

Holroyd City Council



Minutes of the Ordinary Council Meeting 15 March 2016

MINUTES OF COUNCIL MEETINGS ARE SUBJECT TO CONFIRMATION AT A SUBSEQUENT
MEETING OF COUNCIL.

Report of the Finance and Works Committee to the Ordinary Meeting of the Council of the City of Holroyd held at the Council Chambers, Memorial Ave, Merrylands on Tuesday, 15 March 2016.

PRESENT:

His Worship the Mayor, Councillor Cummings in the Chair; also Councillors, Dr. Brodie, Colman, Grove, Lake, Nadima Kafrouni, Nasr Kafrouni and Zaiter.

FW009-16 SUBJECT:FEBRUARY 2016 INVESTMENT REPORT BP16/235

Resolved on the motion of Clr. Dr. Brodie, seconded Clr. Colman that the report be received.

Signed:

Clr. Cummings
Mayor: Chairman

Report of the Holroyd Traffic Committee to the Ordinary Meeting of the Council of the City of Holroyd held at the Council Chambers, Memorial Ave, Merrylands on Tuesday, 15 March 2016.

PRESENT:

His Worship the Mayor, Councillor Cummings in the Chair; also Councillors, Dr. Brodie, Colman, Grove, Lake, Nadima Kafrouni, Nasr Kafrouni and Zaiter.

HT015-16 SUBJECT:HOLROYD TRAFFIC COMMITTEE MEETING - 2 MARCH 2016
BP16/224

Resolved on the motion of Clr. Dr. Brodie, seconded Clr. Colman that the report be received.

HT016-16 SUBJECT:ITEM 1603/01 - MINUTES OF THE HOLROYD TRAFFIC COMMITTEE MEETING OF 3 FEBRUARY 2016 CONSIDERED BY COUNCIL AT ITS MEETING OF 16 FEBRUARY 2016 BP16/225

Resolved on the motion of Clr. Dr. Brodie, seconded Clr. Colman that the report be received.

HT017-16 SUBJECT:ITEM 1603/02 - NOWRA STREET, GREYSTANES - PROPOSED INSTALLATION OF 'NO STOPPING' RESTRICTIONS - CONSULTATION RESULTS BP16/226

Resolved on the motion of Clr. Dr. Brodie, seconded Clr. Colman that:

- i) The installation of 'No Stopping' restrictions at the corner of Nowra Street at the intersection with Greystanes Road, Greystanes in accordance with the attached plan be supported.
- ii) The installation of 'No Stopping' restrictions on northern side of Nowra Street, Greystanes in accordance with the attached plan not be supported.
- iii) The affected residents be notified of the outcome generally.

HT018-16 SUBJECT:ITEM 1603/03 - INTERSECTION OF BURFORD STREET WITH MERRYLANDS ROAD, MERRYLANDS - INSTALLATION OF 'NO RIGHT TURN' RESTRICTION - TRAFFIC MANAGEMENT PLAN (TMP) APPROVAL BP16/227

Resolved on the motion of Clr. Dr. Brodie, seconded Clr. Colman that:

- i) The report be received.

- ii) The affected businesses and residents be notified of the outcome generally.

HT019-16 SUBJECT:ITEM 1603/04 - DRIFTWAY DRIVE, PEMULWUY - REQUEST TO REDUCE THE LENGTH OF 'BUS ZONE' RESTRICTION BP16/228

Resolved on the motion of Clr. Dr. Brodie, seconded Clr. Colman that:

- i) The proposed 'Bus Zone' restriction adjacent to properties 1 Lisk Road, 78 and 80 Driftway Drive, Pemulwuy in accordance with the attached plan not be supported.
- ii) The request for indented parking bay on the western side of Driftway Drive (opposite 78 and 80 Driftway Drive) not be supported.
- iii) The affected residents and bus operator be notified of the outcome generally.

