

'These are draft minutes and are subject to confirmation by Council at its next meeting. The confirmed minutes will replace this draft version on the website once confirmed.'

PRESENT

The Lord Mayor, Councillor Andrew Wilson and Councillors Benjamin Barrak, Phil Bradley, Donna Davis, Robert Dwyer, Pierre Esber, Michelle Garrard (Deputy Lord Mayor), Paul Han, Steven Issa, Andrew Jefferies, Sameer Pandey, Dr Patricia Prociv, Bill Tyrrell, Lorraine Wearne and Martin Zaiter.

NOTE:

The Lord Mayor acknowledged Mark Taylor, Member for Seven Hills and Laurie Bennett, former Councillor for Parramatta City Council.

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Lord Mayor, Councillor Andrew Wilson, 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 Lord Mayor, Councillor Andrew Wilson, 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 Lord Mayor 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.

OTHER RECORDING OF MEETING

As per Council's Code of Meeting Practice, the recording of the Council Meeting by the public using any device, audio or video, is only permitted with Council permission. Recording a Council Meeting without permission may result in the individual being expelled from the Meeting.

DECLARATIONS OF INTEREST

Councillor Phil Bradley declared a Non Pecuniary but Significant Interest in Item 13.5 of Innovative being Planning Proposal Block Bound by Parramatta Road, Victoria Street, Albert Street and Western Railway Line, Granville. – Granville as an acquaintance lives in the affected block. He indicated he would retire from the meeting during debate and voting on this matter.

Councillor Martin Zaiter declared a Non Pecuniary but Significant Interest in Item 15.10 of Closed Session being Legal Status report as at 16 October

2018 as his firm provides accounting services for the applicant in item 3 of the report. He indicated that he would retire from the meeting during debate and voting of this matter.

MINUTES

SUBJECT: Minutes of the Council Meeting held on 8 October 2018

1683 RESOLVED (Garrard/Barrak)

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

MINUTES OF THE LORD MAYOR

GB39/1 SUBJECT 175th Anniversary of the Parramatta Cricket Club

8 REFERENCE F2017/02813

FROM The Lord Mayor Councillor Andrew Wilson

BACKGROUND

1. The Parramatta District Cricket Club was founded in 1843 as Central Cumberland Cricket Club and is a foundation member of the Sydney grade cricket competition.
2. It is the oldest club in New South Wales and the second oldest in Australia.
3. It is the home club of Australian cricketers legends Richie Benaud, John Benaud and Doug Walters.
4. Recently the Club has had a number of successes, including an U16 undefeated 2017/187 season, the Men's Premier First Grade Belvidere Cup grand final win, and the Second Grade Grand Final win for the Women's Premier Grade Competition.

Additionally, the Club's President Greg Monaghan received Cricket NSW life membership in September.

1684 RESOLVED (Wilson/Pandey)

- (a) **That** Council congratulates the Parramatta District Club on the 175th Anniversary of service to the City of Parramatta and its residents.
- (b) **Further that** an appropriate certificate be provided at the function to be held to celebrate with any interested Councillors.

GB39/1 SUBJECT George Mannix

8 REFERENCE F2017/02813

FROM The Lord Mayor Councillor Andrew Wilson

BACKGROUND

1. George Mannix joined the former Parramatta City Council in August 2005. Prior to his employment with Council, he worked for the NSW Government spearheading reforms to reduce red tape in relation to location filming in NSW, including the establishment of the legislation around NSW film location policy, procedures and approvals.
2. In his time as Council's Service Manager City Animation, George had a significant role in activating the City CBD for various events. The body of his achievements included:
 - The first MOU with Events NSW
 - The "Indian Film Festival" that eventually turned into Parramasala
 - The establishment of the Sydney Festival Parramatta partnership
 - Securing the Tropfest Parramatta partnership
 - AR Rahman concert and 40,000 people in Parramatta Park
 - Diwali festival lighting installation in Harris Park
 - Foundation Day Address program
 - The Chalk Art Festival + Buskers in the mall program
 - Parramatta Farmers Market
 - Creation and establishment of the Winterlight festival
 - Liquid Cinema community film screening program on the river foreshore
 - River Foreshore Summer Family Program
 - Growing the Parramatta CBD as a destination for film location shoots for example ABC series Love Child.
3. George is survived by his wife Kate and four children Sydney, Imogen, Jack and Eleanor.

1685 RESOLVED (Wilson/Issa)

That Council acknowledges the passing of Council's Service Manager City Animation, George Mannix and extends its deepest sympathies to his friends and family.

NOTE:

The Chamber held a Minutes silence in remembrance of George Mannix.

GB39/1 SUBJECT Review of Governance
8 REFERENCE F2017/02813
FROM The Lord Mayor Councillor Andrew Wilson

BACKGROUND

Council tonight will receive a presentation from its external auditors the Audit Office of NSW on the Financial Statements for 2017/2018.

In keeping with the continuous review of the key controls within Council, such as our financial controls, I recommend that an independent review be undertaken of the governance controls within Council by Council's external probity auditors with the outcomes of that review to be referred to Council's Audit, Risk & Improvement Committee for consideration and report to Council.

1686 RESOLVED (Wilson/Issa)

That an independent review be undertaken of the governance policies and procedures within Council to ensure alignment with best practice, with the outcomes of that review to be referred to Council's Audit Risk and Improvement Committee for consideration and report to Council.

SUSPENSION OF STANDING ORDERS

1687 RESOLVED (Wilson/Garrard)

That Standing Orders be suspended to consider an urgent motion pertaining to a rescission motion on Aquatic Leisure Centre Parramatta - Non-binding Agreements with Parramatta Park Trust.

The Lord Mayor ruled that the matter was urgent.

RESUMPTION OF STANDING ORDERS

1688 RESOLVED (Esber/Barrak)

That Standing orders be resumed.

PUBLIC FORUM

1 SUBJECT Planning Proposal for land at 21 & 21A Tucks Road,
Toongabbie
REFERENCE RZ/11/2015
FROM Milad Esber

AS PROVIDED

My name is Milad Esber resident of Toongabbie for the past 20 years. I have been the manager of TLC and working with the surrounding community of Toongabbie for the past 7 years. I am against the recommendation for refusal. I fully support the proposed planning proposal of 21/21A Tucks Rd Toongabbie, which will include the new Health facilities.

Development of this land will occur in one form or another. Tonight I am not going to talk about the alternate application that has been lodged with the Department of Planning for affordable rental housing and site compatibility certificate application which consists of 88 units in place of the tennis courts and a further development on the TLC Health and Fitness site and in effect the closure of TLC Health and Fitness Centre. I am adamant this will not be the best outcome for the area nor for our community as we have seen so many positive effects over the years which TLC Health has delivered.

TLC is the only gym in the Toongabbie/Parramatta area which has the provision facilitating the weekly school sports activities for our local and neighbouring schools, these schools include

- Pendle Hill High School
- Girraween Selected School
- St Pauls Catholic School
- Mountain View Adventist College
- Toongabbie Christian School

TLC is an accredited health and fitness centre with the “Active Kids program” where we have in place programs to fight obesity, nutritional education and various Health & fitness activities for our children.

TLC is home to Hapkido Mixed Martial Arts Academy which has been operating for 4 years at TLC and have over 100 students

TLC holds NSW Squash competitions and host squash competitions on a weekly basis and is home to over 120 squash members and attracts over 300 additional casual players from neighbouring communities on a weekly basis.

TLC is home for our valued senior citizens groups where they attend their special health and fitness classes weekly run by Alma Webber, a specially qualified instructor for the aged .

TLC is home to medical practitioners in the area which use TLC facilities as a Rehabilitation centre for their clients/patients.

TLC has the provisions to accommodate our handicapped members and visitors.

We look at our State & Local governments to provide us with community centres, recreational and sporting facilities and housing for our children and our local community. I believe this planning proposal will deliver just that as a great mix of residential and health facilities.

overshadowing & overlooking of adjoining properties and inflict vehicle noise and headlight glare on properties opposite the basement entry in Rausch St.

