

MINUTES OF THE MEETING OF PARRAMATTA CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC PLACE, PARRAMATTA ON MONDAY, 14 DECEMBER 2015 AT 6.48PM

PRESENT

The Lord Mayor, Councillor P J Garrard in the Chair and Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn MP (arrived 7.09pm), J A Hugh, S T Issa (retired 10.25pm), S D Lloyd, B Makari (Deputy Lord Mayor), J L Shaw, L E Wearne (arrived 6.51pm) and A A Wilson (arrived 6.51pm).

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Lord Mayor, Councillor P J Garrard acknowledged the Burramattagal Clan of The Darug, the traditional land owners of Parramatta and paid respect to the elders both past and present.

MINUTES

SUBJECT Minutes of the Council (Development) Meeting held on 7 December 2015

16269 RESOLVED (Issa/Makari)

That the minutes be taken as read and be accepted as a true record of the Meeting subject to it being noted that Councillor Elmore had declared an interest in relation to Items 9.10 and 9.11 of Major Reports of the previous meeting (Minute No.s 16231 and 16232 refer) relating to 22D and 22E Cowells Lane Ermington, respectively, and had not been present in the Chamber during voting on either of these matters.

APOLOGIES

16270 RESOLVED (Esber/Elmore)

That an apology be received and accepted for the absence of Councillor J Chedid and it be noted that Councillors Finn and Wilson will be arriving later in the evening.

DECLARATIONS OF INTEREST

1. Councillor J P Abood declared a significant, non-pecuniary interest in relation to Item 7.14 of Economy regarding the Draft Parramatta Road Urban Transformation Strategy as one of his good friends is a land holder on Parramatta Road.

Councillor J P Abood declared an interest in relation to Item 14.3 of the Supplementary Agenda regarding 1 Parramatta Park Land, Parramatta as he is a member of the JRPP.

In addition, Councillor J P Abood declared a non - pecuniary interest in relation to Closed Session Items 1 and 2 relating to Tender 34/2015 and Tender 38/2015 respectively as one of the tenderers is a relation of Councillor Abood's wife.

2. Councillor S Chowdhury declared a non - pecuniary Interest in relation to Item 7.7 of Economy regarding the Draft Parramatta CBD Planning Proposal as he is on the Board of a Company that owns property in the CBD. Councillor Chowdhury also declared a pecuniary interest in relation to this matter also as he has an interest in land in the CBD that relates to this issue.
3. Councillor P Esber declared a Special Disclosure of Pecuniary Interest in relation to Item 7.7 of Economy regarding the Draft Parramatta CBD Planning Proposal as he as an interest in land that relates to this issue.
4. Councillor J Finn MP declared, in relation to Item 14.3 of the Supplementary Agenda regarding 1 Parramatta Park Land, Parramatta, that the Parramatta Leagues Club had made a minor donation towards her election fund.
5. The Lord Mayor, Councillor P J Garrard declared a non - pecuniary interest in relation to Item 7.7 of Economy regarding the Draft Parramatta CBD Planning Proposal as he is on the Parramatta Leagues Club Board which owns property in the CBD that relates to this issue.

The Lord Mayor, Councillor P J Garrard further declared an interest in relation to Item 14.3 of the Supplementary Agenda regarding 1 Parramatta Park Land, Parramatta as he is a member of the Parramatta Leagues Club Board.

6. Councillor J Hugh declared a non - pecuniary interest in relation to Item 7.7 of Economy regarding the Draft Parramatta CBD Planning Proposal as he is a director of a charity which owns property in the CBD that relates to this issue. Councillor Hugh added that he would be remaining in the Chamber during discussion on this issue.
7. Councillor B Makari declared a pecuniary interest in relation to Item 7.7 of Economy regarding the Draft Parramatta CBD Planning Proposal as a relative has an interest in land affected by this issue.

8. Councillor J Shaw declared an interest in relation to Item 7.7 of Economy regarding the Draft Parramatta CBD Planning Proposal as he owns property in the affected area but as the property is his principal place of residence, the interest is insignificant and he will be remaining in the Chamber during discussion and voting on this matter.

Councillor J Shaw further declared an insignificant, non-pecuniary interest in relation to Item 14.3 of the Supplementary Agenda regarding 1 Parramatta Park Land, Parramatta as he is a member of the Parramatta Leagues Club.

9. Councillor A A Wilson declared an interest in relation to Item 14.3 of the Supplementary Agenda regarding 1 Parramatta Park Land, Parramatta as he is a member of the JRPP.

Note

Councillors L E Wearne and A A Wilson arrived at the meeting at 6.51pm during consideration of this matter.

PUBLIC FORUM

1 SUBJECT Development Application - 33 Holway Street, Eastwood
REFERENCE DA/173/2015
FROM Huai Wen Bo

16271 As tabled.

“First of all, I like to thank all of Councillors and Officers for your time and attention on my application DA/173/2015, my name is Huaiwen Bo, the owner of 33 Holway Street, Eastwood. I understand that this is not an easy case and I do appreciate all the help.

Before I purchased this property in 2013, I had been told that, in 2007, this land was DA approved previously in 2014, I planned to apply the extension of exciting dwelling for my families, the architect Christine, structure engineer John and myself came to council to check if it is possible for us to be approved for house addition on the flooding zone land, council staff gave us the positive response and stated that it is possible as long as the design and structure are reasonable, and all documents are provided. Under the help of architect, engineer, town planner, flood engineer, we lodged our first floor addition application in March this year with seriously consideration for minimise the affection for flooding issue. Our design aimed at improving the living condition, reinforcing the flood proofing structure, and providing a better shelter for us.

After a number of months under assessment with no advice from council, the officer requested us to withdraw the application on 24th July, 2015 based on the high flood risk categorisation of the property.

However, our neighbour's first storey extension was approved under the same regulation. An application in 2007 was also approved by council on our property for a major ground floor rear extension which significantly impacted the flow path of flood waters. To discuss the past approvals and the flood issue, we had meeting with council staff, we emphasised that we can provide all necessary advice and solution for flood proofing of both existing dwelling and extension from professional engineers. In fact, we stated that existing ground floor level of the dwelling is below the 1 in 20/100 year flood levels. The existing dwelling therefore offers no safe refuge for us in a flood event. Conversely, the flood hazard would be substantially reduced if a first floor addition were to be constructed. We stress to you that by approving this development we will reduce the flood hazard of the property by flood proofing the existing house and by providing a first floor area which can be used as a refuge in a flood event. These solutions are consistent with council's flood management policy and development control plan objectives for flood prone land.

I sincerely hope councillors and council can understand our situation in reality. My husband and I cannot speak much English; we have to live with our only son and his families for daily needs and communications. The modest floor area of the existing dwelling is only 89m², which is sit on a nearly 800m² land. There is absolutely not enough living space for our families on our own land. We have paid the market price for the land, but if we cannot use the land, I believe it is not fair for us. we do understand that this is a unique land with special condition, that is why we are not adding any ground floor area; we are not trying to changing much of the building footprint, we have been waiting for nearly 9 month time, all we are trying to do is just to have enough living space for ourselves. I strongly believe that this is a reasonable request, so we really hope the councillors can considerate our request and help us to improve our quality of lives.

I also believe our application was poorly treated by certain council officer. On his recommendation we could withdraw the current application, instead apply for a new dwelling in another application. I found this sort of advice irresponsible. Also by reading through his recommendation, one of the reasons for refusal is because (quote) "approving the application would lead to the extended life of the dwelling which is already an insufficient response to the site as a result of the high risk flooding" (unquote). I found this sort of statement is insulting. We have paid premium price for this asset, which in council's point of view should be left to deteriorate so that its lifespan can be shortened because of flood risk. If council is seriously having their interest in heart, then council should buy back the properties and turn them into park land.

Furthermore the current approach of council's does nothing strategy can be viewed as nothing but evading any responsibility. How can a currently aged building structure take the significant flood load in the event of a high hazard flood? How could that scenario improve the life and property safety for us who live in it?

With the proposed alteration and extension, it is a good opportunity that we could strengthen the existing structure and do something to reduce flood risk.

Finally, we appreciate Councillors' assistance in the assessment of this matter. Thank you again for your time."

RESPONSE BY Sue Weatherley - Director Strategic Outcomes and Development:-

How can a currently aged building structure take the significant flood load in the event of a high hazard flood? How could that scenario improve the life and property safety for us who live in it?

"Unfortunately it is not uncommon to find existing dwellings within high hazard flood areas. This is because many of these homes were constructed at a time that pre-dates the advancement in flood modelling and flood management which is now routinely used by Councils.

In May of 2013 Council records indicate that a s149 certificate was issued which identified the site as Riparian Land and Waterways and advised that Council has adopted a policy covering the entire City of Parramatta to restrict development of any land by reason of the likelihood of flooding. The property was purchased by the current owners in August 2013. The current owners sought information on the flood affectation of this site in September 2013 and again in February 2015 by lodging a Flood Enquiry Form. Information on flood affectation held by Council was provided to the current owners on 1 October 2013 and 20 February 2015. That advice on both occasions noted that the site is affected by 1:20 and 1:100 inundation and provided corresponding mapping and flood levels. That advice on both occasions also advised the customer to contact Council's town planner and development engineer and organise a pre-lodgement meeting should redevelopment of the site be proposed. The customer was also advised to refer to Council's Local Floodplain Risk Management policy relating to developing land affected by flooding.

The subject Development Application was lodged without a pre-lodgement meeting or consultation with Council. The significance of flood affectation of the site was known to the applicant prior to lodging their Development Application and likely prior to purchase of the property as standard conveyancing due diligence would have included a s149 certificate for the site. An obligation therefore falls on the property owner to consider the safety of persons and property when they purchase an existing building within a known context. In relation to development application matters, Council must ensure the most recent flood data and floodplain management approach is applied to assessment of any development application. It is acknowledged that over time this data and approach may shift with advancements in flood modelling and flood management."

REFERENCE RZ/21/2014

FROM Kristy Hodgkinson

16272

“The project at 87 Church Street and 6 Great Western Highway provides an ideal opportunity for a mixed – use development to be established at the southern entranceway to the City Centre.

Our client, WFM Motors, who is a substantial employer within the local government area, is pleased to be able to provide a contribution of this scale to the CBD precinct.

The proposal will provide not only residential accommodation, but also a commercial and residential base that will increase pedestrian activity at this end of the CBD, as well as employment opportunities. It will also provide a strong linkage with the future Auto Alley precinct.

As was emailed to you last Thursday, we do have some concerns with the recommendation that has been put forward by the Council in terms of the amount of commercial floor space required, car parking requirements and development for serviced apartments.

We do acknowledge that the Council has sought to provide an equitable cap on floor space within the CBD of 10:1 + design excellence at this time, largely due to infrastructure constraints. This being the case, our client is willing to accept this reduced outcome, over what was proposed.

As per our correspondence to you, we have however requested that recommendation A be amended to state that:

- The commercial floor space on the site will be 1:1 and anything over that will not constitute FSR. This is consistent with the CBD Planning Strategy.
- That serviced apartments should not be excluded from this site until such time as a wholesale change is made to the B4 Mixed Use zoning provisions, which precludes this on all B4 sites.
- That, in the event that the Phase 2 value sharing mechanism is not adopted under the CBD planning strategy, the proponent may be provided with the opportunity to revisit the higher floor space ratio originally proposed for the planning proposal.
- And finally that, in the event that a floor space greater than 10:1 is achieved for the site, car parking is limited to reflect a 10:1 floor space ratio. This will ensure that there is not undue pressure on the road network.

We would respectfully request consideration of these amendments, to ensure an economically viable development within the Parramatta CBD and look forward to working with the Council as the application

progresses.”

3 SUBJECT Planning Proposal - 122 Wigram Street, Harris Park
REFERENCE RZ/22/2014
FROM Aras Labutis

16273 “Good evening Lord Mayor and Councillors

Thank you for the opportunity to speak tonight in relation to a revised resolution for 122 Wigram Street, Harris Park. This Planning Proposal was supported by Council at its meeting on 23 November to proceed with a base FSR of 8:1, and a maximum FSR of 10:1 if the applicant voluntarily participates in a density bonus scheme which reflects an appropriate showing of the land value uplift of approximately 25%.

There is now a recommendation before Council this evening that seeks to ‘reconfirm’ this endorsement with Council and add a height limit of 82m to allow the maximum FSR to be achieved. The addition of a new height limit is supported, however our architects have undertaken detailed testing which reveals that 88m is required to achieve the maximum FSR including the design excellence bonus based on a building that meets freeboard requirements for flood levels and for lift overruns.

