

PRESENT

The Lord Mayor, Councillor Andrew Wilson and Councillors Benjamin Barrak (arrived 6.47pm), Phil Bradley, Donna Davis, Robert Dwyer, Pierre Esber, Michelle Garrard (Deputy Lord Mayor), Paul Han, Andrew Jefferies, Dr Patricia Prociw, Bill Tyrrell, Lorraine Wearne and Martin Zaiter.

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Lord Mayor, Councillor Andrew Wilson, acknowledged the Burramattagal people of The Darug Nation as the traditional custodians of this land, and paid respect to their ancient culture and their elders past and present.

WEBCASTING COUNCIL MEETING

The Lord Mayor, Councillor Andrew Wilson, advised that this public meeting is being recorded and streamed live on the internet. The recording will also be archived and made available on Council's website.

The Lord Mayor further advised that all care will be taken to maintain privacy, however as a visitor in the public gallery, the public should be aware that their presence may be recorded.

OTHER RECORDING OF MEETING

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

MINUTES

1179 SUBJECT: Minutes of the Council Meeting held on 12 March 2018
RESOLVED (Esber/Bradley)

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

1180 SUBJECT Minutes of the Extraordinary Council Meeting held on 28 March 2018
RESOLVED (Esber/Tyrrell)

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

APOLOGIES

Apologies were received and noted for the absence of Councillors Steven Issa and Sameer Pandey.

DECLARATIONS OF INTEREST

Councillor Benjamin Barrak declared a Pecuniary Interest in Item 12.11 of Leading being Parramatta CBD Planning Proposal Update as he owns property in the subject area. He advised that he would be retiring from the meeting during debate and voting on this matter.

Councillor Donna Davis declared a Non – Pecuniary, Less than Significant Interest in Item 12.10 of Leading being Proposed Amendment to the Homebush Bay West DCP 2013 - Block H, Precinct B - 3 Burroway Road, Wentworth Point as she has attended meetings with the applicant as part of her role as Senior Electorate Officer. She advised that she would be retiring from the meeting during debate and voting on this matter.

Councillor Pierre Esber declared a Pecuniary Interest in Item 12.11 of Leading being Parramatta CBD Planning Proposal Update as he owns property in the subject area. He advised that he would be retiring from the meeting during debate and voting on this matter.

Councillor Pierre Esber declared a Non-Pecuniary, Less than Significant Interest in Item 14.3 of Closed Session being 189 Macquarie Street Parramatta as his son works for one of the firms in the report. He advised that he would be retiring from the meeting during debate and voting on this matter.

Councillor Michelle Garrard declared a Non-Pecuniary, Less than Significant Interest in Item 12.8 of Leading being Draft Carlingford Block Study and associated planning proposals - Draft DCP, Draft Section 94 Plan and outcomes of VPA negotiations as she worked more than 2 years ago for the owner of SPD. She advised that she would remain in the meeting during debate and voting on this matter.

Councillor Martin Zaiter declared a Non-Pecuniary and Less than Significant Interest in Item 12.7 of Leading being Response to Post Gateway Review for the Planning Proposal for land at 107 George Street, Parramatta as a client has an adjacent property. He advised that he would be retiring from the meeting during debate and voting on this matter.

Councillor Martin Zaiter declared a Non –Pecuniary but Significant Interest in Item 12.11 of Leading being Parramatta CBD Planning Proposal Update as a client owns property in the subject area. He advised that he would be retiring from the meeting during debate and voting on this matter.

MINUTES OF THE LORD MAYOR

7.1 SUBJECT Parramatta wins its first Senior Women's Grade Cricket
Premiership

REFERENCE F2017/02813 - D06051205

REPORT OF The Lord Mayor, Councillor Andrew Wilson

1181 RESOLVED (Wilson/Prociv)

(a) **That** Council write to the President of the Parramatta District Cricket Club congratulating the players, Coach and supporters while also acknowledging historic nature of the Senior women's team 2018 Grade Premiership win and the Clubs continued contribution to the game and player development in Parramatta.

(b) **That** Council congratulate the under 16 Green Shield Team.

