

PRESENT

Amanda Chadwick – Administrator

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Administrator, Amanda Chadwick, acknowledged the Burramattagal people of The Darug Nation as the traditional custodians of this land and paid respect to their ancient culture and their elders past and present.

WEBCASTING COUNCIL MEETING

The Administrator, Amanda Chadwick, advised that this public meeting is being recorded and streamed live on the internet. The recording will also be archived and made available on Council's website.

The Administrator further advised that all care will be taken to maintain privacy, however as a visitor in the public gallery, the public should be aware that their presence may be recorded.

MINUTES

711           SUBJECT       Minutes of the Council Meeting held on 10 July 2017  
RESOLVED    (Chadwick)

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

712           SUBJECT       Minutes of the Council Meeting held on 17 July 2017  
RESOLVED    (Chadwick)

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

DECLARATIONS OF INTEREST

The Administrator, Amanda Chadwick, advised that she does not own any property in the City of Parramatta Council local government area nor have a direct or non-direct conflict of interest in any matter on the current agenda

PRODUCTIVE

8.1           SUBJECT       Parramatta Light Rail Community and Business  
Advisory Committee

REFERENCE F2016/02180 - D05148712  
REPORT OF Director Strategic Outcomes and Development ; Project  
Mgr Communication & Engagement; Manager City  
Strategy

713 RESOLVED (Chadwick)

- (a) **That** Council endorses the establishment and appointment of members to the Parramatta Light Rail Community and Business Advisory Committee as per Attachment 1.
- (b) **That** Council delegates authority to the Interim General Manager to appoint additional community members obtained through a public expression of interest process.
- (c) **That** Council adopt the Terms of Reference of the Parramatta Light Rail Community and Business Advisory Committee as shown in Attachment 2.
- (d) **Further, that** the Interim General Manager in consultation with the Administrator appoint an independent chair for the Committee.

8.2 SUBJECT Parramasala Festival 2018  
REFERENCE F2014/02487 - D05154172  
REPORT OF Manager, City Animation

714 RESOLVED (Chadwick)

- (a) **That** Council supports the presentation of the Parramasala Festival in March 2018;
- (b) **That** Council provide a financial commitment for the presentation of the Parramasala Festival in 2018 up to an amount of \$200,000;
- (c) **That** Council delegates to the Chief Executive Officer authority to negotiate and enter into (on behalf of the Council) a binding partnership in terms of the previous agreement between Parramasala Limited and Council; and
- (d) **Further, that** Council delegates its authority to the Chief Executive Officer and the Director Marketing and City Identity to continue discussions with Parramasala Limited regarding the delivery of the Festival in future years.

8.3 SUBJECT 8 Parramatta Square Property Report  
REFERENCE F2017/00287 - D05158198

REPORT OF Director Property and Strategic Assets. Also  
Supplementary Report from Director Property and  
Strategic Assets.

715 RESOLVED (Chadwick)

- (a) **That** Council note the significant opportunity and time critical nature of this report;
- (b) **That** Council note the economists report from Macroplan Dimasi as detailed in Attachment 1 of the previously circulated holding report;
- (c) **Further, that** Council note this report and consider the additional report and its recommended actions to be provided in closed session.

#### LEADING

9.1 SUBJECT Oath or Affirmation for Councillors

REFERENCE F2004/07851 - D05158142

REPORT OF Service Manager Governance Infrastructure

716 RESOLVED (Chadwick)

- (a) **That** a date of Thursday, 14 September 2017 be set down to hold a function to enable Councillors to take their oath or affirmation of office.
- (b) **That** should the polls not be declared by 14 September 2017, then Council hold the subject function on Thursday, 21 September 2017 with the Extraordinary Meeting for the election of the Lord Mayor being moved back to 25 September 2017.
- (c) **Further, that** these dates be placed on the local government election's page of Council's website and referred to the Returning Officer for the City of Parramatta Council elections to advise candidates who are standing for election.

#### CLOSED SESSION

Members of the press and public were 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 were 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:-

- 1 189 Macquarie Street, Parramatta and Delegations . (D05152323) -  
*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.*

- 2 8 Parramatta Square Property Report . (D05158718) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*
- 3 Heads of Agreement for Arts and Culture Precinct. (D05154658) - *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.*

10.1 SUBJECT 189 Macquarie Street, Parramatta and Delegations  
REFERENCE F2017/00625 - D05152323  
REPORT OF Legal Services Manager

717 RESOLVED (Chadwick)

- (a) **That** Council note the report.
- (b) **That** the Chief Executive Officer be delegated authority to do all things necessary, including the commencement of legal proceedings and issuing appropriate orders and notices, to obtain compliance with development consent No. 852/2013 (consent) issued by the Joint Regional Planning Panel on 14 April 2015 and relating to the property at 189 Macquarie Street, Parramatta (property).
- (c) **That** the Chief Executive Officer be delegated authority to defend any legal proceedings against Council brought in relation to the development of the property.
- (d) **That** the Chief Executive Officer be delegated authority to enter into and finalise any negotiations to his reasonable satisfaction, including consenting to orders by the Court and entering into any agreements, to resolve any matters of dispute relating to the development of the property.
- (e) **That** it be noted a legal review (audit) is underway regarding the background of this matter which will provide further advice on Council's current controls and relevant decisions and make suggestions on practical improvements to better manage future risk.
- (f) **That** it be noted the range of recent measures initiated to

review and improve the governance and the functional separation of Council's property development activities.

