:1 or 8.0:1+15% (adjacent to subject site)
- 4:1 or 6.0:1+15% (adjacent to the conservation area)
- Other sites shown in the photomontages are from the Architectus' model for the Draft Parramatta City Centre Planning Framework Study (2014) – which is typically 10:1 FSR for almost all sites in the city centre – treating property owners as equitably as possible.

#### Design Excellence

The subject proposal provides the opportunity to contribute strongly to the built form and design quality of the Parramatta City Centre. These Architectus images show the quality of the development envisaged.

#### Heritage Assessment (by Robert Stass, heritage consultant)

- The subject development site is located in a position that is set well back from the physical interface with the adjoining Harris Park Conservation Area being separated from that defined zone by a full city block between Una Street and Parkes Street.
- Parkes Street forms a natural physical boundary to the future higher development of the Parramatta CBD with the block between Parkes and Una being an appropriate area for any future transitional development if that approach is endorsed by Council.
- In heritage terms the impact of the requested controls for this site will not result in any significant adverse impact on the open areas to the east or to the conservation area to the south.”

#### **Note**

**Response from Sue Weatherley – Director Strategic Outcomes and Development provided after Public Forum 2.**

2 SUBJECT Planning Proposal - 14-20 Parkes Street, Harris Park  
 REFERENCE RZ/9/2015  
 FROM Robert Stass

16129 As tabled.

“I am seeking to present to you the heritage related matters associated with the maintaining of currently recommended planning controls affecting the site at 14 – 20 Parkes Street in the Parramatta CBD. My expertise is heritage and I have been involved in several submissions relating to developments in the area.

The subject development site is located in a position that is set well back from the physical interface with the adjoining Harris Park Conservation

Area being separated from that defined zone by a full city block between Una Street and Parkes Street.

Parkes Street forms a natural physical boundary to the future higher development of the Parramatta CBD with the block between Parkes and Una being an appropriate area for any future transitional development if that approach is endorsed by Council.

In heritage terms views from within the Harris Park conservation area to the north will be defined by any development that rises above about four storeys and will already be substantially affected by current applications beyond the subject site in this planning proposal.

The subject site is also set well back from the edge of the open landscape spaces to the east which forms the natural edge of the CBD along Harris Street. Again any transitional values in relation to this edge of the CBD does not need to extend to the subject site for any heritage reason. Existing development applications for this edge already define it as the extent of the CBD in relation to the Colonial landscapes to the east.

In my professional opinion any proposed change to the recommendations for FSR allowances associated with this site will not result in any significant benefits to the conservation values of the adjoining areas. Appreciation of these areas is appreciated at pedestrian level and not from birds eye locations.

In this regard appropriate planning controls that create podium structures that define the street edges are more important than the height or density of tower structures. The differences in heritage impact between the two alternative design options shown in Figures 8.3 and 8.4 will in my opinion be negligible at pedestrian level where it would have the greatest visual impact.

I am therefore of the opinion that the current planning guidelines should be maintained for this site to allow for a 10 : 1 Floor Space Ratio which will relate this development more appropriately with others under consideration in the immediate context and will result in an appropriate urban design response as outlined by Mr Harrison.

#### 14 – 20 PARKES STREET HARRIS PARK.

- Detailed heritage assessments were made previously to determine appropriate heights and Floor Space Ratios in the vicinity of the Conservation Area and the open land to the east of the city centre. These did not identify any heritage issues that would require a substantial reduction in Floor Space Ratio for the subject site.
- Heritage and Urban Design recommendations based on those assessments were previously made as to the appropriate definition that the recommended heights and Floor Space Ratios would have on the edge of the CBD. These were generally accepted by Council as appropriate.
- Those controls which were recommended originally for the subject site would not have any significant adverse impact on the public



Northmead.

I am very concerned with the issue of child pedestrian safety within a General Industrial area. According to council's own documents the risk to pedestrian safety is significant if parents do not park within the unit. With only 10 parking spots and busy parents, rushing to get to work - it is not possible to ensure that parking will be limited to within the unit (no matter how many signs are installed). Will council be responsible for policing the parking within this busy industrial complex on a daily basis to ensure child pedestrian safety is maintained?