However, this is not our main concern. The more concerning matter before Council tonight is the recommendation in Item 7.7 in relation to the Wigram Street site, and another in Harris Park. Paragraph (e) of the recommendation suggests that Council adopt a similar approach to value sharing as that outlined within Item 7.7. What is not made clear by the Council officers in part (e) is that this recommendation will significantly alter Council’s resolution of the 23 November. That is, that the value sharing mechanism will change Council resolved FSR from 8:1 to a base of 4:1, and require the applicant to ‘voluntarily participate’ in the value sharing mechanism at a rate of 50% for any FSR above 4:1 to 10:1. This has been verbally confirmed to me by Council officers on Friday. Not only does this half the base FSR that was an agreed position between Council officers and the applicant, and resolved by Council only 3 weeks ago, it doubles the value sharing rate. This has significant implications for the feasibility of this project. We have serious concerns about the message this sends to the market in relation to investing in Parramatta, when such a recent resolution is changed by Council officers. Further, what I have outlined above is not made clear in the recommendation for the Wigram Street item, which I believe is completely misleading. This recommendation still contains a base FSR of 8:1 and a value sharing rate of 25%, without making it clear that this is being changed to a base of 4:1 and a rate of 50% in Item 7.7.

Therefore, we request that:

1. Council delete part (e) of the recommendation in Item 7.7. If Council is of a mind to increase the value sharing mechanism to

50%, we request this is done specifically for the Wigram Street resolution in Item 7.12 and that the base FSR is maintained at 8:1. I reiterate 8:1 is what was agreed with Council officers and then resolved by Council.

2. Council supports the resolution that was made by Council on 23 November 2015, with the modification of the height limit of 88m.

Thank you”

4 SUBJECT Development Application - 18 - 20 Virginia Street,
Rosehill
REFERENCE DA/415/2015
FROM Anthony Sukkar

16274 As tabled.

“We respond to the Town Planner objections as follows:

1. Side Setback

We note that the Pre-DA lodgement advice stated

“in term of separation between buildings/developments, the older terraces adjacent to the subject site were built with setbacks of approximately 1m and this appears to be consistent with the old Rosehill Master-plan. There are two separate properties of townhouses adjacent to this site and due to minimal setback, they appear as a continuous development and it is considered providing a break of around 3m each side of this development would be in contravention with the street pattern currently present.

Therefore, Council is willing to consider side setbacks of no less than 900mm for a terrace style development facing Virginia Street and the lane.”

The intention of the pre-da lodgement and meeting was to ascertain Council’s position on this issue of non-compliance. Based on the written advice received from Council, it was common ground that the side setback control would be varied given the site circumstances, the context in respect to adjoining development and that the proposed development compliments the existing streetscape.

The Development provides for sufficient solar access for over 70% of the whole development which is more than Council’s requirements.

2. Internal Width of Units

The intention behind the 5m width of dwelling requirement is to provide an appropriate level of internal amenity to future occupants. The proposal provides a varied internal width of 4.262m – 4.742m. These dimensions at ground level are of sufficient dimension and floor area to ensure they can be utilised for their intended purpose. Further, the first floor level accommodates bedrooms of very generous proportions in terms of width and depth. The orientation of the site will ensure that adequate solar access and cross flow ventilation is achieved.

3. Deep Soil

The deep soil zones provided incorporate deep soil at a depth of 1m

(please refer to Section 2-2 of Plans submitted to Council) which is of a sufficient depth to provide for turf/planting. The industry standard is 300mm.

The proposal greatly exceeds the Council requirement of 30% deep soft soil and provides for approximately 34% of deep soft soil over the basement.

4. Attic

The proposal was amended to provide a Dutch-gable roof form for the units adjacent to the side boundaries. The roof degree was discussed at the meeting and it was in-principle agreed to that this would be supported given similar proposals have been supported and the fact that the site enjoys a north-south orientation that would not impact on the adjoining development.

5. Ground floor finished floor level.

The finished ground floor level can be amended by way of a condition of consent or alternatively a deferred commencement can be imposed. This will not have any adverse impact on the amenity or streetscape of the surrounding properties.

6. Possible location for electricity substation

We have contacted the relevant energy provider regarding the requirement for an electrical substation. Endeavour Energy is unable to provide further information until the DA has been consented to and there are Council approved plans.

The Applicant is amenable to the location of the electricity substation being made a condition of the consent.

7. Clarification on rooms within the basement:

This matter was addressed with the planning department and clarification was provided on the intended use of the areas within the basement.

The Applicant agrees to amended plans being provided in relation to the clarification of the areas of the basement as a condition of the consent.

8. Revised waste management plan.

The matters raised in relation to the above can be addressed through the imposition of a condition of consent prior to the issue of the Construction Certificate. We note that amended stormwater/landscape and waste management details were submitted on 10 November 2015, however these have not been included in the assessment report.

The Applicant is amenable to the amended waste management plans being provided as a condition of the consent. “

Note

Councillor J D Finn arrived at the meeting at 7.09pm during consideration of this matter.

ECONOMY

7.1 SUBJECT 21 Ostend Street, South Granville NSW 2142
(Lot 292 DP 8821) (Woodville Ward)

DESCRIPTION Demolition of the existing dwelling and construction of
an attached dual occupancy development with Torrens
title subdivision.

REFERENCE DA/292/2015 - Lodged: 21 May 2015

APPLICANT/S Dvyne Design & Construction

OWNERS Mr L Malkounian and Mrs N L Malkounian

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

This development application is referred to Council for determination as
the proposal involves the construction of a dual occupancy on an
allotment with an area of 592.6 m², which represents a variation of 1.3%
(or 8m²) from the minimum requirement of 600m² as prescribed by
Clause 6.11(1) of Parramatta Local Environmental Plan 2011 (PLEP
2011).

16275 RESOLVED (Elmore/Issa)

- (a) **That** Council support the variation to Clause 6.11(1) of
Parramatta Local Environmental Plan 2011 under the provisions
of clause 4.6.
- (b) **That** Council grant deferred commencement development
consent to DA/292/2015 for demolition and construction of an
attached dual occupancy development with Torrens Title
subdivision at 21 Ostend Street, South Granville subject to the
conditions in Schedule A. Following full satisfaction of the matters
in Schedule A within a period of 12 months from the date on the
Notice of Determination the consent will become operative,
subject to the conditions in Schedule B. Physical commencement
is to occur within five (5) years from the date on the Notice of
Determination.
- (c) **Further, that** the submitter be advised of Council's determination
of the application.

DIVISION The result being:-

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

NOES: Nil

7.2 SUBJECT 18 -20 Virginia Street, Rosehill 2142 (Lot A DP 354528 and Lot 34 Sec 2 DP 4278) (Elizabeth Macarthur Ward)

DESCRIPTION Demolition, tree removal, site preparation works and Construction of a multi dwelling housing development comprising 10 dwellings with basement parking for 23 vehicles and Strata subdivision.

REFERENCE DA/415/2015 - Lodged 6 July 2015

APPLICANT/S Ridge Designs

OWNERS Mrs E R Donachie, Mr M J Donachie, Ms C E Donachie, Mr B J Donachie, Mr Mtanios Succar, Mrs Bernadette Montaha Succar, Mrs Sylvie Janette Succar, Mr Ellie John Succar and Mrs Chantelle Succar.

REPORT OF Manager Development and Traffic Services. Also correspondence from Camille El Hani dated 14 December 2015.

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council for determination at the request of the Lord Mayor, Councillor Paul Garrard and Councillor Jean Pierre Abood.

16276 RESOLVED (Abood/Hugh)

That the application be approved subject to standard conditions and the Chief Executive Officer being given delegated authority to review and approve amended landscape, stormwater hydraulic and waste management plans.

DIVISION The result being:-

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

NOES: Councillors S H Chowdhury, G J Elmore, J L Shaw and L E Wearne

Note

Councillor R Dwyer left the meeting at 7.16pm during discussion on this matter.

7.3 SUBJECT 18 Austin Crescent Constitution Hill (Lot 23 DP 203373) (Arthur Phillip Ward)

DESCRIPTION Demolition, tree removal and construction of an attached 2 storey dual occupancy with Torrens title subdivision.

REFERENCE DA/391/2015 - 30 June 2015

APPLICANT/S Mr B S Kainth

OWNERS Mr B S Kainth, Mrs A K Kainth and A P Singh

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

This development application is referred to Council for determination as the proposal involves the construction of a dual occupancy on an allotment with an area of 569.1m², which represents a variation of 5% (or 30.9m²) from the minimum requirement of 600m² as prescribed by Clause 6.11(1) of Parramatta Local Environmental Plan 2011 (PLEP 2011).

MOTION (Finn/Esber)

That Council Staff frame grounds for the approval of the application with the Chief Executive Officer also being given delegated authority to arrange an appropriate condition pertaining to a privacy screen for the adjoining property.

16277 AMENDMENT (Dwyer/Wearne)

(a) **That** the application be refused for the following reasons:

1. The proposed development is not consistent with the objectives of the R2 Low Density Residential zone under the Land Use Table of Parramatta Local Environmental Plan 2011 (PLEP 2011) as the proposal will not provide a low density residential environment consistent with that envisaged by the development standards in that Plan.
2. The proposed development does not comply with Clause 6.11 'Dual Occupancies on land in Zones R2, R3 and R4' of PLEP 2011 as the allotment on which the dual occupancy development is proposed has an area less than the 600m² identified as the minimum allotment size for this form of development under the LEP and there are insufficient environmental planning grounds to justify a variation to this standard under Clause 4.6.
3. The proposal development is inconsistent with Clause 6.2 'Earthworks' of PLEP 2011 as the extent of fill proposed will result in unacceptable loss of visual privacy and impose unacceptable visual bulk on the adjoining property at No. 20 Austin Crescent.
4. The proposal does not respond to the topography of the site in accordance with Clause 2.4.6 'Development on Sloping Land' and Clause 3.3.3 'Visual and Acoustic Privacy' of Parramatta Development Control Plan 2011 (PDCP) resulting in unacceptable loss of visual privacy and imposition of unacceptable visual bulk on the

adjoining property at No. 20 Austin Crescent.

5. The proposal will set an undesirable precedent with respect to dwelling-house densities in the R2 Low Density Zone, and undermine the integrity of PLEP 2011, and accordingly is not in the Public Interest.

(b) **Further, that** objectors be advised of the decision of the Council.

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

DIVISION The result being:-

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

NOES: Councillors G J Elmore, P Esber, J D Finn and J L Shaw

Note

Councillor R Dwyer returned to the meeting at 7.17pm during consideration of this matter.

7.4 SUBJECT 353D Church Street Parramatta
(Lot 1 DP 724837) (Arthur Phillip Ward)

DESCRIPTION Use of Prince Alfred Square and Market Street for a Sydney Festival event and associated temporary structures for 16 days from 7 to 24 January 2016.

REFERENCE DA/768/2015 - 29 October 2015

APPLICANT/S Sydney Festival

OWNERS Parramatta City Council and Crown Lands

REPORT OF Manager Development and Traffic Services. Also Memorandum from Development Assessment Officer dated 14 December 2015.

REASON FOR REFERRAL TO COUNCIL

This application is referred to Council as the subject land is publicly owned land.

16278 RESOLVED (Makari/Lloyd)

That Council as the consent authority grant development consent to

Development Application No. DA/768/2015 for the Sydney Festival Arquitectura de Fera community event to be held between 7 – 24 January 2016 at Prince Alfred Square and Market Street Parramatta, subject to the conditions contained in Attachment 1.

DIVISION The result being:-

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

NOES: Nil

7.5 SUBJECT 171 Church Street, PARRAMATTA NSW 2150
(Lot 2 DP 851525) (Arthur Phillip Ward)

DESCRIPTION Change of use of existing NAB branch to a small scale supermarket with associated fit-out, signage and minor external works (Shop 2010A)

REFERENCE DA/626/2015 - 8 September 2015

APPLICANT/S GURU PROJECTS

OWNERS PT Limited and The Trust Company (Australia) Limited and RE1 Limited

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application has been referred to Council as the application received more than seven (7) objections.

16279 RESOLVED (Makari/Lloyd)

That Council, as the consent authority, grant development consent to Development Application No. DA/626/2015 for change of use of an existing NAB branch to a small scale supermarket with associated fit-out, signage and minor external works (Shop 2010A within the Westfield Parramatta) on land at 171 Church Street, Parramatta for a period of five (5) years from the date on the Notice of Determination subject to conditions.

DIVISION The result being:-

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

NOES: Nil

7.6 SUBJECT 33 Holway Street, Eastwood
(Lot 27 DP 15422) (Lachlan Macquarie Ward)
DESCRIPTION Alterations and additions to an existing dwelling house
REFERENCE DA/173/2015 - Submitted 24 March 2015
APPLICANT/S Quinn Building Design
OWNERS Ms H Bo
REPORT OF Manager Development and Traffic Services. Also
Director Strategic Outcomes & Development Memo
dated 14 December 2015.

REASON FOR REFERRAL TO COUNCIL

The matter is reported to Council for determination at the request of Councillor Wearne and Councillor Esber.

16280 RESOLVED (Wearne/Abood)

That DA/173/2015 be approved subject to standard conditions of consent and necessary additional conditions regarding floodproofing of the original ground level property where possible.

DIVISION The result being:-

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

NOES: G J Elmore

7.7 SUBJECT Draft Parramatta CBD Planning Proposal - Resolution of
Key Policy Areas
REFERENCE F2013/02004 - D04001352
REPORT OF Team Leader Strategy. Also Director Strategic
Outcomes and Development Memorandum dated 10
December 2015. Also correspondence from JBA dated
14 December 2015.