- (g) **Further, that** the new Council be promptly provided with report on the status of this matter and its financial, legal and risk implications, including the outcomes of the current legal review and an update on Council's implementation of measures to strengthen governance of its property development activities.

10.2      SUBJECT      8 Parramatta Square Property Report  
REFERENCE    F2017/00287 - D05158718  
REPORT OF    Director Property and Strategic Assets. Also  
Supplementary Report from Director Property and  
Strategic Assets.

718      RESOLVED    Chadwick

- (a) **That** Council note this report and the public report provided in open session;
- (b) **That** Council note the significant opportunity and time critical nature of this report in relation to 8 Parramatta Square;
- (c) **That** Council note the level of due diligence undertaken in order to provide the recommendations contained in this report, including independent advice covering the following items:
- (i) Economic benefits
  - (ii) Legal and Probity
  - (iii) Residential Market
  - (iv) Commercial Value
- (d) **That** the CEO be authorised to negotiate a terms sheet with Walker Corporation, the effect of which is that Walker Corporation agrees, at its own cost and commercial risk, to:
- (i) prepare all documentation; and
  - (ii) complete all steps necessary to enable Council to consider whether or not to provide Walker Corporation an option permitting a possible change of use of 8PS from a predominantly residential scheme to a commercial usage. These steps include, but are not limited to:
    - a) discussing with prospective tenants the opportunity to lease commercial space within 8PS;
    - b) finalising binding agreements with potential tenant(s) on the basis that any such agreement is conditional upon a resolution being made by the incoming elected Councillors (to be duly elected in September 2017) (Incoming Council) approving the change in use to commercial usage;

- c) undertaking a design competition for commercial use provided that in undertaking the design competition Walker Corporation must not represent that the change to commercial use has been or will be approved by Council; and
- d) lodging a development application for commercial use provided that Walker Corporation must not represent that the change to commercial use has been or will be approved by Council and on the basis that a development application for residential use must be lodged at the same time;
- (e) **That**, Walker Corporation undertake the activities contemplated by the terms sheet referred to in (d), notwithstanding the current Project Delivery Agreement (PDA) requires that a predominantly residential use be developed within the 8PS building;
- (f) **That**, Walker Corporation will also be required to undertake further design work in relation to 6PS, enabling the combination of the building footprints of both 6PS and 8PS so as to achieve a premium grade campus style offering;
- (g) **That**, the CEO provide a written report to the Incoming Council on:
  - (i) the progress in relation to the 8PS project; and
  - (ii) the progress by Walker Corporation as to the matters referred to in (d) and (e) with a view to determining whether Council ought to approve or reject the changes to the 8PS PDA;
- (h) **That**, the CEO's report to Council referred to in (g) is to be provided before 30 November 2017 and contain updated information and reports on all aspects of the project and all matters relevant to the Council so that Council may make a decision as to whether it approves or rejects the necessary changes to the 8PS PDA by that date.
- (i) **That** any term sheet entered into pursuant to (d) above must record:
  - (i) the time frame for the Council decision referred to in (d) above; and
  - (ii) that if no approval is given by 30 November 2017, Council will be deemed to have refused to alter the PDA in the manner described;
- (j) **That** the Administrator and Chief Executive Officer be authorised to execute under seal, all documents in connection with this matter, if required.
- (k) **That** Council note that the reference to the JLL report should not have referenced it as an independent report.
- (l) **Further, that** it be noted that the 4<sup>th</sup> sentence of attachment 10 – Council's Response to Procure Group Advice, was not an accurate statement.

10.3 SUBJECT Heads of Agreement for Arts and Culture Precinct  
REFERENCE F2017/01830 - D05154658  
REPORT OF Chief Financial Officer  
719 RESOLVED (Chadwick)

- (a) **That** Council enter into a Heads of Agreement with the NSW State Government, as contained in draft form in the Council report.
- (b) **That** Council provide direction and delegated authority to the Chief Executive Officer to sign all necessary documents (other than those which must be signed under common seal).
- (c) **That** the Administrator and Chief Executive Officer be authorised to execute under seal, all necessary documents including leases and deeds of agreement.
- (d) **Further, that** suitable media announcements (including responding to requests for information) be made outlining all relevant details of the Agreement following its execution by the parties.

The meeting terminated at 6.41pm.

THIS PAGE AND THE PRECEDING 6 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON THURSDAY, 27 JULY 2017 AND CONFIRMED ON MONDAY, 14 AUGUST 2017.

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Administrator