Further to the above, council planners have detailed that an evacuation plan is recommended "on site". Where would be a suitable place for 51, 0-5 year old children to congregate within a busy industrial complex?

Health Officers have requested reports to be submitted on air quality and acoustic assessment before an Occupation Certificate will be issued. This is a General Industrial complex, which by definition is a complex which allows industrial use. Council's DCP states that child care centres must not be situated near ... (sites which) may in future accommodate noise or odour generating uses". Even if current measures are satisfactory, would this limit the future use of other units within the industrial complex? This would result in a significant economic impact to all other owners of units within the industrial complex.

The planners comments regarding the economic impact on existing business, suggests there is insufficient information to suggest there will be any impact. There were 9 objections to this proposal, which I would suggest indicates significant impacts to existing businesses. Furthermore, our tenant has made it clear that he objects to a child care centre within the complex. Of huge economic impact would be the loss of a tenant due to the child care centre and given that concerns exist, a prospective new tenant may consider this enough to look elsewhere for an industrial unit. Who will compensate owners for their economic losses?

Thank you for your time."

**Response from Sue Weatherley – Director Strategic Outcomes and Development:-**

"Policing of Car Parking

Will council be responsible for policing the parking within this busy industrial complex on a daily basis to ensure child pedestrian safety is maintained?

No. Council does not enforce parking on private property. In addition the child care centre operator will be required to advise parents that parking in spaces outside Unit 2 in the common property of the complex is prohibited as stated in the Plan of Management which forms part of the



Northmead for the purposes of a child care centre for 51 children.

The proposed development is well located in relation to public transport and major employment generating businesses including the numerous industrial developments along Briens Road and the Westmead Hospital Precinct.

The development has been sensitively designed to ensure impacts on other tenants within the existing Coopers Business Park and the residential area to the north will be negligible.

The safety of children and their carers, staff and visitors to the centre has been a paramount consideration in terms of the design of centre and for this reason the lower level of Unit 2 has been designed to accommodate 10 car parking spaces, including 1 accessible car parking space. In addition, there are a total of 9 spaces allocated on title to Unit 2 within the at grade car park servicing the business park. Five of these car parking spaces (including 1 accessible space) are located immediately adjacent to Unit 2 and 4 spaces are located in the centre parking area. Based on Council's DCP the proposed development would generate a demand for 13 car parking spaces and 3 bicycle parking spaces. The proposal provides for 6 more spaces than the DCP provisions require.

The traffic generation of the proposed development has been assessed by a qualified traffic engineer and that assessment has also been peer reviewed by another consultant who concluded that the methodology used to assess traffic generation and impacts on the road network is sound and robust.

The application was also assessed by a child care expert, Dr Brenda Abbey. Dr Abbey assessed the design and layout of the proposed centre and also considered the appropriateness of the use of the unit for the purposes of a child care centre and concluded that the design maximised solar access and ventilation and the outdoor play areas were of outstanding design.

Notwithstanding, we understand that Council officers had some concerns with respect to cross ventilation of the centre and have proposed conditions of consent to address this.

I am advised that the body corporate of the Coopers Business Park development have approved the installation of opening windows to the front façade of another unit within the development and therefore this can be provided, together with additional roof ventilation.

I believe this proposal represents appropriate development in terms of its design and location and endorse the Council officers recommendation to approve the application.

Thank you for your consideration of this matter."



Issa, S D Lloyd, B Makari, J L Shaw, L E Wearne and A A Wilson

NOES: Nil

8.2 SUBJECT 1 Sorrell Street, Parramatta - SP 84315  
(Lot 501 DP 589375) (Arthur Phillip Ward)

DESCRIPTION Section 96(2) application to modify the approved mixed use building. The modifications include enclosure of an existing outdoor area to create additional commercial floor area for use as office space.

