

PRESENT

The Lord Mayor, Councillor S D Lloyd in the Chair and Councillors J P Abood (retired 8.46pm), J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber (retired 8.46pm), J D Finn MP (retired 10.05pm), J A Hugh, S T Issa (Deputy Lord Mayor) (retired 8.39pm), B Makari, J L Shaw, L E Wearne and A A Wilson (retired 10.05pm).

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 Meeting held on 27 April 2015

15597 RESOLVED (Chedid/Esber)

That the minutes be taken as read and be accepted as a true record of the meeting subject to the following alterations:-

1. In relation to Item 7.14 (Minute No. 15573), the 3rd dot point in paragraph (b) be altered to read:-

"CBD Planning Framework to allow sites under 1000 sqm to achieve the design competition Bonus. "
2. In relation to Item 11.1 (Minute No. 15581 refers) an additional (b) be added as follows:-

(b) **Further, that** the Lord Mayor be encouraged to attend the Conference and attempts be made to gain the Lord

Mayor speaking rights to showcase the work Parramatta is undertaking.”

APOLOGIES

15598 RESOLVED (Abood/Esber)

That an apology be received and accepted for the absence of Councillor P J Garrard.

CONGRATULATIONS TO COUNCILLOR PAUL GARRARD

The Chamber expressed its congratulations to Councillor Paul Garrard on his recent election as a Director to the Parramatta Leagues Club.

DECLARATIONS OF INTEREST

1. Councillor J P Abood declared a non-pecuniary interest in relation to Items 1 and 2 of Public Forum regarding various rezoning issues in Granville as the owner of a related site is a friend.

Councillor J P Abood also declared a non-pecuniary interest in relation to Item 14.4 of Closed Session in relation to the Tender for Mobbs Lane, Carlingford as his wife is a relative of one of the tenderers. (Councillor Abood had subsequently retired from the meeting prior to this issue being considered).

2. Councillor S Chowdhury declared an insignificant, non-pecuniary interest in relation to Item 8.2 of Major Applications in respect of 55 – 59 Wentworth Avenue, Wentworthville as his employer (NSW Office of Water) was consulted in relation to the application. Councillor Chowdhury did not intend to leave the meeting during consideration and voting on this issue.

MINUTES OF THE LORD MAYOR

1 SUBJECT Participation in Stadia and High Performance
Community Centre Tour
REFERENCE F2014/00219
FROM The Lord Mayor, Councillor Scott Lloyd

15599 RESOLVED (Lloyd/Issa)

That Council approve attendance of the Lord Mayor, CEO, Director of

development site you are required to search business papers to locate the documentation) 28 and 35 storey of up to 480 units where only 4 storey is permissible.

August 2007 a councillor tabled a petition and moved a motion in support of a 3 and 8 storey high-rise at 171-189 Parramatta Road Granville.

21 February 2014 Planning Officer sent an email to the Development Manager Catylis "Please find attached a letter sent to the Department of Planning and Infrastructure regarding the forthcoming planning proposal for 171-189 Parramatta Road, Granville for your information. I have sent a copy to Councillor (name excluded as per PCC instructions.)"

6th March 2014 Planning Officer email to councillor "This is to advise that a meeting to discuss the progress of the preparation of a planning proposalat 171-189 Parramatta Road was held yesterday."

- 2.a Please explain the role this councillor has in this process that warrants individual notifications/reporting and show where this is covered in the Gateway Planning Proposal Process?
- 2.b July 2014 the developer representative told me they wanted to amalgamate my property with this site. He wanted to show me the "offer/potential". The offer an "option contract" where I signed over my rights to the developer for a period of time and during that period they could choose to purchase, not purchase or sell my home to a third party for any amount. For example if I signed the option for \$950,000 and it was rezoned and the value went to \$3,000,000 I would only receive the \$950,000. After lengthy research and inquiries I discovered the "likely uplift in land value" (Pages 642 PCC business paper) identified by PCC. I had several real estate agents apply the PCC data to the industry model to calculate the "likely uplift" in value of my home. I lodged a counter offer of \$2.7 Million for a sale of contract no option which was discounted by up to \$600,000 depending on variances. This was declined.
- 2.c The Developers Representative forward a copy of my offer and other emails to Council and to all Councillors, Why? Council will not be the determining authority in this Application so why did he forward it to council.
- 2.d Council to confirm that there has been full and frank disclosure pertaining to RZ/10/2013.
3. Niblick Crescent Oatlands One of the Director of Rush Hour was a resident/owner at Niblick Crescent from 2009 up until 2015. I recently received an email from PCC that stated Parramatta City Council has had an ongoing relationship with Rush Hour Australia for the past 10 years including fee paying services. March 2014 a

councillor declared a conflict of interest as a relative lives at Niblick Crescent.

- 3a. Should the councillor had declared that a relative live at Niblick Crescent on the 22 April 2013?
 - 3b. How many councillors have attended Boot camp with Rush Hour Australia?
 - 3c. Have any other decision makers and/or influencers attended "Boot Camp" with Rush Hour Australia? If yes how many?
 - 3.d Council to confirm that there has been full and frank disclosure pertaining to RZ/4/2012.
- GIPA (Government Information Public Access Act) (freedom of information)
I lodged an application under GIPA (Government Information Public Access Act) and received two CD files for RZ/10/2013 and RZ/ 4/2012.
- 4a. Did I received a full copy of all the documents held by PCC pertaining to these two applications? If no please provide a list of the documents which have been excluded and the grounds pertaining to the Act covering this exclusion?
 - 4b. I was not provided with the index containing the reference which identifies each document. Can you please provide this by COB 11th May 2015

Ray White Real Estate states Castle Hill "There are people making decision without all the information they should have to make that decision.... door knocking developers and predatory purchasers". Do you think it is reasonable to assume given the imminent rezoning that the residents of Granville may not have all the information to make an informed decisions to realise the full potential of their property? Yes or No.