- The majority of B4 land uses, such as entertainment facilities, function centres, hotels, motels, clubs, restricted premises and residential flat development are completely out of character and incompatible with established and expected development in the neighbourhood.
- As the officers' report acknowledges "*Council's role is to determine the appropriate zone and the owner of the land can make a decision as to which of the permitted uses they wish to pursue on the site.*"
- The Planning Proposal and Staff report only consider the implications of the submitted proposal. Neither consider or assess the implications of the range of other land uses that would be permitted by this proposal.
- To date Council has located B4 zones adjacent to high activity areas. The closest B4 zones are concentrated immediately adjacent to the Westmead Hospital Precinct & the North Parramatta employment area. High activity areas in close proximity to major transport facilities. A B4 zone in this locality is inconsistent with Council's established planning strategies for locating such zones and would be isolated in a sea of low density housing.
- The site is 1.1 km walking distance from the entrance to Toongabbie Railway Station and the closest bus stop on the North-Western T-Way. It is not in a location that would maximise public transport patronage and encourage walking and cycling, a principal objective of the B4 Mixed Use Zone.
- Traffic modelling accompanying the Planning Proposal is based on an annual traffic growth of 1% to 1.5%. The actual growth in traffic along Fitzwilliam Rd over the past 3 years has been up to 7%, and the modelling does not take into account the future traffic from the 1200 units currently approved and under construction in Toongabbie. The traffic impacts of development are significant.
- The site and the surrounding residential area are flood affected. However, no assessment has been undertaken as to the impact of flood waters, displaced by development of the site, on the surrounding properties. Failure to do so is inconsistent with the State Government's Flood Prone Land Policy and Floodplain Development Manual.
- The SES, Council's partner in the FloodSmart Programme, objects to the proposal. They are of the view that it is inappropriate to increase resident population, provide basement parking below the flood level and 'shelter in place' as a flood evacuation strategy on this site.
- Council's Local Planning Panel has unanimously recommended that Council not proceed with the Planning Proposal as:
 1. The proposal would result in a large increase in the maximum height of buildings.
 2. The proposal would result in multi-storey residential flat buildings situated away from public transport.

3. There is concern about the possibility of the land being subject to flooding.
4. It is considered inappropriate to have higher density residential development in a location such as this.

Rezoning the site B4 Mixed Use is also unwarranted in that:

- Council's current housing strategies and initiatives far exceed the housing supply and choice outcomes sought by the State Government.
- There are 3 significant areas in close proximity to the site that are zoned for medium density development and are substantially undeveloped. Each of them is in closer proximity to bus and/or rail opportunities.
- The existing R2 & B1 zones are consistent with housing in the area and allow for:
 - redevelopment & renewal of the site,
 - the proponent's desired expansion of the gymnasium; and
 - increased residential density
 in a manner compatible with the built form and the unique flooding and traffic characteristics of the surrounding neighbourhood.

The proposed B4 zone is inappropriate, unsubstantiated, unwarranted and opportunistic, it seeks to maximise the land owners' benefit at the local community's expense.

Please protect our community and reject this proposal.

3 SUBJECT Planning Proposal for the block bound by Parramatta Road, Victoria Street, Albert Street and Western Railway Line, Granville

REFERENCE RZ/10/2013

FROM Dongjun Chen

1691 AS PROVIDED

171-189 Parramatta Road Granville

Although Councillors had identified the uplift during the Residential Development Strategy (RDS) (F2004/07659) in 2005 and again 10/11/2014 Cllr Wilson "all properties values have been lifted massively" and although in the RDS 29.8.2005 (b) That Council negotiate separately with landowners of sites identified in Attachment 1 Consultation point 2" The main themes of the RDS Consultation Plan include, providing clear and transparent processes; encouraging productive and realistic relationships, actively engaging and educating the community as to the role of the RDS, maintain a feedback loop of information to the community; and facilitating discussion of issues and solutions to create a shared understanding and ownership of the RDS with all stakeholders"

However in 2013 and onwards Council chose not to negotiate or provide any information to the adjoining landowner in Victoria St Granville even when Council was asked about rezoning instead Council chose to leave the adjoining landowners at the hands of the developer who was attempting to acquire the adjoining properties for a fraction of the \$2,915,000 (\$8,154 per M2 for 37 East St Granville) Council was paid by Develotek for their land at 37 East St Granville which was 52% greater than what was paid to 41 East St Granville.

On Page 500 Point 61 of the Local Planning Panel Council speaks about "a mechanism to obtain a fair and equitable contribution towards improvements to the local road network including"
Interesting concept given Council as a landowner, regulator and power house of information Council chose not to be "fair and equitable" when it came to sharing the information about what rezoning meant for the "average landowner" in Granville.

The facts are the adjoining home owners to the developer 44-56 Victoria St Granville have the best amenities and the depth to deliver a high-rise. They are not affected by the Parramatta Road widening. In the past if the government wanted your property they just take what they needed. That is what Council is planning to do with the DCP steal our "air and light" and give it to the developer so they can claim they are making a land contribution to Parramatta Road through their VPA and then on the other hand Council wants to hold the remaining landowners to ransom wanting them to sign individual VPA's while their air and light are strip from them.

So where was the concept of "fair and equitable" when the Councilors on the 15.12.2014 when although the developer only had the depth to accommodate
3:1 FSR TWELVE Councillors voted YES for 28 and 35 storeys plus 15 % design excellence adjoining single storey homes in Victoria St and if the developer was to comply with the ADG setbacks the towers would not be viable so the Council was setting the ground work to strip the air and light from the adjoining properties using the DCP so the developers could make more money.

However the Department of Planning thought the application was so ridiculous they basically said bugger off and come back with something sensible.

So on the 30th October 2015 a revised plan was submitted by Catylis Properties on behalf of the landowner.

However time was running out.

And although on the 14 December 2015 item 7.14 Draft Parramatta Road Urban Transformation Strategy - Council's Formal Submission point 70 relating to RZ/10/2013 it stated "The applicant has recently submitted a revised scheme and it is currently under assessment. It is expected that it will be reported to Council in early 2016."

However point 76 states "it is anticipated that UrbanGrowth will finalise the Draft Strategy in early 2016 and have committed to working with

councils in relation to the implementation phase.”

It appears that RZ/10/2013 was up against the clock. Tick, tock, tick, tock. Then there is reference page 509 to “A Lord Mayoral Minute was resolved by Council to clarify the previous resolution of Council dated 23 December 2015, relating to the inconsistency between the FSR and compliance with the UDG.”

On page 44, 13 March 2017 point 6 “That after seeking clarification and advice from the Director of Strategic Outcomes and Development, Council endorse the following addendum to the previous resolution... point 7 “This might infer that the Minute had been prepared in consultation with the Director Strategic Outcomes and Development and had her support. This was not the case. At the time this minute was considered the Council officers had prepared a report for the following Council meeting to allow Council to consider all the options for this site.” This is the instrument which enabled the Department of Planning assessment beating the release of the final report.

Question

1. Who called the extraordinary meeting for Wednesday 23rd December 2015?
2. Who gave the instruction to the officer who prepares the Council agenda to list RZ/10/2013 which stated “Council Officers are currently undertaking their assessment of the revised Planning Proposal. Officers will circulate under separate cover a detailed assessment of the proposal prior to the Council meeting on 23 December 2015”?
3. Is this the normal practice to table a Rezoning and/or Development Application when the section had not completed the assessment? If not what is the normal practice?
3. Who asked/directed the Lands Use Planning to fast track RZ/10/2013?
4. In the past twelve years has there been a Lord Mayoral Minute used in the same manner as the Lord Mayor Minute of 14.3.2016? If yes, please list.

Response from Mark Leotta, Acting Director Strategic Outcomes and Development:-

The forum from Mr Chen raises a number of questions that relate to historical process issues related to this planning proposal or other matters. The questions do not relate to the merits of the Planning Proposal being considered tonight and so officers do not consider that the responses requested will impact on or inform the merit based planning decision that Council is being asked to make tonight. A response to the questions will be provided separately to the public forum speaker.

- 4 SUBJECT Planning Proposal for the block bound by Parramatta Road, Victoria Street, Albert Street and Western Railway Line, Granville

REFERENCE RZ/10/2013
FROM Jean-Pierre Kesrouani

1692 I have been following this matter very closely as I am a neighbouring resident and am perplexed that there is even an objection about approving 6:1 FSR for the Applicant in return for the community receiving a free public park.