REFERENCE DA/2856/2002/D - Submitted 3 July 2015

APPLICANT/S J Daher

OWNERS Vertex Enterprise Pty Ltd

REPORT OF Manager Development and Traffic Services

REASON FOR REPORT TO COUNCIL

The Section 96(2) application is referred to Council as the original DA was determined by Council at its meeting held on 18 November 2003.

16134 RESOLVED (Makari/Esber)

(a) **That** DA/2856/2002/D at 1 Sorrell St, Parramatta be APPROVED under Section 80(1) of the Environmental Planning and Assessment Act 1979 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.

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

DIVISION The result being:-

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

NOES: G J Elmore and A A Wilson

**Note**

**Councillor J Hugh left the meeting at 7.15pm during consideration of this matter.**

8.3 SUBJECT 2 Ursula Street, WINSTON HILLS  
(Lot 550 DP 236489) (Caroline Chisholm Ward)

DESCRIPTION Tree removal and construction of a detached dual occupancy including Torrens title subdivision

REFERENCE DA/119/2015 - 6 March 2015

APPLICANT/S Mr S A Zobair

OWNERS Mr S A Zobair, Mrs N Zobair and Mr S M A Zobair

REPORT OF Manager Development and Traffic Services

REASON FOR REPORT TO COUNCIL

The application is for land that was previously owned by Council.

16135 RESOLVED (Finn/Makari)

**That** Council, as the consent authority, grant development consent to Development Application No. DA/119/2015 for construction of a two storey detached dual occupancy and Torrens title subdivision at 2 Ursula Street, WINSTON HILLS NSW 2153, subject to recommended conditions.

DIVISION The result being:-

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

NOES: Nil

8.4 SUBJECT 41 Buckleys Road, WINSTON HILLS  
(Lot 30 DP 129032) (Caroline Chisholm Ward)

DESCRIPTION Section 96(1A) modification to an approval for the construction of a detached rumpus room in the rear yard of a heritage-listed property. The modifications include as-built additional floor space.

REFERENCE DA/1212/2005/A - 18 August 2015

APPLICANT/S Mr G Abouhamad

OWNERS Mrs L Abouhamad and Mr G Abouhamad

REPORT OF Manager Development and Traffic Services

REASON FOR REPORT TO COUNCIL

The subject application is a modification to a development that was previously determined by Council meeting as the subject site is identified as a heritage item.

16136 RESOLVED (Esber/Chedid)

**That** Council, as the consent authority, grant development consent to Development Application No. DA/1212/2005/A for a Section 96(1A) modification to an approval for the construction of a detached rumpus room in the rear yard of a heritage-listed property, including as-built additional floor space at 41 Buckleys Road, WINSTON HILLS NSW 2153, subject to the recommended modified conditions.

DIVISION The result being:-

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

NOES: Nil

8.5 SUBJECT Robin Thomas Reserve (Pk 35), 143-145 George Street, PARRAMATTA NSW 2150 (Lot 1-5 DP 192710) (Elizabeth Macarthur Ward)

DESCRIPTION Demolition of the existing clubhouse and amenities building within Robin Thomas Reserve and two (2) cottages at 145 and 147 George Street. The site is listed on the State Heritage Register and the proposal is Nominated Integrated Development under Section 57 of the Heritage Act 1977

REFERENCE DA/387/2015 - 29 June 2015

APPLICANT/S Parramatta City Council

OWNERS Parramatta City Council and under the care, control and management of Parramatta City Council

REPORT OF Manager Development and Traffic Services

REASON FOR REPORT TO COUNCIL

The application involves works on Council owned land which is listed on the State Environmental Heritage Register.

16137 RESOLVED (Chedid/Esber)

**That** Council, as the consent authority, grant development consent to Development Application No. 387/2015 for demolition of clubhouse and amenities building within Robin Thomas Reserve and two (2) cottages and outbuildings at Nos 145 and 147 George 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 recommended conditions.