I formally Request the Minister for Granville Clr Julia Finn and/or Clr James Shaw to formulate three motions as listed below and move these motions tonight Monday 11th May 2015

Motion 1

Information Session which will include myself in the panel (We do not want this process high jacked and we only require the speakers listed below as we believe PCC and our elected councillors have had ample opportunity to communicate with us).

1. That the Minister for Planning Hon. Robert Stokes and the Minister for Granville Clr Julia Finn, attend a public forum at the Granville Town Hall (date to be advised in June 2015) to address the residents along with a representative from PCC Planning Division, Director of Planning Western Sydney and representative from Ray White who will provide a Real Estate perspective.
2. The PCC educate residents and provide them with the same

opportunity to have a 'windfall' as identified by PCC "uplift in land value" and for residents to amalgamate their properties for sale as one line if they choose to do so. This will enable the NSW Government's to holistically meet their objects for Granville as a Growth Centre. (Extract from To the Honourable the Speaker and Members of the Legislative Assembly of New South Wales

Motion 2:

PCC council takes immediate action to record all Rezoning Applications on the "My Development" portal. This will facilitate equality and simplify the process for searching.

Motion 3:

The exhibition time to be extended from 28 day to a mandatory 3 months for developments over six storeys. (This recommendation is based on that it took me over six months from the first doorknock to discovery of what was happening on my back doorstep)."

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

"In relation to Question 1, "In accordance with the section 241 of the *Local Government (General) Regulation 2005* Council has sole responsibility for the conduct and control of business at its meetings. The *Code of Meeting Practice* and Council resolutions are the instruments for managing this. Accordingly, the *Code of Meeting practice* does not confer any powers of control by third parties over the conduct of meetings.

With respect to delisting of Public Forum questions proposed by Ms Poyner for the meeting of Council on 27 April, Council officers were of the understanding that the need for listing had lapsed. This understanding arose because Ms Poyner had made alternative arrangements to discuss her concerns at a meeting scheduled with the CEO, the Director Strategic Outcomes & Development and Councillors. The delisting was confirmed directly with Ms Poyner by 24 April three times - once by phone and twice via email including one email as per her request during the telephone conversation.

It should be noted that the Public Forum for 27 April 2015 had been over-subscribed with requests to speak. Delisting of questions from Ms Poyner and the late withdrawal of a submission by another party on another matter afforded other citizens the chance to be heard on items of business listed for that meeting of Council. Ms Poyner subsequently provided an amended submission which was duly listed for the Public Forum session for the Council meeting of 11 May 2015.

In relation to question 2.a, Councillors are entitled to receive updates on Planning Proposals or any other matter being processed by staff, which

has been, or will be reported to Council for consideration. The two emails referred to in your public forum were sent as part of this standard practice.

In relation to question 2.c, Council cannot speak on behalf of the proponent and explain why the proponents representative forwarded the copy of the sales offer to Councillors. This may best be a question for you to pose to the proponent.

In relation to question 2.d, Councillors and staff are required to disclose any conflict of interest as per the Local Government Act and by Council's Code of Conduct. It is the responsibility of individual Councillors and Council staff to make such disclosures.

In relation to question 3, Rush Hour Australia is a Parramatta based personal training company.

Council has had a relationship with Rush Hour and its owner, Ray Younis for approximately 10 years .

Rush Hours hires Council park space (Dan Mahoney) for outdoor personal training classes and has also used in recent years, until the Parramatta Eels moved to Old Saleyards, a small part of that Council park. Rush Hour also hires a small section of Barton Park for personal fitness training. Rush Hour pays for its hire according to Council's published fees and terms and conditions of hire.

In 2013, with the establishment of the LM's Healthy Generations Initiative, Rush Hour has been engaged to also operate specific "boot camp" type personal training classes as well for a fee. I am also advised that Rush Hour has been previously engaged by Council as part of WHS/HR healthy outcomes programs for Council staff to operate some aspects of these programs.

In relation to question 4, the requested information under GIPA for records RZ/10/2013 and RZ/4/2012 was received on the 25 March. The information was provided to Ms Poyner on 22 April (within the 20-day period). The information requested was held electronically in TRIM and was provided in electronic format on CD that was sent by registered post.

Another request was received on the 15 April requesting to view all files pertaining to RZ/10/2013. The informal GIPA Officer misinterpreted this request and a second CD was sent to Ms Poyner containing the documents on file RZ/10/2013. The informal GIPA Officer has spoken and had e-mail correspondence with Ms Poyner and on Monday 11 May rang to ask for clarification as a third request was received on the 18 April requesting all information in relation to SR-41293. The information relating to SR-41293 has now been sent to Ms Poyner by e-mail.

The informal GIPA Officer has assured Ms Poyner the request for all files pertaining to RZ/10/2013 will be provided to her this week.

In relation to Question 4a, Ms Poyner has received the documents contained within files RZ/10/2013 and RZ/4/2012 on a CD sent via registered post on the 22 April with the exception of confidential internal

documents as vetted by the Legal Services Manager.

Please note: This information was requested under an Informal and not a Formal GIPA or Subpoena.

In relation to question 4b, the requested index will be sent through to Ms Poyner this afternoon.”