HT020-16 SUBJECT:ITEM 1603/05 - ANZAC DAY DAWN SERVICE - MONDAY, 25 APRIL 2016 - PROPOSED SHORT TERM FULL ROAD CLOSURE BP16/229

Resolved on the motion of Clr. Dr. Brodie, seconded Clr. Colman that:

- i) The classification of the temporary short term full road closure of Military Road, Newman Street, Memorial Avenue Merrylands Road and Miller Street, Merrylands for the ANZAC Day Dawn Service on Monday, 25 April 2016 between 5:00am to 7:00am, identified as a Class 4 Event in accordance with 'Guide to Traffic and Transport Management for Special Events' be supported.
- ii) The temporary short term full road closure of Newman Street (between Memorial Avenue and Military Road) and Miller Street (between Newman Street and Post Office Lane), Merrylands for the ANZAC Day Dawn Service on Monday, 25 April 2016 between 5:00am to 7:00am be approved subject to the following conditions:
 - a) The organisers shall carry out a letterbox drop and personal communication to all business proprietors and residents.
 - b) The applicant shall obtain a road occupancy licence from the Transport Management Centre and seek clearance from NSW Police and all relevant emergency service authorities (including Fire and Ambulance Services).
 - c) The organisers shall produce evidence of Public Liability Insurance, which is valid for the duration of the set-up, running and pull down of the event.

- d) The organisers shall ensure that a four metre wide emergency vehicle lane is maintained.
- e) The organisers shall ensure that access is provided for motorists and pedestrians with legitimate business within the closed section of roadway.
- f) The organisers shall ensure that noise is controlled, as required by the 'Protection of the Environment Operations (Noise Control) Regulation 2000.
- g) The organisers reimburse Council for the costs of damage to Council assets.
- h) The organisers comply with Council's Environmental and Planning Policies (Compliance).
- i) The organisers shall ensure that the area is maintained in a clean and tidy condition.
- j) The Merrylands RSL and organisers shall approach the NSW Police for assistance prior to closure and use RMS Certified Traffic Controllers to manage the road closures.

HT021-16 SUBJECT:ITEM 1603/06 - ANZAC SUNDAY MARCH AND SERVICE - SUNDAY, 17 APRIL 2016 - PROPOSED TEMPORARY SHORT TERM FULL ROAD CLOSURES BP16/230

Resolved on the motion of Clr. Dr. Brodie, seconded Clr. Colman that:

- i) The classification of the temporary short term full road closure of Military Road, Newman Street, Memorial Avenue, Merrylands Road and Miller Street, Merrylands for the ANZAC Sunday March and Service to be held on Sunday, 17th April 2016, between 10.00am and 12 noon as a Class 4 Event in accordance with 'Guide to Traffic and Transport Management for Special Events' be supported.
- ii) The temporary short term full road closure of Military Road, Newman Street, Memorial Avenue, Merrylands Road and Miller Street, Merrylands for the ANZAC Sunday March and Service to be held on Sunday, 17th April 2016, between 10.00am and 12 noon be approved subject to the following conditions:
 - a) The organisers shall carry out a letterbox drop and personal communication to all business proprietors and residents.

- b) The applicant shall obtain a road occupancy licence from the Transport Management Centre and seek clearance from NSW Police and all relevant emergency service authorities (including Fire and Ambulance Services).
- c) The organisers shall produce evidence of Public Liability Insurance, which is valid for the duration of the set-up, running and pull down of the event.
- d) The organisers shall ensure that a four metre wide emergency vehicle lane is maintained.
- e) The organisers shall ensure that access is provided for motorists and pedestrians with legitimate business within the closed section of roadway.
- f) The organisers shall ensure that noise is controlled, as required by the 'Protection of the Environment Operations (Noise Control) Regulation 2000.
- g) The organisers reimburse Council for the costs of damage to Council assets.
- h) The organisers comply with Council's Environmental and Planning Policies (Compliance).
- i) The organisers shall ensure that the area is maintained in a clean and tidy condition.
- j) The Merrylands RSL and organisers shall approach the NSW Police for assistance prior to closure and use RMS Certified Traffic Controllers to manage the road closures.

Matter Arising: Resolved on the motion of Clr. Grove, seconded Clr. Zaiter that a report be presented to the Holroyd Traffic Committee investigating a "Kiss and Drop" Scheme for Ringrose Public School.