The benefit of a 3200 square metre public park far outweighs any objection to increase the FSR from 4.5:1 to 6:1. My understanding is the people who are objecting now are residents who feel upset that they too are not going to receive a 6:1 FSR and so if they cannot have it, nor should the Applicant. I feel this is ridiculous because I am aware that if a developer came knocking on their door offering them a great value for their property, they would sell immediately.

People like myself and other neighbours, have an intention to remain in this area long term and so the more green space that is available, the more we stand to benefit. Better still, this green space does not come at a cost to either the Council or us the rate payers. The size of this green space being afforded to us the community (3200 square metres) is close to half of the Applicant's land according to the paperwork we have received from Council.

Offering such a large parcel of land free of charge to the community is unheard of in this day and age particularly by developers. We cannot be foolish and lose this opportunity. A number of us residents are acutely aware of the benefit this Applicant is providing, which has also urged me to write to Council to express these collective views!

To the Lord Mayor and honorary Parramatta City Councillor's, I strongly urge that common sense prevail in this situation and Council support the Applicant's preferred option of an FSR of 6:1 so that we the current and future long term residents of this area can enjoy the future benefit of an additional green space that is coming to the community free of charge.

PETITIONS

1 SUBJECT 21-21A Tucks Road, Toongabbie
REFERENCE RZ/11/2015
FROM Michelle Garrard
1693 RESOLVED (Garrard/Esber)

- a) **That** Council receive and note the petition and it be considered in conjunction with item 13.4 of Innovative being Planning Proposal for Land at 21-21A Tuck Road, Toongabbie on tonight's Business Papers.
- b) **Further**, that the head petitioner be notified of Council's decision

SUSPENSION OF STANDING ORDERS

That Standing Orders be suspended to consider bringing forward the consideration of Item 13.4 of Innovative being Planning Proposal for land at 21-21A Tucks Road, Toongabbie due to the number of community members awaiting consideration of this item.

The Lord Mayor ruled that the matter was urgent.

13.4 SUBJECT Planning Proposal for land at 21 & 21A Tucks Road, Toongabbie

REFERENCE RZ/11/2015 - D06418502

REPORT OF Project Officer Land Use

Also Briefing Note from Service Manager- Land Use Planning dated 26 October 2018 and Briefing Note from Manager City Strategy dated 23 October 2018.

1694 RESOLVED (Garrard/Wearne)

That consideration of this matter be deferred to enable Council to receive advice from State Government on the Site Compatibility Certificate.

DIVISION The result being:-

AYES: Ctrs B Dwyer, M Garrard, S Issa, A Jefferies, S Pandey, W Tyrrell, L Wearne, A Wilson and M Zaiter

NOES: Ctrs B Barrak, P Bradley, D Davis, P Esber, P Han and P Prociv

MEETING ADJOURNMENT

1695 RESOLVED (Wilson)

That the meeting be adjourned for 15 minutes.

The Meeting was adjourned at 7.58 pm for 19 minutes.

RESUMPTION OF MEETING

The Meeting resumed in the Council Chamber at 8.17pm there being in attendance The Lord Mayor, Councillor Andrew Wilson and Councillors Benjamin Barrak, Phil Bradley, Donna Davis, Robert Dwyer, Pierre Esber, Michelle Garrard (Deputy Lord Mayor), Paul Han, Steven Issa, Andrew Jefferies, Sameer Pandey, Dr Patricia Prociv, Bill Tyrrell, Lorraine Wearne and Martin Zaiter.

FURTHER SUSPENSION OF STANDING ORDERS

1696 RESOLVED

That Standing Orders continue to be suspended to enable consideration of Item 13.1 Presentation of Draft 2017/2018 Annual Financial Statements

to enable the External Auditor from the Auditor General's Office to present to the Council.

The Lord Mayor ruled that the matter was urgent.

13.1 SUBJECT Presentation of Draft 2017/18 Annual Financial Statements
REFERENCE F2004/05862 - D06216486
REPORT OF Acting Chief Financial Officer

1697 RESOLVED (Tyrrell/Bradley)

- (a) **That** Council adopt the Draft Financial Statements for the year ended 30 June 2018.
- (b) **That** Council authorise the Lord Mayor, Deputy Lord Mayor, Acting Chief Executive Officer and Responsible Accounting Officer to sign the following:
1. General Purpose Financial Statements– Statement by Councillors and Management
 2. Special Purpose Financial Statements – Statement by Councillors and Management
- (c) **That** Council receive the Auditor's Report on the 2017/18 Financial Statements.
- (d) **Further, that** Council present the 2017/18 audited Financial Statements and Auditor's Report to the public at the Council Meeting dated 26 November 2018.

NOTE:

1. **Weini Liao, Director Audit Office NSW gave a presentation regarding Councils Annual Financial Statements.**
2. **The Lord Mayor acknowledged former Parramatta Councillors Elizabeth Bossel and Jean Pierre Abood, current Cumberland Councillor Ross Grove and Community Activist Kerrie Poyner.**

FURTHER SUSPENSION OF STANDING ORDERS

1698 RESOLVED

That Standing Orders continue to be suspended to enable consideration of Item 13.5 of Innovative being Planning Proposal for the block bound by Parramatta Road, Victoria Street, Albert Street and Western Railway Line, Granville due to the number of community members awaiting consideration of this item.

The Lord Mayor ruled that the matter was urgent.

13.5 SUBJECT Planning Proposal for the block bound by Parramatta

Road, Victoria St, Albert St and Western Railway Line,
Granville

REFERENCE RZ/10/2013 - D06425733

REPORT OF Team Leader Land Use Planning

Also Briefing Note from Manager City Strategy dated 23 October 2018 and Briefing Note from Team Leader Land Use Planning dated 22 October 2018.

1699 RESOLVED (Wearne /Garrard)

- (a) **That** Council note the recommendation of the Local Planning Panel (16 October 2018) in relation to this matter, as contained in this report.
- (b) **That** Council note the outcomes of the public exhibition and consultation processes (which are summarised and addressed in Attachments 7, 8, 9, 10 and 14 of Attachment 1) undertaken for the subject Planning Proposal in relation to the block in Granville bounded by Parramatta Road, Victoria St, Albert St and the railway line.
- (c) **That** Council amend the Planning Proposal document exhibited (a copy of which is included in Attachment 5 of Attachment 1) so that the controls in the Parramatta Local Environmental Plan 2011 (PLEP 2011) that apply to the subject block are amended as follows:
 - 1. Rezone the subject land from part B6 Enterprise Corridor / part R3 Medium Density Residential to B4 Mixed Use;
 - 2. **For the land identified as 171-187 Parramatta Road and 58-60 Victoria Street, Granville, increase the FSR from part 2:1 / part 0.6:1 to 6:1 and increase the height from part 15m (4 storeys) / part 11m (3 storeys) to 82m (approx. 25 storeys);**
 - 3. **For the land identified as 167 Parramatta Road, 38 to 56 Victoria Street and 64 Victoria Street, Granville, increase the FSR from part 2:1 / part 0.6:1 to 4.5:1 and increase the height from part 15m (4 storeys) / part 11m (3 storeys) to 82m (approx. 25 storeys);**
(Note: to avoid any doubt the property addresses and boundaries are shown in Figure 1 of the Assessment report included as Attachment 1).
 - 4. Introduce a Design Excellence Clause, requiring any development on these blocks to run an architectural design competition with the winning scheme not receiving a height or FSR bonus;
 - 5. Include a satisfactory arrangements provision for contributions to designated State public infrastructure identified as part of the Parramatta Road Corridor Urban Transformation Strategy and supporting documents; and
 - 6. make any other amendments to ensure the Planning Proposal is providing planning controls that are consistent

with the Parramatta Road Corridor Urban Transformation Strategy (except for the building height control).