NOTE:

1. **Councillor J P Abood had previously declared an interest as a friend owns a related property and temporarily retired from the meeting during consideration of this matter.**
2. **Councillor A A Wilson left the meeting at 7.01pm and returned at 7.03pm during consideration of this matter.**

FURTHER NOTE:

Prior to consideration of this matter, Councillor S Issa reminded the speakers and the Chamber that Clause 16.3 of the Code of Meeting Practice states:- “Questions/Statements must relate to general policy matters or development applications and not to personal matters or reflections on individual Councillors or staff.”

2 SUBJECT Rezoning in Granville
REFERENCE RZ/10/2013
FROM Ms Julie Swain

15602 As tabled.

“I note that contrary to the Parramatta City Council Code of Meeting Practices that Parramatta City Council refused to allow Ms Kerrie Poyner to present at the Public Forum on Monday 23rd April 2015.

I also note that Parramatta City Council refused to allow Ms Kerrie Poyner to present questions on my behalf and the behalf of Mr. John Hunter who is recovering from Cancer treatment.

15th December 2014 RZ/10/2013 171-189 Parramatta Road and 60 and 62 Victoria St Granville fast tracking for 28 and 35 storeys when only 4 is permissible. Decision made by councillors to go directly to Gateway NSW Government for determination when it had been identified by council employees that “uplift in land value as a result of the rezoning....” and referenced the NSW Government Parramatta Road UrbanGrowth Strategy which is due out in June 2015.

Ray White Real Estate states Castle Hill “*There are people making decision without all the information they should have to make that*

decision.... door knocking developers and predatory purchasers”

Based on the ‘uplift in land value’ identified by PCC, market research and industry standards/modelling the likely uplift is between 250% and 350%.

“We want to amalgamate the site; if the owners on Victoria Street choose not to be involved that’s completely up to them it’s my job to show them the offer/potential”. Extract from email from Door knocking developer

1. Why did councillors choose not to inform the residents of Greater Granville of the rezoning and “likely uplift in land value” as identified by Parramatta City Council Planners leaving Greater Granville at the hands of “door knocking developers and predatory purchasers?
2. Why is PCC not telling residents and supporting this developer when the residents won in the land and environment 2008, lost when the JRPP NSW Government approved 3 and 8 storeys in 2011 only to discover when “door knocking developer” come that PCC councillors are fast tracking 28 and 35 storeys when only 4 is permissible when the remaining councils along Parramatta Road are waiting for the NSW Government UrbanGrowth’s recommendations due out in June 2015?
3. Why did the residents at Greater Granville not receive the same level of representation and information as given to the residents at Niblick Crescent Oatlands who were informed of a rezoning application by the Oatlands Golf Club to allow three homes on vacant land?
4. How many other rezoning applications have received the same level of preferential treatment as Niblick Crescent and been advised of the rezoning before a Gateway NSW Government determination. Please list?”

Response from Sue Weatherley, Director Strategic Outcomes and Development:-

“Council has standard procedures for the processing of Planning Proposals which are followed in most cases but as with all processes variations to standard processes need to be considered based on the circumstances of the case.

In relation to Niblick Crescent the local community became aware of the proposal during the assessment and Council received a significant volume of submissions prior to the assessment being completed. These were the special circumstances that warranted a variation the normal process for consultation on Planning Proposals. Council did not receive significant submissions on the proposal at 171-189 Parramatta Road and the normal process has been followed.

4 SUBJECT Community Consultation - Playground - Constitution Hill
REFERENCE F2015/01246
FROM Wayne Butcher

15604

“I come before you tonight to ask about the viability of the recent community consultation that took place in regards to the playground to be built at Constitution Hill Shops.

I have been a resident of Constitution Hill for 34 years and small business owner for 7 years. While I am grateful for the effort and the intention of the consultation, there were a few issues brought to my attention by residents and other community members regarding the way the consultation was conducted.

Notification of the consultation was announced only 48 hours before it was to take place and was seen as insufficient time for people to be made aware of the consultation and to organise time to attend. With many families in the area being dual income families, having the consultation on a weekend instead of 3pm on a Wednesday afternoon was thought to be a more appropriate time for parents to attend with their children. Some of the local businesses were given posters to put up and a small handful of leaflets were handed out yet there was nothing posted on the community notice board.

Secondly it seemed that Parramatta Council had already designed the play area and decided what the park was to contain before the meeting. A poster containing 7 pieces of play equipment was displayed and residents asked to select which one's they would like to see implemented. By the conclusion of the consultation it was evident that 6 of the 7 pieces of play equipment displayed were to be installed anyway. I was informed a construction date had already been set for the park which indicates to me that the plans had already been finalised thus making a community consultation a waste.

While there were some issues raised indirectly of the park at the consultation, from the few people that could attend, I can only wonder how much more productive and beneficial the consultation could have been if more warning was given and conducted earlier in the planning process.

I ask Council if community consultation could be improved to give more people a better chance at expressing their views on what happens in their community.”

Response from Sue Weatherley, Director Strategic Outcomes and Development:-

“Council has endorsed a series of minor upgrades at Constitution Hill Shops for the 2014-15 financial year through Council's 'Better Neighbourhood Program'.

Upgrades were suggested at a community meeting facilitated by Mr Butcher on 22 March 2014. Council's Place Manager subsequently consulted with Ward Councillors and a number of these suggestions were included in the upgrade plan.

The upgrade plan includes a new playground in the open space adjacent to Constitution Hill Library. A playground has regularly been requested by local residents in this area since Council's previous upgrades in the 2013-2014 financial year.

Local dwellings were letterboxed with 1000 flyers on Monday 27 April. Notification periods for community consultation are generally determined by the nature of the proposed consultation. In this instance, the primary audience on Wednesday 29 April was local children visiting Constitution Hill Library after school. This is a known time for high levels of visitation. The intent of Council officers was to seek feedback on potential playground elements from existing after-school visitors to the Library. Approximately 20 adults and 30 children participated which for this type of consultation was an above average result.