Signed:

Clr. Cummings
Mayor: Chairman

Report of the Closed Council to the Ordinary Meeting of the Council of the City of Holroyd held at the Council Chambers, Memorial Ave, Merrylands on Tuesday, 15 March 2016.

PRESENT:

His Worship the Mayor, Councillor Cummings in the Chair; also Councillors, Dr. Brodie, Colman, Grove, Lake, Nadima Kafrouni, Nasr Kafrouni, and Zaiter.

EXCLUSION OF PRESS AND PUBLIC

Resolved on the motion of Clr. Nadima Kafrouni, seconded Clr. Colman that the Press and Public be excluded from the Closed Meeting during consideration of COTW007-16 to COTW010-16 inclusive and the access to the correspondence and reports relating to these items be withheld, the Closed Meeting being of the opinion that publicity of the proceedings of the Closed Meeting during consideration of these items would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

COTW007-16 SUBJECT: ADDITIONAL NOMINATIONS FOR HOLROYD CITY COUNCIL COMMITTEES BP16/214

Resolved on the motion of Clr. Colman, seconded Clr. Nadima Kafrouni that the nominations received for the six Committees be approved as follows:

Aboriginal and Torres Strait Islander Consultative Committee

- Lyn Leerson
- Pam Gow
- Shai Grigg

Aged and Disability Services Advisory Committee

- Greg Gilbert
- Naomi Dadd
- Nicole Jones

Arts Advisory Committee

- Andrew Overton

Culturally and Linguistically Diverse Consultative Committee

- Amir Mekhael

- Chiara Ridolfi
- Cherly Webster
- Inimanogi Asemaga
- Jaroslav Duma Oam
- Julie Tai
- Maria Cuenca
- Logessan Pillay

Holroyd Access Committee

- George Saad
- Greg Gilbert
- Nicole Jones
- Nicole Suttle

Youth Services Advisory Committee

- Kim Lenard
- Madison King
- Melinda Koutsoukos

Note: Included in Closed Council in accordance with Section 10A(2)(a) of the Local Government Act as the information involves personnel matters concerning particular individuals (other than Councillors).

COTW008-16 SUBJECT:2016 COUNCIL SCHOLARSHIP BP16/204

Resolved on the motion of Clr. Dr. Brodie, seconded Clr. Colman that the 2016 Holroyd City Council Scholarship be offered to Shazia Nadan.

Note: Included in Closed Council in accordance with Section 10A(2)(a) of the Local Government Act as the information involves personnel matters concerning particular individuals (other than Councillors).

COTW009-16 SUBJECT:MERRYLANDS CITY CENTRE CARPARK STRATEGY BP16/311

Resolved on the motion of Clr. Dr. Brodie, seconded Clr. Colman that:

- i) Council regard the Post Office Laneway Extension as constituting an essential part of the Merrylands City Centre Carpark Strategy.
- ii) Council authorise the General Manager or his delegate to commence private

negotiations with the owners of:

- a) Lot 9B in DP 321378 known as 7 Memorial Avenue (Merrylands City Centre Carpark);
- b) Part of Lot 11 in DP 1002830 (Merrylands City Centre Carpark);
- c) Lot 1 in DP 535300 (known as 228A Merrylands Road, Merrylands), Part SP 33394 (known as 258 Merrylands Road, Merrylands), Part Lot A in DP 402746 (known as 256A Merrylands Road, Merrylands), Part Lot B in DP 402746 (known as 256 Merrylands Road, Merrylands), Part Lot X in DP 407919 (known as 254 Merrylands Road, Merrylands), Part Lot Y in DP 407919 (known as 250-252 Merrylands Road, Merrylands), Part Lot 4 Section B in DP 752 (known as 246-248 Merrylands Road, Merrylands) and Part Lot 4A Section B in DP 752 (known as 240-244 Merrylands Road, Merrylands) (Post Office Laneway Extension),

to purchase that land by private agreement.