- (d) **That** Council send the Planning Proposal referred to above to the Department of Planning and Environment for their consideration so they can begin processing the Planning Proposal. However, Council should also advise the Department that the Planning Proposal not be finalised until:
1. Council advises the Department that Voluntary Planning Agreements (VPAs) have been signed by both Council and the landowners that ensure adequate contributions to local infrastructure, in particular road network improvements have been put in place to ensure that the requirements of relevant NSW transport agencies are addressed, and
 2. A Development Control Plan (DCP) is prepared and endorsed by Council for the block.
- (e) **That** Council authorise the Acting Chief Executive Officer (CEO) to make any minor amendments and corrections of a non-policy and administrative nature that may arise during finalisation of the Planning Proposal documentation.
- (f) **That** Council advise the Department that, if a legal mechanism exists or can be agreed, that Council has no objection to the Department finalising the Planning Proposal for different parts of the site at different points in time. (As this would allow for the planning controls to be finalised for sites as the VPAs are finalised, rather than requiring all the landowners to wait for all the VPAs to be agreed with all landowners before the new planning controls can come into force on their site.)
- (g) **That** Council engage a consultant team to prepare a DCP to guide the development of the block. This process should involve consultation with all landowners as part of its preparation, and the Draft DCP should address the key DCP issues detailed in the body of this report.
- (h) **That** the Draft DCP be reported to Council to allow Council to endorse the DCP prior to any public consultation on this plan.
- (i) **That** Council delegate the Acting CEO to invite all landowners to discuss potential Planning Agreements that provide a contribution to the future infrastructure needs of the Granville Precinct, and to undertake negotiations on the content of any Voluntary Planning Agreement on behalf of Council. When negotiating these agreements Council officers negotiating position should be that the contribution should be equivalent to 50% of the value uplift of the site (in accordance with Council's resolution of 13 June 2017).
- (j) **Further, that** the outcome of any VPA negotiations arising from the process outlined in (i) above be reported to Council prior to the exhibition of any VPA.

DIVISION The result being:-

AYES: Ctrs B Barrak, D Davis, B Dwyer, P Esber, M Garrard, P Han, S Issa, A Jefferies, S Pandey, P Procriv, W Tyrrell, L Wearne, A Wilson and M Zaiter

NOES: Nil

NOTE:

Councillor Bradley declared a Non Pecuniary but Significant Interest in this item as an acquaintance lives in the affected block. He retired from the meeting during debate and voting on this matter.

FURTHER SUSPENSION OF STANDING ORDERS

1700 RESOLVED (Wilson/Garrard)

That Standing Orders continue to be suspended to consider an urgent motion pertaining to a rescission motion on Aquatic Leisure Centre Parramatta - Non-binding Agreements with Parramatta Park Trust.

The Lord Mayor ruled that the matter was urgent.

SUBJECT Aquatic Leisure Centre Parramatta - Non-binding Agreements with Parramatta Park Trust
REFERENCE F2016/03057
FROM The Lord Mayor Andrew Wilson and Seconded by Councillors Lorraine Wearne and Benjamin Barrak

1701 RESOLVED (Wilson/Garrard)

That the resolution of the Council Meeting held on 8 October 2018 in relation to Item 15.3 of Innovative and Closed Session regarding Aquatic Leisure Centre Parramatta - Non-binding Agreements with Parramatta Park Trust, namely:

“That Council take no further action on this matter.”

be and is hereby rescinded.

The Motion was put and carried.

NOTE:

- 1. Councillor Issa left the meeting at 8.36pm and returned at 8.37pm during consideration of this matter.**
- 2. Councillor Zaiter left the meeting at 8.36pm during consideration of this matter.**
- 3. Councillor Bradley returned to the meeting at 8.37pm during consideration of this matter.**

MINUTE OF THE LORD MAYOR

4 SUBJECT Parramatta Aquatic Leisure Centre
REFERENCE F2017/02713
FROM The Lord Mayor Councillor Andrew Wilson
MOTION (Wilson/Barrak)

- a) **That** Council endorse the Design Jury's recommended winning scheme from the Design Excellence Competition for the new Parramatta Aquatic Leisure Centre and that the competition participants be notified prior to public announcement of the competition results;
- b) **That** Council further develops the design of the winning scheme through the Value Engineering (VE) phase to address considerations of budget, heritage, and functional requirements to Final Concept Design (for DA);
- c) **That** Council make available \$1.5 million of project funds to complete the VE phase and delegate authority to the Acting Chief Executive Officer (A/CEO) to approve the procurement and engagement of all relevant consultants with a view to developing the Concept Design to DA readiness;
- d) **That** Council continue to proceed with Gateway Review of the business case with INSW and Treasury, updating the funding request to reflect **indicative** costs (\$75.2 million) of the Parramatta Aquatic Leisure Centre (as set out in the business case).
- e) **That** Council reaffirms that it is seeking a lease for 50 years (maximum available under the Parramatta Park Trust Act) and on terms similar to the former pool and adopts the recommendation of Council report 15.3 of the meeting held 8 October 2018, which now become:
 - (i) **That** Council delegate authority to the Acting Chief Executive Officer to finalise and execute the Memorandum of Understanding with Parramatta Park Trust.
 - (ii) **That** Council delegate authority to the Acting Chief Executive Officer to finalise and execute the Heads of Agreement - Lease with Parramatta Park Trust (excluding commercial terms).
 - (iii) **That** Council delegate authority to the Acting Chief Executive Officer to finalise and execute the Heads of Agreement - Agreement for Lease with Parramatta Park Trust (excluding commercial terms).
 - (iv) **Further, that** a further report be presented to Council to consider negotiated commercial terms and to endorse final Lease and Agreement for Lease documents.
- f) **That** Council affirms its resolution of 8 October 2018 advocating for full State Government funding of the Parramatta Aquatic Leisure Centre.
- (g) **Further, that early works be triggered as soon as possible.**

AMENDMENT (Zaiter/Issa)

- (a) **That** Council continue to proceed with Gateway Review of the business case with INSW and Treasury, updating the funding request to reflect the **indicative** cost (\$75.2 million) of the Parramatta Aquatic Leisure Centre (as set out in the business case).
- (b) **That** Council reaffirms that it is seeking a lease for 50 years (maximum available under the Parramatta Park Trust Act) and on terms similar to the former pool and adopts the recommendation of Council report 15.3 of the meeting held 8 October 2018, which now become:
 - (i) **That** Council delegate authority to the Acting Chief Executive Officer to finalise and execute the Memorandum of Understanding with Parramatta Park Trust.
 - (ii) **That** Council delegate authority to the Acting Chief Executive Officer to finalise and execute the Heads of Agreement - Lease with Parramatta Park Trust (excluding commercial terms).
 - (iii) **That** Council delegate authority to the Acting Chief Executive Officer to finalise and execute the Heads of Agreement - Agreement for Lease with Parramatta Park Trust (excluding commercial terms).
 - (iv) **Further, that** a further report be presented to Council to consider negotiated commercial terms and to endorse final Lease and Agreement for Lease documents.
- (c) **Further that** Council affirms its resolution of 8 October 2018 advocating for full State Government funding of the Parramatta Aquatic Leisure Centre.
- (d) Council does not endorse the results of the Design Jury Design Excellence Competition
- (e) That the results of the competition be communicated back to the participants prior to announcing the results.

1702 The Amendment was put and lost.

The Motion was put and lost.

NOTE:

1. **Councillor Zaiter returned to the meeting at 8.39pm.**
2. **Councillor Issa left the meeting at 8.40pm and returned at 8.42pm during consideration of this matter.**
3. **Councillor Dwyer left the meeting at 9.03pm and returned at 9.05pm during consideration of this matter.**
4. **Councillor Davis left the meeting at 9.24pm and returned at 9.26pm during consideration of this matter.**

5. **Councillor Garrard left the meeting at 9.36pm and returned at 9.37pm during consideration of this matter.**
6. **Councillor Pandey left the meeting at 9.45pm and returned at 9.47pm during consideration of this matter.**
7. **Councillor Esber left the meeting at 9.45pm and returned at 9.52pm during consideration of this matter.**
8. **Councillor Davis left the meeting at 9.50pm and returned at 9.54pm during consideration of this matter.**
9. **Councillor Han left the meeting at 9.54pm and returned at 9.56pm during consideration of this matter.**
10. **Councillor Garrard returned to the meeting at 10.07pm during consideration of this matter.**

MEETING ADJOURNMENT

1703 RESOLVED (Wilson)

That the meeting be adjourned for 10 minutes.

The Meeting was adjourned at 10.21pm for 19 minutes.

RESUMPTION OF MEETING

The Meeting resumed in the Council Chamber at 10.40pm there being in attendance The Lord Mayor, Councillor Andrew Wilson and Councillors Benjamin Barrak, Phil Bradley, Donna Davis, Robert Dwyer, Pierre Esber, Michelle Garrard (Deputy Lord Mayor), Paul Han, Steven Issa, Andrew Jefferies, Sameer Pandey, Dr Patricia Prociw, Bill Tyrrell, Lorraine Wearne and Martin Zaiter.