DIVISION The result being:-

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

NOES: Nil

**Note**

**Councillor J Hugh returned to the meeting at 7.17pm during consideration of this matter.**

ECONOMY

9.1 SUBJECT Draft Parramatta Employment Lands Strategy 2015

REFERENCE F2012/02143 - D03634064

REPORT OF Team Leader LUP

16138 RESOLVED (Esber/Abood)

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

DIVISION The result being:-

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

NOES: Nil

**Note**

**The Lord Mayor requested that Councillors retain their current report on this issue (due to the report's size) for consideration at the next Council Meeting.**

9.2 SUBJECT Planning Proposal for land at 14-20 Parkes Street, Harris Park

REFERENCE RZ/9/2015 - D03954173

REPORT OF Project Officer- Land Use Planning. Also Service Manager Governance Infrastructure email dated 5 November 2015 providing a copy of figure 8.4.

MOTION (Wearne/Wilson)

(a) **That** Council endorse the planning proposal contained at Attachment 1 subject to it being amended to provide a maximum

FSR of 6:1 and a maximum height of 79 metres (25 Storeys) plus design excellence (FSR – 6.9:1 and building height - 88 metres (28 storeys) at 14-20 Parkes Street, Harris Park, and forward it to the Department of Planning and Environment for Gateway determination.

- (b) **That** subject to gateway determination the Planning Proposal be publicly exhibited for 28 days.
- (c) **That** Council advise the NSW Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this planning proposal as authorized by Council on 26 November 2012.
- (d) **That** Council grant delegated authority to the CEO to negotiate a Voluntary Planning Agreement (VPA) for the delivery of public benefit.
- (e) **That** the outcome of the VPA negotiations be reported back to Council.
- (f) **Further, that** Council grant delegated authority to the CEO to make any minor amendments and corrections of an administrative and non-policy nature that may arise during the plan making process.

#### AMENDMENT (Issa/Esber)

- (a) **That** Council endorse the planning proposal contained at Attachment 1 subject to it being amended to provide:
  - a. a base FSR of 8:1 with a maximum FSR of 10:1 the difference being subject to a value sharing scheme that is negotiated via a VPA utilising the deferred floor space arrangements used by the City of Sydney; and
  - b. a maximum height of 79 metres (25 Storeys) plus design excellence (building height - 88 metres (28 storeys);at 14-20 Parkes Street, Harris Park, and forward it to the Department of Planning and Environment for Gateway determination.
- (b) **That** subject to gateway determination the Planning Proposal be publicly exhibited for 28 days.
- (c) **That** Council advise the NSW Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this planning proposal as authorized by Council on 26 November 2012.
- (d) **That** Council grant delegated authority to the CEO to negotiate a Voluntary Planning Agreement (VPA) for the delivery of public benefit.

- (e) **That** the outcome of the VPA negotiations be reported back to Council.
- (f) **That** Council grant delegated authority to the CEO to make any minor amendments and corrections of an administrative and non-policy nature that may arise during the plan making process.

The amendment was subsequently withdrawn.

16139 FURTHER AMENDMENT (Issa/Esber)

**That** consideration of this matter be deferred to the Council Meeting of 23 November 2015 to enable Council to properly consider the outcome that Council is attempting to achieve in this matter.

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

DIVISION The result being:-

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

NOES: S H Chowdhury and A A Wilson

- 9.3 SUBJECT Planning Proposal for land at Nos. 11-13 Aird Street, Parramatta
- REFERENCE RZ/19/2015 - D03951684
- REPORT OF Project Officer Land Use. Also Service Manager Governance Infrastructure Email dated 5 November 2015 clarifying the relevant heritage statement.

16140 RESOLVED (Esber/Shaw)

(a) **That** the Planning Proposal at Attachment 1 to amend the Parramatta City Centre Local Environmental Plan 2007 to increase the maximum floor space ratio of the site from 4.2:1 to 10:1 and increase the maximum building height from 36m (12 storeys) to 102m (34 storeys) be endorsed for Gateway determination by the Department of Planning and Environment in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.

(b) **That** delegated authority be given to the CEO to negotiate a

Voluntary Planning Agreement (VPA) on behalf of Council and that the outcome of the negotiations be reported back to Council.