- iii) In the event that no binding agreement has been entered into by 31 July 2016 for the purchase by Council of all of:

- a) Lot 9B in DP 321378 known as 7 Memorial Avenue (Merrylands City Centre Carpark);
- b) Part of Lot 11 in DP 1002830 (Merrylands City Centre Carpark);
- c) Lot 1 in DP 535300 (known as 228A Merrylands Road, Merrylands), Part SP 33394 (known as 258 Merrylands Road, Merrylands), Part Lot A in DP 402746 (known as 256A Merrylands Road, Merrylands), Part Lot B in DP 402746 (known as 256 Merrylands Road, Merrylands), Part Lot X in DP 407919 (known as 254 Merrylands Road, Merrylands), Part Lot Y in DP 407919 (known as 250-252 Merrylands Road, Merrylands), Part Lot 4 Section B in DP 752 (known as 246-248 Merrylands Road, Merrylands) and Part Lot 4A Section B in DP 752 (known as 240-244 Merrylands Road, Merrylands) (Post Office Laneway Extension)

(collectively the Acquisition Land), Council resolves to:

- e) Compulsorily acquire any part of the Acquisition Land which is not the subject of a binding agreement for purchase; and
- f) Make an application (whether before or after 31 July 2016) to the Minister for Local Government and the Governor pursuant to Section 187 of the

Local Government Act 1993 and the Compulsory Acquisition (Just Terms) Compensation Act 1991 to compulsorily acquire any parts of the Acquisition Land which is not the subject of a binding agreement for purchase.

- iv) Council authorise the General Manager to commence public notification pursuant to Section 34 of the Local Government Act 1993 of Council's intention to classify the Acquisition Land as operational land provided that public notification for any part of the Acquisition Land does not commence until after that part has been acquired by Council.
- v) Council authorise the General Manager (or his delegate) to write to the Minister for Local Government and the Chief Executive of the Office of Local Government to advise of Council's intention to compulsorily acquire all or parts of the Acquisition Land in the event that no binding agreement to purchase any property forming part of the Acquisition Land is entered into on or before 31 July 2016.
- vi) Council authorise the General Manager (or his delegate) to undertake such work as is necessary to obtain the required approvals or agreements from relevant State or Crown Authorities to compulsorily acquire all or parts of the Acquisition Land.
- vii) Council delegate any administrative or incidental functions to the General Manager (or his delegate) in order to implement the above resolutions.
- viii) Council acknowledge for the avoidance of doubt, that nothing in this resolution prevents Council continuing negotiations with the proprietors of all or parts of the Acquisition Land after:
 - a) 31 July 2016; or
 - b) An application has been made to the Minister for Local Government and the Governor pursuant to Section 187 for the compulsory acquisition of all or parts of the Acquisition Land.
- ix) In the event of any inconsistency between this resolution and any previous resolution, this resolution shall prevail.
- x) In the event of any difference in the legal effect of this resolution and that of any previous resolution, the previous resolution shall, to that extent, not operate.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Ayes

Clr. Cummings (Mayor)

Clr. Dr. Brodie

Clr. Colman

Clr. Nadima Kafrouni

Clr. Nasr Kafrouni

Clr. Lake

Clr. Zaiter

Noes

Clr. Grove

Note: Included in Closed Council in accordance with Section 10A(2)(c) of the Local Government Act as the information involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

COTW010-16 SUBJECT:NEGOTIATIONS REGARDING VARIATIONS TO THE
CONTRACT FOR RECEIVAL AND PROCESSING OF COUNCIL'S DRY
RECYCLABLES BP16/6

A motion was moved Clr. Grove that Council:

- i) Resolve to rescind the resolution of the Council at its meeting of 3 November 2015 *“that Council call for tenders for the receival and processing of dry recyclables with the intention of entering into a long term contract to commence at the expiration of the current Contract”* for the reasons stated in this report.
- ii) Resolve that the Contract be extended under the current Contract on the amended terms negotiated with Visy and the General Manager be given delegated authority to finalise the negotiations and sign a Deed of Variation and Extension.
- iii) Resolve to acknowledge its resolution of 15 December 2015 *“That Council accept the lump sum payment as negotiated with Visy at its meeting of 11 December 2015 and authorise the General Manager to sign the necessary agreement for the settlement to occur.”*

The motion moved Clr. Grove was withdrawn.

