

PRESENT

The Lord Mayor, Councillor Bob Dwyer and Councillors Benjamin Barrak (6:38pm), Phil Bradley, Donna Davis, Pierre Esber, Michelle Garrard (Deputy Lord Mayor), Paul Han, Steven Issa, Andrew Jefferies (6:35pm), Sameer Pandey, Dr Patricia Prociv, Bill Tyrrell, Andrew Wilson and Lorraine Wearne.

1. OPENING MEETING

The Lord Mayor, Councillor Dwyer, opened the meeting at 6.30PM.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL LAND OWNERS

The Lord Mayor, Councillor Dwyer, 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.

3. WEBCASTING ANNOUNCEMENT

The Lord Mayor, Councillor Dwyer, 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.

4. OTHER RECORDING OF MEETING ANNOUNCEMENT

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.

5. CONFIRMATION OF MINUTES

SUBJECT: Minutes of the Council Meeting held on 28 October 2019
2484 RESOLVED (Garrard/Tyrrell)

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

6. APOLOGIES/REQUESTS FOR LEAVE OF ABSENCE

SUBJECT: Apologies/Requests for leave of absence

2485 RESOLVED (Tyrrell/Garrard)

- (a) **That** the apologies received for the late arrival of Councillor Andrew Jefferies, be noted.
- (b) **Further, that** the apology received from Councillor Martin Zaiter due to personal reasons be accepted and leave of absence granted.

7. DECLARATIONS OF INTEREST

Councillor Barrak declared a Pecuniary Interest in Item 12.1 being RESCISSION MOTION 1: Parramatta CBD Planning Proposal – Response to Gateway Determination Conditions as he owns a property in the CBD. He retired from the meeting during debate and voting on this matter.

Councillor Barrak declared a Pecuniary Interest in Item 18.2 being Gateway Request: Harmonisation Planning Proposal - Consolidated City of Parramatta Local Environmental Plan as he owns a property in the Local Government Area. He retired from the meeting during debate and voting on this matter.

Councillor Bradley declared a Special Disclosure of Pecuniary Interest in Item 18.2 being Gateway Request: Harmonisation Planning Proposal - Consolidated City of Parramatta Local Environmental Plan as he owns a property in the Local Government Area and an associated person has an interest in the land. He remained in the meeting during debate and voting on this matter.

Councillor Davis declared a Special Disclosure of Pecuniary Interest in Item 18.2 being Gateway Request: Harmonisation Planning Proposal - Consolidated City of Parramatta Local Environmental Plan as she owns a property in the Local Government Area and an associated person has an interest in the land. She remained in the meeting during debate and voting on this matter.

Councillor Dwyer (Lord Mayor) declared a Special Disclosure of Pecuniary Interest in Item 18.2 being Gateway Request: Harmonisation Planning Proposal - Consolidated City of Parramatta Local Environmental Plan as he owns a property in the Local Government Area. He remained in the meeting during debate and voting on this matter.

Councillor Esber declared a Pecuniary Interest in Item 12.1 being RESCISSION MOTION 1: Parramatta CBD Planning Proposal – Response to Gateway Determination Conditions as he owns a property in the CBD. He retired from the meeting during debate and voting on this matter.

Councillor Esber declared a Special Disclosure of Pecuniary Interest in Item 18.2 being Gateway Request: Harmonisation Planning Proposal - Consolidated City of Parramatta Local Environmental Plan as he owns a property in the Local Government Area. He remained in the meeting during debate and voting on this matter.

Councillor Garrard declared a Special Disclosure of Pecuniary Interest in Item 18.2 being Gateway Request: Harmonisation Planning Proposal - Consolidated City of Parramatta Local Environmental Plan as she owns a property in the Local Government Area and an associated person has an interest in the land. She remained in the meeting during debate and voting on this matter.

Councillor Han declared a Special Disclosure of Pecuniary Interest in Item 18.2 being Gateway Request: Harmonisation Planning Proposal - Consolidated City of Parramatta Local Environmental Plan as he owns a property in the Local Government Area and an associated person has an interest in the land. He remained in the meeting during debate and voting on this matter.