(c) **Further, that** the City of Parramatta organise a Civic reception for the Parramatta Cricket Club 2018 Premiership teams - the Men's Premier First Grade team, Women's 2nd Grade team and the under 16 Green Shield Team.

7.2 SUBJECT Parramatta wins its first Men's Premier First Grade
Cricket Premiership since 1964/65

REFERENCE F2017/02813

FROM The Lord Mayor, Councillor Andrew Wilson

1182 RESOLVED (Wilson/Dwyer)

(a) **That** Council write to the President of the Parramatta District Cricket Club congratulating the players, Coach and supporters on becoming the Men's First Grade Team 20148 premiers and acknowledging the Club's continued contribution to the game and player development in Parramatta.

(b) **Further, that** the City of Parramatta organise a Civic reception for the Parramatta Cricket Club 2018 Premiership teams - the Men's Premier First Grade team, Women's 2nd Grade team and the under 16 Green Shield Team.

NOTE

1. **Councillor Barrak arrived at the meeting at 6.47pmduring consideration of this matter.**
2. **The Lord Mayor acknowledged the presence of two former Lord Mayors in the public gallery being Former Councillor Laurie Bennett and former Councillor Paul Garrard.**

7.3 SUBJECT Winter operation of Epping Aquatic Centre

REFERENCE F2017/02813

FROM The Lord Mayor Councillor, Andrew Wilson

BACKGROUND

1. In 2014, Hornsby Shire Council took the decision to close the Epping Aquatic Centre ("EAC") seasonally from April to September, citing low patronage and the high costs of running the facility through Winter. Historically, the EAC had been open to the public year round.
2. In September 2016, following council mergers, the City of Parramatta commenced operation and management of EAC and have since witnessed a steady increase in visitation and community satisfaction. For example, dolphin Swim School enrolments have increased by in excess of 200% from the 2016/17 Summer season to the 2017/18 Summer season.
3. Recently many EAC patrons have requested the Centre remain open during Winter, from April to September, for Dolphin Swim School, squad training and lap swimming and thereby ensuring the centre is open year round.
4. In addition, the Save Epping Pool group have been advocating for the Centre to remain open year round.

Current status

5. The Summer season commenced on Saturday, 30 September 2017 and is scheduled to conclude on Sunday 15 April 2018. The EAC was closed by Council as per the arrangements inherited from Hornsby Shire Council.
6. At present the EAC is open during the following hours:
 - Monday to Friday: 5:30am to 8:00pm; and
 - Saturday, Sunday and Public Holidays: 7:00am to 7:00pm.

Key considerations

7. The schedule proposed in the recommendation would enable Council's Aquatic Staff to deploy pool blankets through the middle of the day to maintain the water temperature for afternoon swim school, squad training and lap swimming.
8. Winter operations will minimise the impact of restarting Dolphin Swim School at the commencement of the Summer Season in October.
9. There are revenue possibilities available to help support the cost of maintaining current permanent user groups year round. These may include the Parramatta Memorial Swimming Club, IM Swim and Carlisle Swim.
10. Permanent aquatic centre staff will not need to be redeployed to other council duties through the off-season, and the opportunity presents the option to partially recoup costs associated with protected staff (and protected hours) following council mergers in May 2016.
11. There will be a reduction in costs associated with not having to prepare the pool for closure and seasonal reopening.

Financial implications

12. Additional revenue from Winter patronage and Learn to Swim programs will assist in mitigating the costs of employing permanent

pool staff, who would otherwise continue to be employed by Council regardless of pool opening times.

- 1183 **RESOLVED** (Wilson/Tyrrell)
- (a) **That** Council trial the extension of opening hours for the Epping Aquatic Centre from April to September during the following hours of operation:
- Monday to Friday: 6:00am – to 10:00am and 3:30pm to 7:30pm; and
 - Saturday, Sunday and public holidays: 8:00am to 4:00pm.
- (b) **Further, that** the results of the trial be reported to Council in November 2018.