ELECTION OF CHAIR

As The Lord Mayor, Councillor P J Garrard and the Deputy Lord Mayor, Councillor B Makari intended to declare an interest in relation to this matter, it was necessary to elect a Chairperson.

16281 RESOLVED (Issa/Makari)

That Councillor S Lloyd be elected to Chair the meeting during discussion and voting on Item 7.7 of Economy.

16282 MOTION (Issa/Hugh)

(a) **That**, in relation to the preparation of the Draft Parramatta CBD Planning Proposal, Council resolve to proceed in accordance with Option FSR-3A (as detailed in the memo to Councillors dated 10 December 2015) together with the 'Alternate FSR Clause' detailed as follows:

i) That Council implements the Proposed Sliding Scale FSR-3A when a site cannot meet the conditions in the Alternate FSR Clause..

That Council implements the Proposed Sliding Scale (FSR-3A) as follows:

- FSRs up to 6:1 – adjusted to 500sqm and 1,300sqm respectively
- FSR of 7:1 – adjusted to 600sqm and 1,600sqm respectively
- FSRs of 8:1 and above – adjusted to 800sqm and 1,600sqm respectively

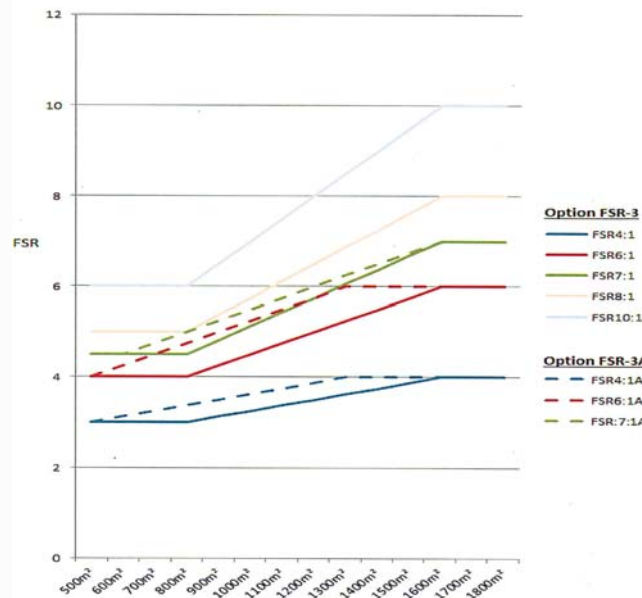
However, the maximum FSR can be achieved on all sites, subject to the condition of the 'Alternate FSR Clause', and only refer to FSR-3A in the event that the conditions in the Alternate FSR Clause cannot be met.

ii) That Council adopt the an 'Alternate FSR Clause' that allows any site to achieve the maximum FSR permitted by the maps (ie. 10:1 in the CBD Core and 6:1 in the transitional areas as resolved in the Draft City Centre Planning framework maps and Auto Alley Maps) subject to meeting the following criteria:

- (a) Achieving design excellence through instruments such as design competitions, and
- (b) Compliance with state planning instruments SEPP 65 and the objectives of the ADG and;
- (c) The ground floor of all sides of the building facing the street will be activated.
- (d) **That** staff prepare material boards or other appropriate forms/lists of noble materials with developers being required to use such materials on facades facing active street frontages, water courses and features, active public domain areas, parks and significant heritage or cultural items.
- (e) **Further, that** developers be required to create active street frontages whether their site is facing active street frontages, water course and features, active public domain,

parks and significant heritage or cultural items.

(This would provide a process that all sites, regardless of size, are able to attempt to access the FSR identified on the map, subject to design excellence. This is consistent with the resolution adopted by council through item 9.4 8 September 2014)



- (b) **That**, in relation to the preparation of the Draft Parramatta CBD Planning Proposal, Council resolve to proceed in accordance with Option SOL-2 with respect to Solar Access Controls, which reads as follows:

“That heights and FSRs in solar access affected areas be consistent with those shown on adjoining unaffected properties (with solar access planes to remain as an overarching control in the LEP). Further, that FSR and height controls remain as listed in the current draft City Centre Planning Framework maps.

(This would provide applicants the flexibility to attempt to achieve maximum FSR whilst still complying with Solar Access Controls as well as design excellence)”

- (c) **That** Council recognise that to preserve the heritage value of each individual heritage item in the City, and seek to enhance heritage outcomes for the City, redevelopment proposed for heritage items should be treated as site specific case by case matters based on merit. Further:
- i) In order to ensure compliance with the s117 Direction No. 2.3 – Heritage Conservation, Council adopts provisions in respect to heritage conservation which are consistent with the current Parramatta City Centre LEP 2007 (Part 5, Clause 35).
 - ii) That heritage controls for land fronting Church Street between

- the river and Macquarie Street be limited to height controls in the LEP (ie. replace the 3:1 FSR with a 10:1 FSR) with other relevant controls to be included in the DCP, given the strong concentration of heritage items and its heritage character.
- iii) In respect of other listed heritage items, that Council Officers note that Council requires all development matters potentially impacting these items to be brought before the Council.
 - iv) That FSR and height controls remain as listed in the current draft maps (ie. 10:1 in the CBD Core and 6:1 in the transitional areas as resolved in the draft City Centre Planning Framework Maps and as adopted in the Auto Alley Strategy). That is, that heritage items in the CBD, and those adjoined, have FSRs the same as adjoining properties, except for only the following:
 - a. Harrisford House, given this is a state heritage item with a direct connection with the river.
 - b. Area directly to the north of Lancer Barracks, given this is an item of national heritage significance.
 - c. Areas adjoining state heritage items within a significant landscape setting, including St John's Church and St John's Cemetery.
 - v) Further, that Council explore a mechanism for transferrable floor space on heritage items (subject to the enhancement of the heritage item) to provide greater incentive for heritage conservation (in addition to Part 5, Clause 35 in the current Parramatta City Centre LEP 2007)

For the avoidance of doubt the standard template clause is as follows:

Heritage conservation

- (1) ***Objectives***
The objectives of this clause are as follows:
 - (a) *to conserve the environmental heritage of the City,*
 - (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
 - (c) *to conserve archaeological sites,*
 - (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*
- (2) ***Requirement for consent***
Development consent is required for any of the following:
 - (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a*

- heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land:*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land:*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
- (b) the development is in a cemetery or burial ground and the proposed development:*
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*

- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
- (d) the development is exempt development.*

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*
require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies):

- (a) notify the Heritage Council of its intention to grant consent, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

(a) notify the Heritage Council about the application, and
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

(d) **Further, that** Council restates its objective to provide for the future infrastructure needs of the Parramatta City Centre from the redevelopment of the Centre:-

- i) That Council continue to pursue an increase to the section 94A levy from 3% to 4.5%, and
- ii) That Council, as an alternative to (i), explore the implementation of a 'Phase 1' *infrastructure funding* mechanism, where existing FSR controls remain in place and additional higher FSR controls can be achieved by contributing/sharing 10% of the land value of the uplift with the community for the provision of infrastructure. This will only be applicable if the Minister does not consent to the proposed increase in the s94A levy
- iii) Further to (ii), That Council explore the implementation of a 'Phase 2' *infrastructure funding* mechanism, where higher FSRs than those proposed in Phase 1 can be achieved for nominated 'Special Areas' by sharing/contributing "a percentage" of the land value of the uplift with the community for the provision of infrastructure and subject to preparation of a site-specific DCP (or Stage 1 Concept DA) to demonstrate the site can accommodate the proposed additional yield without any adverse impacts.
- iv) That Council nominate the 'Special Areas' for 'Phase 2 Value Sharing' and the amount of potential additional FSR for each area when considering the Draft Parramatta CBD Planning Proposal in early 2016.
- v) That Council prepare an Infrastructure Delivery Plan to provide an infrastructure works program to provide transparency in how any income received through the funding scheme will be spent.
- vi) That Council prepare a Development Guideline to explain the process for provision of infrastructure through the *infrastructure funding* scheme, including nominating a dollar value per square metre of additional GFA being sought (which should be scheduled to provide certainty and reviewed annually), in case monies are dedicated towards infrastructure, rather than works.
- vii) That the mechanism applies only to additional residential GFA, not commercial GFA above the base FSRs shown on the maps.
- viii) That the *infrastructure funding* mechanism operates in addition to existing section 94A contributions.
- ix) That, in relation to the preparation of site-specific planning proposals at 14-20 Parkes Street, Harris Park and 122 Wigram Street, Harris Park, Council amends these planning proposals currently being prepared to adopt a similar approach for negotiation (ie 10% of land value uplift) of an appropriate infrastructure contribution cause by the impact of these developments as that adopted above in (ii) for the Draft Parramatta CBD Planning Proposal.
- x) Further that, in relation to existing site-specific planning proposals currently being processed by Council in the Parramatta CBD, Council resolve to adopt a similar approach for infrastructure contribution in negotiating Voluntary Planning Agreements (VPAs) for these sites as that adopted for the Draft Parramatta CBD Planning Proposal above in (ii)

(ie 10% of land value uplift) and Council advise applicants where Council is currently negotiating a VPA that the *infrastructure funding methodology* outlined in (ii) above is now Council's position in relation to the negotiation of these VPAs.

Justifications -

- *Allows for flexibility.*
- *Simpler planning controls.*
- *Allows proponents to explore options for other land uses whilst encouraging equality*
- *Encourages developers to do much better due diligence checks before purchasing*
- *Better suited to unique sites that can meet design criteria to achieve maximum FSRs*
- *Protects the items of Local, State, National and World heritage*
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 - *Council has consistently voted unanimously for all resolutions associated with the city centre planning framework. These include*
 - *Council voted unanimously in support of the **City Centre Framework** 8 September 2014*
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 - *Aligned to the Greater Sydney Commission chairs view (L.Turnbull) that for Sydney to prosper, Parramatta and its growth must be achieved*
 - *Council voted unanimously in support **of sites less than 1000sqm metres** achieving maximum FSRs subject to design excellence (item 9.4 8 September 2014)*

- *OTHER COUNCIL RESOLUTIONS IN SUPPORT and CONSISTENT WITH*
 - *Item 10.3 13 July 2015 – Parramatta CBD Planning Strategy – Park Edge Highly Sensitive Area adjacent to World Heritage Listed Old Government House and Domain Solar Access to Key Public Spaces (passed 14 ayes, 1 no)*
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- **Highlights:**
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 - LM Minute 10 April 15. Parramatta City Centre Planning Framework Review
 - LM Minute 9 March 15 - Parramatta City Centre Planning Framework Review
 - NoM Garrard 26 June 15. Draft Parramatta CBD Planning Strategy
- e) **That** Council form a committee to review the plan to report back with their recommendations by the first Council Meeting in February 2016.
- (f) **That** this committee may consist of three councillors and two outside experts. These expert may be Mary Lyn Taylor from the JRPP and Sam Haddad (the former Director General of Planning).
- (g) **That** should anyone be unable or unwilling to attend the committee, then the NSW Planning Minister be requested to supply a replacement subject to the concurrence of the Lord Mayor and the 3 committee councillors.
- (j) **That** compensation to the members of the committee be in line with the JRPP payments.
- (i) **That** the engagement include the following scope:-
1. Development of an implementation for the infrastructure funding mechanism linked to CBD development and the provision of CBD city infrastructure.
 2. Assistance with talks and presentation with the Minister for Planning and Environment and his senior Department officials to gauge the State Government views on a statutory based infrastructure fund and levy made pursuant to Division 6 of the Environmental Planning and Assessment Act 1979 to provide for the future infrastructure needs of the City Centre, over and above the existing section 94A contribution.
 3. Obtaining specialist senior economic advice as to the potential structure and options therein of a statutory based infrastructure fund to inform council’s discussions with the State Government.
- (j) **Further, that** the objectives of this process is to be in a completed form for Council review and adoption in March 2016.

AMENDMENT (Wilson/Finn)

- (a) **That**, in relation to the preparation of the Draft Parramatta CBD Planning Proposal, Council resolve to proceed in accordance with Option FSR-3A (as detailed in the memo to Councillors dated 10 December 2015) together with the 'Alternate FSR Clause' detailed as follows:

i) That Council implements the Proposed Sliding Scale FSR-3A when a site cannot meet the conditions in the Alternate FSR Clause.