Councillor Issa declared a Special Disclosure of Pecuniary Interest in Item 18.2 being Gateway Request: Harmonisation Planning Proposal - Consolidated City of Parramatta Local Environmental Plan as he owns a property in the Local Government Area and an associated person has an interest in the land. He remained in the meeting during debate and voting on this matter.

Councillor Jefferies declared a Special Disclosure of Pecuniary Interest in Item 18.2 being Gateway Request: Harmonisation Planning Proposal - Consolidated City of Parramatta Local Environmental Plan as he owns a property in the Local Government Area and an associated person has an interest in the land. He remained in the meeting during debate and voting on this matter.

Councillor Pandey declared a Special Disclosure of Pecuniary Interest in Item 18.2 being Gateway Request: Harmonisation Planning Proposal - Consolidated City of Parramatta Local Environmental Plan as he owns a property in the Local Government Area and an associated person has an interest in the land. He remained in the meeting during debate and voting on this matter.

Councillor Prociv declared a Special Disclosure of Pecuniary Interest in Item 18.2 being Gateway Request: Harmonisation Planning Proposal - Consolidated City of Parramatta Local Environmental Plan as she owns a property in the Local Government Area and an associated person has an interest in the land. She remained in the meeting during debate and voting on this matter.

Councillor Wearne declared a Special Disclosure of Pecuniary Interest in Item 18.2 being Gateway Request: Harmonisation Planning Proposal - Consolidated City of Parramatta Local Environmental Plan as she owns a property in the Local Government Area. She remained in the meeting during debate and voting on this matter.

Note: Cllr Jefferies arrived at 6:35pm during Declarations of Interest.

Note: Cllr. Barrak arrived at 6:38pm during Declarations of Interest.

8. MATTERS OF URGENCY

Nil.

9. MINUTES OF THE LORD MAYOR

9.1	SUBJECT	Condolence Motion for Former Councillor Elizabeth Boesel
	REFERENCE	F2019/03630 - D07108199

2486 REPORT OF Lord Mayor, Councillor Bob Dwyer
RESOLVED (Dwyer/Issa)

- (a) **That** Council acknowledge the passing of former Parramatta City Councillor Elizabeth Boesel.
- (b) **Further, that** the Chamber hold a minutes silence as a gesture of respect on her passing and in recognition of her dedication to the Parramatta community.

9.2 SUBJECT 2019 November Bushfires Relief
REFERENCE F2019/03630 - D07110654
REPORT OF Lord Mayor, Councillor Bob Dwyer
2487 RESOLVED (Dwyer/Davis)

- (a) **That** Council note the tragic loss of life and properties caused by multiple bushfires in New South Wales and Queensland in recent weeks, with fire conditions set to worsen.
- (b) **That** Council note the heroic efforts of Emergency Services personnel, paid and volunteer, who have shown incredible bravery and determination to save properties and lives.
- (c) **That** Council officers prepare advice for the Lord Mayor regarding support for those affected.
- (d) **That** this advice identify what budget is available to carry out proposed activities.
- (e) **Further, that** the Chamber hold a minutes silence in remembrance to those who tragically lost their lives over the weekend to these bushfires.

9.3 SUBJECT Remembrance Day 2019
REFERENCE: F2019/03630
FROM Lord Mayor, Councillor Bob Dwyer
2488 RESOLVED (Dwyer/Issa)

That the Chamber observe a minutes silence in remembrance to those who have died in war.

10. PUBLIC FORUM

10.1 SUBJECT PUBLIC FORUM 1: Item 18.2 Gateway Request:
Harmonisation Planning Proposal - Consolidated City of
Parramatta Local Environmental Plan
REFERENCE F2019/00709
FROM Wangji Ge

My Question to Council is:

The recommended proposed dual occupancy prohibition map has

included R2 lands on Bankshill Crescent Carlingford. However, the much stricter optional prohibition map is not included this area. If a much stricter map has considered more factors of constraints and ongoing issues, why not permitting this area in the recommended map?