In advance of this consultation, Council's Place Manager door-knocked businesses as well as installing posters in shopfront windows and within Constitution Hill Library. Council's social media channels also promoted the consultation. The local playgroup using Constitution Hill Library was also consulted and provided flyers for distribution to their members.

Weekend community consultation on local issues generally occurs during weekend community events or for significant local matters. Council officers have found that the mid-week after school period maximises input when the target audience is young children. On Saturdays, families tend to be busy with other activities.

Council's Place Manager became aware that a poster was not installed on the Community Notice Board although such a poster was supplied. Council notes Mr Butcher's feedback regarding use of the community notice board for future consultation in the area.

Site issues relating to levels and overland water flow constrain the play equipment which can be accommodated. The two larger multi-play pieces exhibited during consultation were of appropriate size, combined with a range of smaller pieces of equipment. Attending children were asked to select from these options.

The consultation resulted in a number of new design elements. The swing set will be a 'basket' type, and an additional 'all inclusive play' element will be installed to accommodate the play needs of differently-abled children. A 900mm high standard fence will also be included. The softfall area will be expanded to accommodate the needs of the local playgroup for an outdoor informal seating and teaching area.

Noting that the primary purpose of the consultation was to determine desired playground elements, the Place Manager also captured other

issues raised by local residents and these were actioned within Council. The Place Manager recorded the contact information for all attendees who were willing to provide their details and will personally follow-up with those attendees. Upcoming Family Fun Day events in the area will also serve as an opportunity for Council to receive a wide range of community feedback.”

SUSPENSION OF STANDING ORDERS

15605 RESOLVED (Chedid/Abood)

That Standing Orders be suspended to enable consideration of an urgent motion concerning the need to expedite the Development Application for 163 – 165 George Street, Parramatta.

The Lord Mayor ruled the matter was one of urgency.

SUBJECT Development Application - 163 - 165 George Street,
Parramatta

REFERENCE DA/243/2015

FROM Councillor John Chedid

15606 RESOLVED (Chedid/Abood)

That in relation to DA/243/2015 for 163 – 165 George Street, Parramatta to establish a temporary place of public worship, the Chief Executive Officer be delegated authority to determine this application.

RESUMPTION OF STANDING ORDERS

15607 RESOLVED (Esber/Makari)

That Standing Orders be resumed.

NOTE:

Councillor J Hugh left the meeting at 7.25pm during consideration of this matter.

REPORTS - MAJOR APPLICATIONS

8.1 SUBJECT 65-71 Cowper Street, Granville
(Lot 1 DP 194680, Lot 21, Section A, DP 979437, Lots 1
& 2 DP 700183 and Lot 1 DP 594661) (Elizabeth

Macarthur Ward)

DESCRIPTION Alterations and additions to an approved Shop Top Housing development containing ground floor retail units and 43 apartments. The application seeks approval to change the internal layout, external facade and provide an additional 25 apartments.

REFERENCE DA/683/2014 - Submitted: 9 October 2014

APPLICANT/S G1 (Aust) Pty Ltd

OWNERS G1 (AUST) Pty Ltd

REPORT OF Manager Development and Traffic Services. Also Senior Development Assessment Officer Memorandum dated 11 May 2015.

REASON FOR REFERRAL TO COUNCIL

The proposal seeks approval for a variation to the Height standard under PLEP 2011 exceeding 10%.

15608

RESOLVED (Issa/Esber)

- (a) **That** Council support the variation to Clause 4.3 – Height under the provisions of clause 4.6.
- (b) **That** Council as the consent authority grant development consent to Development Application No. DA/683/2014 for the alterations and additions to an approved Shop Top Housing development to provide 68 units and reconfigure the ground floor retail/business area on land at 65-71 Cowper Street, GRANVILLE for a period of five (5) years from the date on the Notice of Determination subject to the conditions contained in Attachment 1 and Condition 107A is to be inserted to state:

107A. Prior to the issue of the Occupation Certificate, a Voluntary Planning Agreement is to be entered into for the construction and dedication of the laneway at no cost to Council. Council's Land Use Team is to be contacted to commence negotiations.

Reason: To allow for the dedication of the portion of the site

DIVISION The result being:-

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

NOES: Councillors G J Elmore and J L Shaw

ITEMS TO BE BROUGHT FORWARD - 14.9 OF CLOSED SESSION TO BE CONSIDERED IN OPEN COUNCIL

15609 RESOLVED (Chowdhury/Wearne)

That Item 14.9 of Closed Session concerning the Update on Appointment of IPART as Independent Panel for Assessment of Council Fit for the Future proposals be considered in Open Council as Item 12.2 of Leadership and Governance.

8.2 SUBJECT 55-59 Wentworth Avenue, Wentworthville NSW 2145 (Lots 10 and 11, Section 3, DP 976563) (Arthur Philip Ward).

DESCRIPTION Demolition of existing structures (including a heritage listed dwelling) and the erection of a three storey residential flat building comprising 24 units over basement car parking.

REFERENCE DA/93/2014 - Submitted: 25 February 2014

APPLICANT/S Mr J Maroun

OWNERS Mr H Bonovas and Mrs M Bonovas

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The proposal seeks approval to demolish a heritage item and for a variation to the FSR standard under PLEP 2011 exceeding 10%.

15610 RESOLVED (Issa/Makari)

(a) **That** Council support the variation to Clause 4.4 - FSR of PLEP 2011 under the provisions of clause 4.6.

(b) **That** the heritage listing from No.59 Wentworth Avenue be considered for removal as part of a future housekeeping amendment of PLEP 2011.