- (c) **That** Council proceed with negotiations on a VPA with the applicant in relation to the planning proposal on the basis that any contribution in a VPA would be in addition to Section 94A contributions payable for the development.
- (d) **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.
- (e) **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.

DIVISION The result being:-

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

NOES: Nil

9.4 SUBJECT Argyle Street Parramatta - Advertising Signage on the Road Surface

REFERENCE DA/159/2014 - D03899741

REPORT OF Chief Executive Officer

16141 RESOLVED (Makari/Elmore)

- (a) **That** Council not pursue contract negotiations with ROADADS Pty Ltd for a 6 month trial of general purpose advertising on the road pavement (surface) in Argyle Street Parramatta, adjacent to Westfield Parramatta due to unresolved safety issues.
- (b) **That** Council note the safety concerns raised by the Minister for Roads the Honourable Duncan Gay and NSW Roads and Maritime Services in relation to advertising on the road surface.
- (c) **That** Council note the conclusion of the CEO that there appears to be no compelling financial benefit to Council which justifies Council's further exploration of this matter.
- (d) **Further, that** Council write to ROADADS Pty Ltd advising that Council will not proceed with negotiations.

9.5 SUBJECT Variations to Standards under Clause 4.6 of LEP 2011,  
Clause 24 of LEP 2007 and SEPP 1  
REFERENCE F2009/00431 - D03950657  
REPORT OF Manager Development and Traffic Services  
16142 RESOLVED (Makari/Esber)

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

9.6 SUBJECT Heritage Advisory Committee Minutes for October 2015  
REFERENCE F2013/00235 - D03953504  
REPORT OF Project Officer- Land Use Planning  
16143 RESOLVED (Makari/Hugh)

- (a) **That** the minutes of the Heritage Advisory Committee meeting on 21 October 2015 be received and noted.
- (b) **That** Council endorse the recommendation of the Heritage Advisory Committee, as included in item 85/15 of the minutes, relating to the payment of grants from Council's Local Heritage Fund.
- (c) **That** Council undertake additional work to confirm whether Prince Alfred Square would meet the criteria to be listed on the State Heritage Register and report the findings to Council.
- (d) **That** the Council write to the Parramatta Park Trust requesting that maintenance be undertaken to address the poor condition of Arthur Phillip Walk.
- (e) **Further, that** Council notes the comments made in Section 3, paragraph (f) of Project Officer- Land Use Planning report regarding Caloola Road Reserve but does not agree with the comments contained therein.

**Note**

**Councillor J P Abood left the meeting at 7.58pm and returned at 7.59pm during consideration of this matter.**

9.7 SUBJECT Release of easement for drainage 6 feet wide benefiting

Council over part of 75 Great Western Highway,  
Parramatta

REFERENCE DA/685/2013 - D03955589

REPORT OF Service Manager-Property Services & Space  
Management

16144 RESOLVED (Hugh/Abood)

- (a) **That** Council resolve to release an easement for drainage 6 feet wide over Lot 7 in DP668714 on the terms and conditions outlined in this report.
- (b) **Further, that** the Lord Mayor and Chief Executive Officer be authorised to execute, under seal, a plan of subdivision, Section 88B instrument, transfer granting easement and/or deed of agreement.

### PEOPLE AND NEIGHBOURHOODS

10.1 SUBJECT Proposed pontoon and jetty by Payce Consolidated  
Limited at Broadoaks Street, Ermington

REFERENCE F2004/07400 - D03816416

REPORT OF Service Manager Property Plan & Program

16145 RESOLVED (Abood/Makari)

- (a) **That** Council note no response has been received from the Minister for Transport and Infrastructure following Council's letter requesting a meeting to outline Council's vision for services from Ermington to Circular Quay, Parramatta and other destinations as well as requesting that Ermington be included in any future services using this part of the Parramatta River.
- (b) **That** Council note the general level of local community support for a wharf and ferry service adjacent to the former Naval stores site at Ermington.
- (c) **That** Council provide land owners consent to Payce Consolidated Limited for the construction of a proposed public pontoon and jetty located adjacent the former Naval Stores site subject to;
- Payce Consolidated Limited investigating the feasibility of alternative locations within the site for the proposed jetty and pontoon due to the identified environmental, heritage, pedestrian safety and access issues at the end of Broadoaks (formerly Spurway) Street before the Development Application is lodged, and
  - Payce Consolidated Limited enter a legal agreement with Council indemnifying Council in line with commitments made in correspondence of 8 July 2015.
- (d) **Further, that** the CEO be delegated authority to administer the recommendations including sign landowner's consent in regard to any planning approval, agreements and licence documentation in relation to the construction of the jetty and pontoon.

