

MINUTES OF THE MEETING OF PARRAMATTA CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC PLACE, PARRAMATTA ON MONDAY, 10 AUGUST 2015 AT 7.03 PM

PRESENT

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

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Lord Mayor, Councillor S D Lloyd acknowledged the Burrumattagal Clan of The Darug, the traditional land owners of Parramatta and paid respect to the elders both past and present.

FOUNDATION ACKNOWLEDGEMENT

The Lord Mayor also acknowledged the colonial heritage of Parramatta and recognised the contribution of the early settlers in laying the foundations of this great and historic city.

MIGRANT ACKNOWLEDGEMENT

The Lord Mayor also acknowledged the many migrants that have come to Parramatta and now call it home.

All these elements holistically make Parramatta what it is today.

MINUTES

SUBJECT Minutes of the Council Meeting held on 27 July 2015

15853 RESOLVED (Esber/Makari)

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

SUBJECT Minutes of the Special Council Meeting held on 3 August 2015

15854 RESOLVED (Issa/Esber)

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

DECLARATIONS OF INTEREST

1. Mr Greg Dyer, Chief Executive Officer declared an interest in the second Lord Mayor Minute regarding Sponsorship of the Greater Sydney Rams Rugby Union Football Club Season Launch as he was initially Chairman of the Board, but has since resigned this position.
2. Councillor J D Finn declared an interest in Item 8.1 of Major Applications regarding 40 Eleanor Street, Rosehill as the applicant of the subject property is a neighbour.
3. Councillor S Chowdhury declared an interest in Item 8.3 of Major Applications regarding 181 James Ruse Drive, Camellia as his employer (NSW Office of Water) was consulted in relation to the application. Councillor Chowdhury did not intend to leave the meeting during consideration and voting on this issue.

MINUTES OF THE LORD MAYOR

1 SUBJECT A Smart City Masterplan for Parramatta
 REFERENCE F2014/02487
 FROM The Lord Mayor, Councillor Scott Lloyd
 RESOLVED (Lloyd/Issa)

- 15855 (a) **That** Council endorse the Smart City Masterplan for Parramatta.
- (b) **That** Council officers work to embed the Smart City vision, guiding principles and framework through the organisation and promote cross-functional collaboration to achieve its objectives.
- (c) **That** Council engage broadly with the community and industry on the development and implementation of Smart City initiatives.
- (d) **Further, that** Council seek to position Parramatta as a Smart City in a local, national and international context.

2 SUBJECT Sponsorship of the Greater Sydney Rams Rugby Union Football Club Season Launch
 REFERENCE F2014/02889
 FROM The Lord Mayor, Councillor Scott Lloyd
 RESOLVED (Lloyd/Chedid)

15856 **That** Council provide support for the Greater Sydney Rams Rugby Union Football Club season launch event (28 August 2015) and that a memorandum be provided to all Councillors regarding the expected costings.

NOTE:

Mr Greg Dyer, Chief Executive Officer declared that he was initially Chairman of the Board, but has since resigned this position.

3 SUBJECT Cultural Infrastructure Planning for Parramatta North
REFERENCE F2014/02487
FROM The Lord Mayor, Councillor Scott Lloyd
RESOLVED (Lloyd/Issa)

15857 **That** Council write to the NSW State Government seeking commitment to appropriate planning consideration and funding for cultural infrastructure within the Parramatta North urban renewal precinct and that this is complementary to the Arts, Culture and Entertainment Strategy currently being developed by Council and other arts and cultural infrastructure within Parramatta.

PUBLIC FORUM

1 SUBJECT Planning Proposal for land on the corner of Parramatta Road, Good Street and Cowper Street, Granville (Item 9.6 refers)
REFERENCE RZ/27/2014
FROM Mr Brian Roddy

15858 The public forum was withdrawn by the applicant.

2 SUBJECT Planning Proposal for land on the corner of Parramatta Road, Good Street and Cowper Street, Granville (Item 9.6)
REFERENCE RZ/27/2014
FROM Mr Adam Byrnes

15859 As provided.

“1. Think Planners represent the landowners / proponents. We are very pleased with the general direction provided in the Council officers report, and fully agree with the approach of Option 1 to send the Planning Proposal to the Department for Gateway. We are however concerned with the design competition provisions proposed, that

lead to a mismatch in planning controls in Granville.