RESUMPTION OF STANDING ORDERS

1704 RESOLVED (Esber/Wearne)

That Standing Orders be resumed.

GREEN

10.1 SUBJECT North Rocks Park Precinct Masterplan
 REFERENCE F2017/01213 - D06425438
 REPORT OF Acting Service Manager Open Space and Natural Resources

MOTION (Han/Esber)

- (a) **That** Council adopts the North Rocks Park Precinct Masterplan as amended in response to submissions received during the recent public exhibition.

- (b) **That** copies of the adopted North Rocks Park Precinct Masterplan be made available to the public at the City of Parramatta Library, Carlingford Branch Library and on Council's website.
- (c) **That** Council notes the information concerning approaches for a future Carlingford library as part of a new community hub, with a preference to using and expanding existing Carlingford Library site, and receives a further report in the first half of 2019 on specific options for detailed consideration.
- (d) **Further, that** all those who provided submissions during the public exhibition period be advised of Council's decision and thanked for their contribution to the development of the Masterplan.

1705 AMENDMENT (Jefferies/Dwyer)

- (a) **That** Council adopts the North Rocks Park Precinct Masterplan as amended in response to submissions received during the recent public exhibition.
- (b) **That** copies of the adopted North Rocks Park Precinct Masterplan be made available to the public at the City of Parramatta Library, Carlingford Branch Library and on Council's website.
- (c) **That** Council notes the information concerning approaches for a future Carlingford library and receives a further report on specific options in 2019 for consideration.
- (d) **Further, that** all those who provided submissions during the public exhibition period be advised of Council's decision and thanked for their contribution to the development of the Masterplan.

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

NOTE:

A Rescission Motion on this item was lodged prior to the adjournment of the meeting on 29 October 2018 signed by Councillors Han, Esber and Davis.

EXTENSION OF TIME

1706 MOTION (Garrard/Wearne)

That as the time has reached 11.01pm, the meeting be extended for 30 minutes to enable consideration of the remaining items on the agenda.

The Motion was lost.

1707 MOTION (Wilson/Esber)

That as the time has reached 11.01pm, the meeting be extended for 15 minutes to enable consideration of matters not requiring debate.

The Motion was put and carried.

13.6 SUBJECT Submission to the Revised Draft Carter Street Master Plan

REFERENCE F2016/03578 - D06425343

REPORT OF Project Officer Land Use

1708 RESOLVED (Garrard/Barrak)

- (a) **That** Council endorse the submission contained in **Attachment 2** to the revised draft Carter Street Master Plan and associated changes to the planning controls.
- (b) **That** Council forward the submission to the Department of Planning and Environment in response to the public exhibition of the revised draft Carter Street Master Plan and associated planning controls.
- (c) **That** the Acting CEO be authorised to make minor and/or inconsequential amendments to the final submission prior to forwarding to the Department of Planning and Environment.
- (d) **That** the Lord Mayor write to the Minister for Planning and Minister for Roads requesting the following:
 - That the existing residential densities reconfirmed in the revised Carter Street Masterplan are strictly adhered to by way of additional planning controls to ensure reasonable amenity for the future community, given the transport and infrastructure constraints, and
 - That the Hill Road Upgrade works (including associated intersection works) required in conjunction with the new M4 Westbound off ramp from the M4 to Hill Road and to support the implementation of the Carter Street Precinct will be fully funded by State Government and not passed onto Council to fund.
 - That there also be improved requirements for affordable rental housing, childcare, open space and sustainability, as recommended in Council's submission.
- (e) **Further** that Council support and recognise the need for a high school in the Olympic Park precinct to support the Carter Street Masterplan

WELCOMING

11.1 SUBJECT Riverside Advisory Board Meeting 9 August 2018
REFERENCE F2007/00388 - D06427372
REPORT OF Director Riverside Theatres
1709 RESOLVED (Davis/Zaiter)

(a) **That** the Council receives and notes the minutes of the Riverside Theatres Advisory Board held on 9 August 2018.

(b) **Further** that Council acknowledges the National Theatre of Parramatta had a world premiere of Jesus Wants Me As A Sunbeam.

THRIVING

12.1 SUBJECT Proposed Drainage Easement in favour of 210 Marsden Rd, Dundas Valley
REFERENCE DA/872/2017 - D06394637
REPORT OF Property Services Officer

1710 RESOLVED (Wearne /Pandey)

(a) **That** Council resolve to create an easement for drainage over Council land (being Lot 3 in DP 226524) in favour of the property at 210 Marsden Road, Dundas Valley (being Lot 4 in DP 226524) on the terms and conditions outlined in this report.

(b) **That** authority is delegated to the Chief Executive Officer to sign all documents (other than any document which must be signed under common seal) in connection with this matter.

(c) **Further, that** the Chief Executive Officer be authorised to execute under common seal, if required, plans of subdivision, plans of easement, Section 88B Instrument, transfer granting easement and deed of agreement for the creation of the new easement.

12.2 SUBJECT Proposed Drainage Easement in favour of 6 Hockley Road, Eastwood
REFERENCE DA/208/2018 - D06394732
REPORT OF Property Services Officer

1711 RESOLVED (Wearne /Pandey)

(a) **That** Council resolve to create an easement for drainage over Council land (being part Lot 1 in DP 432573) in favour of the property at 6 Hockley Road, Eastwood (being Lot 54 in DP 9950) on the terms and conditions contained in this report.

- (b) **That** authority is delegated to the Acting Chief Executive Officer to sign all documents (other than any document which must be signed under common seal) in connection with this matter;
- (c) **Further, that** the Acting Chief Executive Officer be authorised to execute under common seal, if required, plans of subdivision, plans of easement, Section 88B Instrument, transfer granting easement and deed of agreement for the creation of the new easement.

INNOVATIVE

13.2 SUBJECT Investment Report for September 2018
 REFERENCE F2009/00971 - D06424604
 REPORT OF Acting Chief Financial Officer

1712 RESOLVED (Zaiter/Davis)

That Council receives and notes the Investment Report for September 2018.

13.3 SUBJECT Planning Proposal for land at 56-72 Dudley Street & 55-71 Crowgey Street, Dundas
 REFERENCE RZ/21/2017 - D06413035
 REPORT OF Senior Project Officer

1713 RESOLVED (Esber/Wearne)

(a) **That** Council resolve not to proceed with the Planning Proposal for land at 56-72 Dudley Street and 55-71 Crowgey Street, Dundas (provided at **Attachment 1**) which seeks to amend Parramatta Local Environmental Plan (PLEP) 2011, for the following reasons:

1. Inconsistency with State Government planning framework
2. Proposed density on the site is considered inappropriate
3. Built form and urban design concerns
4. Lack of open space provision
5. Potential local and cumulative traffic impacts
6. Insufficient consideration towards the potential social impacts and provision of community facilities

(b) **That** the applicant be advised that Council will not be proceeding with this Planning Proposal.

(c) **That** in response to the State Government's *Greater Parramatta and Olympic Park Peninsula (GPOP) document* and the Parramatta Light Rail Stage 1 project, that Council commence a

structure plan process for the corridor from Rosehill to Carlingford to inform future land uses, densities and supporting infrastructure, including but not limited to, schools, open space and roads.

- (d) **Further, that** a workshop be held with interested Councillors during the drafting of the structure plan.

DIVISION The result being:-

AYES: Cirs B Barrak, P Bradley, D Davis, B Dwyer, P Esber, M Garrard, P Han, A Jefferies, S Pandey, P Prociv, W Tyrrell, L Wearne, A Wilson and M Zaiter

NOES: Clr S Issa

13.7 SUBJECT Wentworthville Planned Precinct

REFERENCE F2017/03407 - D06414375

REPORT OF Service Manager Land Use

1714 RESOLVED (Pandey/Zaiter)

- (a) **That** Council write to the NSW Minister for Planning expressing the view that given the significant growth priorities within the City of Parramatta LGA, Wentworthville not be progressed by the Department of Planning and Environment as a Planned Precinct at this stage.
- (b) **Further, that** Council include in the correspondence that deferring consideration of revised planning controls in Wentworthville will allow Council to focus on progressing planning for the Westmead Innovation District.