(c) **That** Council as the consent authority determine Development Application No. DA/93/2014 at 55-59 Wentworth Avenue, Wentworthville for the demolition of existing structures (including a heritage listed dwelling) and the construction of a 3 storey residential flat building comprising 24 units over basement car parking by granting a "deferred commencement" consent under Section 80(3) of the Environmental Planning and Assessment Act 1979.

(d) **Further, that** upon strict compliance with all conditions appearing in Schedule 1 (contained in Attachment 1) and with the issue of confirmation to that effect in writing from Council, the "deferred commencement" consent shall revert to development consent, inclusive of all conditions appearing in Schedule 2 (contained in Attachment 1), pursuant to Section 80(1) of the Act.

DIVISION The result being:-

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

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

NOTE:

Councillor S Chowdhury had previously declared an insignificant, non-pecuniary interest in relation to this item as his employer (NSW Office of Water) was consulted in relation to the application. Councillor Chowdhury did not leave the meeting during consideration and voting on this issue.

8.3 SUBJECT 30-38 Darcy Street, Parramatta, (Part Lot B in DP 4192500) (Arthur Phillip)

DESCRIPTION Demolition of the 14 storey Parramatta City Council Administration Office Building and associated structures to the ground and basement slab level.

REFERENCE DA/161/2015 - submitted 20 March 2015

APPLICANT/S Parramatta City Council

OWNERS Parramatta City Council

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

This report is referred to Council as Parramatta City Council is the land owner.

15611 RESOLVED (Issa/Makari)

That the consent authority grants development consent to Development Application No. DA/161/2015 for the demolition of the 14 storey Parramatta City Council Administration Office Building and associated structures to the ground and basement slab level at 30-38 Darcy Street, PARRAMATTA NSW 2150 for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions in Schedule 1.

DIVISION The result being:-

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

NOES: Nil

8.4 SUBJECT 1A Civic Place, Parramatta, (Part Lot 2 in DP 1192394)
(Arthur Phillip)

DESCRIPTION Demolition of the Parramatta City Library building to ground and basement slab levels and removal of 13 trees.

REFERENCE DA/162/2015 - Submitted 20 March 2015

APPLICANT/S Parramatta City Council

OWNERS Parramatta City Council

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

This report is referred to Council as Parramatta City Council is the land owner.

15612 RESOLVED (Makari/Wilson)

That the consent authority grants development consent to Development Application No. DA/162/2015 for the demolition of the Parramatta Library building to ground and basement slab level and removal of 13 trees at 1A Civic Place, PARRAMATTA NSW 2150 for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions in Schedule 1.

DIVISION The result being:-

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

NOES: Nil

ECONOMY

9.1 SUBJECT Variations to Standards under Clause 4.6 of LEP 2011, Clause 24 of LEP 2007 and SEPP 1

REFERENCE F2009/00431 - D03648625

REPORT OF Manager Development and Traffic Services

15613 RESOLVED (Wearne/Makari)

That the report be received and noted.

9.2 SUBJECT Progress on Voluntary Planning Agreement or other for

181 James Ruse Drive, Camellia

REFERENCE RZ/5/2012 - D03656194

REPORT OF Snr Project Officer. Also report from Service Manager Land Use and Planning.

15614 RESOLVED (Chedid/Issa)

- (a) **That** Council accept in principle the scope of works detailed in the letter of offer dated 5 May 2015 made by Statewide Planning Pty Ltd for the purposes of a draft VPA subject to resolution of the issues identified in this report and any further issues that may arise during the negotiations and legal drafting.
- (b) **That** as part of the VPA, and over and above the required Section 94A contributions and remediation requirements, the developer give back to the community a community facility.
- (c) **Further, that** the CEO be authorised to continue the negotiations of the draft VPA with an update on the status of negotiations to be reported to Council's meeting of 25 May 2015.

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 A A Wilson

NOES: Councillors R Dwyer and L E Wearne

NOTE:

Councillor J Hugh returned to the meeting at 7.35pm during consideration of this matter.

9.3 SUBJECT Detailed Assessment of Planning Proposal - 181 James Ruse Drive, Camellia

REFERENCE RZ/5/2012 - D03656486

REPORT OF Snr Project Officer. Also Senior Project Officer – Land Use Planning Memorandum dated 8 May 2015.

15615 MOTION (Hugh/Chedid)

- (a) **That** Council adopt the revised heights listed in the table option B consistent with the outcome of the Statewide Planning draft Planning Proposal and urban design scheme as the controls for maximum building heights and floor space ratios to be included in the revised planning proposal with
- A 35 metre maximum height for foreshore buildings;
 - A 126 metre maximum height for the development site;

- A floor space ratio of 5.3:1 of the development site.
- (b) **That** Council authorises the CEO:-
- To prepare the amendments to the draft revised planning proposal at Attachment 1 in accordance with the Council endorsed option for the maximum building heights and floor space ratios;
 - To correct any minor anomalies of a non-policy and administrative nature that may arise during the plan amendment process;
 - To include the following amendment:-
All development applications for the site must include a “Design Excellence Process” with a Design Integrity Panel in accordance with the Director General guidelines.
- (c) **That** Council's amended planning proposal be submitted to the DP and E for the purposes of seeking a revised Gateway Determination.
- (d) **That** during the community consultation of the planning proposal further consultation be undertaken with the relevant public authorities concerning a suitable ‘satisfactory arrangements’ clause to address Section 117 Direction 6.1 Approval and Referral Requirements.
- (e) **That** as required by Section 117 Direction 4.1 Acid Sulphate Soils, a copy of the Acid Sulphate Soils Study (part of the Remediation Action Plan) be provided to the Director General of the Department of Planning and Environment prior to the commencement of community consultation.
- (f) **That** a report be put to Council to the outcome on the community consultation of the planning proposal.
- (g) **That** Section 2.3 of the planning proposal be amended to remove the reference to a 7 metre exclusion zone and instead that the local clause permit roads, pedestrian access-ways, road related infrastructure and landscaping works above the containment cells before it is forwarded to the Department of Planning and Environment for a revised Gateway Determination.
- (h) **Further, that** the advice from the EPA on the 7 metre exclusion zone and Senior Project Officer – Land Use Planning memorandum dated 8 May 2015 be forwarded to the DP and E with the planning proposal.