I am a landowner of this street, I want to know why this single street is taken out from the stricter optional map. I am also a supporter of this new low rise medium density code, that means I can be benefited when the stricter map is adopted. This does not make sense.

Please explain.

STAFF RESPONSE

The discrepancy identified is due to a mapping error. The maps associated with the Council Officer recommended dual occupancy prohibition areas are correct and reflect the outcomes of the technical constraints analysis. The error relates to the alternate option that is outlined in the Council report, which identifies additional prohibition areas. Should Council be minded to adopt the alternative option instead of the Council Officer recommended option, the error will be corrected to include the land on Bankshill Crescent, Carlingford.

10.2 SUBJECT PUBLIC FORUM 2: Item 12.2 Rescission Motion 2: 21-21A Tucks Road, Toongabbie
REFERENCE RZ/11/2015
FROM John Lazanas

My Question to Council is:

Good evening and thank you for the opportunity to address Council tonight. I speak on behalf of over 300 local residents who object to the planning proposal for Tucks Rd, Toongabbie.

Our community understands and welcomes redevelopment of the site. We support revitalisation of the squash court/gymnasium complex ramp; development that accords with the current planning controls. This planning proposal is out of character and incompatible with the surrounding low-density residential locality.

This proposal has been around for some 4 years now. An inordinately long period of uncertainty and stress on all, especially the local community who must live with the development outcome.

The local community, the State Emergency Services vigorously object to the proposal, the Local Planning Panel recommended rejection of the proposal, the Department of Planning rejected a similar SCC proposal/ Council rejected the proposal at its meeting on August 12 this year. The proposal has been considered, assessed, examined, reported and rejected by all, except the proponent and his supporters.

Council and the community should NOT feel threatened by the latest SCC application. The Department of Planning will assess the application on its merits and as Council staff have noted it "is strongly consistent

with the previous SCC application which was refused by the DPIE". We are confident the Department will reject this application again.

When Council decided to dispose of the tennis court site, it zoned the site R2 Low Density Residential, recognizing that development of the site needs to be compatible with the surrounding neighbourhood. The proposed B4 zone and associated development is completely out of character with the locality.

It is reasonable that the planning process facilitates the review of decisions where significant new information arises that questions the validity of Council's decision. The rescission motion does not provide any new information and as such, nothing has altered to warrant or justify a change of decision.

Councillors, please protect your community from unsuitable development. Do not succumb to hollow threats and the lure of free, but unnecessary infrastructure. We urge you to reject the rescission motion.

Thank you
Stop Tucks Road Committee
John Lazanas, Wendy Lazanas, Paul Battersby, Peter Shafer

STAFF RESPONSE

No staff response provided.

10.3 SUBJECT PUBLIC FORUM 3: Item 12.1 Rescission Motion 1:
Parramatta CBD Planning Proposal - Response to
Gateway Determination Conditions

REFERENCE F2018/03742

FROM Behzad Jehanbeen

My Question to Council is:

Regarding amendment to LEP proposal so that the area zoned R4 (High density) fronting Elizabethan street, Parramatta to be amended to adopt the FSR controls prepared by Urbis. And that the incentive Height be amended to 11m and 26m.

Question - Lot 17-25 Elizabeth street Parramatta with 53 Units is almost 40 years old and the cost of maintenance is going up every year, soon it makes hard to maintain the site while strata levy is hard to raise, if the Proposed FSR of 6:1 is amended, it will make it hard to find a developer to buy the site for new development. How would strata/Strata EC maintain this site safe?

STAFF RESPONSE

No staff response provided.

11. PETITIONS

Nil.

PROCEDURAL MOTION

2489 RESOLVED (Pandey/Issa)

That the order of Council Business be amended to allow Item 12.2 RESCISSION MOTION 2: 21-21A Tucks Road, Toongabbie to be considered as the first item of the business of Council.