7.4 **SUBJECT** Preparation of a Business case for more Judges in Parramatta

REFERENCE F12017/02813

FROM The Lord Mayor Councillor, Andrew Wilson

BACKGROUND

1. Parramatta has been the subject of a number of ad hoc “Access to Justice for Western Sydney” campaigns since 2013.
2. Earlier this year, it was reported that the NSW Public Service Association had taken legal action to seek to prevent the NSW Industrial Relations Commission from relocating to Parramatta.
3. More recently, the Lord Mayor, through the Sunday Telegraph and the Parramatta Advertiser, put out a call for an increased judicial presence in Parramatta. This call was supported by a variety of legal and Western Sydney stakeholders, including the NSW Bar Association, Sydney Business Chamber, and Defence Lawyers NSW.

BENEFITS TO WESTERN SYDNEY

4. An increased judicial presence in Parramatta will mean more cases can be heard locally, resulting in lower transport costs and social stresses being transferred to residents and businesses in western Sydney with matters before the courts.
5. The presence of a greater range of judges, including an expanded and more regular Supreme Court circuit, will help attract a greater variety of legal firms into a justice precinct.
6. There are more than 2.3 million people living within a 45 minute commute of Parramatta and any investment in additional judges keeps proportionality with the growth in demand for legal services.

FINANCIAL IMPLICATION FOR COUNCIL

7. Council levies an Economic Development Special Rate from business ratepayers inside a prescribed area is identified via an

IPART ruling in June 2011. The rate is projected to collect an estimated \$807,000 in the 2017/18 financial year.

8. The IPART June 2011 determination clearly prescribes how the funds are allocated, across seven portfolio areas:

- I. Business attraction and industry development
- II. Workforce and skills
- III. City culture and liveability
- IV. Infrastructure
- V. Branding and communications
- VI. Regional leadership, advocacy and governance
- VII. Research

This proposal is eligible for funding from this levy under portfolio areas I, VI, and VII.

9. Following last week's councillor workshop, a report is being prepared on the allocation of the Economic Development Special Rate for 2018/19.

1184 RESOLVED (Wilson/Esber)

- (a) **That** Council write to the NSW Bar Association and supportive stakeholder groups to establish a coalition to advocate for an increased judicial presence in Parramatta.
- (b) **That** Council through the Economic Development Special Rate (EDSR) reserve funding for relevant consultant studies, support the preparation of a business case as requested by the Chief Justice of the Supreme Court, along with an investigation into physical limitations within the justice precinct and the availability of suitable courtroom and supportive office space.

7.5 SUBJECT Future use of Macquarie Boys High School
REFERENCE F12017/02813
FROM The Lord Mayor, Councillor Andrew Wilson

1185 RESOLVED (Wilson/Garrard)

- (a) **That** in light of the NSW Government's release of the *Draft Camellia Town Centre Masterplan*, Council write to the NSW Premier, Minister for Education and Minister for Planning asking for a detailed explanation of how it plans to manage demand pressures from population growth on the surrounding public school system.
- (b) **Further, that** as an interim measure, Council request the planning proposal for Macquarie Boys High School be paused until a final strategy for public schools is confirmed.

PUBLIC FORUM

1 SUBJECT 1st North Rocks Scouts - Painting House Numbers on Gutters

REFERENCE F2004/06174

FROM Emelia Macarthur

1186 The 1st North Rocks Scouts, along with most Scout Groups around the country, are currently fund raising to get Scouts and Leaders to the Australian Scout Jamboree in South Australia in January 2019. As part of the fund raising we would like to assist the community by offering to paint house numbers on the gutters of residences in the North Rocks area for a small donation.

In addition to generating financial support for a community group we believe that this service would improve the amenity for the community by improving identification of properties, particularly for emergencies.

We have contacted the Council's City Services team who have raised some concerns with the proposal. We believe that we can mitigate these concerns and respectfully request a meeting with interested Councillors to seek their guidance and support to work towards finding a solution to enable community groups, such as the Scouts, to undertake this activity.

We thank you for your positive consideration.

2 SUBJECT Proposed Amendment to the Homebush Bay West DCP
2013 - Block H, Precinct B - 3 Burroway Road,
Wentworth Point

REFERENCE RZ/27/2016

FROM Robyn Watts

1187 As provided.

Good evening,

I raised seven questions to Council and ask that these be responded to by the end of April 2018. These are in the text provided, and I'm not going to waste the limited time I have in reading these out.