2. The landowners agree with Option 1 that the Planning Proposal be forward to the Department of Planning and not deferred. Particularly as the Planning Proposal seeks an FSR that is consistent with existing planning controls for B4 land and is not seeking a bonus FSR above that which exists.
3. After much consultation and negotiations with Council, the Planning Proposal has been amended to provide for an FSR that is consistent with other controls in the area, and does not seek a yield above that of other B4 lands in Granville. We raise significant concerns with the controls seeking to impose a design competition requirement upon the scheme by “pulling back” the permitted FSR to 5.22:1 and suggesting that it could reach 6:1 with a Design Competition. This blunt planning tool is entirely contradictory to the planning controls for other land in this precinct and does not accord with the intent of the design excellence provisions outside of the city centre.

It is noted that all land zoned B4 in Granville, that meets the minimum area of 3200m² has an FSR of 6:1. We are aware of a number of applications prepared, or in preparation, in close proximity to the subject site that enjoy a 6:1 FSR, free of design competition requirements. It is typical for land outside the CBD that Design Competitions are required where there is an intention to go above and beyond the base planning controls. There is no intent to go above the 6:1 base FSR in this planning proposal.

Further, we submit that if the Council assessment staff accepts that the site is capable of accommodating a 6:1 FSR and height of 111m, it is typical that the Design Competition requirements arise when those acceptable controls are breached. We propose no design competition bonus for the land and simply seek a base FSR that is consistent with all B4 lands and a height control that allows for a tall slender tower at a 6:1 FSR.

If the Design Competition bonus is to apply, it should only apply to proposals that seek to exceed the common base FSR of 6:1, and not be artificially enforced on this site, out of step with all other land in the precinct.”

NOTE:

Councillor J Shaw left the meeting at 7.38pm and returned at 7.39pm during consideration of this matter.

3 SUBJECT Development Application - 40 Eleanor Street, Rosehill
REFERENCE DA/688/2008/D

FROM Yogi Savania

15860

“His Worship the Lord Mayor of Parramatta and honourable councillors of the chamber,

I speak on behalf of the BAPS Shri Swaminarayan Mandir, 40 Eleanor Street, Rosehill. As many of you are aware, BAPS is a global nongovernmental sociospiritual organisation headquartered in Ahmedabad, India, in consultative status with the Economic and Social Council of the United Nations Organisation, with representative centres in some of the major Australian cities, including Sydney, Perth, Adelaide, Melbourne and Brisbane. BAPS Australian Headquarter is in Rosehill, Sydney, NSW.

Globally, through its worldwide network of 3,300 centres, BAPS organizes and coordinates various medical, educational, environmental, cultural and social activities. In the Asia Pacific, BAPS has been involved in similar efforts including annual blood donation camps, tree plantation drives, educational seminars, participation in community clean up days, disaster-relief fundraising and a variety of children and youth activities. These activities are managed through BAPS’ active worship centres (Mandirs). Our efforts and community initiatives have been appreciated at the local, regional and international level.

One of the Agenda items for discussion this evening is our Section 96 Application to Council to modify the current DA approval for BAPS’ Mandir at 40 Eleanor Street, Rosehill, so as to allow the usage of the car park to put up a marquee on five major festival days annually.

This application was submitted in August 2014, mainly for the purpose of improving crowd management to assist with maintaining the amenity of the area, the very reason that many conditions are placed on the original DA application. Based on professional advice we submitted information that was deemed as required for such a request.

In December 2014 the chamber resolved certain further details were required, the process accordingly was carried out by BAPS and Council officers.

Submissions were received making claims that were hypothetical and one claim indicated that we cooked food in the car park, something we have never done, as we have a fully fitted out, commercial grade Kitchen, indoors.