12. RESCISSION MOTIONS

Note: Cllr Issa left the meeting at 7:10pm and returned prior to consideration of Item 12.2.

12.2 SUBJECT RESCISSION MOTION 2: 21-21A Tucks Road,
Toongabbie

REFERENCE RZ/11/2015 - D07088027

REPORT OF Councillor Wearne

2490 RESOLVED (Esber/Wilson)

That no further action be taken.

Note:

- 1. Cllr Barrak left the meeting at 7:11pm and returned at 8:05pm after consideration of Item 12.1.**
- 2. Cllr Esber left the meeting at 7:11pm and returned at 8:05pm after consideration of Item 12.1.**

12.1 SUBJECT RESCISSION MOTION 1: Parramatta CBD Planning
Proposal - Response to Gateway Determination
Conditions

REFERENCE F2018/03742 - D07088014

REPORT OF Councillor William Tyrrell

2491 RESOLVED (Tyrrell/Issa)

That the resolution of the Council Meeting held on 28 October 2019 in relation to Item 15.1 regarding the Parramatta CBD Planning Proposal – Response to Gateway Determination Conditions, namely:

- (a) That** Council endorse the updated draft Parramatta CBD Planning Proposal (“Proposal”) informed by technical studies contained at **Attachment 2** for the purposes of consultation with State agencies, and subject to the following amendments being incorporated:
 - (i) Amend maximum building heights shown on both the base and incentive height of building maps as 243m (RL) to 211m (RL) to account for the 15% design excellence bonus.
 - (ii) Amend the incentive height of building map for 295 Church Street, Parramatta to include a 211m (RL) height limit for that portion of the site that was inadvertently left uncoloured.

- (iii) Amend the incentive height of building map for the block bound by Station Street West, Raymond Street, Peace Lane and Raymond Lane, Parramatta from 72m to 80m, consistent with other 6:1 Incentive FSR sites in the Proposal.
 - (iv) Amend the base height of buildings map from 18m to 12m for the two sites at 83 Macquarie Street and eastern portion of 38 Hunter Street, Parramatta (to align with the rear boundary of 83 Macquarie Street) so as to ensure heritage significant views to St John's Church from Church Street (looking south) can be maintained.
 - (v) Amend the Proposal to include the sites at 7-11 Great Western Highway, Parramatta as they were inadvertently taken out as part of the removed area (as referenced in part (g) below), and reinstate draft controls for these sites as per the original Proposal endorsed by Council on 11 April 2016, including a zoning of B4 Mixed Use, Base Height of 12m, Incentive Height of 80m, Base FSR of 2:1 and Incentive FSR of 6:1.
 - (vi) Amend the Proposal so that the area of the Proposal north of Ross Street (adjacent to the Sorrell Street and North Parramatta Conservation Areas) is amended to adopt the FSR controls as recommended in the "*Heritage Study – CBD Planning Controls*" prepared by Urbis (December 2015) as Incentive FSRs, which includes FSRs of 0.6:1, 2:1, 3:1 and 6:1, and that the Incentive Heights be amended to 11m, 26m, 40m and 80m respectively to align accordingly with these FSRs.
 - (vii) Amend the Proposal so that the area zoned R4 High Density Residential (as shown on the Proposed Land Zoning Map) fronting Elizabeth Street, Parramatta is amended to adopt the FSR controls as recommended in the "*Heritage Study – CBD Planning Controls*" prepared by Urbis (December 2015) as Incentive FSRs, which includes FSRs of 0.8:1, 2:1 and 5.2:1, and that the Incentive Heights be amended to 11m, 26m and Solar Access Plane (to protect the Parramatta River Foreshore), respectively to align accordingly with these FSRs.
 - (viii) Amend the Proposal so as to remove the area zoned R4 High Density Residential (as shown on the Proposed Land Zoning Map) generally bounded by Lansdowne Street, Inkerman Street, Boundary Street and Church Street and that this area be included in the future work on the 'Planning Investigation Areas' as per the Parramatta CBD Planning Strategy.
- (b) **That** the CEO be authorised to make any minor amendments of a non-policy nature that are consistent with the intent of the draft Proposal and that may arise during the State agency consultation.
 - (c) **That** subject to the outcome of consultation with State agencies being that only minor amendments of a non-policy nature are required, that the Proposal be forwarded on DPIE for approval for public exhibition.
 - (d) **That** Council write to the DPIE with a request to amend the Gateway Determination in relation condition 1 (l) to:
 - i. Update the condition to require the mesoscopic model and