AMENDMENT (Chowdhury/Elmore)

- (a) **That** Council adopt Option C, consistent with the outcome of the Council staff urban design assessment, as the controls for

maximum building heights and floor space ratios to be included in the revised planning proposal with:

- a 31 metre maximum height (which with a 15% design bonus allows a 35 metre or 10 storey maximum height) for foreshore buildings;
- a 110 metre maximum height (which with a 15% design bonus allows a 126 metre or 40 storey maximum height) for the remainder of the development site;
a floor space ratio of 2.6:1 (which with a 15% design bonus allows a floor space ratio of 3:1) for the foreshore building area;
- a floor space ratio of 3.5:1 (which with a 15% design bonus allows a floor space ratio of 4:1) for the remainder of development site.

- (b) **That** Council authorises the CEO to prepare the amendments to the draft revised planning proposal at Attachment 1 in accordance with the Council endorsed Option for the maximum building heights and floor space ratios and to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan amendment process.
- (c) **That** Council's amended planning proposal be submitted to the DP&E for the purposes of seeking a revised Gateway Determination.
- (d) **That** during the community consultation of the planning proposal further consultation be undertaken with the relevant public authorities concerning a suitable "satisfactory arrangements" clause to address Section 117 Direction 6.1 Approval and Referral Requirements.
- (e) **That** as required by Section 117 Direction 4.1 Acid Sulphate Soils, a copy of the acid sulphate soils study (part of the Remediation Action Plan) be provided to the Director General of the Department of Planning and Environment prior to the commencement of community consultation.
- (f) **That** a report be put to Council on the outcome of the community consultation of the planning proposal.
- (g) **That** Section 2.3 of the planning proposal be amended to remove the reference to a 7 metre exclusion zone and instead that the local clause permit roads, pedestrian access-ways, road related infrastructure and landscaping works above the containment cells before it is forwarded to the Department of Planning and Environment for a revised Gateway Determination.
- (h) **Further, that** the advice from the EPA on the 7 metre exclusion zone and Senior Project Officer – Land Use Planning memorandum dated 8 May 2015 be forwarded to the DP and E with the planning proposal.

FORESHADOWED AMENDMENT (Shaw/Elmore)

That consideration of this matter be deferred for 2 weeks.

The amendment was put and lost.

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

The motion was put and carried.

DIVISION The result being:-

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

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

9.4 SUBJECT Amendment to Parramatta Civic Improvement Plan
REFERENCE F2008/03205 - D03652665
REPORT OF Project Officer, Land Use Planning
MOTION (Issa/Chedid)

That consideration of this matter be deferred.

The motion was subsequently withdrawn by Councillor Issa.

15616 RESOLVED (Esber/Elmore)

- (a) **That** Council endorse draft *Parramatta Civic Improvement Plan (Amendment No. 4)*, at Attachment 1, to change the applicable threshold as it relates to changes to gross floor area for the purposes of public exhibition.
- (b) **That** draft *Parramatta Civic Improvement Plan (Amendment No. 4)* be placed on public exhibition for a minimum period of 28 days.
- (c) **That** a report be put to Council on the outcome of the public exhibition.
- (d) **That** Council authorise the CEO to make minor administrative changes to *Parramatta Civic Improvement Plan (Amendment No. 4)* prior to the Plan being placed on public exhibition.
- (e) **Further, that** Council write to the Department of Planning &

Environment seeking that Clause 25K of the Environmental Planning & Assessment Regulation be updated to reflect the consolidation of Parramatta Local Environmental Plan 2007 and Parramatta Local Environmental Plan 2011.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, 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

9.5 SUBJECT Parramatta City River Strategy
REFERENCE F2013/02635 - D03652663
REPORT OF Project Officer Urban Design
15617 RESOLVED (Chedid/Makari)

That consideration of this matter be deferred for 2 weeks.

NOTE:

Councillor P Esber left the meeting at 8.15pm during consideration of this matter.

9.6 SUBJECT Heritage Advisory Committee Minutes for April 2015
REFERENCE F2013/00235 - D03654242
REPORT OF Project Officer- Land Use Planning
15618 RESOLVED (Makari/Chowdhury)

(a) **That** the minutes of the Heritage Advisory Committee meeting of 15 April 2015 be received and noted.

(b) **Further, that** Council endorse the recommendations of the Heritage Advisory Committee, as included in Item 27/15 of the minutes, for the payment of grants from Council's Local Heritage Fund.

ENVIRONMENT

10.1 SUBJECT Land Owner Consent for a Development Application for a proposed public pontoon and jetty at the southern end of Broadoaks (formerly Spurway) Street, Ermington

REFERENCE F2012/01046 - D03623331
REPORT OF Service Manager Property Plan & Program
RESOLVED (Abood/Makari)

15619

- (a) **That** consideration of this matter be deferred pending the action requested in (b), (c) and (d) below.
- (b) **That** the Lord Mayor write to the relevant State and Federal Minister/s in relation to the wharf promised to the Ermington community over the past 10 or 15 years.
- (c) **That** Council staff undertake consultation at a Place Manager level to ascertain residents view's on this issue.
- (d) **Further, that** an urgent meeting be sought with the appropriate State and Federal Member of Parliament to further progress this issue.