Original DA conditions were 52 in number. After making submission for this Marquee, the council has recommended adding 18 more conditions, to cover each and every concern raised, to the extent that conditions inherent in the original DA such as limitations to external lighting, are being reinforced. Waste management is important and was required originally as well, this is also being reinforced. As a responsible community we are already quite aware of these responsibilities regardless of having a marquee or not, as the Festivals were always

identified as special events where increased numbers are expected.

It is now already August 2015, the use of a marquee has proven effective for us in the past instances as we have been operating the temple for 2 and a half years, having had individual event approvals for Marquee use, and since all queries have now been addressed, we urge that this matter is resolved in line with development officers recommendations and urge the Council to approve this application with a note to indicate that all these additional conditions are applicable only if the Marquee option is exercised by our organisation, during respective festivals.

BAPS has always made utmost effort to ensure its activities place least amount of inconvenience to its neighbours, we are proactive to the extent that even though our contact details are always provided on the notices of events, neighbours have made minimal use of this medium to address concerns they have.

I thank you, on behalf of the Board of Trustees, for your consideration of this submission.

Thank you for the opportunity to address the chamber at this meeting, and we look forward to your favourable consideration.

I take this opportunity to invite honourable councillors to the Mandir at a time of your convenience in future to see the extent of our community engagement.”

REPORTS - MAJOR APPLICATIONS

8.1	SUBJECT	40 Eleanor Street, Rosehill (Lots 29-31 & Lots 41-43 DP 2249) (Elizabeth Macarthur Ward)
	DESCRIPTION	Section 96(2) Modification to the approved Place of Public Worship.
	REFERENCE	DA/688/2008/D - Lodged 5 August 2014
	APPLICANT/S	Bochasanwasi Akshar Purushottam Sanstha
	OWNERS	Boch. Shri Akshar-Purushotlam Swam. Sanstha P/L
	REPORT OF	Manager Development and Traffic Services
	REASON FOR REFERRAL TO COUNCIL	This development application is referred for Council's consideration as the application relates to a place of public worship.
	RESOLVED	(Chedid/Chowdhury)

15861 (a) **That** Council as the consent authority, modify development consent DA/688/2008 to allow the use of the parking area at the

rear for 5 major festivals annually including a temporary marquee for approximately 750 people subject to the conditions contained in Attachment 1.

(b) **Further, that** the objectors are advised of Council's decision.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, 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

NOTE:

Councillor J D Finn previously declared an interest in this matter as the applicant of the subject property is a neighbour and retired from the Chamber during discussion and voting on the matter.

8.2 SUBJECT 9 Hassall Street Parramatta (Lot 6 Sec 2 DP 241 and Lot 14 DP 11507) (Elizabeth Macarthur Ward)

DESCRIPTION Section 96(2) to an approved mixed use development. The modification seeks approval for works including:

1. Increasing the number of apartments from 164 to 184;
2. Increasing the floor area of the development;
3. Reducing the height of the building from 23 to 21 storeys
4. Changes to building setbacks;
5. Changes to the internal layout, and
6. Changes to the external facade

REFERENCE DA/848/2008/D - 4 September 2014

APPLICANT/S Flourishing Land Development Group Pty. Ltd.

OWNERS Z & WP Investments Pty Ltd

REPORT OF Manager Development and Traffic Services. Also Correspondence from Elise Cramer dated 10 August 2015.

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council as it proposes a variation to a development standard that exceeds 10%.

15862 MOTION (Issa/Dwyer)

(a) **That** Council as the consent authority, modify development consent DA/848/2008/C for alterations and additions to an approved mixed use development including the provision of 4 new

floor levels to include internal and external modifications, an increase in the number of units from 164 to 184 and a reduction in height from 23 to 21 storeys on land at 9 Hassall Street Parramatta, subject to the modified conditions contained in Attachment 1 subject to the following additional condition:-

1. That the materials and finishes of the building be amended to the satisfaction of Council's Manager – Development and Traffic Services to provide greater visual relief to the facades of the building.

(b) **Further, that** Council inform the objector of its decision.