First, there is overwhelming community support for the Baylink Shuttle. This provides Wentworth Point residents with convenient, reliable access to Rhodes train station.

But the shuttle and the proposed VPA should be considered within the far bigger issue of infrastructure to support the significant developments at Wentworth Point. This is why I've asked the questions. Council is not delivering the required, funded infrastructure to Wentworth Point!

Council charges developers S94 fees to support infrastructure. The 2004 Homebush Bay West Development Control Plan was based on 6,000 dwellings, a projected population of 12,456 and S94 funding of just over \$20 million.

Council's Traffic & Transport Presentation published last year now details a future population of 30,450. From this, we can extrapolate that Council is expecting 15,000 dwellings and that we should be working on S94 funding of around \$50 million, before we even consider any CPI increase on the 2004 figures.

That amount of money should be providing significant infrastructure to our suburb, but so far, what has been provided is pretty pitiful.

I note that the most recent VPA proposed by Billbergia includes the community centre and library fit out of \$8 million. The 2007 DCP allocated \$5.6 million to this. If \$8 million is required, the additional S94 funds will more than cover it.

We desperately need traffic lights at the corner of Hill Rd and Bennelong Parkway. During the afternoon peak, it takes 20 minutes to turn right into Hill Rd from Bennelong Parkway.

Roundabouts are required at all local streets accessing Hill Rd to provide safer access and traffic calming.

Haslams Creek Bridge is dangerous for cyclists and Council's own report from a year or so ago has identified the need for upgrade.

So, from a Wentworth Point resident's perspective, Council needs to be funding these projects out of S94 funds, not from a VPA. Supplementary funding for these roadworks is also available from the Urban Activation Precinct funds.

I refer next to the RMS report in the Council Papers. This states the obvious, that the traffic demand in the broader area is in excess of the road network capacity. The Australia Avenue roundabout, Holker Street and the Hill Rd access to Parramatta Road are State and Local Government responsibilities.

And a few comments on public transport. The State Government buses are hopeless. The timetable doesn't align to ferry and train connections and it isn't achievable because of the current traffic. And there just aren't enough buses, particularly in peak hours.

So, coming back to the VPA.

The Baylink Shuttle is additional infrastructure that delivers value to residents. In our opinion, this is the sort of infrastructure that is appropriate to be funded by a VPA. It's a supplementary service to what government provides. Public transport buses are at capacity, and so are the current Baylink Shuttle buses. What will it be like in a few years?

But of course, the VPA is a trade-off. The developer runs a commercial business. They are in it to make a buck – and that's perfectly

reasonable. What we ask of Council then, is to balance what we get, against what we have to give up.

The VPA presented to Auburn Council had an increase in gross floor area from just under 30,000 square metres to just over 54,000 square metres – not quite doubling. Let's say apartments are on average 80 square metres, this takes us from around 375 apartments with 750 residents to 675 apartments and 1350 residents.

The latest proposal is for 75,000 square metres GFA or 85,000. Council staff have ruled out the latter. This means 937 apartments with roughly 1900 residents.

We don't believe that this uplift is acceptable to our community. The suburb is bursting at the seams now. There is community unrest at the current density in Wentworth Point.

In making the following comments regarding the four options you are considering, we are assuming that Council will appropriately allocate all S94 funding to urgent local infrastructure needs.

Number 1 is to retain the current DCP. From a density perspective, this would be great, but the public transport infrastructure is inadequate now and will get worse. The reality is that public transport for Wentworth Point is struggling and the light rail connections next decade will only be part of the solution. A multi-pronged solution is required. If Council is fundamentally opposed to the Balylink Shuttle, then this should be the option taken.

Number 2 is to progress with the earlier VPA. This is probably the best option for our community. But it needs to include the Baylink Shuttle, an additional service that is unlikely to be delivered by government. It's a service that has been adopted by the community and it delivers great value to many. An expanded service, as proposed, would deliver greater value.

Number 3 is a dramatic uplift that is just too much for our suburb to cope with. Let's remember that there are still a large number of DAs to come in and every developer asks for uplift. The roads and community infrastructure provided by this VPA isn't the developer's responsibility, it's Council's, so that's your job and please get on with it.