NOTE:

1. **Councillor P Esber returned to the meeting at 8.17pm during consideration of this matter.**
2. **Councillor A Wilson left the meeting at 8.18pm and returned at 8.27pm during consideration of this matter.**
3. **Councillor R Dwyer left the meeting at 8.21pm and returned at 8.22pm during consideration of this matter.**
4. **Councillor S Chowdhury left the meeting at 8.39pm and returned at 8.42pm during consideration of this matter.**
5. **Councillor S Issa retired from the meeting at 8.39pm during consideration of this matter.**

ADJOURNMENT OF MEETING

In accordance with Council's decision of 23 October 2000 (Minute No 5712) the meeting adjourned at 8.46pm for a period of 18 minutes.

RESUMPTION OF MEETING

The meeting resumed in the Council Chamber at 9.04pm, there being in attendance the Lord Mayor, Councillor S D Lloyd and Councillors J Chedid, S Chowdhury, R Dwyer, G J Elmore, J D Finn, J A Hugh, B Makari, J L Shaw, L E Wearne and A A Wilson.

NOTE:

Councillors J P Abood and P Esber did not return to the meeting following the adjournment.

PEOPLE AND NEIGHBOURHOODS

11.1 SUBJECT Proposed changes to the frequency of the Australian

Census of Population and Housing

REFERENCE F2015/01309 - D03655232
REPORT OF Manager - Social Outcomes. Also Memorandum from
Manager Social Outcomes dated 7 May 2015.

15620 RESOLVED (Wearne/Chowdhury)

- (a) **That** the report and Memorandum dated 7 May 2015 from the Manager Social Outcomes be received and noted.
- (b) **Further, that** Council contact the Australian Bureau of Statistics and advise that Council considers funding should be provided to deliver a census, not only for 2016, but on an ongoing basis.

LEADERSHIP AND GOVERNANCE

12.1 SUBJECT Appointment of Delegate to WSROC Board

REFERENCE F2015/00876 - D03641320

REPORT OF Business Support Manager

15621 RESOLVED (Makari/Elmore)

- (a) **That** Councillors J Chedid and A A Wilson be appointed as alternate delegates to the WSROC Board.
- (b) **That** relevant steps be undertaken by the Board to lodge notification to ASIC (namely form 484 Change in Company Details under Section 346 of the Corporations Act 2001).
- (c) **Further, that** notification be given to the Board and resigning officer upon the changes being undertaken.

12.2 SUBJECT Update on Appointment of IPART as Independent Panel for assessment of Council Fit for the Future Proposals

REFERENCE F2007/02184 - D03659730

REPORT OF Chief Operating Officer. See also Manager Governance and Risk Memorandum dated 11 May 2015.

15622 RESOLVED (Wearne/Chedid)

- (a) **That** Council note the proposed methodology and the opportunity to make submissions on the methodology by 25 May 2015.
- (b) **Further, that** Council make a submission and note that the draft submission will be circulated to Councillors the week commencing 18 May 2015.

NOTE:

1. **This issue had initially been listed as Item 14.9 of Closed Session but was brought into Open Council for consideration.**
2. **Councillor J Shaw left the meeting at 9.09pm and returned at 9.10pm during consideration of this matter.**

- 3 Tender 3/2015 Culvert Reconstruction and Associated Works - Valley Road, Epping . (D03610393) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*
- 4 Tender 2/2015 Mobbs Lane Carlingford – Neighbourhood Centre Upgrade - Kerb & Gutter and Paving Upgrade Works. (D03644865) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*
- 5 ITT 12/2015 Parramatta Square Precinct Quantity Surveyor. (D03658707) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*
- 6 ITT 15/2015 Parramatta Square Precinct Services Consultant. (D03658985) - *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 Legal Matters Monthly Report to Council. (D03648632) - *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.*
- 8 ITT 7/2015 Provision of Legal Services. (D03659741) - *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.*

NOTE:

The Update on Appointment of IPART as Independent Panel for assessment of Council Fit for the Future Proposals initially listed in Closed Session as Item 14.9 was considered in Open Council (see Minute No.s 15609 and 15622).

14.1 SUBJECT Consideration for reduction in Outdoor Dining Fees
REFERENCE ODD/2/2012 - D03649523
REPORT OF Service Manager-Property Services & Space
 Management
MOTION (Makari/Chedid)

That Council adopt Option A as outlined in paragraph 8 of the report.

The motion was withdrawn by Councillor B Makari.

15625 RESOLVED (Wearne/Wilson)

That consideration of this matter be deferred pending further information including all non-payments for CBD Outdoor Dining, length of time payments have been outstanding and advice on process gaps which enable bond and rent to be outstanding for excessive periods of time.

14.2 SUBJECT ‘Activate Parramatta’ proposal for activation of
 Parramatta Town Hall with high-quality food and
 beverage facilities and function capabilities
REFERENCE F2004/06038 - D03658219
REPORT OF Manager Place Services
MOTION (Wearne/Elmore)

- (a) **That** the ‘Summary of Discussions’ with representatives of an ‘Activate Parramatta’ applicant regarding its proposal for high-quality food and beverage facilities and function capabilities at Parramatta Town Hall are received and noted.
- (b) **That** discussions with the Applicant are to be deferred until there is certainty regarding the future role of Parramatta Town Hall as a component of Parramatta Square 4.
- (c) **That** urban design work for Parramatta Square is to include investigation of the provision of necessary infrastructure (including all appropriate services) as well as access/servicing options for Parramatta Town Hall to enable a potential activation with high-quality food and beverage facilities and function capabilities.
- (d) **That** the Applicant’s Heritage Architect is invited to prepare a proposal for Council’s consideration for a loading access point at the rear corner of the Parramatta Town Hall.