AMENDMENT (Esber/Chowdhury)

- (a) **That** Council as the consent authority, modify development consent DA/848/2008/C for alterations and additions to an approved mixed use development including the provision of 4 new floor levels to include internal and external modifications, an increase in the number of units from 164 to 184 and a reduction in height from 23 to 21 storeys on land at 9 Hassall Street Parramatta, subject to the modified conditions contained in Attachment 1.

(b) **Further, that** Council inform the objector of its decision.

The amendment was put and lost.

The motion was put and carried.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, 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

NOTE:

Councillor P Esber left the meeting at 8.06pm and returned at 8.09pm during consideration of this matter.

8.3 SUBJECT 181 James Ruse Drive, Camellia
(Lots 1-6 DP 2737, Lots 2-17 & 25 DP 6856 & Lots 1-4 DP 128720 & others)(Elizabeth Macarthur Ward)

DESCRIPTION This application is for site remediation works (predominantly involving the excavation of asbestos and transfer into containment cells on the site). The works do not include the remediation of the foreshore. This is designated development as defined by Schedule 3 of

the Environmental Planning and Assessment Regulation 2000. The development is also Integrated development under the provisions of the Water Management Act 2000 and the Protection of the Environment Operations Act 1997.

REFERENCE DA/750/2013 - 18 November 2013

APPLICANT/S Statewide Planning Pty Ltd

OWNERS Summer Hill Business Estate Pty Limited

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council due to the significant remediation works proposed for the site and potential public interest.

RESOLVED (Hugh/Abood)

15863

- (a) **That** Council as the consent authority grant development consent to Development Application No. DA/750/2013 for the remediation of land at 181 James Ruse Drive, Camellia for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions contained in Attachment 1.
- (b) **Further, that** the persons who lodged an individual submission be advised of Council's determination of the application.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, 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 and A A Wilson

NOES: Councillor L E Wearne

NOTE:

1. **Councillor S Chowdhury previously declared an interest as his employer (NSW Office of Water) was consulted in relation to the application. Councillor Chowdhury did not leave the meeting during consideration and voting on this issue.**
2. **Councillor S Issa left the meeting at 8.26pm and returned at 8.27pm during consideration of this matter.**

ADJOURNMENT OF MEETING

In accordance with Council's decision of 23 October 2000 (Minute No 5712) the meeting adjourned at 8.43pm for a period of 17 minutes.

RESUMPTION OF MEETING

The meeting resumed in the Council Chamber at 9.00pm, there being in attendance The Lord Mayor, Councillor S D Lloyd in the Chair and Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, S T Issa (Deputy Lord Mayor), B Makari, J L Shaw, A A Wilson and L E Wearne.

8.4 SUBJECT 661 Victoria Road, Melrose Park
(Lot 1 DP 128912, Lot 2 DP 221045, Lots 71 & 72 DP 1136996) (Lachlan Macquarie Ward)

DESCRIPTION Tree removal and construction of a temporary building for the purposes of sales and a display suite with associated car parking and landscaping on Lot 1 DP 128912 & Lot 72 DP 1136996. Location Map - Attachment 3

REFERENCE DA/207/2015 - Submitted 14 April 2015

APPLICANT/S AQUALAND MELROSE DEVELOPMENT PTY LTD

OWNERS AQUALAND MELROSE DEVELOPMENT PTY LTD

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The subject application is referred to Council due to the site being land that was previously owned by Council.

RESOLVED (Abood/Elmore)

15864 (a) **That** Council as the consent authority grant development consent to Development Application No. DA/207/2015 for tree removal and construction of a temporary building for the purposes of sales and a display suite with associated car parking and landscaping on land at 661 Victoria Road, Melrose Park for a period of two (2) years from the date on the Notice of Determination, subject to the recommended conditions set out in attachment 1.

(b) **Further, that** a Councillor Workshop be held on the Planning Proposal for 661 Victoria Road, Melrose Park prior to the matter coming to the Chamber.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, 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

NOTE:

Councillor J Hugh returned to the meeting at 9.02pm during consideration of this matter.