**Note**

**Councillor A A Wilson left the meeting at 8.05pm during consideration of this matter.**

LEADERSHIP AND GOVERNANCE

11.1 SUBJECT Delegation of Authority to the Lord Mayor and Chief Executive Officer during the Christmas/New Year Period  
REFERENCE F2004/07400 - D03831245  
REPORT OF Service Manager Governance Infrastructure  
16146 RESOLVED (Wearne/Esber)

**That** the Lord Mayor and the Chief Executive Officer be delegated joint authority under Section 377 of the Local Government Act, 1993, for the period Tuesday, 15 December 2015, until Friday, 5 February 2016, to deal with important or urgent business of the Council including the determination of development applications subject to:-

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

**Note**

**Councillor J Shaw left the meeting at 8.07pm during consideration of this matter.**

11.2 SUBJECT Disclosure of Interests Register as at 30 September 2015  
REFERENCE F2004/07102 - D03890298  
REPORT OF Manager Governance & Risk  
16147 RESOLVED (Makari/Lloyd)

(a) **That** Council receive and note the Disclosure of Pecuniary Interest returns which have been tabled in accordance with the requirements of the Local Government Act, 1993.

(b) **Further, that** Council notes the Disclosure of Pecuniary Interest returns tabled will be included in the Disclosure of Pecuniary Interest returns register.

**Note**

**Councillor J Shaw returned to the meeting at 8.08pm during consideration of this matter.**

**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.**

**CLOSED SESSION**

16148 RESOLVED (Esber/Elmore)

Members of the press and public be excluded from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:-

- 1 Parramatta Square Development. (D03945694) - *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 Carlingford Bowling Club - Registration of existing lease and land ownership issue. (D03938423) - *This report is confidential in accordance with section 10A (2) (c) of the Local Government Act 1993 as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
- 3 17 Mitchell Street, Ermington - Failure by the property owners to comply with a Direction to Comply with the Swimming Pools Act 1992 issued by Council on 9 March 2015. (D03948596) - *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. (D03955803) - *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.*
- 5 527 Woodville Road, Guildford - Legal Matter. (D03955343) - *This report is confidential in accordance with section 10A (2) (g) of the*

*Local Government Act 1993 as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

- 6 EOI 17/2015 PS4 EOI for Architectural Design Services. (D03955298) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*
- 7 Council Ownership of Office Premises on Parramatta Square.. (D03956468) - *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.*
- 8 Parramatta Square – Update - *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.*
- 9 Riverbank Multi level Car Park - Proposal to Incorporate within Council's Existing Paid Parking Contract - *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.*

12.1 SUBJECT Parramatta Square Development  
REFERENCE F2015/00178 - D03945694  
REPORT OF Councillor J Chedid

16149 **Note**  
**The Notice of Motion was withdrawn by Councillor J Chedid.**

12.2 SUBJECT Carlingford Bowling Club - Registration of existing lease and land ownership issue  
REFERENCE F2014/00345 - D03938423  
REPORT OF Service Manager-Property Services & Space Management

16150 RESOLVED (Wearne/Elmore)

- (a) **That** Council undertake the necessary action to register the existing lease to Carlingford Bowling Sports and Recreation Club situated on the corner of Pennant Hills Road and Evans Road, Carlingford being part of Cox Park;
- (b) **That** Council note the advice that Council is the owner of the land occupied by the Carlingford Bowling Sports and Recreation Club;
- (c) **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 the lease registration; and
- (d) **Further, that** the Lord Mayor and Chief Executive Officer be authorised to execute under seal, if required, documentation relating to plans of subdivision, Section 88B instruments, associated plans, lease documentation and deeds of agreement in connection with the lease registration.