That Council implements the Proposed Sliding Scale (FSR-3A) as follows:

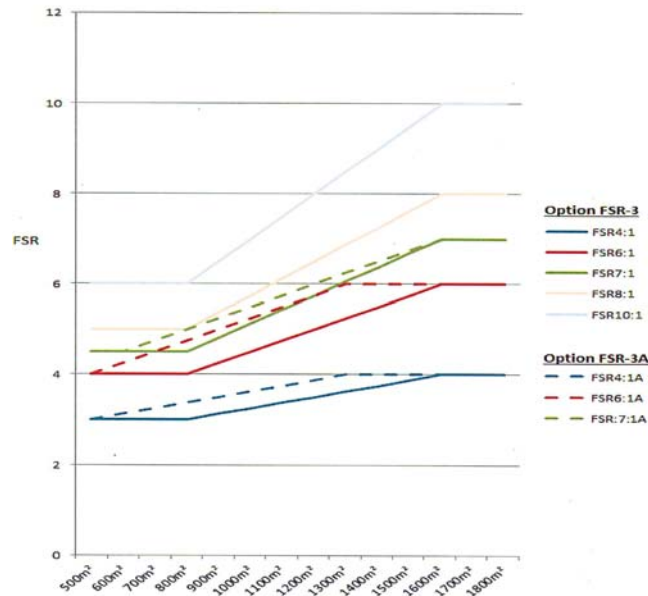
- FSRs up to 6:1 – adjusted to 500sqm and 1,300sqm respectively
- FSR of 7:1 – adjusted to 600sqm and 1,600sqm respectively
- FSRs of 8:1 and above – adjusted to 800sqm and 1,600sqm respectively

However, the maximum FSR can be achieved on all sites, subject to the condition of the 'Alternate FSR Clause', and only refer to FSR-3A in the event that the conditions in the Alternate FSR Clause cannot be met.

ii) That Council adopt the an 'Alternate FSR Clause' that allows any site to achieve the maximum FSR permitted by the maps (ie. 10:1 in the CBD Core and 6:1 in the transitional areas as resolved in the Draft City Centre Planning framework maps and Auto Alley Maps) subject to meeting the following criteria:

- (a) Achieving design excellence through instruments such as design competitions, and
- (b) Compliance with state planning instruments SEPP 65 and the objectives of the ADG and;
- (c) The ground floor of all sides of the building facing the street will be activated.
- (d) **That** staff prepare material boards or other appropriate forms/lists of noble materials with developers being required to use such materials on facades facing active street frontages, water courses and features, active public domain areas, parks and significant heritage or cultural items.
- (e) **Further, that** developers be required to create active street frontages whether their site is facing active street frontages, water course and features, active public domain, parks and significant heritage or cultural items.

(This would provide a process that all sites, regardless of size, are able to attempt to access the FSR identified on the map, subject to design excellence. This is consistent with the resolution adopted by council through item 9.4 8 September 2014)



- (b) **That**, in relation to the preparation of the Draft Parramatta CBD Planning Proposal, Council resolve to proceed in accordance with Option SOL-2 with respect to Solar Access Controls, which reads as follows:

“That heights and FSRs in solar access affected areas be consistent with those shown on adjoining unaffected properties (with solar access planes to remain as an overarching control in the LEP). Further, that FSR and height controls remain as listed in the current draft City Centre Planning Framework maps.

(This would provide applicants the flexibility to attempt to achieve maximum FSR whilst still complying with Solar Access Controls as well as design excellence)”

- (c) **That** Council recognise that to preserve the heritage value of each individual heritage item in the City, and seek to enhance heritage outcomes for the City, redevelopment proposed for heritage items should be treated as site specific case by case matters based on merit. Further:
- i) In order to ensure compliance with the s117 Direction No. 2.3 – Heritage Conservation, Council adopts provisions in respect to heritage conservation which are consistent with the current Parramatta City Centre LEP 2007 (Part 5, Clause 35).
 - ii) That heritage controls for land fronting Church Street between the river and Macquarie Street be limited to height controls in the LEP (ie. replace the 3:1 FSR with a 10:1 FSR) with other relevant controls to be included in the DCP, given the strong

- concentration of heritage items and its heritage character.
- iii) In respect of other listed heritage items, that Council Officers note that Council requires all development matters potentially impacting these items to be brought before the Council.
 - iv) That FSR and height controls remain as listed in the current draft maps (ie. 10:1 in the CBD Core and 6:1 in the transitional areas as resolved in the draft City Centre Planning Framework Maps and as adopted in the Auto Alley Strategy). That is, that heritage items in the CBD, and those adjoining, have FSRs the same as adjoining properties, except for only the following:
 - a. Harrisford House, given this is a state heritage item with a direct connection with the river.
 - b. Area directly to the north of Lancer Barracks, given this is an item of national heritage significance.
 - c. Areas adjoining state heritage items within a significant landscape setting, including St John's Church and St John's Cemetery.
 - v) Further, that Council explore a mechanism for transferrable floor space on heritage items (subject to the enhancement of the heritage item) to provide greater incentive for heritage conservation (in addition to Part 5, Clause 35 in the current Parramatta City Centre LEP 2007)

For the avoidance of doubt the standard template clause is as follows:

Heritage conservation

- (1) ***Objectives***
The objectives of this clause are as follows:
 - (a) *to conserve the environmental heritage of the City,*
 - (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
 - (c) *to conserve archaeological sites,*
 - (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*
- (2) ***Requirement for consent***
Development consent is required for any of the following:
 - (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*
 - (b) *altering a heritage item that is a building by*

- making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
 - (d) disturbing or excavating an Aboriginal place of heritage significance,*
 - (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,**
 - (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.**

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or**
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or**
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied*

is a risk to human life or property, or
(d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the

place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

(d) **That** Council restates its objective to provide for the future infrastructure needs of the Parramatta City Centre from the redevelopment of the Centre:-

- i) That Council continue to pursue an increase to the section 94A levy from 3% to 4.5%, and

- ii) That Council, as an alternative to (i), explore the implementation of a 'Phase 1' *infrastructure funding* mechanism, where existing FSR controls remain in place and additional higher FSR controls can be achieved by contributing/sharing 10% of the land value of the uplift with the community for the provision of infrastructure. This will only be applicable if the Minister does not consent to the proposed increase in the s94A levy
- iii) Further to (ii), That Council explore the implementation of a 'Phase 2' *infrastructure funding* mechanism, where higher FSRs than those proposed in Phase 1 can be achieved for nominated 'Special Areas' by sharing/contributing "a percentage" of the land value of the uplift with the community for the provision of infrastructure and subject to preparation of a site-specific DCP (or Stage 1 Concept DA) to demonstrate the site can accommodate the proposed additional yield without any adverse impacts.
- iv) That Council nominate the 'Special Areas' for 'Phase 2 Value Sharing' and the amount of potential additional FSR for each area when considering the Draft Parramatta CBD Planning Proposal in early 2016.
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- viii) That the *infrastructure funding* mechanism operates in addition to existing section 94A contributions.
- ix) That, in relation to the preparation of site-specific planning proposals at 14-20 Parkes Street, Harris Park and 122 Wigram Street, Harris Park, Council amends these planning proposals currently being prepared to adopt a similar approach for negotiation (ie 10% of land value uplift) of an appropriate infrastructure contribution cause by the impact of these developments as that adopted above in (ii) for the Draft Parramatta CBD Planning Proposal.
- x) Further that, in relation to existing site-specific planning proposals currently being processed by Council in the Parramatta CBD, Council resolve to adopt a similar approach for infrastructure contribution in negotiating Voluntary Planning Agreements (VPAs) for these sites as that adopted for the Draft Parramatta CBD Planning Proposal above in (ii) (ie 10% of land value uplift) and Council advise applicants where Council is currently negotiating a VPA that the

infrastructure funding methodology outlined in (ii) above is now Council's position in relation to the negotiation of these VPAs.

Justifications -

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- *OTHER COUNCIL RESOLUTIONS IN SUPPORT and CONSISTENT WITH*
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 - *NoM Garrard 26 June 15. Draft Parramatta CBD Planning Strategy*
- (e) **That** Council form a committee to review the plan to report back with their recommendations by the first Council Meeting in February 2016.
- (f) **That** this committee consist of three councillors and two outside experts. These experts be Mary Lyn Taylor from the JRPP and Sam Haddad (the former Director General of Planning).
- (g) **That** should anyone be unable or unwilling to attend the committee, then the NSW Planning Minister be requested to supply a replacement subject to the concurrence of the Lord Mayor and the 3 committee councillors.
- (h) **That** compensation to the members of the committee be in line with the JRPP payments.
- (i) **That** the engagement include the following scope:-
1. Development of an implementation for the infrastructure funding mechanism linked to CBD development and the provision of CBD city infrastructure.
 2. Review and advice on a planning framework , heritage treatment and controls for the CBD to ensure that plans promote growth of high quality housing and employment to create Sydney Second CBD including:-
 - (i) The practicality of the plan;
 - (ii) Transition of development to conservation areas;
 - (iii) Enhancing the amenity of the public domain including (but not limited to): Parramatta Square, Centenary Square, River Foreshore, Prince Alfred Park, Jubilee Park, James Ruse Park and Robin Thomas Reserve;
 - (iv) Ways of lifting development standards in Parramatta;
 - (v) Ways of ensuring Parramatta fulfils its place as the capital of Western Sydney.
 3. Assistance with talks and presentation with the Minister for Planning and Environment and his senior Department officials to gauge the State Government

views on a statutory based infrastructure fund and levy made pursuant to Division 6 of the Environmental Planning and Assessment Act 1979 to provide for the future infrastructure needs of the City Centre, over and above the existing section 94A contribution.

4. Obtaining specialist senior economic advice as to the potential structure and options therein of a statutory based infrastructure fund to inform council's discussions with the State Government.

- (j) **Further, that** the objectives of this process is to be in a completed form for Council review and adoption in March 2016.

The amendment was put and lost.
The motion was put and carried.

DIVISION The result being:-

AYES: Councillors J P Abood, R Dwyer, J D Finn, J A Hugh, S T Issa, S D Lloyd, and L E Wearne

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

Note

1. **Councillor S Chowdhury had declared a non - pecuniary Interest in relation to this item as he is on the Board of a Company that owns property in the CBD. Councillor Chowdhury further declared a pecuniary interest in relation to this matter also as he has an interest in land in the CBD that relates to this issue. Councillor Chowdhury left the meeting during discussion and voting on this issue.**
2. **Councillor P Esber had declared a Special Disclosure of Pecuniary Interest in relation to this item as he as an interest in land that relates to this issue. Councillor Esber left the meeting during discussion and voting on this issue.**
3. **The Lord Mayor, Councillor P J Garrard declared a non - pecuniary interest in relation this item as he is on the Board of the Parramatta Leagues Club which owns property in the CBD that relates to this issue. The Lord Mayor left the meeting during discussion and voting on this issue.**
4. **Councillor J Hugh had declared a non - pecuniary interest in relation to this item as he is a director of a charity which owns property in the CBD that relates to this issue. Councillor Hugh remained in the Chamber during discussion on this issue.**
5. **Councillor B Makari declared a pecuniary interest in relation to this item as a relative has an interest in land affected by this issue. Councillor Makari left the meeting during discussion and voting on this issue.**

6. **Councillor J Shaw declared an interest in relation to this item as he owns property in the affected area but as the property is his principal place of residence, he advised the interest is insignificant and remained in the Chamber during discussion and voting on this matter.**
7. **Per Minute No. 16281, Councillor Lloyd was in the Chair during discussion and voting on this matter.**

7.8 SUBJECT Planning proposal for land at 5 Hunter Street,
Parramatta

REFERENCE RZ/18/2014 - D03995938

REPORT OF Project Officer-Land Use Planning

16283 RESOLVED (Abood/Hugh)

- (a) **That** Council endorse the planning proposal at **Attachment 1** subject to an FSR of 10:1 being endorsed for the site with no height limit and in line with Council's decision made in relation to Draft Parramatta CBD Planning Proposal (Minute No. 16282) and that the Planning Proposal be forwarded to the Department of Planning to seek a Gateway Determination.
- (b) **That** Council grant delegated authority to the CEO to make any minor amendments and corrections of an administrative and non-policy nature that may arise during the plan making process.
- (c) **That** Council invite the proponent to consider making an offer to enter into a Voluntary Planning Agreement (VPA) for the delivery of public benefit in relation to the planning proposal on the basis that any contribution in a VPA would be in addition to Section 94A development contributions payable for the development.
- (d) **That** delegated authority be given to the CEO to negotiate the VPA on behalf of Council and that the outcome of the negotiations be reported back to Council.
- (e) **That**, any VPA be exhibited in conjunction with the planning proposal or soon thereafter.
- (f) **Further, that** the applicant be advised that it would be beneficial if advice could be obtained from the Commonwealth Government Department of Environment indicating their position on this proposal as part of the public exhibition process.

DIVISION The result being:-

AYES: Councillors J P Abood, S H Chowdhury, R Dwyer, P Esber, P J Garrard, J A Hugh, S T Issa, S D Lloyd and A A Wilson

NOES: Councillors G J Elmore, J D Finn, B Makari and L E

Wearne

Note

Councillor J Shaw left the meeting at 8.05pm during consideration of this matter.

7.9 SUBJECT Planning proposal for land at 87 Church Street and 6 Great Western Highway, Parramatta

REFERENCE RZ/21/2014 - D03997797

REPORT OF Team Leader - Land Use Planning

16284 RESOLVED (Abood/Issa)

That consideration of this matter be deferred until after the mid meeting adjournment (subsequently considered under Minute No. 16291).