8.5 SUBJECT Prince Alfred Square, 353D Church Street,
PARRAMATTA
(Lot 1 DP 724837) (Arthur Phillip Ward)

DESCRIPTION Use of Prince Alfred Park as the venue for the St
Patrick's Cathedral Spring Fair on Saturday 12
September 2015.

REFERENCE DA/325/2015 - 1 June 2015

APPLICANT/S M Lee

OWNERS Parramatta City Council

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL
The subject Development Application is referred to
Council for determination as it relates to land that is
under the care and control of Parramatta City Council.

RESOLVED (Abood/Chedid)

15865 **That** Council as the Consent Authority grant Development Consent to
Development Application DA/325/2015 which seeks the use of Prince
Alfred Park for St Patrick's Cathedral Spring Fair, to be held on Saturday
12 September 2015, subject to conditions of consent contained in
Attachment 1.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, 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

8.6 SUBJECT Former Council Depot, 1A Morton Street,
PARRAMATTA NSW 2150
(Lot 8 DP 1097934) (Elizabeth Macarthur Ward)

DESCRIPTION Section 96 (1A) modification to the approved Torrens
title subdivision to create two allotments, demolition, tree
removal and construction of six residential flat buildings
containing 355 apartments over basement car parking.

Modification seeks to delete Condition 56 which relates to flooding requirements.

REFERENCE DA/499/2014/A - 26 May 2015
APPLICANT/S Southpac Constructions Pty Ltd
OWNERS North Parramatta No 1 Pty Ltd
REPORT OF Manager Development and Traffic Services
REASON FOR REFERRAL TO COUNCIL

The subject modification application has been lodged pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 and is situated on land that was previously used as Council's depot.

RESOLVED (Hugh/Finn)

15866

- (a) **That** Council as the Consent Authority approve Modification Application DA/499/2014/A which seeks to delete Condition 56 which relates to flooding requirements as outlined in Attachment 1. All other conditions of consent remain unchanged.
- (b) **Further, that** the objectors be advised of Council's decision on the matter.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, 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

8.7 SUBJECT 153 Macquarie Street and Part 1A Civic Place, Parramatta
(Lot 1 DP863571 and Part Lot 2 DP 1192394) (Arthur Phillip)

DESCRIPTION Demolition of the ground level concrete slabs and hardstands, excavation varying between 1m and 2m across the site and the partial removal of a heritage item, "Convict Drain", (item 132).

REFERENCE DA/414/2015
APPLICANT/S Parramatta City Council
OWNERS Parramatta City Council
REPORT OF Manager Development and Traffic Services
REASON FOR REFERRAL TO COUNCIL

This report is referred to Council as Parramatta City

Council is the land owner.

RESOLVED (Issa/Chedid)

15867 **That** the consent authority grants development consent to Development Application No. DA/414/2015 for the demolition of the ground level concrete slabs and hardstands, excavation varying between 1m and 2m across the site and the partial removal of a heritage item, "Convict Drain" (Item 132) at 153 Macquarie Street and Part 1A Civic Place, PARRAMATTA NSW 2150 for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions outlined in Attachment 1.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, 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

8.8 SUBJECT 17 Lydbrook Street, Westmead
(Lot 91 DP 14171) (Arthur Phillip Ward)

DESCRIPTION Demolition, tree removal and construction of a 3 storey Residential Flat Building containing 9 units with basement car parking under SEPP (Affordable Rental Housing) 2009.

REFERENCE DA/45/2015 - 3 February 2015

APPLICANT/S L Benjamin

OWNERS Mr R O Widjaya

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council as it seeks consent for affordable infill housing pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

RESOLVED (Issa/Makari)

15868 (a) **That** Council as the consent authority grant development consent to DA/45/2015 for the demolition, tree removal and construction of a 3 storey Residential Flat Building containing 9 units with basement car parking under SEPP (Affordable Rental Housing) 2009 on land at 17 Lydbrook Street, Westmead for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to the conditions contained in Attachment 1.