- integrated transport plan be completed prior to the finalisation of the draft Proposal.
- ii. Update the condition to only require the Strategic Transport Study (endorsed in April 2017) for public exhibition.
- (e) **That** following approval from the DPIE, the Proposal be placed on public exhibition for a minimum period of 28 days.
 - (f) **That** the outcomes of public exhibition of the Proposal and the consideration of submissions are reported back to Council.
 - (g) **That** Council endorse the removal of the area south of the Proposal boundary, bound by Great Western Highway and north of Lennox and Lansdowne Streets, and east of Marsden Street, Parramatta from the Proposal, and that this area be included in the future work on the Planning Investigation Areas as per the Parramatta CBD Planning Strategy.
 - (h) **That** Council note that the draft Community Infrastructure Funding Study for the Parramatta CBD is currently underway in response to Gateway conditions 1(m) iii-iv, and that it be reported to Council when finalised later in 2019.
 - (i) **Further, that** draft amendments to Parramatta Development Control Plan to support the Proposal, and a draft Infrastructure Strategy (incorporating a development guideline for the provision of community infrastructure and new contributions plan) be reported to Council prior to public exhibition.

be and is hereby rescinded.

The Rescission Motion moved by Councillor Tyrrell and seconded by Councillor Issa on being put was declared CARRIED on the casting vote of the Lord Mayor, Councillor Dwyer.

DIVISION The result being:-

AYES: Clrs Dwyer, Garrard, Han, Issa, Jefferies and Tyrrell

NOES: Clrs Bradley, Davis, Pandey, Prociv, Wearne and Wilson

MOTION FOLLOWING RESCISSION MOTION

2492 RESOLVED (Tyrrell/Garrard)

- (a) **That** Council endorse the updated draft Parramatta CBD Planning Proposal (“Proposal”) informed by technical studies contained at **Attachment 2** (of Item 15.1 of the Council meeting held on 28 October 2019 – being the Draft Consolidated Parramatta CBD Planning Proposal – Response to Gateway Determination) for the purposes of consultation with State agencies, and subject to the following amendments being incorporated:
 - (i) Amend maximum building heights shown on both the base and incentive height of building maps as 243m (RL) to 211m

- (RL) to account for the 15% design excellence bonus.
- (ii) Amend the incentive height of building map for 295 Church Street, Parramatta to include a 211m (RL) height limit for that portion of the site that was inadvertently left uncoloured.
 - (iii) Amend the incentive height of building map for the block bound by Station Street West, Raymond Street, Peace Lane and Raymond Lane, Parramatta from 72m to 80m, consistent with other 6:1 Incentive FSR sites in the Proposal.
 - (iv) Amend the base height of buildings map from 18m to 12m for the two sites at 83 Macquarie Street and eastern portion of 38 Hunter Street, Parramatta (to align with the rear boundary of 83 Macquarie Street) so as to ensure heritage significant views to St John's Church from Church Street (looking south) can be maintained.
 - (v) Amend the Proposal to include the sites at 7-11 Great Western Highway, Parramatta as they were inadvertently taken out as part of the removed area (as referenced in part (g) below), and reinstate draft controls for these sites as per the original Proposal endorsed by Council on 11 April 2016, including a zoning of B4 Mixed Use, Base Height of 12m, Incentive Height of 80m, Base FSR of 2:1 and Incentive FSR of 6:1.
- (b) **That** the CEO be authorised to make any minor amendments of a non-policy nature that are consistent with the intent of the draft Proposal and that may arise during the State agency consultation.
 - (c) **That** subject to the outcome of consultation with State agencies being that only minor amendments of a non-policy nature are required, that the Proposal be forwarded on DPIE for approval for public exhibition.
 - (d) **That** Council write to the DPIE with a request to amend the Gateway Determination in relation condition 1 (l) to:
 - i. Update the condition to require the mesoscopic model and integrated transport plan be completed prior to the finalisation of the draft Proposal.
 - ii. Update the condition to only require the Strategic Transport Study (endorsed in April 2017) for public exhibition.
 - (e) **That** following approval from the DPIE, the Proposal be placed on public exhibition for a minimum period of 28 days.
 - (f) **That** the outcomes of public exhibition of the Proposal and the consideration of submissions are reported back to Council.
 - (g) **That** Council endorse the removal of the area south of the Proposal boundary, bound by Great Western Highway and north of Lennox and Lansdowne Streets, and east of Marsden Street, Parramatta from the Proposal, and that this area be included in the