Note

Councillor J Shaw returned to the meeting at 8.09pm during consideration of this item.

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

REFERENCE RZ/11/2015 - D03998840

REPORT OF Project Officer, Land Use Planning

16285 MOTION (Abood/Wearne)

(a) **That** Council endorse the Planning Proposal provided for 21 & 21A Tucks Road, Toongabbie for submission to the Department of Planning and Environment for Gateway Determination, proposing the following:

- i) to rezone the land from part B1 Neighbourhood Centre and part R2 Low Density Residential to B4 Mixed Use;
- ii) amend the maximum FSR from part 1.5:1 and part 0.5:1 to a maximum FSR of 1.5:1 across the site, and
- iii) amend the maximum building height from part 12m (3 storeys) to a maximum building height of part 15m (4 storeys) and part 9m.

(b) **That** Council proceed with negotiations for a Voluntary Planning Agreement (VPA) with the land owner in relation to the Planning Proposal on the basis that any VPA would be in addition to Section 94A development contributions payable in conjunction with the future redevelopment of the site.

(c) **That** delegated authority be given to the CEO to negotiate the VPA on behalf of Council and that the outcome of negotiations be

reported back to Council prior to its public exhibition.

- (d) **That** Council consider a report on the Site Specific DCP for the subject site prior to its public exhibition.
- (e) **That** Council advises the Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this Planning Proposal.
- (f) **Further, that** Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the planning amendment process.

AMENDMENT (Chowdhury/Elmore)

- (a) **That** Council endorse the Planning Proposal provided in Attachment 1 for 21 & 21A Tucks Road, Toongabbie for submission to the Department of Planning and Environment for Gateway Determination, subject to the following amendments:
 - i) to rezone the land from part B1 Neighbourhood Centre and part R2 Low Density Residential to B4 Mixed Use;
 - ii) amend the maximum FSR from part 1.5:1 and part 0.5:1 to a maximum FSR of 0.9:1 across the subject site;
 - iii) amend the maximum building height from part 12m (3 storeys) and part 9m (2 storeys) to a maximum building height of part 11m (3 storeys) and part 9m (retain existing control); and
 - iv) insert a local provision in Parramatta Local Environmental Plan 2011 enabling a bonus FSR of 0.35:1 (total maximum FSR 1.25:1 across the subject site), and bonus height of 4m (total maximum building height of 15m to the 11m building height area) where future development provides an indoor recreation facility with a minimum area of 2,000sqm and tennis courts with a minimum area of 1,600sqm.
- (b) **That** Council proceed with negotiations for a Voluntary Planning Agreement (VPA) with the land owner in relation to the Planning Proposal on the basis that any VPA would be in addition to Section 94A development contributions payable in conjunction with the future redevelopment of the site.
- (c) **That** delegated authority be given to the CEO to negotiate the VPA on behalf of Council and that the outcome of negotiations be reported back to Council prior to its public exhibition.
- (d) **That** Council consider a report on the Site Specific DCP for the subject site prior to its public exhibition.

- (e) **That** Council advises the Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this Planning Proposal.
- (f) **Further, that** Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the planning amendment process.

The amendment was put and lost.
The motion was put and carried.

DIVISION The result being:-

AYES: Councillors J P Abood, R Dwyer, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari and L E Wearne

NOES: Councillors S H Chowdhury, G J Elmore, P Esber, J D Finn, J L Shaw and A A Wilson

7.11 SUBJECT Planning Proposal for land at 189 Macquarie Street, Parramatta - Design Excellence

REFERENCE RZ/22/2015 - D03999327

REPORT OF Project Officer- Land Use Planning

16286 RESOLVED (Esber/Chowdhury)

- (a) **That** Council note the advice from the Government Architect's Office (GAO) requiring a new design competition to be held in association with the increased development potential being sought.
- (b) **That** Council defer the recommendation to not support the applicant's request to be exempt from the design excellence process for this site until further information is provided on:
 1. The effects of a design competition on the public car park to be handed over to Council;
 2. The implications of the delivery and handover of the public car park from the applicant to Council; and
 3. Further liaison between Council and the applicant.
- (c) **That** Council continues to assess the Planning Proposal based on the merit of the application.
- (d) **Further, that** Council advise the applicant of Council's decision on this matter and seek advice on whether they wish to proceed with the planning proposal in its current form.

DIVISION The result being:-

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

NOES: Councillors G J Elmore and A A Wilson

7.12 SUBJECT Planning Proposal for land at 122 Wigram Street, Harris Park

REFERENCE RZ/22/2014 - D04004087

REPORT OF Service Manager Land Use Planning

16287 RESOLVED (Issa/Hugh)

- (a) **That** Council endorse the planning proposal contained in attachment 1 subject to it being amended to provide a base FSR of 10:1 with an appropriate infrastructure funding mechanism as indicated in Item 7.7 of Economy (Minute No. 16282 refers) with a height up to 88m.
- (b) **That** the applicant provide an amended version of the planning proposal including all relevant attachments contained in attachment 1 consistent with part (a) and (b) of the resolution prior to forwarding it to the Department of Planning and Environment for gateway determination.
- (c) **That** subject to Gateway determination the Planning Proposal be publicly exhibited for 28 days.
- (d) **That** Council advise the NSW Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this planning proposal as authorised by Council on 26 November 2012.
- (e) **That** Council grant delegated authority to the CEO to negotiate a Voluntary Planning Agreement (VPA) with preference for a cash component to be reinvested in the river foreshores with this project. The negotiations are to be on the basis that any VPA would be in addition to applicable S94A contributions.
- (f) **That** the outcome of the VPA negotiations be reported back to Council.
- (g) **Further, that** Council grant delegated authority to the CEO to make any minor amendments and corrections of an administrative and non-policy nature that may arise during the plan making process.

DIVISION The result being:-

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

NOES: Councillor G J Elmore

7.13 SUBJECT Draft Voluntary Planning Agreement: 158-164 Hawkesbury Road and 2A Darcy Road, Westmead (UWS Westmead)

REFERENCE F2015/01836 - D03950016

REPORT OF Project Officer, Land Use Planning

16288 RESOLVED (Makari/Esber)

- (a) **That** Council endorse the draft VPA included in Attachment 3 (provided under separate cover) for the purpose of public exhibition.
- (b) **That** public exhibition of the draft VPA be undertaken for a minimum of 28 days.
- (c) **That** delegated authority be granted to the CEO to make minor administrative changes to the VPA, which do not affect the intent or deliverables of the VPA, prior to the public exhibition.
- (d) **Further, that** the outcomes of the exhibition be detailed in a further report to Council.

DIVISION The result being:-

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

NOES: Nil

7.14 SUBJECT Draft Parramatta Road Urban Transformation Strategy - Council's Formal Submission

REFERENCE F2014/00167 - D04001669

REPORT OF Senior Project Officer - Land Use

16289 RESOLVED (Finn/Esber)

- (a) **That** Council endorse the submission on the Draft Parramatta Road Urban Transformation Strategy to UrbanGrowth NSW subject to the following amendments:-
 1. Page 15 Second recommendations. " Change from requesting more information" to "significantly increase the service frequency

(both east and west) at Granville Railway Station”.

2. That Council seeks greater open space in Granville. This should include a new park area in Granville that is of a more significant size.
3. Council notes that the NSW Government is not intending to build any new schools to facilitate greater density in Granville. Council believes that more schools should be built in Granville to absorb greater density.
4. Council believes that the NSW Government should utilise value capture in order to fund necessary increases in infrastructure and services needed due greater density.

(b) **Further, that** Council endorse the CEO to write to Leichhardt Council in response to the letter detailing Council’s position as indicated in paragraph 63 in this report.

Note

Councillor J P Abood declared a significant, non-pecuniary interest in relation to this item as one of his good friends is a land holder on Parramatta Road. Councillor Abood left the meeting during consideration and voting on this issue.

ADJOURNMENT OF MEETING

In accordance with Council's decision of 23 October 2000 (Minute No 5712), the meeting adjourned at 8.30pm for a period of 20 minutes.

RESUMPTION OF MEETING

The meeting resumed in the Council Chamber at 8:50pm, there being in attendance The Lord Mayor, Councillor P J Garrard in the Chair and Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, J A Hugh, S T Issa, S D Lloyd, B Makari (Deputy Lord Mayor), J L Shaw, L E Wearne and A A Wilson.

7.15	SUBJECT	Inclusion of the Former Female Factory Precinct, Parramatta on the National Heritage List
	REFERENCE	F2004/09350 - D04003832
	REPORT OF	Project Officer- Land Use Planning. Also Project Officer – Land Use Planning Supplementary Report.
16290	RESOLVED	(Hugh/Elmore)

(a) **That** Council write to the Australian Heritage Council indicating support for listing the Former Female Factory Precinct on the

National Heritage List.

- (b) **Further, that** Council be consulted on the formulation of the National Heritage listing for the Former Female Factory Precinct before it is finalized.

Note

A notice of motion to rescind this matter was tabled prior to the conclusion of the meeting.

CONSIDERATION OF ITEM 7.9 OF ECONOMY (AS DEFERRED FROM MINUTE NO. 16284)

7.9 SUBJECT Planning Proposal for Land at 87 Church Street and 6 Great Western Highway, Parramatta
REFERENCE RZ/21/2014 - D03997797
FROM Team Leader – Land Use Planning

16291 RESOLVED (Abood/Issa)

- (a) **That** Council endorse the planning proposal contained at Attachment 1 for land at 87 Church Street and 6 Great Western Highway, Parramatta subject to it being modified to;

- provide a maximum FSR of 10:1 (+1.5:1 Design excellence);
- apply a maximum building height to be determined through provision of an amended reference design;
- contain a site specific clause requiring 1:1 of gross floor area to be provided on the site as non-residential uses. Additional non-residential floor space may be provided but will not constitute FSR;
- That until such time as serviced apartments are prohibited in the B4 Mixed Use zone, the applicant may propose serviced apartments;
- That in the event that the Phase 2 Value Sharing Mechanism is not adopted under the CBD Planning Strategy, the proponent be provided with the opportunity to revisit the higher floor space ratio originally proposed for the planning proposal;
- That in the event that a floor space greater than 10:1 is achieved for the site, car parking is limited to reflect a 10:1 floor space ratio.

- (b) **That** the applicant provide an amended reference design consistent with the above requirements and that demonstrates compliance with SEPP 65 Apartment Design Guide (ADG). In particular, it must demonstrate an indicative layout that complies with cross ventilation requirements of the ADG. If the reference design proposes a height greater than 156AHD the reference

design will need to be supported by an Aeronautical Study to address the relevant Section 117 Direction.

- (c) **That** the CEO be authorised to consider the reference design provided by the applicant and determine the exact height that will be included in the Planning Proposal prior to it being forwarded to the Department of Planning and Environment seeking a Gateway determination.
- (d) **That** Council advises the NSW Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this planning proposal as authorised by Council on 26 November 2012.
- (e) **That** Council invite the proponent to make an offer of a Voluntary Planning Agreement (VPA) in relation to the planning proposal to deliver a public benefit.
- (f) **That** delegated authority be given to the CEO to negotiate the VPA on behalf of Council and that the outcome of negotiations be reported back to Council prior to its public exhibition.
- (g) **Further, that** Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan amendment process.

DIVISION The result being:-

AYES: Councillors J P Abood, R Dwyer, P J Garrard, S T Issa, S D Lloyd, B Makari and A A Wilson

NOES: Councillors S H Chowdhury, G J Elmore, P Esber, J D Finn, J A Hugh, J L Shaw and L E Wearne.

7.16 SUBJECT Current Status of Boarding Houses in Parramatta Local Government Area

REFERENCE F2013/01667 - D04006270

REPORT OF Acting Manager Regulatory Manager

16292 RESOLVED (Issa/Makari)

That a further report be presented to Council on the scope and costs of establishing a proactive program to ensure that Boarding Houses comply with relevant regulations.

7.17 SUBJECT 67 Dorothy Street Rydalmere – funding dividing fences for Pensioners

REFERENCE F2013/00025 - D03979653

REPORT OF Property Services Officer

16293 RESOLVED (Wearne/Chowdhury)

- (a) **That** Council note the owner of 67 Dorothy Street Rydalmere has erected a new metal fence on the boundary with Council's footpath and again requested that Council make a financial contribution.
- (b) **That** Council create a Policy to contribute 50% of the repair and replacement costs of the lowest quote for a timber paling fence to a maximum height of 1.8m for pensioners (who qualify for a rate rebate) whose properties abut Council owned public reserves, public parks or public footpaths capped to a maximum amount of \$1,100.00 (GST included) per application.
- (c) **That** Home Support in Council's Community and Social services Unit administer the Policy.
- (d) **That** the CEO, at the next quarterly review, identify a source of funding.
- (e) **Further, that** Council offer the owner of 67 Dorothy Street Rydalmere a financial contribution to the cost of the new boundary fence adjoining Council land in accordance with recommendation (b).