(b) **Further, that** the objector be advised of Council's decision.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, 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

ECONOMY

9.1 SUBJECT Variations to Standards under Clause 4.6 of LEP 2011, Clause 24 of LEP 2007 and SEPP 1
REFERENCE F2009/00431 - D03788519
REPORT OF Manager Development and Traffic Services
RESOLVED (Chedid/Makari)

15869 **That** the report be received and noted.

9.2 SUBJECT Planning proposal for land at 295 Church Street, Parramatta
REFERENCE RZ/14/2014 - D03791638
REPORT OF Team Leader - Land Use Planning
RESOLVED (Chedid/Hugh)

15870 **That** the matter be deferred to enable a Councillor Workshop to be held.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, R Dwyer, G J Elmore, 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 S H Chowdhury

NOTE:

Councillor P Esber left the meeting at 9.06pm during consideration of this matter.

9.3 SUBJECT Review of the development controls for the South

Parramatta Heritage Conservation Area and adjoining areas

REFERENCE F2014/00181 - D03791713
REPORT OF Project Officer- Land Use Planning
MOTION (Finn/ Elmore)

- (a) **That** Council undertake 'pre-statutory' landowner consultation with property owners within the South Parramatta Conservation Area and adjoining areas on proposals outlined in this report, including:
1. Scenarios 1, 2, and 3, as detailed in the report to Council of 27 April 2015 included at Attachment 1 and Scenarios 4 and 5 as detailed in the report to Council of 22 June 2015 included at Attachment 2;
 2. A reduction in the extent of the HCA; and
 3. The addition of dwellings at 8 and 10 Alma Street to the heritage schedule.
- (b) **That** a report on the outcomes of the consultation be provided to Council.
- (c) **Further, that** the review of development controls for the land between Dixon Street (including the north side) and Boundary Street continue to be dealt with as part of the Parramatta CBD Planning Framework Review and that options for the transitional area be presented to Councillors at a workshop for the CBD Planning Framework Review project.

15871

AMENDMENT (Garrard/Abood)

- (a) **That** the review of development controls for the land between Dixon Street (including the north side) and Boundary Street continue to be dealt with as part of the Parramatta CBD Planning Framework Review and that options for the transitional area be presented to Councillors at a workshop for the CBD Planning Framework Review project.
- (b) **Further, that** the undertaking of 'pre-statutory' landowner consultation with property owners within the South Parramatta Conservation Area and adjoining areas on proposals outlined in this report, including:
1. Scenarios 1, 2, and 3, as detailed in the report to Council of 27 April 2015 included at Attachment 1 and Scenarios 4 and 5 as detailed in the report to Council of 22 June 2015 included at Attachment 2;
 2. A reduction in the extent of the HCA
 3. The addition of dwellings at 8 and 10 Alma Street to the heritage schedule; and
 4. A report on the outcomes of the consultation

be deferred and considered in conjunction with part (a) above.

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, J Chedid, R Dwyer, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd and B Makari

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

NOTE:

1. **Councillor P Esber returned to the meeting at 9.07pm during consideration of this matter.**
2. **Councillor S T Issa left the meeting at 9.08pm and returned at 9.12pm during consideration of this matter.**

9.4 SUBJECT Local Heritage Fund 2015/16
REFERENCE F2015/02136 - D03771580
REPORT OF Project Officer- Land Use Planning
RESOLVED (Abood/Makari)

- 15872
- (a) **That** heritage funds be allocated to the end of the current financial year; with grants being limited to \$1,300 for applications up to \$5,000 in value; \$2,650 for applications between \$5,000 and \$20,000 in value; and \$3,300 for applications over \$20,000 in value.
 - (b) **Further, that** a comprehensive review of operation of the Local Heritage Fund be undertaken and reported to Council before the end of the 2015/16 financial year.