A motion was moved Clr. Lake, seconded Clr. Colman that Council:

- i) Resolve to rescind the resolution of the Council at its meeting of 3 November 2015 *“that Council call for tenders for the receipt and processing of dry recyclables with the intention of entering into a long term contract to commence at the expiration of the current Contract”* for the reasons stated in this report.
- ii) Resolve that the Contract be extended under the current Contract on the amended terms negotiated with Visy and the General Manager be given delegated authority to finalise the negotiations and sign a Deed of Variation and Extension.
- iii) Resolve to acknowledge its resolution of 15 December 2015 *“That Council accept the lump sum payment as negotiated with Visy at its meeting of 11 December 2015 and authorise the General Manager to sign the necessary agreement for the settlement to occur.”*

An amendment was moved Clr. Grove, seconded Clr. Zaiter that a draft agreement for the settlement between Council and Visy be presented to the next Ordinary Meeting of Council.

The amendment moved Clr. Grove, seconded Clr. Zaiter was withdrawn.

The motion moved Clr. Lake, seconded Clr. Colman on being Put was declared CARRIED.

Note: Included in Closed Council in accordance with Section 10A(2)(c) of the Local Government Act as the information involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Signed:

Clr. Cummings
Mayor: Chairman

Minutes of the Council of the City of Holroyd held at the Council Chambers, Memorial Ave, Merrylands on Tuesday, 15 March 2016.

PRESENT:

His Worship the Mayor, Councillor Cummings in the Chair; also Councillors, Dr. Brodie, Colman, Grove, Lake, Nadima Kafrouni, Nasr Kafrouni, and Zaiter.

Min. 87 The meeting here opened at 6:33 p.m.

Min. 88 OPENING PRAYER: The opening prayer was here read by Father Paul Cahill from Wentworthville Catholic Church.

Min. 89 APOLOGIES: Resolved on the motion of Clr. Dr. Brodie, seconded Clr. Colman that:

- i) The leave of absence previously granted to Clr. Monaghan due to personal reasons, be noted.
- ii) The apology tendered by Clr. Rahme due to business reasons, be accepted and leave of absence granted.
- iii) The apology tendered by Clr. Sarkis due to personal reasons, be accepted and leave of absence granted.
- iv) The apology tendered by Clr. Whitfield due to personal reasons, be accepted and leave of absence granted.

Min. 90 MATTER OF URGENCY: Clr. Grove raised a Matter of Urgency in relation to the closing date for the pre-Gateway consultation of the Merrylands Station and McFarlane Street Precinct Review.

A motion was moved Clr. Grove, seconded Clr. Zaiter that standing orders be suspended to permit a Matter of Urgency in relation to the closing date for the pre-Gateway consultation of the Merrylands Station and McFarlane Street Precinct Review.

The Mayor ruled the Matter of Urgency in order.

Resolved on the motion of Clr. Grove, seconded Clr. Zaiter that the closing date for the pre-Gateway consultation of the Merrylands Station and McFarlane Street Precinct Review be extended by two weeks from Wednesday, 30 March 2016 to Wednesday, 13 April 2016.

A division was called, the result of the division required in accordance with

Council's Code of Meeting Practice is as follows:

Ayes

Clr. Cummings (Mayor)
Clr. Dr. Brodie
Clr. Colman
Clr. Grove
Clr. Nadima Kafrouni
Clr. Nasr Kafrouni
Clr. Lake
Clr. Zaiter

Noes

Nil.

Min. 91 CONFIRMATION OF MINUTES: Resolved on the motion of Clr. Zaiter, seconded Clr. Nasr Kafrouni that the Minutes of the Ordinary Meeting of Council held on 1 March 2016 be adopted with the following amendment to CCL009-16 – Merrylands Station and McFarlane Street Precinct Review, item i) to read:

"i) Council proceed to conduct pre-Gateway consultation to propose an amendment to Clause 4.3 Height of Buildings to the Holroyd Local Environmental Plan 2013 and associated maps as indicated in the last column of Table 2 in this report including a proposal to reduce FSRs by 0.5:1 across the Study Area."