7.18 SUBJECT 82-84 Moffatts Drive Dundas Valley - Proposed drainage easement over Council's land

REFERENCE DA/190/2015 - D03989170

REPORT OF Property Services Officer

16294 RESOLVED (Elmore/Makari)

- (a) **That** Council resolve to create an easement for drainage over Ponds/Subiaco Creek Reserve North (being Lot O DP 36692) in favour of the property at 82 Moffatts Drive, Dundas Valley (being Lot 554 DP 36692) and the property at 84 Moffatts Drive, Dundas Valley (being Lot 555 DP 36692) on the terms stated in this report.
- (b) **Further, that** the Lord Mayor and Chief Executive Officer be authorised to execute under seal plans of subdivision, Section 88B instrument, transfer granting easement and deed of agreement if required for creation of the easement.

7.19 SUBJECT 330 Church Street Parramatta - Proposed drainage easement over Council's land

REFERENCE NCA/23/2010 - D03989112

REPORT OF Property Services Officer

16295 RESOLVED (Makari/Wearne)

- (a) **That** Council resolve to create an easement for drainage over Council's land at 338 Church Street, Parramatta (being Lot 1 DP 788637) and 30B Phillip Street, Parramatta (being Lot B DP 393866) in favour of 330 Church Street, Parramatta (being Lots 2 and 3 DP 788637 and Lot 101 DP 1031459) on the terms stated in this report.
- (b) **Further, that** the Lord Mayor and Chief Executive Officer be authorised to execute under seal plans of subdivision, Section 88B instrument, transfer granting easement and deed of agreement if required for creation of the easement.

7.20 SUBJECT 'Parramatta We're Building Australia's Next Great City' campaign update

REFERENCE F2015/01004 - D03994468

REPORT OF Manager Marketing & Development

16296 RESOLVED (Chowdhury/Makari)

(a) **That** the 'Parramatta We're Building Australia's Next Great City' Campaign continue in 2016 and the campaign extend to further applications.

(b) **Further, that** a further report be brought to Council in 12-months' time

7.21 SUBJECT Riverbank Development Blueprint

REFERENCE F2015/00178 - D04003685

REPORT OF Senior Development Manager. Also Senior Development Manager Email dated 14 December 2015.

16297 RESOLVED (Esber/Makari)

That consideration of this matter be deferred to the next Special or Ordinary Council Meeting.

ENVIRONMENT

8.1 SUBJECT 60 Moxhams Road Winston Hills - Use of Public Land (Impeesa Reserve)

REFERENCE F2012/03723 - D03799535

REPORT OF Service Manager-Property Services & Space Management

16298 RESOLVED (Esber/Makari)

(a) **That** the Council advertise the proposed granting of a Right of

Carriageway over part of Lot 39 in DP22663 (Impeesa Reserve). See plan at Attachment 1.

- (b) **That** Council, subject to any comments being received in relation to the advertising undertaken in accordance section 47 of the Local Government Act, 1993, create a Right of Carriageway, in favour of 60 Moxhams Road, Winston Hills, over the area shown on Attachment 1; in accordance with the terms and conditions contained within the body of the report;
- (c) **That** Council prepare a plan of subdivision to dedicate the area shown as road widening over part of 60 Moxhams Road Winston Hills as shown at Attachments 2, 3 and 5 in accordance with the terms and conditions contained within the body of the report;
- (d) **That** Council resolve 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, including landowner's consent in relation to the lodgement, by Council or the owner of 60 Moxhams Road, of any development applications, and
- (e) **Further, that** the Lord Mayor and Chief Executive Officer be authorised to execute under common seal, if required, documentation relating to plans of subdivision, plans of easement, Section 88B instruments, contracts and deeds of agreement in connection with this matter.

CONNECTIVITY

9.1 SUBJECT Smart City Engagement
REFERENCE F2015/02369 - D03860784
REPORT OF Snr Strategic PO Smart City
16299 RESOLVED (Esber/Makari)

- (a) **That** this report be received and noted;
- (b) **That** Council formally recognise the contribution of the members of the ParraConnect Committee and thank them for their service;
- (c) **That** the Smart City Connect Advisory Committee be established as a formal committee of Council;
- (d) **That** the Terms of Reference for the Smart City Connect Advisory Committee be adopted by Council;
- (e) **That** nominations for the Smart City Connect Advisory Committee be sought through both a public and targeted process and recommendations for appointment be considered by Council at its next meeting; and

(f) **Further, that** regular meetings be held between the assigned Portfolio Councillor, the Smart City Project Officer and other staff as required.

9.2 SUBJECT Minutes of the Parramatta Traffic Committee meeting held on 26 November 2015
REFERENCE F2015/00098 - D04001333
REPORT OF Traffic & Transport Support Officer. Traffic and Transport

16300 RESOLVED (Esber/Makari)

That the minutes of the Parramatta Traffic Committee meeting held on 26 November 2015 be adopted.

9.3 SUBJECT Minutes of the Traffic Engineering Advisory Group meeting held on 26 November 2015
REFERENCE F2015/00097 - D04001434
REPORT OF Traffic & Transport Support Officer. Traffic and Transport

16301 RESOLVED (Esber/Hugh)

That the minutes of the Traffic Engineering Advisory Group meeting held on 26 November 2015 be adopted.

PEOPLE AND NEIGHBOURHOODS

10.1 SUBJECT Access Advisory Committee Meeting Minutes 20 October 2015
REFERENCE F2005/01944 - D03968551
REPORT OF Community Capacity Building Officer, Community Capacity Building

16302 RESOLVED (Esber/Elmore)

That the minutes of the Access Advisory Committee meeting held on 20 October 2015 (Attachment 1) are received and noted.

10.2 SUBJECT Site for Memorial to Indigenous Service Personnel
REFERENCE F2015/00691 - D03931090
REPORT OF Community Capacity Building Officer
MOTION (Wearne/Wilson)

That consideration of this matter be deferred for further investigation in relation to the proposed sites for the memorial.

16303 AMENDMENT (Chowdhury/Elmore)

- (a) **That** the report on the progress of the Memorial to Indigenous Service Personnel be received and noted.
- (b) **That** Council endorse further exploration for the Memorial to Indigenous Service Personnel through a concept design process responding to the following two sites:
 - 1 Parramatta River foreshore within the CBD;
 - 2 Any other suitable sites.
- (c) **That** Council contributes up to \$15,000 from the budget for Community Capacity Building projects to support the Memorial to Indigenous Service Personnel Steering Committee in preparing preliminary concept designs.
- (d) **Further, that** a report be provided to Council reporting back on the concept design results with an update on the fundraising implications and the asset and maintenance requirements of the proposed memorial.

The motion was subsequently withdrawn.

The amendment became the motion and was put and carried.

Note

A notice of motion to rescind this matter was tabled prior to the conclusion of the meeting.

10.3 SUBJECT Public Domain Guidelines Update 2015

REFERENCE F2009/00339 - D03981915

REPORT OF Senior Public Domain Officer

16304 RESOLVED (Esber/Makari)

- (a) **That** Council endorses the updated Public Domain Works Approval Process at Attachment 1 as a replacement for Chapter 2 of the Parramatta Public Domain Guideline 2014.
- (b) **That** Council endorses the proposed updated paving strategy for the Parramatta CBD, and new paving strategies for:
 - the three town centres (Epping, Granville and Westmead),
 - active village and neighbourhood strips,
 - local areas,

as described in Attachment 2, to be added to Chapter 5 of the

Parramatta Public Domain Guideline 2014.

- (c) **Further, that** Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the amendment process.

10.4 SUBJECT Special Ward Reserve Projects for Endorsement
REFERENCE F2011/02526 - D03997298
REPORT OF Manager Place Services. Also Memorandum from
Manager Place Services dated 11 December 2015.

16305 RESOLVED (Esber/Lloyd)

- (a) **That** Council receive and endorse projects to be funded by the Special Ward Reserve (Attachment 1) with an amendment to allocate remaining Special Ward Reserve funds in Caroline Chisholm Ward to new footpaths and mobility projects, park and playground improvements and bushcare enhancements in that ward in consultation with Council officers.
- (b) **That** Council's Corporate Plan and Budget be amended to include endorsed projects to be funded by the Special Ward Reserve.
- (c) **Further, that** the Lord Mayor and CEO be delegated authority to finalise all issues associated with this matter.

10.5 SUBJECT Street Landscaping along Church Street (western side)
between Fennell and Grose Streets North Parramatta
REFERENCE F2015/02824 - D03997954
REPORT OF Place Manager, Places Services

16306 RESOLVED (Esber/Elmore)

That Council endorse the proposed concept and funding option to proceed with the construction of the Streetscape Upgrade between Grose and Fennell Streets.

CULTURE AND SPORT

11.1 SUBJECT Farmers Market 2015 Report
REFERENCE F2015/02380 - D03985328
REPORT OF Manager, City Animation

16307 RESOLVED (Makari/Hugh)

- (a) **That** opportunities for additional farmers markets including markets located in other shopping precincts in the Local Government Area be explored and delivery commence provided

their establishment and promotion can be delivered within the existing operating budget and their ongoing operation can achieve a break-even result.

- (b) **That** opportunities for new artisan and other general markets be explored and delivery commence provided their establishment and promotion can be delivered within the existing operating budget and their ongoing operation can achieve a break-even result.
- (c) **Further, that** a report be provided to Council in a further 6 months regarding Market operation and future opportunities.

11.2 SUBJECT Riverside Theatres Advisory Board Meeting Minutes - 26 November 2015

REFERENCE F2007/00388 - D04005778

REPORT OF Director Riverside Theatres

16308 RESOLVED (Dwyer/Wearne)

- (a) **That** Council receive and note the draft minutes of the Riverside Theatres Advisory Board meeting held on 26 November 2015, however Council wishes to disagree with comments in the Minutes under Item 3, Parramatta Culture Arts and Entertainment Plan as it is not necessarily the view of Council that the Riverbank Site would be supported as the preferred site for the relocation of the Powerhouse Museum in Parramatta.
- (b) **That** Council approves the extension of the term of the current members of the Advisory Board for the life of the current Council concluding in 2016.
- (c) **That** a report be brought to Council on the potential to create VPA guidelines which present broader defined opportunities to developers to contribute to a range of community facilities in Parramatta LGA including the possible expansion of performing arts facilities in Parramatta.
- (d) **Further, that** a further report be brought to Council on the possible future commitment if any to the current Arts and Disability program at Riverside Theatre.

LEADERSHIP AND GOVERNANCE

12.1 SUBJECT Locations for Council Meetings in 2016

REFERENCE F2004/07851 - D04005271

REPORT OF Chief Operating Officer

16309 RESOLVED (Esber/Issa)

- (a) **That** in accordance with Section 365 of the Local Government Act, Council hold the Council Meetings from February to July 2016 in the Granville Town Hall and one Ordinary Council Meeting during the above period also be held in conjunction with a community meeting at each of the Lachlan Macquarie, Caroline Chisholm, Elizabeth Macarthur, Woodville and Arthur Phillip Wards.
- (b) **Further, that** a report be provided to Council in the New Year providing further detailed advice on meeting location, possible meeting content and community involvement in the Council meetings that are held in each ward.

12.2 SUBJECT Council Chambers relocation
REFERENCE F2015/00178 - D03971383
REPORT OF Assistant Development Manager

16310 RESOLVED (Esber/Wilson)

- (a) **That** Council resolve to continue investigation for the optimum location of Council Chambers.
- (b) **That** Council notes the options presented in the report and estimated costs associated with implementation of that option.
- (c) **That** the 'progress report' with other suitable locations is presented to Council in March 2016.
- (d) **That** Council resolve to commence preparation and lodgement of all necessary approvals required for the Change of Use DA of the 34 Phillip Street, Parramatta
- (e) **Further, that** Council delegates the authority to the CEO to provide any necessary statutory approvals, execute tenders and any necessary documentation in relation to Council Chamber relocation.

12.3 SUBJECT Update of Council Committee Appointments and Review of Council Committees
REFERENCE F2004/07851 - D03971197
REPORT OF Manager Governance & Risk

16311 RESOLVED (Wilson/Esber)

- (a) **That** Council appoint the Lord Mayor and the Deputy Lord Mayor as replacements for Councillors S Lloyd and S Issa on the following Council Committees:

- Council Significant Property Projects Committee;
- The Lord Mayors' Public Domain Activation Committee; and
- Western Sydney Light Rail Steering Committee.