9.5 SUBJECT Planning Proposal - 7 Charles Street & 116 Macquarie Street Parramatta
REFERENCE RZ/3/2013 - D03793377
REPORT OF Team Leader - Land Use Planning
MOTION (Hugh/Esber)

- 15873
- (a) **That** Council receives and notes the submissions made during the exhibition of the Planning Proposal contained at Attachment 1.
 - (b) **That** Council endorse the Planning Proposal, at Attachment 2, as exhibited, which seeks to:
 - re-zone the site from B3 Commercial Core to B4 Mixed Use,
 - provide a maximum floor space ratio of 19:1 (with opportunity for

- 15% Design Excellence bonus, equating to 21.85:1),
- increase the maximum building height from 120m (38 storeys) to 136m (43 storeys),
- require a minimum of 'four levels'/3,800sqm of non-residential floor space.

and forward it to the Department of Planning and Environment with a request to make the LEP amendment.

- (c) **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 and finalisation process.

AMENDMENT (Wearne/Dwyer)

- (a) **That** Council receives and notes the submissions made during the exhibition of the Planning Proposal contained at Attachment 1.
- (b) **That** Council endorse the Planning Proposal, at Attachment 2 seeking to re-zone the site from B3 Commercial Core to B4 Mixed Use subject to the proposal being amended to:
- provide a maximum floor space ratio of 10:1 (with opportunity for 15% Design Excellence bonus, equating to 11.5:1),
 - maintain the current maximum building height of 120m (38 storeys),
 - require a minimum of 6,000sqm of non-residential floor space to be provided within any re-development on the site to clarify the reference to 'four levels' provided in the exhibited Planning Proposal, and for the 6,000sqm to be INCLUDED in the calculation of the FSR of 10:1.

and forward it to the Department of Planning and Environment with a request to make the LEP amendment.

- (c) **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 and finalisation process.

The amendment was put and lost.

The motion was put and carried.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, S H Chowdhury, 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 and A A Wilson

NOES: Councillors R Dwyer and L E Wearne

NOTE:

Councillor J P Abood left the meeting at 9.39pm and returned at 9.40pm during consideration of this matter.

9.6 SUBJECT Planning Proposal for land on the corner of Parramatta Road, Good Street and Cowper Street, Granville
REFERENCE RZ/27/2014 - D03793395
REPORT OF Project Officer - Land Use Planning
RESOLVED (Finn/Hugh)

- 15874 (a) **That** Council endorse the Planning Proposal provided in Attachment 1 for the land on the corner of Parramatta Road, Good Street and Cowper Street, Granville allowing a maximum FSR of 5.22:1 and building height of 96.6m (approximately 30 storeys), which equates to 6:1 and 111m (approximately 34 storeys) including the bonuses for design excellence, and forward it to the Department of Planning and Environment for Gateway determination.
- (b) **That** Council proceed with negotiations for a Voluntary Planning Agreement (VPA) with the landowner in relation to the Planning Proposal.
- (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 further 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 as authorised by Council on 26 November 2012.
- (f) **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, J Chedid, 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

NOTICES OF MOTION

10.1 SUBJECT New Standard for City Development
REFERENCE F2008/04592 - D03793362
REPORT OF Councillor J Chedid
RESOLVED (Chedid/Hugh)

15875 **That** staff draft a discussion paper to assist in the formation of a draft policy on this issue incorporating the following:-

1. Preliminary Construction and Architecture Review-this review to be carried out by a suitably qualified Council appointed Architect and one (1) person from a Council approved list of Design Construction Experts;
 - This review will be of the overall design construction program to include building materials and finishes;
 - The review will examine architectural and engineering approaches and deviations.
2. Architect continuity requirement- the project named Architect must be engaged through the building construction.
3. The named Architect will meet at least every 90 days with Council's Architect to assess progress. If there are issues unresolved the Council can withhold building certification until corrections are made and agreed upon.
4. That a committee be formed by interested Councillors and along with a member of the Development department.
5. That the same committee oversee the Design Excellence Review Panel.