- (e) **Further, that** this report does not commit Council to the Applicant's activation proposal as a potential future use for Parramatta Town Hall.

15626

AMENDMENT (Dwyer/Chedid)

- (a) **That** the 'Summary of Discussions' with representatives of an 'Activate Parramatta' applicant regarding its proposal for high-quality food and beverage facilities and function capabilities at Parramatta Town Hall are received and noted.
- (b) **That** discussions with the Applicant are to be deferred until there is certainty regarding the future role of Parramatta Town Hall as a component of Parramatta Square 4.
- (c) **That** any future discussions will be exhausted with the Applicant before proposals for a similar activation of Parramatta Town Hall are considered by Council.
- (d) **That** urban design work for Parramatta Square is to include investigation of the provision of necessary infrastructure (including all appropriate services) as well as access/servicing options for Parramatta Town Hall to enable a potential activation with high-quality food and beverage facilities and function capabilities.
- (e) **That** the Applicant's Heritage Architect is invited to prepare a proposal for Council's consideration for a loading access point at the rear corner of the Parramatta Town Hall.
- (f) **Further, that** this report does not commit Council to the Applicant's activation proposal as a potential future use for Parramatta Town Hall.

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

NOTE:

Councillors J D Finn MP and A Wilson retired from the meeting at 10.05pm during consideration of this matter.

14.3 SUBJECT Tender 3/2015 Culvert Reconstruction and Associated Works - Valley Road, Epping

REFERENCE F2015/00218 - D03610393

15627 REPORT OF Project Manager
RESOLVED (Chedid/Wearne)

(a) **That** the tender submitted by Citywide Civil Engineering NSW Pty Ltd for the reconstruction of a culvert and associated works at Valley Road, Epping (between house numbers 26 and 28) for the sum of \$531,989.42 (excluding GST) be accepted.

(b) **That** all unsuccessful tenderers be advised of Council's decision in this matter.

(c) **Further, that** the Lord Mayor and Chief Executive Officer be given delegated authority to execute and affix the Common Seal of Council to the necessary documents.

14.4 SUBJECT Tender 2/2015 Mobbs Lane Carlingford –
Neighbourhood Centre Upgrade - Kerb & Gutter and
Paving Upgrade Works

REFERENCE F2015/00273 - D03644865

REPORT OF Project Manager

15628 RESOLVED (Chedid/Hugh)

(a) **That** the tender submitted by Sydney Civil Pty Ltd for the construction of new kerb & gutter, paving and associated works at the Mobbs Lane Neighbourhood Centre, Carlingford for the sum of \$194,860.82 (excluding GST) be accepted.

(b) **That** all unsuccessful tenderers be advised of Council's decision in this matter.

(c) **Further, that** the Lord Mayor and Chief Executive Officer be given delegated authority to execute and affix the Common Seal of Council to the necessary documents.

14.5 SUBJECT ITT 12/2015 Parramatta Square Precinct Quantity
Surveyor

REFERENCE F2015/00178 - D03658707

REPORT OF Development Manager Assistant

15629 RESOLVED (Chedid/Makari)

(a) **That** the top three highlighted firms listed in paragraph 7 of the report be accepted as a panel.

(b) **That** all unsuccessful tenderers be advised of Council's decision

in this matter.

- (c) **Further, that** the Lord Mayor and the Chief Executive Officer be given delegated authority to execute and affix the common seal of Council to the necessary documents.

14.6 SUBJECT ITT 15/2015 Parramatta Square Precinct Services
Consultant

REFERENCE F2015/00178 - D03658985

REPORT OF Development Manager Assistant

15630 RESOLVED (Hugh/Chedid)

- (a) **That** the tender noted in paragraph 9 of the report be accepted.
- (b) **That** all unsuccessful tenderers be advised of Council's decision in this matter.
- (c) **Further, that** the Lord Mayor and the Chief Executive Officer be given delegated authority to execute and affix the common seal of Council to the necessary documents.

14.7 SUBJECT Legal Matters Monthly Report to Council

REFERENCE F2004/07898 - D03648632

REPORT OF Legal Services Manager. Also Legal Services Manager Memorandum dated 11 May 2015.

15631 RESOLVED (Wearne/Elmore)

- (a) **That** the report be received and noted.
- (b) **Further, that** in relation to 32 Lindsay Street, Wentworthville, Council adopt option 1 as contained in Legal Services Manager Memorandum dated 11 May 2015.

14.8 SUBJECT ITT 7/2015 Provision of Legal Services

REFERENCE F2015/00686 - D03659741

REPORT OF Legal Services Manager. Also Supplementary Report from Legal Services Manager.

15632 RESOLVED (Chedid/Hugh)

- (a) **That** consideration of this matter be deferred for one month.

- (b) **Further, that,** in the meantime, an opportunity be given to interested Councillors to attend an afternoon information session with the Chief Operating Officer addressing the tender process and including such issues as:-
- Complete list of tenderers;
 - Any written invitations to tender.

14.9 SUBJECT Update on Appointment of IPART as Independent Panel
for assessment of Council Fit for the Future Proposals

REFERENCE F2007/02184 - D03659730

REPORT OF Chief Operating Officer

NOTE:

This matter was brought into Open Council and considered as Item 12.2 (see Minute No.s 15609 and 15622).

The meeting terminated at 10.36pm.

THIS PAGE AND THE PRECEDING 29 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 11 MAY 2015 AND CONFIRMED ON MONDAY, 25 MAY 2015.

Lord Mayor