future work on the Planning Investigation Areas as per the Parramatta CBD Planning Strategy.

- (h) **That** Council note that the draft Community Infrastructure Funding Study for the Parramatta CBD is currently underway in response to Gateway conditions 1(m) iii-iv, and that it be reported to Council when finalised later in 2019.
- (i) **Further, that** draft amendments to Parramatta Development Control Plan to support the Proposal, and a draft Infrastructure Strategy (incorporating a development guideline for the provision of community infrastructure and new contributions plan) be reported to Council prior to public exhibition.

The Motion moved by Councillor Tyrrell and seconded by Councillor Garrard on being put was declared CARRIED on the casting vote of the Lord Mayor, Councillor Dwyer.

DIVISION The result being:-

AYES: Clrs Dwyer, Garrard, Han, Issa, Jefferies and Tyrrell

NOES: Clrs Bradley, Davis, Pandey, Prociv, Wearne and Wilson

Note: A Notice of Motion of Rescission was lodged after the closure of the meeting in relation to this matter.

PROCEDURAL MOTION

2493 RESOLVED (Bradley/Pandey)

That the meeting be adjourned for a period of 10 minutes.

PROCEDURAL MOTION

2494 RESOLVED (Dwyer/Tyrrell)

That the meeting resume.

The meeting resumed in the Council Chambers at 8:18pm with the following Councillors in attendance: Councillors Barrak (8:21pm), Bradley, Davis (8:19pm), Dwyer (Lord Mayor), Garrard (Deputy Lord Mayor) (8:19pm), Han, Jefferies, Pandey, Prociv, Issa (8:20pm), Tyrrell, Wilson and Wearne.

13. FAIR

13.1 SUBJECT FOR APPROVAL: Adoption of Ward Boundary Changes
REFERENCE F2019/00279 - D06941217
REPORT OF Governance Manager

2495 RESOLVED (Esber/Prociv)

- (a) **That** the following changes to Council's ward boundaries, as exhibited, be adopted:
- Seven (7) SA1s be transferred from Rosehill ward to Dundas

ward (transfer of 2,119 electors).

- (b) **That** the NSW Electoral Commission be advised of Council's decision.
- (c) **Further, that** a letter box drop be carried out of the affected residents advising of the subject changes.

14. ACCESSIBLE

14.1 SUBJECT FOR NOTATION: Minutes of the Cycleways Advisory Committee
REFERENCE F2013/00268 - D07049277
REPORT OF Senior Project Officer Transport Planning
2496 RESOLVED (Tyrrell/Prociv)

That Council receives and notes the minutes of the Parramatta Cycleways Advisory Committee meetings held in 2018 on 24 January, 21 March, 23 May, 25 July, 19 September, 21 November, and in 2019 on 23 January, 20 March, 22 May and 24 July.