MEETING ADJOURNMENT

1715 RESOLVED (Wilson)

The time having reached 11.16pm, the meeting be adjourned until 6.30pm on Monday 5th November 2018 in the Cloister Function Room at St Patricks Cathedral.

The Meeting was adjourned at 11.16pm.

RESUMPTION OF MEETING

The Meeting resumed at the Cloister Function Rooms, St Patrick's Cathedral 1 Marist Place, Parramatta on Monday, 5 November 2018 at 6.30pm there being present the Lord Mayor, Councillor Andrew Wilson, Benjamin Barrak (arrived 6.38) Phil Bradley, Donna Davis (retired 8.41pm), Pierre Esber, Michelle Garrard (Deputy

Lord Mayor), Paul Han (arrived 6.32pm) Steven Issa, Andrew Jefferies, Sameer Pandey (arrived 6.32pm) Dr Patricia Proxiv, Bill Tyrrell, Lorraine Wearne and Martin Zaiter (retired at 10.10pm)

APOLOGIES

Apologies were received and noted for the absence of Councillor Bob Dwyer.

SUSPENSION OF STANDING ORDERS

1716 RESOLVED (Wilson/Tyrrell)

That Standing orders be suspended to consider 2 Lord Mayoral Minutes on Foundation Day 2018 and Katherine Knight.

The Lord Mayor ruled that the matter was urgent.

NOTE:

Councillors Paul Han and Sameer Pandey arrived at the meeting at 6.32pm during consideration of this matter.

SUBJECT Foundation Day 2018

REFERENCE F2017/02813

FROM The Lord Mayor, Councillor Andrew Wilson

BACKGROUND

1. Foundation Day provides an opportunity to reflect on the history of Parramatta. It is an annual celebration of Parramatta's foundation which occurred on 2 November 1788, at the Crescent, in what is now Parramatta Park.
2. The event provided local residents the opportunity to learn about the era of Parramatta's colonial settlement. Activities included:
 - horse and cart rides,
 - colonial era games and lawn games,
 - hands-on art and crafts,
 - weaving,
 - pottery,
 - peg-doll making,
 - music-making,
 - story-telling,
 - information on colonial construction methods,
 - indigenous toolmaking and weaving,
 - tours of the heritage precinct
 - Parramatta Men's Shed Open Day,
 - Citroen classic cars display,
 - Lancer's Museum military vehicles,
 - stonemasonry,
 - pickling,
 - beekeepers' display,

- solar telescope viewing,
- natural dye and embroidery workshops,

1717 RESOLVED (Wilson/Esber)

- (a) **That** Council congratulate council staff and volunteer groups on the success of Foundation Day.
- (b) **Further**, that a briefing note be circulated to Councillors on plans for Foundation Day in 2019, including options to extend promotion of the day to a wider audience.

2 SUBJECT Katherine Knight
 REFERENCE F2017/02813
 FROM The Lord Mayor, Councillor Andrew Wilson

BACKGROUND

Katherine Knight, a local Dundas woman, was a well-respected arts advocate, historian and local community activist. She was integral in the push to develop a theatre space in Parramatta, leading to the establishment of Riverside Theatres in 1988. Through her community activism, she also contributed to the establishment of the Dundas Neighbourhood Centre and library in her local area.

Significantly, Katherine was the Executive Director of Artswest Foundation and the Editor of its monthly publication Artswest which was published from 1994 to 2002. She also meticulously researched and wrote the book “Passion, Purpose and Meaning – Arts Activism in Western Sydney” which was published in 2013. Both of these important publications aimed to chronicle, support and promote the arts of Parramatta and Western Sydney and are widely revered.

In addition to her love of the arts, Katherine also held a passion for gardening, bushcare and environmental issues. In particular, she was active for many years with the Vineyard Creek bushcare group, with Vineyard Creek not far from her home in Dundas.

Katherine will be remembered for her amazing energy and enthusiasm for the local community, the arts and the environment. She was ever-present at cultural events throughout Parramatta, and it wasn't an opening night at Riverside Theatres without Katherine chatting in the foyer about the latest news and issues for the local arts sector and local community.

Katherine was a long standing community and arts activist. Born in Melbourne, Katherine worked at Rydalmere psychiatric hospital in the late 1960s; moving permanently into the Parramatta area in 1967. With a background as a trained occupational therapist, she was an ardent believer in the power of strong civic and cultural values in creating a community. For her, prevention of social problems was much more effective than their cure.

Her first campaign was to address what she felt was a lack of community facilities in the Dundas area. From 1974 onwards, she was the main organiser of various festivals, including a campaign to establish what is now the Dundas Community Centre. From the late 1970s, she also worked tirelessly to establish a permanent and renowned live theatre venue in Parramatta. This began with the battle to save the Astra Theatre on the corner of Marsden and Macquarie Streets. She was integral in the creation of the Riverside Theatres and was always proud of, and delighted in, its ongoing success.

Katherine further took on a role promoting community and professional arts across greater Western Sydney, pressing her case to, and acting as an adviser to, various successive State Governments and their advisory councils and boards. For instance, she was a great promoter of the Casula Powerhouse Arts Centre near Liverpool. She was the Executive Director of Artswest Foundation and, from 1981, composed, published and distributed a newsletter that would become Artswest (approx. 10k circulation). This evolved into a regular column in various Cumberland local newspapers across the Western Sydney region. More recently, she was a regular blogger on her Western Sydney Frontier website.

In the 1990s, Katherine achieved Master of Arts Degrees from UWS and was a qualified historian. In 2013, she became a published author (Passion Purpose Meaning - Arts Activism in Western Sydney). She was an active contributor to the campaign to save the heritage buildings at UWS Rydalmere, the Parramatta Female Factory and to create a cultural precinct in the area.

Katherine died suddenly after a short illness.

1718

RESOLVED (Wilson/Garrard)

- (a) **That** Council note the passing of Katherine Knight and extends its collective sympathy to her friends and family.
- (b) **That** Council Officers prepare a report looking into naming an existing Art Grant or Award in the name of Katherine Knight.
- (c) **That** any award/memorial for Katherine reflect her life work of recording visual and performing arts and crafts activities and objects in Parramatta and Greater Western Sydney
- (d) **That** the report consider the requirements of Council Commemorative Works and Memorials Policy
- (e) **Further**, that a Minutes silence be held in honour of Katherine Knight.

GB1/18 SUBJECT 175th Anniversary of Parramatta Cricket Club -
Purchase of portrait of Doug Walters
REFERENCE F2017/02813

1719 FROM Lorraine Wearne
RESOLVED (Wearne /Esber)

- (a) **That** Council purchase the portrait of Doug Walters for \$800 that was on display at the 175th Anniversary Dinner. .
- (b) **Further**, that a report be brought to Council in relation to the purchase or acquisition of items of Art by the Lord Mayor. Such report to include reasons why the fund is no longer available and re-establishment of a fund for a reasonable amount for the purchase of works of Art, for the benefit of the City at the Lord Mayor's discretion.

NOTE:

The Lord Mayor acknowledged the presence of Former Parramatta Councillor Laurie Bennett and Current Cumberland Councillor Ross Grove

RESUMPTION OF STANDING ORDERS

1720 RESOLVED (Esber/Tyrrell)

That Standing orders be resumed.

INNOVATIVE

13.8 SUBJECT Building Certificates and Unauthorised Building Works
REFERENCE F2018/00051 - D06429747
REPORT OF Manager Regulatory Services

1721 RESOLVED (Esber/Bradley)

That consideration of the matter be deferred until the 12 November 2018 Council meeting to enable councillors to consider the marked up version of the policies.

13.9 SUBJECT Use of Industrial Crayon Instead of Chalk by Council Rangers
REFERENCE F2006/00874 - D06443716
REPORT OF Manager Regulatory Services

Also Confidential Legal Advice from Legal Services Manager dated 3 October 2018

MOTION (Barrak) Lapses due to lack of a Seconder

That noting that Council has obtained in-house legal advice for the

purpose of tonight's Business Paper and that Council is conflicted in providing itself with legal advice on the legality of its own conduct that council instruct appropriately qualified Tier 1 Lawyers to provide the legal advice and provide to the Chamber for further resolution.