NOTE:

1. **Councillor P Esber left the meeting at 10.03 and returned at 10.05pm and again left the meeting at 10.11pm and returned at 10.15pm during consideration of this matter.**
2. **Councillor J Shaw left the meeting at 10.05pm and returned at 10.07pm and again left the meeting at 10.11pm and returned at 10.14pm during consideration of this matter.**
3. **Councillor P J Garrard left the meeting at 10.09pm and returned at 10.14pm during consideration of this matter.**
4. **Councillor J P Abood left the meeting at 10.10pm during consideration of this matter.**

5. **Councillor G J Elmore left the meeting at 10.13pm and returned at 10.15pm during consideration of this matter.**
6. **Councillor L E Wearne left the meeting at 10.17pm during consideration of the matter.**

10.2 SUBJECT Maintenance of Paths near Schools, Nursing Homes and Child Care Centres during Construction
 REFERENCE F2013/02296 - D03793428
 REPORT OF Councillor A A Wilson
 RESOLVED (Wilson/Hugh)

15876 **That** Parramatta City Council prepare a report on keeping footpaths safe in high traffic areas during construction periods. This report to particularly address areas such as nursing homes, childcare centres, schools, medical centres, post offices and other high traffic areas.

10.3 SUBJECT Investigation of Minimum Lot Size Required for Dual Occupancies
 REFERENCE F2015/02002 - D03796329
 REPORT OF Councillor P Esber
 RESOLVED (Esber/Makari)

- 15877
- (a) **That** Parramatta City Council investigates reducing the minimum lot size required for dual occupancy from its current requirement of 600m².
 - (b) **That** applicants will still need to demonstrate compliance with Council's DCP to ensure a suitable design for the lot.
 - (c) **That** investigation be conducted to determine what reduction can be achieved whilst still maintaining council's design controls.
 - (d) **That** special consideration be given to the planning controls for dual occupancies on corner blocks.
 - (e) **Further, that** the report to Council also include a response to the Notice of Motion from Councillor Hugh resolved at the Council Meeting of 23 March 2015, which requested a review of controls related to dual occupancy development in cul de sacs and narrow streets.

NOTE:

1. **Councillor A A Wilson left the meeting at 10.19pm during consideration of this matter.**

2. **Councillor L E Wearne returned to the meeting at 10.019pm during consideration of this matter.**
3. **Councillor J P Abood returned to the meeting at 10.20pm during consideration of this matter.**

CLOSED SESSION

15878 RESOLVED (Wearne/Esber)

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 Legal Matter – Class 1 Proceedings – 28 Lydbrook Street, Westmead. (D03795906) - *This report is confidential in accordance with section 10A (2) (g) of the Local Government Act 1993 as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- 2 Legal Matters Monthly Report to Council. (D03795874) - *This report is confidential in accordance with section 10A (2) (g) of the Local Government Act 1993 as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
3. Parramatta Square Matters of Urgency – Property Matters (D03869254) - *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.*

11.1 SUBJECT Legal Matter – Class 1 Proceedings – 28 Lydbrook Street, Westmead

REFERENCE F2015/00960 - D03795906

REPORT OF Legal Services Manager. Also e-mail from Manager Legal Services dated 10 August 2015 including Memorandum from Manager Legal Services dated 27 July 2015.

RESOLVED (Issa/Wearne)

15879 **That** Council adopt option 1 of the Manager Legal Services

Memorandum dated 27 July 2015.

11.2 SUBJECT Legal Matters Monthly Report to Council
REFERENCE F2004/07898 - D03795874
REPORT OF Legal Services Manager
RESOLVED (Elmore/Makari)

15880 **That** the report be received and noted.

11.3 SUBJECT Parramatta Square Matters of Urgency - Property Matters
REFERENCE F2015/00073
FROM Director Property and significant Assets
RESOLVED (Finn/Elmore)

15881 (a) **That** Council adopt the recommendations in paragraph 24 of the report.

(b) **Further, that** any variation to the terms outlined in Paragraph 23 of the report be reported back to Council for consideration, including if necessary, the calling of a Special Council Meeting.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, 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

NOTE:

1. **During consideration of this matter, the time reached 11.00pm and the meeting was extended for 15 minutes to enable consideration of this matter.**
2. **Councillor A A Wilson returned to the meeting at 10.27pm during consideration of the matter.**

The meeting terminated at 11.05 pm.

THIS PAGE AND THE PRECEDING 21 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 10 AUGUST 2015 AND CONFIRMED ON MONDAY, 24 AUGUST 2015.

Lord Mayor