12.3 SUBJECT 17 Mitchell Street, Ermington - Failure by the property owners to comply with a Direction to Comply with the Swimming Pools Act 1992 issued by Council on 9 March 2015

REFERENCE F2015/01568 - D03948596

REPORT OF Legal Services Manager

16151 RESOLVED (Esber/Elmore)

**That** Council undertake the action as outlined in paragraph 16 of this report.

12.4 SUBJECT Legal Status Report

REFERENCE F2015/02947 - D03955803

REPORT OF Legal Services Manager

16152 RESOLVED (Wearne/Elmore)

**That** Council note the report.

**Note**

**Councillor A A Wilson returned to the meeting at 8.14pm during consideration of this matter.**

12.5 SUBJECT 527 Woodville Road, Guildford - Legal Matter  
REFERENCE F2014/02543 - D03955343  
REPORT OF Legal Services Manager, Legal Support Officer

16153 RESOLVED (Chowdhury/Issa)

- (a) **That** Council officers be given delegation to attend mediation and negotiate the best outcome.
- (b) **Further, that** Council officers be given delegation to enter into an agreement should the matter be resolved at mediation.

**Note**

**Councillor P Esber retired from the meeting at 8.20pm during consideration of this matter.**

12.6 SUBJECT EOI 17/2015 PS4 EOI for Architectural Design Services  
REFERENCE F2015/00178 - D03955298  
REPORT OF Senior Development Manager

16154 RESOLVED (Chedid/Elmore)

- (a) **That** Council endorse the recommendation of the evaluation panel for the four (4) architects listed in the body of the report, to progress to a Design Competition for the proposed new Civic Building and Library ('Front-of-House') on PS4, including the adaptive re-use of the Town Hall.
- (b) **Further, that** Council delegate authority to the Lord Mayor and Chief Executive Officer to negotiate, execute contracts and sign all necessary documentation to engage the winning entrant of the PS4 Design Competition to commence design development of PS4 in consultation with the Councillors, Executive Team and other stakeholders and progress to a DA and CC level of design for further consideration of the Council.

12.7 SUBJECT Council Ownership of Office Premises on Parramatta Square.

REFERENCE F2015/00178 - D03956468

REPORT OF Senior Development Manager

16155 RESOLVED (Chedid/Issa)

- (a) **That** Council resolve to seek the Minister for Local Government approval to pursue various ownership and funding options

available.

- (b) **That** Council seek clarification from proponents listed in paragraph 12 regarding commercial terms for Council to participate in the development risk as noted in paragraph 16 (b) and with ownership of up to 50% of the property.
- (c) **That** a further report be brought to Council following feedback from the proponents and from the leasing proposal (noted in paragraph 23) to allow Council to consider a proposed ownership structure.
- (d) **Further, that** it be noted that any references to “back of house” refer to PS3.

12.8      SUBJECT      Parramatta Square - Urgent Matters - Parramatta  
Square 2, 5 and 6 - Final Contract Terms with Walker  
Corporation  
REFERENCE      F2015/00073  
REPORT OF      Director Property and Significant Assets

16156      RESOLVED      (Wearne/Elmore)

- (a) **That** Council amend the terms of agreement with Walker Corporation for PS 5&6 and PS2 to adjust the possession of site date and improve the final commercial outcome for Council as noted in the report.
- (b) **That** the Lord Mayor and Chief Executive Officer be given delegated authority to execute and affix the common seal of Council to necessary documents.
- (c) **Further, that** the Chief Executive Officer be given delegated authority to execute all necessary documents, including land owners consent, to proceed with the development.