1722 FURTHER MOTION (Garrard/Davis)

- (a) **That** Council acknowledge the legal advice received in relation to the use of crayon or chalk to mark tyres of vehicles in relation to parking offences.
- (b) **That** Council acknowledges Schedule 1 of the *Road Transport Act 2013* provides recommendations/examples of the methods for marking tyres.
- (c) **That** Council acknowledges that the use of crayon as a marker rather than chalk does not lead to the conclusion that Council's officers have acted beyond their power.
- (d) **Further, that** Council amend its Parking Enforcement Policy as referenced in this report.

Resolved on the Motion of Esber/Tyrrell that the matter be put.

The Motion lapsed due to lack of a seconder.

The Further Motion was put and carried.

NOTE:

Councillor Jefferies left the Chamber at 7.12pm and returned at 7.13 during consideration of this matter.

13.10 SUBJECT Digitising Heritage
REFERENCE F2018/02148 - D06373051
REPORT OF Head of Future City
1723 RESOLVED (Pandey/Issa)

- (a) **That** the proposed digital heritage projects proposed for the 2018/19 Financial year set out in paragraph 10 of this report (and explained in attachment 1) be submitted to the December quarterly review for funding consideration.
- (b) **That** proposed year 2 and 3 projects be considered as part of the 2019/20 operational plan budget consideration.

NOTE:

1. **Councillor Issa left the Chamber at 7.28 and returned at 7.30pm during consideration of this matter.**
2. **Councillor Esber left the meeting at 7.28pm returned at 7.30pm**

during consideration of this matter.

NOTICES OF MOTION

14.1 SUBJECT Macarthur Girls High School Swimming Pool
REFERENCE F2016/03058 - D06442323
REPORT OF Councillor Garrard

1724 RESOLVED (Garrard/Davis)

- a) **That** Council supports the introduction of recreational swimming at Macarthur Girls High School during specific and agreed times particularly over this coming summer, subject to further negotiations with Macarthur Girls High School.
- b) **That** Council also considers the introduction of recreational ticketed activities at Macarthur Girls High School particularly over the coming summer including but not limited to Outdoor Movie night etc., subject to further negotiations with Macarthur Girls High School.
- c) **That** Council delegates the Acting CEO or their representative to liaise and negotiate with the NSW Department of Education/ Macarthur Girls High School in regard to the proposed changes to the use of the Macarthur Girls High School pool facility under the current Licence Agreement.
- d) **Further, that** a report be presented back to Council on the outcomes of the negotiations with the Department of Education and Macarthur Girls High School and the possible offerings over the coming summer and beyond.

NOTE:

Councillor Zaiter left at 7.42pm and returned at 7. 49pm during consideration of this matter.

14.2 SUBJECT Proposal to Rename City of Parramatta Wards
REFERENCE F2015/01588 - D06444779
REPORT OF Councillor Davis

MEETING ADJOURNMENT

1725 RESOLVED (Wilson)

That the meeting be adjourned for 15 minutes.

The Meeting was adjourned at 7.53 pm for 18 minutes.

RESUMPTION OF MEETING

The Meeting resumed at 8.11pm there being present the Lord Mayor, Councillor Andrew Wilson, Benjamin Barrak, Phil Bradley, Donna Davis,

1726

RESOLVED (Davis/Esber)

- (a) **That** a Councillor workshop be held to consider re-naming of the City of Parramatta Wards to those names used prior to the 2016 council amalgamations. Accordingly the possible Ward names to be considered in the report are to include: -
Elizabeth Macarthur Ward
Arthur Phillip Ward
Caroline Chisholm Ward
Lachlan Macquarie Ward
- (b) **Further**, Council needs to also consider the number of residents in each ward to ensure that Ward boundaries are correct for the Local Government election in 2020.

CLOSED SESSION
29 OCTOBER 2018

1727

RESOLVED (Esber/Tyrrell)

NOTE

Prior to moving into Closed Session, the Lord Mayor invited members of the public gallery to make representations as to why any item had been included in Closed Session.

No member of the gallery wished to make representations.

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

- 1 Referral of Inspection Report by Fire and Rescue NSW. (D06441735) - *This report is confidential in accordance with section 10A (2) (a) of the Local Government act 1993 as the report contains personnel matters concerning particular individuals.*
- 2 Design Consultancy Services - Charles Street Square. (D06383235) - *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 Shop 5 Justice Precinct Car Park - Request for Rent Reduction. (D06395203) - *This report is confidential in accordance with section 10A (2) (c) (d) 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; AND 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 Council Accommodation Advisory Committee - Minutes of Meeting held 12 September 2018. (D06440591) - *This report is confidential in accordance with section 10A (2) (c) (d) 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; AND 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 RFQ 40/2018 Project Management Services for Property Development Group. (D06440641) - *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 Council Significant Property Projects Committee - Minutes of Meeting held 23 August 2018. (D06441325) - *This report is confidential in accordance with section 10A (2) (d) (e) (g) 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; AND the report contains information that would, if disclosed, prejudice the maintenance of law; AND 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.*
- 7 5 Parramatta Square. (D06443029) - *This report is confidential in accordance with section 10A (2) (c) (d) 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; AND 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.*
- 8 Lennox Bridge Carpark Development Project - Legal Expenditure. (D06443102) - *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.

- 9 Church Street - Property Matter - Outcome of Negotiations. (D06443155) - *This report is confidential in accordance with section 10A (2) (c) of the Local Government act 1993 as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
- 10 Legal Status Report as at 16 October 2018. (D06443055) - *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.*
- 11 Hornsby Shire Council Dispute . (D06443640) - *This report is confidential in accordance with section 10A (2) (e) of the Local Government act 1993 as the report contains information that would, if disclosed, prejudice the maintenance of law.*
- 12 Employment Matter. (D06438764) - *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.*

CLOSED SESSION

15.1 SUBJECT Referral of Inspection Report by Fire and Rescue NSW
REFERENCE F2004/07367 - D06441735
REPORT OF Manager Regulatory Services

RECOMMENDATION (Esber/ Garrard)

- (a) **That** Council notes the inspection reports from FRNSW, pursuant to Schedule 5, Part 8 of the Environmental Planning and Assessment Act 1979 as listed in this report.
- (b) **That** Council note FRNSW are advised in due course of the ongoing actions taken by Council Officers in addressing the concerns identified by FRNSW.
- (c) **Further**, that a report be bought back to Council for the 26 November 2018 Council meeting including the following information:-
 - i. Should someone have known about these issues prior to them being reported by FRNSW.
 - ii. Identity of who was responsible for signing off the Occupation Certificate for the building.
 - iii. Is the building safe for occupancy?
 - iv. If Council is liable, how can liability be passed on and to who?

- v. The timeframes for actions taken
- vi. An explanation on why it has taken so long to be reported to Council
- vii. How does Council intend to deal with the issues identified when the property is Strata titled and there will be more than 1 unit affected.

SUSPENSION OF STANDING ORDERS

1728 RESOLVED (Wilson/Tyrrell)

That Standing orders be suspended to bring forward consideration of Item 15.11 of Closed session being Hornsby Shire Council Dispute to enable Councillor Davis to retire for the meeting.

The Lord Mayor ruled that the matter was urgent.

15.11 SUBJECT Hornsby Shire Council Dispute

REFERENCE F2018/00359 - D06443640

REPORT OF Acting Chief Executive Officer

1729 RESOLVED (Wearne /Tyrrell)

(a) **That** Council authorises the Acting Chief Executive Officer (A/CEO) to make a further offer to settle the current legal proceedings with Hornsby Shire Council in the terms outlined in paragraphs 17 and 19 of this report. Such an offer to be made without prejudice and be included in an offer of compromise.

(b) **That** if Hornsby Shire Council accepts the further offer of settlement, Council delegates authority to the A/CEO to negotiate any minor changes in a manner that does not affect the substantive terms of the settlement and sign all necessary contracts and agreements in relation to this matter.

(c) **That** if Hornsby Shire Council declines the further offer of settlement, the A/CEO be authorised to fully pursue legal proceedings to recover all monies due to Council that Hornsby Shire Council has collected from the transferred area in accordance with paragraph 20 of this report.

(d) **Further, that** Council accepts in principle the offer of funding from the Office of Local Government as outlined in this report on condition that the scope of works be expanded to include other priority social infrastructure identified for the Epping precinct and authorises the A/CEO to negotiate and finalise the agreement.

NOTE:

Councillor Davis retired from the meeting at 8.41pm after consideration of this matter.