- (b) **That** Council appoint the Deputy Lord Mayor as a replacement for Councillors S D Lloyd and S A Issa on the Parramatta City Chamber of Commerce & Industry Inc.
- (c) **That** Council appoint the Lord Mayor as replacement for Councillor S D Lloyd, and the Deputy Lord Mayor be appointed as an alternate to the Lord Mayor's Youth Action Team.
- (d) **That** Council appoint the Lord Mayor as replacement for Councillor S D Lloyd on the following Council Committees:
- Parramatta Floodplain Risk Management Committee;
 - Parramatta River Catchment Group; and
 - Riverside Theatres Advisory Board.
- (e) **That** in view of the fact that the Lord Mayor was already a member of the Parramatta Floodplain Risk Management Committee, Council may wish to consider whether it wishes to make additional appointments to that Committee. (No decision made at meeting in relation to additional appointments).
- (f) **That** Council appoint the Deputy Lord Mayor to the ParraConnect Advisory Committee.
- (g) **That** the Lord Mayor replace Councillor S D Lloyd as Co-Chairperson of the WSU Branding Committee.
- (h) **That** Council appoint the Deputy Lord Mayor as replacement for Councillor S Issa as a Westpool delegate as Councillor Makari was previously an alternate delegate. Council may wish to consider appointing another Councillor as an alternate delegate. (No decision made at meeting in relation to alternate).
- (i) **Further, that** a review of all Council Committees be undertaken with a report to be brought back to Council in the first quarter of 2016.

12.4 SUBJECT Update on Notices of Motions Raised by Councillors
 REFERENCE F2004/06182 - D03998266
 REPORT OF Service Manager Governance Infrastructure

16312 RESOLVED (Makari/Esber)

That the information be noted.

12.5 SUBJECT Investment Report for October 2015
 REFERENCE F2009/00971 - D04000833
 REPORT OF Chief Financial Officer

16313 RESOLVED (Elmore/Makari)

That Council receives and notes the investments report for October 2015.

12.6 SUBJECT Confirmation of Lord Mayor's Public Domain Activation Committee Meeting 16th November 2015

REFERENCE F2013/02437 - D03985664

REPORT OF Project Officer

16314 RESOLVED (Issa/Hugh)

(a) **That** Council receives and notes the 'Summary of Matters Discussed' at the Lord Mayor's Activation Committee meeting held on 15 November 2015 and the resulting actions.

(b) **Further, that** the CEO, be authorised to:

Action	Projected Cost	Funding Source(s)
i. Provide land-owners consent and approve, in consultation with the Lord Mayor, for up to 30 days the proposed Aperol Summer Garden Activation adjacent to Jamie Oliver's outdoor dining area in Centenary Square. Indicative concepts and location are included in <i>Attachment 1</i> .	n/a	n/a
ii. Provide land-owners consent and approve, in consultation with the Lord Mayor, for up to 90 days the proposed trial Crate Café Activation within Prince Alfred Park. Indicative concepts and locations are included in <i>Attachment 2</i> .	n/a	n/a
iii. Provide land-owners consent and approve, in consultation with the Lord Mayor, for up to 90 days the proposed Citroen H Van Activation in Church Street North. Indicative concepts and location are included in in <i>Attachment 3</i> .	n/a	n/a

12.7 SUBJECT 2016 LGNSW Tourism Conference - Byron Bay - 9th -
11th March 2016
REFERENCE F2015/00228 - D04001545
REPORT OF Manager LM and Councillor Support

16315 RESOLVED (Esber/Makari)

That interested Councillors advise the Office of the Lord Mayor of their desire to attend the 2016 LGNSW Tourism Conference being held from 9 – 11 March 2016 in Byron Bay.

12.8 SUBJECT 2016 Australian Local Government Women's
Association (ALGWA) Conference - Gunnedah - 10-12
March 2016
REFERENCE F2015/00230 - D04001666
REPORT OF Manager LM and Councillor Support

16316 RESOLVED (Esber/Makari)

That interested Councillors advise the Office of the Lord Mayor of their desire to attend the 2016 Australian Local Government Women's Association (ALGWA) Conference being held from 10 – 12 March 2016 in Gunnedah.

12.9 SUBJECT 2016 Green Cities Conference - Sydney - 22 - 24 March
2016
REFERENCE F2015/03255 - D04003988
REPORT OF Manager LM and Councillor Support

16317 RESOLVED (Esber/Makari)

That interested Councillors advise the Office of the Lord Mayor of their desire to attend the 2016 Green Cities Conference being held from 22 – 24 March in Sydney.

12.10 SUBJECT Parramatta Square Basement Excavation Masterplan
REFERENCE F2015/00178 - D03995573
REPORT OF Asst Development Manager

16318 RESOLVED (Issa/Esber)

That Council endorse the updated Parramatta Square Basement Excavation Masterplan, as per the attached.

NOTICES OF MOTION

13.1 SUBJECT Additional Parking for the Children's Medical Institute
Westmead

REFERENCE F2004/06182 - D04001257

REPORT OF Councillor A A Wilson

16319 RESOLVED (Wilson/Makari)

That PCC prepare a report, to be completed by 1 April 2016, examining the provision of additional parking for the Children's Medical Institute, Westmead and examining the State Government's recent announcement on parking in Westmead.

13.2 SUBJECT Maintenance and Inspection of Footpaths in the
Parramatta CBD

REFERENCE F2012/02770 - D04006657

REPORT OF Councillor Makari

16320 RESOLVED (Makari/Issa)

(a) **That** Council notes the current inspection and audit regime undertaken by various sections of Council to ensure public safety in the use of civil assets, particularly path paving in the Parramatta CBD.

(b) **Further, that** Council staff further investigate the slip resistance of the current concrete pavers used within the CBD & Neighbourhood Centres, and provide further improvements to the paver finish texture where possible.

SUPPLMENTARY AGENDA ITEMS

16321 RESOLVED (Esber/Chowdhury)

That Council now consider the Supplementary Agenda items.

RESCISSION MOTION

14.1 SUBJECT RESCISSION MOTION - North Parramatta Heritage
Precinct

REFERENCE F2014/00735 - D04016362

REPORT OF N/A

MOTION (Abood/Lloyd)

That the resolution of the Council Meeting held on 7 December 2015, regarding North Parramatta Heritage Precinct namely:-

“With respect to the North Parramatta Heritage precinct, Parramatta City Council calls on the NSW Government to:

- 1. Reverse the decision to re-zone the precinct.*
- 2. Pause any urban renewal process of the site for 6 months for genuine and transparent consultation with the community, stakeholders and Parramatta City Council about the future of the site. This should include the exploration of alternative visions for the site.*
- 3. Organize a further tour of the site following on from the heritage tour that has occurred. This tour is to be about the proposed development of the site and to be facilitated by Urban Growth. This should include invitees from the community. ”*

be and is hereby rescinded.

16322 The motion was put and lost.

ITEMS DEFERRED FROM 7 DECEMBER 2015 COUNCIL MEETING

14.2 SUBJECT Planning Proposal for land at 66 Phillip Street, Parramatta

REFERENCE RZ/25/2014 - D04016235

REPORT OF Project Officer- Land Use Planning

16323 RESOLVED (Issa/Esber)

- (a) **That** Council endorses the Planning Proposal at Attachment 1 to amend the Parramatta City Centre LEP 2007 subject to an FSR of 10:1 with no height limit, and the same value capture mechanism as adopted for the City Centre as outlined in Item 7.7 of Economy (Minute No. 16282 refers) with a minimum of 1:1 of commercial floor space and any commercial floor space beyond 1:1 not being included in the FSR.
- (b) **That** the applicant provide an amended version of the Planning Proposal (including all relevant attachments) contained in Attachment 1, consistent with an FSR of 10:1 prior to forwarding it to the Department of Planning and Environment for Gateway determination, if required.
- (c) **That** Council advise the NSW Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this planning proposal as authorised by Council on

26 November 2012.

- (d) **That** Council grant delegated authority to the CEO to negotiate a Voluntary Planning Agreement (VPA) for the delivery of public benefit.
- (e) **That** the outcome of the VPA negotiations be reported to Council prior to exhibition of the draft VPA.
- (f) **Further, that** Council grant delegated authority to the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the amendment process.

DIVISION The result being:-

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

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

14.3 SUBJECT 1 Parramatta Park Land, Parramatta (MS80-3000)
DESCRIPTION Multi storey car park and associated works
REFERENCE DA/310/2015 - 27 May 2015
APPLICANT/S Parramatta Leagues Club
OWNERS Parramatta Park Trust
REPORT OF Manager Development and Traffic Services
REASON FOR REFERRAL TO COUNCIL

To advise Council on the status of this development application following the meeting of the Sydney West Joint Regional Planning Panel (JRPP) on 9 December 2015.

MOTION (Wearne/Elmore)

That no further action be taken on this matter.

16324 AMENDMENT (Dwyer/Esber)

That Council support the application as lodged.

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

was again carried.

Note

4. Councillor J P Abood declared an interest in relation to this matter as he is a member of the JRPP and temporarily retired from the meeting during consideration and voting on this issue.
5. Councillor J Finn MP declared that the Parramatta Leagues Club had made a minor donation towards her election fund. Councillor Finn remained in the Chamber during consideration and voting on this issue.
6. The Lord Mayor, Councillor P J Garrard declared an interest in relation to this matter as he is a member of the Parramatta Leagues Club Board and temporarily retired from the meeting during consideration and voting on this issue.
7. Councillor J Shaw declared an insignificant, non - pecuniary interest in relation to this item as he is a member of the Parramatta Leagues Club. Councillor Shaw did not retire from the meeting during consideration of this matter.
8. Councillor A A Wilson declared an interest in relation to this matter as he is a member of the JRPP and temporarily retired from the meeting during consideration and voting on this issue.
9. In the Lord Mayor's absence, the Deputy Lord Mayor, Councillor B Makari assumed the Chair.

14.4 SUBJECT Construction of Pedestrian Bridge - From Morton Street, Parramatta East to Alfred Street, Parramatta

REFERENCE F2006/00965 - D04016239

REPORT OF Councillor J Chedid

16325 RESOLVED (Issa/Wearne)

That the following motion be referred to the next Special or Ordinary Council Meeting for consideration:-

*“(a) **That** the CEO Parramatta City Council proceeds with the strategy of building the pedestrian bridge connecting the east with south end of the river as adopted in a council resolution in 2006.*

*(b) **That** the funding model is to include the below options:*

1. *Development Contribution from Planning Proposal agreement of \$2.5 million and \$800,000 through VPA (Voluntary Planning Agreements), resulting in \$3.3 million;*
2. *Future development along the river and surrounding areas like Rosehill, Alfred Street, James Ruse Drive, Thomas Street and MacArthur Street Parramatta and all the way to Victoria Road should contribute towards the pedestrian bridge through Section 94 and VPA funding.*

3. *That any development within the Western Sydney University Parramatta campus through Section 94 and VPA make a cash contribution towards the Bridge development.*

(c) **That** *Council invite the State and Federal Government to become a strategic partner in this project by either making a cash contribution or develop the whole project for Parramatta's economics contribution towards the NSW and Australian economy as a Regionally City.*

(d) **That** *Council include a detailed report on what other states on similar projects have developed in regards to pedestrian bridges e.g. Brisbane City Council.*

(e) **That** *this project be listed as a high priority for Parramatta City Council after 8 years of being put on the back burner and not be deferred.*

(f) **That** *all future developments along the River Foreshore are to include in the planning zones, a mixed use retail zone to accommodate hospitality operations, such as cafes, restaurants like most development in Australia and around the world.*

(g) **Further, that** *a traffic transport study be undertaken for the Parramatta CBD and include future development East and North of Parramatta and assess the opportunity for additional lanes on the Parramatta Gaswork bridge."*

14.5 SUBJECT Change to Voluntary Planning Agreement Policy

REFERENCE F2015/02769 - D04016242

REPORT OF Councillor J Chedid

16326 RESOLVED (Issa/Wearne)

That the following motion be referred to the next Special or Ordinary Council Meeting for consideration:-

"(a) That Council reviews its policy on Voluntary Planning Agreements, to:-

- i. identify the key projects that should be supported by public benefits to be delivered via VPAs,*
- ii. how this contribution should be delivered, and*
- iii. recognise that value sharing is an appropriate approach for determining the value of a VPA contribution*

(b) That while the review of the Policy is being undertaken, all VPAs associated with development proposals in the CBD, should seek to deliver public benefit contributions for the River Foreshore Strategy and associated projects, Council's major improvement projects, upgrades and delivery of new public domain and open spaces in the

CBD, with a preference for River Foreshore Strategy projects.

- (c) That in accordance with the current policy all VPAs be referred to Council for consideration of the initial offer and approval of the final offer.*
- (d) Further, that any upgrade or improvement surrounding a new development site be required as conditions of development consent e.g pedestrian link, road way and new footpath.”*

CLOSED SESSION

16327 RESOLVED (Wearne/Hugh)

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(2) of the Local Government Act, 1993 as the items listed come within the following provisions:-

- 1 Tender 34/2015 - Boronia Park Improvements, Kent Street Epping. (D03992833) - *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.*
- 2 Tender 38/2015 - O'Connell Street and Dunlop Street North Parramatta - Construction of a Roundabout and associated works.. (D03993689) - *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 Tender 39/2015 Railway Parade at Bold Street and Carlton Street Granville - Traffic Control Signal Upgrade and Associated Civil Works. (D03993744) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*
- 4 EOI 17/2015 - Parramatta Square Stage 3 (PS3) - Architectural Design Services. (D03993925) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position*

of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

- 5 Shop 1 and Suite 7, 70 Macquarie Street Parramatta - Lease Proposals. (D03979182) - *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 Shop 1 / 71 George Street (Horwood Place Car Park) Parramatta - Proposed Lease . (D03971351) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*
- 7 St George's Terrace, 44-56 Phillip Street Parramatta - consideration of lease proposals. (D04007217) - *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.*
- 8 Expression of Interest for 1-3 Onslow Street Granville. (D04016247) - *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.*

ADOPTION OF ITEMS WITHOUT DISCUSSION

16328 RESOLVED (Esber/Elmore)

That items 15.1 to 15.7 of Closed Session be adopted in accordance with the Staff recommendation.