12.9      SUBJECT      Riverbank Multi level Car Park - Proposal to Incorporate  
within Council's Existing Paid Parking Contract  
REFERENCE      F2015/02903  
REPORT OF      Manager City Assets and Environment

16157      RESOLVED      (Chedid/Chowdhury)

- (a) **That** Council incorporates the management of the Riverbank Multi-Level Carpark within Council's existing Paid Parking Contract inclusive of all terms and conditions and contract duration.
- (b) **That** the proposal submitted by Secure Parking Pty Ltd for the ongoing management of the Riverbank Multi-Level Carpark in the sum of \$31,827 per annum plus CPI increases (excluding GST) be accepted.
- (c) **That** the proposal submitted by Secure Parking Pty Ltd for the one-off purchase of the existing equipment including 'Secure-a-Spot' technology, installed at the Riverbank Multi-Level Carpark in the sum of \$173,367 (excluding GST) be accepted and funded from the Parking Meter Reserve.
- (d) **That** Council endorse that all existing tariffs as well as the 'Secure-a-Spot' service offered at the Riverbank Multi-Level Carpark be maintained and charged accordingly, and that a review be undertaken with any required amendments made and advertised via the appropriate Council Fees & Charges procedure.
- (e) **That** all necessary budget adjustments be made at the December 2015 Quarterly Review.
- (f) **That** the Lord Mayor and Chief Executive Officer be given delegated authority to execute and affix the Common Seal of Council to the documents necessary to implement these decisions.
- (g) **Further, that** the Chamber's thanks be extended to Sue Weatherley – Director Strategic Outcomes and Development for her efforts in relation to this matter.

**Note**

**Following the completion of Closed Session, the Lord Mayor advised the public gallery of the decisions reached during the closed portion of the meeting.**

QUESTION TIME

1           SUBJECT       Air Conditioning and Heritage Buildings  
 REFERENCE   F2008/04592  
 FROM           Councillor Glenn Elmore

16158       Councillor Elmore noted that at a recent meeting held with residents in relation to works in Russell Street, Granville, there appeared to be a number of air conditioning units, especially in South Street, that had been installed on heritage listed dwellings.

Councillor Elmore questioned whether this was permissible.

The Director Strategic Outcomes and Development advised that the units were likely permissible though it would be dependent on a number

of factors including how long ago they had been installed.

**Note**

**Councillor S Issa retired from the meeting at 8.34pm during consideration of this matter.**

2           SUBJECT       Council Clean Up in Lachlan Macquarie Ward  
REFERENCE   F2008/04592  
FROM           Councillor Lorraine Wearne

16159       Councillor Wearne advised that a Council Clean Up was due on 2 November 2015 in the Lachlan Macquarie Ward and yet the waste had still not been collected.

Councillor Wearne requested that urgent action be taken to rectify this issue.

3           SUBJECT       Private Swimming Pools and Maintenance  
REFERENCE   F2008/04592  
FROM           Councillor Lorraine Wearne

16160       Councillor Wearne noticed that there was an increasing number of private swimming pools in the Lachlan Macquarie Ward that were not being cared for appropriately. This had resulted in black water and an increase in mosquitos.

Councillor Wearne sought advice on the powers possessed by Council to ensure that persons maintained their swimming pools.

The Director Strategic Outcomes and Development advised that Councils may issue notices and orders if pools are allowed to deteriorate to an unhealthy condition.

**Note**

**Councillors J P Abood and J Chedid retired from the meeting at 8.35pm during consideration of this matter.**

4           SUBJECT       Future of Local Government in NSW  
REFERENCE   F2014/02719

FROM Councillor Julia Finn

16161 Councillor Finn referred to the current uncertainty surrounding local government in NSW at present and questioned what would happen to all events and invitations already arranged/accepted should local government cease to exist in its present form in the near future.

The Lord Mayor, Councillor Garrard responded that it would be best to await any firm decision on this issue prior to considering such a matter.

**Note**

**Councillor B Makari retired from the meeting at 8.36pm during consideration of this matter.**

The meeting terminated at 8.38pm.

THIS PAGE AND THE PRECEDING 26 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 9 NOVEMBER 2015 AND CONFIRMED ON MONDAY, 23 NOVEMBER 2015.

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Lord Mayor