RESUMPTION OF STANDING ORDERS

1730 RESOLVED (Esber/Garrard)

That Standing Orders be resumed.

15.2 SUBJECT Design Consultancy Services - Charles Street Square
REFERENCE F2018/01050 - D06383235
REPORT OF Team Leader City Transformation

1731 RESOLVED (Esber/Tyrrell)

- (a) **That** the bid submitted by Spackman Mossop Michaels Pty Ltd (ABN 65 065 578 985) for comprehensive design consultancy services for the upgrade of Charles Street Square and associated studies for the lump sum of \$1,061,549 (excluding GST) be accepted.
- (b) **That** all unsuccessful bidders be advised of Council's decision in this matter.
- (c) **Further, that** the Acting Chief Executive Officer be given delegated authority to execute and affix the Common Seal of Council to the necessary documents.

15.3 SUBJECT Shop 5 Justice Precinct Car Park - Request for Rent Reduction
REFERENCE F2018/00359 - D06395203
REPORT OF Space Management Officer

1732 MOTION (Garrard/Prociv)

- (a) **That** Council endorse the request from Parramatta Arts and Clay Incorporated of Shop 5, 4-14 Hunter Street, Parramatta as outlined in this report.
- (b) **That** Council delegate authority to the Chief Executive Officer to sign all documents in connection with this matter.

AMENDMENT (Issa/Zaiter)

That consideration of this matter be deferred to the 26 November 2018 Council Meeting to enable consideration of additional information regarding how much the Artist Studios is in rent and size.

The Amendment was put and lost

The Motion was put and carried.

15.4 SUBJECT Council Accommodation Advisory Committee - Minutes of Meeting held 12 September 2018

REFERENCE F2018/00359 - D06440591

REPORT OF A/ Director Property and Significant Assets

1733 RESOLVED (Esber/Prociv)

(a) **That** Council receive and note the minutes of the Council Accommodation Advisory Committee held on 12 September 2018.

(b) **That** a Councillor Workshop be held to consider whether paragraph 5 of the report should be progressed.

(c) **That** a further report be brought back to Council outlining all accommodation issues at an appropriate date after the Councillor workshop.

(d) **Further, that** this Committee be dissolved and that all future issues go to the Council Significant Property Projects Committee.

15.5 SUBJECT RFQ 40/2018 Project Management Services for Property Development Group

REFERENCE F2018/02642 - D06440641

REPORT OF Senior Business Analyst

1734 RESOLVED (Esber/Pandey)

That consideration of this matter be deferred for a Councillor workshop.

15.6 SUBJECT Council Significant Property Projects Committee - Minutes of Meeting held 23 August 2018

REFERENCE F2018/00359 - D06441325

REPORT OF Business Governance Officer PDG

1735 RESOLVED (Issa/Esber)

(a) **That** Council receive and note the minutes of the Council Significant Property Projects Committee meeting held on 23 August 2018.

(b) **That** a separate report come back to Council regarding the Actions from the Minutes.

(c) **Further, that** the Minutes of the Committee be reported to the next available Council Meeting after the Committee meeting has been

held.

15.7 SUBJECT 5 Parramatta Square
REFERENCE F2018/00359 - D06443029
REPORT OF A/ Director Property and Significant Assets. Also
supplementary report of A/ Director Property and
Significant Assets.

1736 RESOLVED (Issa/Garrard)

- (a) **That** Council endorse the progression of the design development for the 5 Parramatta Square Project (Project) in order to proceed with the DA scheme, incorporating efficiencies of the value engineered scheme previously presented to Council, in order to reduce the capital and operating cost of the Project.
- (b) **That** Council authorise the expenditure and engagement of the various consultants to progress the design development for the Project to the maximum value detailed at paragraph 16 of this report.
- (c) **That** Council endorse the proposed procurement methodology as outlined at paragraphs 8 to 14 of this report.
- (d) **Further, that** Council delegate authority to the Acting Chief Executive Officer to negotiate, execute contracts and sign all necessary documentation and statutory documentation to engage building contractors and consultants to participate in the design development and procurement methodology for the Project to the maximum fee detailed at paragraph 16 of this report.

NOTE:

Councillor Tyrrell left the Chamber at 9.40pm and returned at 9.41pm during consideration of this matter.

15.8 SUBJECT Lennox Bridge Carpark Development Project - Legal
Expenditure
REFERENCE F2018/00359 - D06443102
REPORT OF A/ Director Property and Significant Assets

1737 RESOLVED (Esber/Garrard)

- (a) **That** Council authorise the expenditure of a legal services budget up to a maximum amount identified in paragraph 11 of the report for legal services associated with the finalisation of the sale of the site to the Developer.
- (b) **Further, that** Council endorse the payment of all outstanding

amounts associated with the engagement of Clayton Utz for the preparation of contract documentation and contract administration of the Lennox Bridge Carpark Development project to June 2018 and as identified in paragraph 4 of the report.

15.9 SUBJECT Church Street - Property Matter - Outcome of Negotiations
REFERENCE F2018/00359 - D06443155
REPORT OF A/ Director Property and Significant Assets. Also supplementary report of A/ Director Property and Significant Assets.

1738 RESOLVED (Esber/Garrard)

- (a) **That** Council endorse the outcome of the negotiations between Council and Walker Corporation as outlined in the report.
- (b) **That** Council delegate authority to the Chief Executive Officer to execute contracts and sign all necessary documentation to finalise the offer, and apply the common seal as required.
- (c) **Further**, that Council delegate authority to the Chief Executive Officer to execute all necessary consents, plans of subdivision and contracts for sale in accordance with the Project Development Agreements (PDAs) for Parramatta Square, without prejudicing or fettering the authority or discretion of the consent authority.

PROCEDURAL MOTION

1739 RESOLVED (Zaiter/Esber)

That consideration of Item 15.12 of Closed Session being the Employment Matter be brought forward.

SUBJECT Employment Matter
REFERENCE F2018/02358 - D06438764
REPORT OF Solicitor
MOTION (Barrak)

- (a) **That** a report be brought back to the Chamber detailing why Council did not act to protect its interests in time to ensure that this does not happen.
- (b) **Further**, that all breaches of contract and actions taken be reported to Council in confidence.

1740 FURTHER MOTION (Wearne /Garrard)

That no further action be taken in relation to this matter.

The Motion lapsed due to lack of a seconder

The Further Motion was put and carried.

NOTE:

1. **Councillor Issa left the Chamber at 9.52 and returned at 9.54pm during consideration of this matter.**
2. **Councillor Esber left the Chamber at 9.52pm and returned at 9.52 during consideration of this matter.**
3. **Councillor Garrard left the Chamber at 9.53 pm and returned at 9.54pm during consideration of this matter.**
4. **Councillor Han left the Chamber at 9.53pm and returned at 9.55pm during consideration of this matter.**
5. **Councillor Prociv left the Chamber at 9.58 pm and returned at 10.00pm during consideration of this matter.**
6. **Councillor Han left the Chamber at 10.00pm and returned at 10.01pm during consideration of this matter.**
7. **Councillor Zaiter left the Chamber at 9.58pm and returned at 10.02pm during consideration of this matter.**
8. **Councillor Esber left the Chamber at 10.06 and returned at 10.09pm during consideration of this matter.**
9. **Councillor Barrak requested that he be recorded as voting against the Further Motion.**
10. **Councillor Zaiter retired from the Meeting at 10.10pm after consideration of this matter.**

15.10 SUBJECT Legal Status Report as at 16 October 2018
REFERENCE F2018/00359 - D06443055
REPORT OF Legal Services Manager
1741 RESOLVED (Tyrrell/Garrard)

That Council note the Legal Status Report as at 16 October 2018.

RESCISSION MOTIONS

The Lord Mayor noted that a rescission motion on Item 10.1 of Green being the North Rocks Park Precinct Masterplan signed by Councillors Han, Esber and Davis had been submitted prior to the close of the meeting.

The Lord Mayor ruled that the matter was not urgent and would be considered at the next available Council Meeting.

The meeting terminated at 10.18pm.

THIS PAGE AND THE PRECEDING 38 PAGES ARE THE MINUTES OF THE COUNCIL MEETING HELD ON MONDAY, 29 OCTOBER 2018 AND CONFIRMED ON MONDAY, 12 NOVEMBER 2018.

Lord Mayor