14.2 SUBJECT FOR NOTATION: Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013 and SEPP 1
REFERENCE F2009/00431 - D07070706
REPORT OF Group Manager - Development and Traffic Services
2497 RESOLVED (Bradley/Tyrrell)

That the report be received and noted.

15. GREEN

Nil.

16. WELCOMING

Nil.

17. THRIVING

Nil.

18. INNOVATIVE

18.1 SUBJECT FOR APPROVAL: Draft Development Control Plan and draft Planning Agreement, 2 O'Connell Street, Parramatta
REFERENCE RZ/2/2017 - D07035544
REPORT OF Project Officer-Land Use Planning
MOTION (Tyrrell/Garrard)

- (a) **That** Council endorse the draft Development Control Plan (DCP) at Attachment 1 and the draft Planning Agreement at Attachment 2 for public exhibition.
- (b) **That** the draft DCP and draft Planning Agreement be publicly exhibited concurrently with the Planning Proposal for 2 O'Connell Street previously endorsed by Council.
- (c) **That** the outcome of the public exhibition be reported back to Council after exhibition.
- (d) **Further, that** Council authorise the Chief Executive Officer to correct any minor inconsistencies or anomalies of an administrative nature relating to the draft DCP and draft Planning Agreement documentation that may arise during the drafting and exhibition processes.

AMENDMENT (Barrak/Bradley)

That no further action be taken on this motion tonight pending the conclusion of the Public Exhibition of the current planning proposal.

The Amendment moved by Councillor Barrak and seconded by Councillor Bradley on being put was declared LOST.

DIVISION The result being:-

AYES: Clrs Barrak, Bradley and Wearne

NOES: Clrs Davis, Dwyer, Esber, Garrard, Han, Issa, Jefferies, Pandey, Prociv, Tyrrell and Wilson

The Motion moved by Councillor Tyrrell and seconded by Councillor Garrard on being put was declared CARRIED.

DIVISION The result being:-

AYES: Clrs Dwyer, Esber, Garrard, Han, Jefferies, Pandey, Tyrrell and Wilson

NOES: Clrs Barrak, Bradley, Davis, Issa, Prociv and Wearne

2498 RESOLVED (Tyrrell/Garrard)

- (a) **That** Council endorse the draft Development Control Plan (DCP) at Attachment 1 and the draft Planning Agreement at Attachment 2 for public exhibition.
- (b) **That** the draft DCP and draft Planning Agreement be publicly exhibited concurrently with the Planning Proposal for 2 O'Connell Street previously endorsed by Council.
- (c) **That** the outcome of the public exhibition be reported back to Council after exhibition.

- (v) Amend the Zoning Map to rezone land at 34 to 62 Felton Road, Carlingford from R3 Medium Density Residential to R2 Low Density Residential to align with the R2 zoning on the north side of the road, and apply the corresponding height, FSR and minimum subdivision lot size controls consistent with that proposed for the adjoining R2 zoned land. Further, that this land be included on the Dual Occupancy Prohibition Map.
- (vi) Amend the Dual Occupancy Prohibition Map to include all R2 Low Density Residential zoned land between Marsden and Midson Roads.
- (b) **That** Council note the outcomes of the public exhibition of the Discussion Paper, outlined in the Consultation Report that is included as Appendix 5 to the Planning Proposal.
- (c) **That** Council authorises the CEO to correct any minor policy inconsistencies and any anomalies of an administrative nature relating to the Planning Proposal that may arise during the Planning Proposal process.
- (d) **Further, that** Council note the Local Planning Panel's advice, provided at Attachment 6, except that it includes a recommendation that, post Gateway, there is greater targeted public consultation around the topical matters, including dual occupancy. Given the extensive consultation that has been undertaken to date, the Planning Proposal recommends targeted consultation including notification to those who made a submission on the Discussion Paper or have registered an interest in the project, as well as to landowners affected by a change in zoning, height, FSR or minimum lot size controls.

DIVISION The result being:-

AYES: Ctrs Bradley, Davis, Dwyer, Esber, Garrard, Han, Issa, Jefferies, Pandey, Tyrrell, Wearne and Wilson

NOES: Nil

19. NOTICES OF MOTION

Nil.