Min. 92 Resolved on the motion of Clr. Nadima Kafrouni, seconded Clr. Nasr Kafrouni that the Minutes of the Extraordinary Meeting of Council held on 8 March 2016 be adopted.

Min. 93 DECLARATIONS OF INTEREST: There were no declarations of interest.

Min. 94 ADJOURNMENT: Resolved on the motion of Clr. Nadima Kafrouni, seconded Clr. Colman that the meeting adjourn for Finance and Works Committee Business.

Min. 95 RESUMPTION: Resolved on the motion of Clr. Nadima Kafrouni, seconded Clr. Colman that the meeting resume after the Finance and Works Committee Business had been completed.

Min. 96 REPORT OF THE FINANCE AND WORKS COMMITTEE: FW009-16 TO FW009-16 INCL. Adopted on the motion of Clr. Nadima Kafrouni, and Clr. Colman.

Min. 97 ADJOURNMENT: Resolved on the motion of Clr. Nadima Kafrouni,

seconded Clr. Colman that the meeting adjourn for Holroyd Traffic Committee Business.

Min. 98 RESUMPTION: Resolved on the motion of Clr. Nadima Kafrouni, seconded Clr. Colman that the meeting resume after the Holroyd Traffic Committee Business had been completed.

Min. 99 REPORT OF THE HOLROYD TRAFFIC COMMITTEE: HT015-16 TO HT021-16 INCL. Adopted on the motion of Clr. Nadima Kafrouni, seconded Clr. Colman.

Min. 100 CCL013-16 SUBJECT:LINNWOOD ESTATE RESERVE - TAMPLIN ROAD RESERVE BP16/211

Resolved on the motion of Clr. Dr. Brodie, seconded Clr. Lake that Council note the draft resolutions from the Heritage Council Approvals Committee to submit further information to satisfy the requirements to determine the integrated development applications for the subdivision of the Tamplin Road Reserve and demolition of the laundry, and engage the relevant consultants to undertake the necessary work.

Min. 101 CCL014-16 SUBJECT:REGISTRATION OF RESTRICTION ON THE USE OF LAND AND POSITIVE COVENANT ON VARIOUS DEVELOPMENT SITES BP16/234

Resolved on the motion of Clr. Dr. Brodie, seconded Clr. Colman that the Common Seal of Council be affixed to the "Request Forms (13RPA & 13PC)" in respect of the following properties:

Development Consent	Address	Stormwater Management (OSD, PCD, OF)	Lot and Deposited Plan
2008/629	13 Rubina Street, Merrylands West	OSD	Lot 1, DP 1166369
2014/340	61 Garfield Street, Wentworthville	OSD	Lot 67, DP 8202

Min. 102 CCL015-16 SUBJECT:REGISTER OF REPORTS TO BE CONSIDERED BY COUNCIL BP16/301

Resolved on the motion of Clr. Colman, seconded Clr. Nadima Nadima that the report be received.

Min. 103 QUESTIONS ON NOTICE: Councillors were invited by the Mayor to submit written questions to the General Manager which are to be responded to in accordance with Council's Code of Meeting Practice.

Min. 104 ADJOURNMENT: Resolved on the motion of Clr. Nadima Kafrouni, seconded Clr. Colman that the meeting adjourn for Closed Council Business.

Min. 105 RESUMPTION: Resolved on the motion of Clr. Nadima Kafrouni, seconded Clr. Nasr Kafrouni that the meeting resume after the Closed Council Business had been completed.

Min. 106 REPORT OF THE CLOSED COUNCIL: COTW007-16 TO COTW010-16 INCL. Adopted on the motion of Clr. Nadima Kafrouni, seconded Clr. Nasr Kafrouni.

Min. 107 TERMINATION: The meeting terminated at 8:20 p.m.

Signed:

Clr. Cummings
Mayor: Chairman