Note

Councillor J P Abood declared a non - pecuniary interest in relation to Closed Session Items 15.1 and 15.2 relating to Tender 34/2015 and Tender 38/2015, respectively, as one of the tenderers is a relation of Councillor Abood's wife. Councillor Abood was subsequently absent from the meeting during consideration of Items 15.1 to 15.7 as they were adopted in one block motion.

15.1 SUBJECT Tender 34/2015 - Boronia Park Improvements, Kent Street Epping

REFERENCE F2015/01582 - D03992833

REPORT OF Project Manager

RESOLVED

- (a) **That** the tender submitted by Glascott Landscape and Civil Pty Ltd for the construction of improvement works, involving a new pedestrian path, park furniture, BBQ, play equipment upgrade, pedestrian lighting, landscaping and associated works, in Boronia Park, Epping, for the sum of \$812,577.86 (excluding GST) be accepted.
- (b) **That** all unsuccessful tenderers be advised of Council's decision in this matter.
- (c) **Further, that** the Lord Mayor and Chief Executive Officer be given delegated authority to execute and affix the Common Seal of Council to the necessary documents.

NOTE

- 1. **Items 15.1 to 15.7 were resolved under Items Adopted without Discussion under Minute No. 16328.**
- 2. **Councillor J P Abood had previously declared a non - pecuniary interest in relation to Closed Session Items 15.1 and 15.2 relating to Tender 34/2015 and Tender 38/2015, respectively, as one of the tenderers is a relation of Councillor Abood's wife. Councillor Abood was subsequently absent from the meeting during consideration of Items 15.1 to 15.7 as they were adopted in one block motion.**

15.2 SUBJECT Tender 38/2015 - O'Connell Street and Dunlop Street North Parramatta - Construction of a Roundabout and associated works.

REFERENCE F2015/02491 - D03993689

REPORT OF Project Manager

RESOLVED

- (a) **That** the tender submitted by Melhemcorp Pty Ltd for the construction of a roundabout and associated works at O'Connell Street and Dunlop Street, North Parramatta for the sum of \$272,785.00 (as adjusted, excluding GST) be accepted.
- (b) **That** all unsuccessful tenderers be advised of Council's decision in this matter.
- (c) **Further, that** the Lord Mayor and Chief Executive Officer be given delegated authority to execute and affix the Common Seal of Council to the necessary documents.

NOTE

1. **Items 15.1 to 15.7 were resolved under Items Adopted without Discussion under Minute No. 16328.**
2. **Councillor J P Abood had previously declared a non - pecuniary interest in relation to Closed Session Items 15.1 and 15.2 relating to Tender 34/2015 and Tender 38/2015, respectively, as one of the tenderers is a relation of Councillor Abood's wife. Councillor Abood was subsequently absent from the meeting during consideration of Items 15.1 to 15.7 as they were adopted in one block motion.**

15.3 SUBJECT Tender 39/2015 Railway Parade at Bold Street and Carlton Street Granville - Traffic Control Signal Upgrade and Associated Civil Works

REFERENCE F2015/02169 - D03993744

REPORT OF Project Manager

RESOLVED

- (a) **That** the tender submitted by Celtic Civil Pty Ltd for the upgrade of traffic control signals and associated civil works at Railway Parade at the Bold and Carlton Streets Intersection, Granville for the sum of \$413,365.00 (excluding GST) be accepted.
- (b) **That** all unsuccessful tenderers be advised of Council's decision in this matter.
- (c) **Further, that** the Lord Mayor and Chief Executive Officer be given delegated authority to execute and affix the Common Seal of Council to the necessary documents.

NOTE

1. **Items 15.1 to 15.7 were resolved under Items Adopted without Discussion under Minute No. 16328.**
2. **Councillor J P Abood had previously declared a non - pecuniary interest in relation to Closed Session Items 15.1 and 15.2 relating to Tender 34/2015 and Tender 38/2015, respectively, as one of the tenderers is a relation of Councillor Abood's wife. Councillor Abood was subsequently absent from the meeting during consideration of Items 15.1 to 15.7 as they were adopted in one block motion.**

15.4 SUBJECT EOI 17/2015 - Parramatta Square Stage 3 (PS3) -

Architectural Design Services

REFERENCE F2015/00178 - D03993925

REPORT OF Senior Development Manager

RESOLVED

- (a) **That** Council endorse the recommendation of the evaluation panel for the three (3) architectural firms, Johnson Pilton Walker, Bates Smart Architects and Architectus Group, to progress to a Design Competition for the proposed new commercial office building on Parramatta Square Stage 3 (PS3).
- (b) **Further, that** Council delegate authority to the Lord Mayor and Chief Executive Officer to negotiate, execute contracts and sign all necessary documentation to engage the winning entrant of the Parramatta Square Stage 3 (PS3) Design Competition to commence design development of PS3 progress to a DA and CC level of design for the further consideration of Council.

NOTE

- 1. **Items 15.1 to 15.7 were resolved under Items Adopted without Discussion under Minute No. 16328.**
- 2. **Councillor J P Abood had previously declared a non - pecuniary interest in relation to Closed Session Items 15.1 and 15.2 relating to Tender 34/2015 and Tender 38/2015, respectively, as one of the tenderers is a relation of Councillor Abood's wife. Councillor Abood was subsequently absent from the meeting during consideration of Items 15.1 to 15.7 as they were adopted in one block motion.**

15.5 SUBJECT Shop 1 and Suite 7, 70 Macquarie Street Parramatta - Lease Proposals

REFERENCE F2012/01067 - D03979182

REPORT OF Space Management Officer

RESOLVED

- (a) **That** Council offer a lease for Shop 1, 70 Macquarie Street Parramatta to Gia Phat Tran on the terms outlined in this report and that if this offer does not proceed to acceptance, the CEO be given delegation to offer and accept a lease with an alternate entity at a rent range outlined in the report.
- (b) **That** Council offer a lease for Shop 7, 70 Macquarie Street Parramatta to Carlos Anisseh on the terms outlined in this report that if this offer does not proceed to acceptance, the CEO be given delegation to offer and accept a lease with an alternate entity at a rent range outlined in the report.

- (c) **Further, that** Council authorises the Chief Executive Officer to prepare, negotiate and finalise leases and associated documents that formally records the legally binding arrangement to lease both Shop1 and Suite 7, 70 Macquarie Street Parramatta.

NOTE

1. **Items 15.1 to 15.7 were resolved under Items Adopted without Discussion under Minute No. 16328.**
2. **Councillor J P Abood had previously declared a non - pecuniary interest in relation to Closed Session Items 15.1 and 15.2 relating to Tender 34/2015 and Tender 38/2015, respectively, as one of the tenderers is a relation of Councillor Abood's wife. Councillor Abood was subsequently absent from the meeting during consideration of Items 15.1 to 15.7 as they were adopted in one block motion.**

15.6 SUBJECT Shop 1 / 71 George Street (Horwood Place Car Park)
Parramatta - Proposed Lease

REFERENCE F2004/09929 - D03971351

REPORT OF Service Manager-Property Services & Space
Management

RESOLVED

- (a) **That** Council offer a lease for Shop 1, 71 George Street, Parramatta (Horwood Place Car Park) to the Deli Belli Pty Ltd as outlined in this report.
- (b) **That** if the lease offer to the Deli Belli Pty Ltd is not accepted, Council offer the lease to Lam Le as outlined in this report.
- (c) **Further, that** Council authorises the Chief Executive Officer to prepare, negotiate and finalise the lease and associated documents that formally records the legally binding arrangement to lease the Premises.

NOTE

1. **Items 15.1 to 15.7 were resolved under Items Adopted without Discussion under Minute No. 16328.**
2. **Councillor J P Abood had previously declared a non - pecuniary interest in relation to Closed Session Items 15.1 and 15.2 relating to Tender 34/2015 and Tender 38/2015, respectively, as one of the tenderers is a relation of Councillor Abood's wife. Councillor Abood was subsequently absent from the meeting during consideration of Items 15.1 to 15.7 as they were adopted in one block motion.**

15.7 SUBJECT St George's Terrace, 44-56 Phillip Street Parramatta - consideration of lease proposals

REFERENCE F2015/01625 - D04007217

REPORT OF Service Manager-Property Services & Space Management and Memorandum from Acting Service Manager Property Services and Space Management dated 8 December 2015.

RESOLVED

- (a) **That** Council agree to offer a lease for Shop 44 to Advantageous, a lease for Shop 50 to Wise Employment Ltd, a lease for Shop 52 to Pacific Meditech (Environmental) and a licence for storage space to Raine and Horne Parramatta on the terms outlined in this report, and that Nimbus Architects be offered a lease at Shop 50 if Wise Employment do not accepted and executed the lease.
- (b) **That** Council agree to licence the 15 car spaces on the terms outlined in this report.
- (c) **Further, that** Council authorise the Chief Executive Officer to prepare, negotiate and finalise leases and associated documents that formally records the legally binding arrangement to lease shops and licence car spaces and storage space as outlined in this report.

NOTE

- 1. **Items 15.1 to 15.7 were resolved under Items Adopted without Discussion under Minute No. 16328.**
- 2. **Councillor J P Abood had previously declared a non - pecuniary interest in relation to Closed Session Items 15.1 and 15.2 relating to Tender 34/2015 and Tender 38/2015, respectively, as one of the tenderers is a relation of Councillor Abood's wife. Councillor Abood was subsequently absent from the meeting during consideration of Items 15.1 to 15.7 as they were adopted in one block motion.**

15.8 SUBJECT Expression of Interest for 1-3 Onslow Street Granville

REFERENCE F2011/03679 - D04016247

REPORT OF Service Manager-Property Services & Space Management

16329 MOTION (Wearne/Elmore)

- (a) **That** the Council offer a lease for 1-3 Onslow Street Granville to

the Preferred Applicant on the terms outlined in this report.

- (b) **That** the Chief Executive Officer be delegated to negotiate with the Preferred Applicant in respect to Council's capital works contribution of the lease, and
- (c) **Further, that** the Chief Executive Officer be delegated to sign necessary documentation in respect to the lease.

AMENDMENT (Dwyer)

- (a) **That** the current tenderer be advised that Council has preferred to not accept any of the tenders.
- (b) **That** this matter be deferred and a further report be brought back to Council on the options and associated costs of Council renovating the building at 1 – 3 Onslow Street, Granville.
- (c) **Further, that** when the building is renovated, Council advertise letting of the renovated building to interested parties in accordance with Council's current letting policy.

The amendment was put and lost.
The motion was put and carried.

Note

Councillor A Issa retired from the meeting at 10.25pm during consideration of this matter.

MERRY CHRISTMAS

1 SUBJECT Merry Christmas and Safe New Year
 REFERENCE F2008/04592
 FROM The Lord Mayor, Councillor Paul Garrard

16330 RESOLVED (Garrard/Abood)

That staff be thanked for their efforts and be wished a Merry Christmas and a safe New Year.

COUNCIL MEMORABILIA

2 SUBJECT Safe Storage of Council Memorabilia
 REFERENCE F2008/04592
 FROM Councillor Lorraine Wearne

16331 With the impending removal of the Council Chambers as part of the Parramatta Square development, Councillor Wearne requested that staff ensure that appropriate action is taken to ensure that all memorabilia currently located in the Council Chamber Building is stored appropriately.

SPECIAL COUNCIL MEETING

3 SUBJECT Special Council Meeting to be held on 23 December 2015 at 6.45pm
REFERENCE F2008/04592
FROM The Lord Mayor, Councillor Paul Garrard

16332 The Lord Mayor, Councillor P J Garrard advised the Chamber of his intention to call a Special Meeting of the Council to be held in the Council Chamber on 23 December 2015 at 6.45pm.

RESCISSION MOTION

Prior to the completion of the meeting, the following 2 rescission motions were received:-

1. A notice of motion to rescind Item 7.15 of Economy regarding Inclusion of the Former Female Factory Precinct, Parramatta on the National Heritage List by Councillors A A Wilson, J D Finn and P Esber.
2. A notice of motion to rescind Item 10.2 of People and Neighbourhood regarding Site for Memorial to Indigenous Service Personnel by Councillors J Shaw, G Elmore and P Esber.

The Lord Mayor ruled that the rescissions would not be considered as matters of urgency.

The meeting terminated at 10.29pm.

THIS PAGE AND THE PRECEDING 65 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 14 DECEMBER 2015 AND CONFIRMED ON MONDAY, 8 FEBRUARY 2016.

Lord Mayor