20. QUESTIONS ON NOTICE

Nil.

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.

21. CLOSED SESSION

2500 RESOLVED (Tyrrell/Wilson)

That 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 listed come within the following provisions:-

- 1 FOR APPROVAL: Tender ITT 15/2019 Receipt and Processing of Clean Up Material. (D06951255) - *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.*
- 2 FOR APPROVAL: Outdoor Dining Licence - 4 Parramatta Square. (D06978401) - *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.*

21. CLOSED SESSION

21.1 SUBJECT FOR APPROVAL: Tender ITT 15/2019 Receipt and Processing of Clean Up Material

REFERENCE F2019/01469 - D06951255

REPORT OF Manager Sustainability & Waste

2501 RESOLVED (Tyrrell/Wearne)

- (a) **That** in accordance with Regulation 178 Acceptance of Tenders, clause (3)(e) and (4) (a) of the Local Government (General) Regulation 2005, Council reject all tenders submitted for ITT 15/2019 Receipt and Processing of Clean Up Material as both tenderers failed to receive satisfactory scores within the qualitative (non-priced) criteria assessment.
- (b) **That** in accordance with the above Regulation, Council delegate authority to the Chief Executive Officer to enter into negotiations with Bingo Waste Services Pty Ltd (ABN 43 162 988 623) and Sydney Recycling Park Pty Ltd (ABN 12 123 289 930) with a view to achieving both environmental outcomes and value for money for Council and the community.
- (c) **That** all tenderers be advised of Council's decision in relation to this matter.

(d) **Further, that** a report on the outcomes of the negotiations be presented to Council.

21.2 SUBJECT FOR APPROVAL: Outdoor Dining Licence - 4
Parramatta Square
REFERENCE F2019/01629 - D06978401
REPORT OF Property Services and Space Management Manager
MOTION (Esber/Barrak)

That Council defer consideration of this matter to the 16 December 2019 Council Meeting to provide further information including valuation advice on as near specific comparable leases, including Martin Place, and that the report incorporate why Council's Outdoor Dining Policy is not applied equally to all applicants.

AMENDMENT (Garrard/Wearne)

- (a) **That** Council approve the terms of a Heads of Agreement with Parramatta Square Property No. 4 Pty Limited as trustee for the Parramatta Square No. 4 Property Trust, as outlined at paragraph 6 of this report.
- (b) **That** Council delegate authority to the Chief Executive Officer to enter into a Licence Agreement with Parramatta Square Property No. 4 Pty Limited as trustee for the Parramatta Square No. 4 Property Trust on the terms outlined in the Heads of the Agreement.
- (c) **Further, that** Council delegate authority to the Chief Executive Officer to sign all documents in connection with this matter.

The Amendment moved by Councillor Garrard and seconded by Councillor Wearne on being put was declared LOST.

The Motion moved by Councillor Esber and seconded by Councillor Barrak on being put was declared CARRIED.

2502 RESOLVED (Esber/Barrak)

That Council defer consideration of this matter to the 16 December 2019 Council Meeting to provide further information including valuation advice on as near specific comparable leases, including Martin Place, and that the report incorporate why Council's Outdoor Dining Policy is not applied equally to all applicants.

Note:

- 1. **Clr Wilson left the meeting at 9:50pm and returned at 9:57pm during the consideration of Item 21.2.**
- 2. **Clr Han retired from the meeting at 9:54pm during consideration of Item 21.2.**

22. REPORTS OF RESOLUTIONS PASSED IN CLOSED SESSION

The Chief Executive Officer read out the resolutions for Items 21.1 & 21.2.

23. CONCLUSION OF THE MEETING

The meeting terminated at 10.03pm.

THIS PAGE AND THE PRECEDING 17 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 11 NOVEMBER 2019 AND CONFIRMED ON MONDAY, 25 NOVEMBER 2019.



Chairperson