Number 4 is pointless. We know that the roads network is inadequate, and we know this is the responsibility of Local and State Government – so spend your efforts making this happen instead of spinning the wheels for a bit longer.

Response from Sue Weatherley – Director Strategic Outcomes and Development: -

I note many of the issues raised in the public forum in relation to the proposed VPA and Shuttle Bus – these matters are detailed in the Council report.

Further the submission raise seven Questions – the response to which

will be provided in writing to the submitter following this meeting.

In relation to s94 funding of infrastructure I will state a few key points in response:-

- As identified in the submission, Council will collect s94 development contributions which will be allocated in accordance with Part C of the Auburn Development Contribution Plan 2007 relating to Homebush Bay West.
- Since the commencement of the Plan in 2007, approximately \$12.6M was collected by the former Auburn Council and approximately \$4.234M has been collected by City of Parramatta Council. This is a total of \$16.8M.
- Approximately \$2.56M of funds has been expended by former Auburn Council since 2009.
- Council recognises that some contributions are yet to be paid, this outstanding values is not yet known.
- Further since 2007 Plan's commencement costs of infrastructure has increased and therefore it is anticipated that it may be difficult for Council to fully fund all the items listed in the Works Programme.
- It is also noted that the Plan anticipated that co-funding of items would occur, for example RMS and Sydney Olympic Park Authority would also partially fund traffic improvement works.
- Since the Local Government boundary changes, Council has commence review of its contribution planning framework and as part of this may trigger a review of the Works Programme for Wentworth Point in the short term. Council would consult with the community if amendments are proposed to the Works Programme.

NOTE:

Councillor Jefferies left the meeting at 7.03pm and returned at 7.04pm during consideration of this matter.

3 SUBJECT Outcome of Public Exhibition - Planning Proposal for land at 220-230 Church St & 48 Macquarie Street, Parramatta

REFERENCE RZ/10/2015

FROM James McBride

1188 Thank you for the opportunity to address Council on this matter (being Item 12.5).

I am speaking on behalf of the applicants of the Planning Proposal - Drivas Property Group and Coombes Property Group. We have reviewed the Council officer's report in addition to the supplementary report and we fully support the recommendation of Council staff to forward the Planning Proposal to the Department of Planning and Environment for finalisation.

The Planning Proposal was submitted to Council on 24 April 2015 and

originally sought to amend the LEP to accommodate a concept proposal for a 210-metre residential tower. On the 23rd of November 2015, Council endorsed the Planning Proposal and forwarded the application to the Department of Planning and Environment for Gateway Determination.

On 17 June 2016, the Planning Proposal received Gateway endorsement with certain conditions. These conditions introduced an amendment, amongst others, to the current Parramatta LEP solar access clause to prohibit overshadowing of the protected area of Parramatta Square. This gateway condition had the effect of reducing the height of the concept scheme by approximately half. Despite this, the applicant was supportive of the proposed solar access provisions to protect Parramatta Square and elected to proceed with the Planning Proposal as amended.

As a result of the Gateway determination and the significant reduction in potential building height on the site, the applicant has since pursued a commercial development and has lodged a Development Application with Council on 26 September 2017. This DA wholly aligns with the intended outcomes of the Planning Proposal.

The DA seeks consent for the construction of a 25-storey commercial building with ground floor retail uses that will activate both primary street frontages of Macquarie Street and Church Street and provide pedestrian permeability across the site with high quality pedestrian through site links. The proposal will also result in the embellishment and activation of United Lane and the provision of landscaping at the ground plane and podium levels.

The proposed building progresses and improves upon the design competition winning scheme carried out in 2011 and seeks to achieve a high level of design excellence. The proposed building will provide a high-quality office space with modular internal floor layout designs that can meet the diverse needs of future tenants and will target a 5 Star Green Star certification with an aspirational 6 star outcome, as well as commits to achieving 5.5 Star NABERS energy performance.

It is critical to note that the DA is consistent with the Planning Proposal and will comply with the maximum car parking rates pursuant to the CBD Strategic Transport Study and importantly, will not overshadow the protected area of Parramatta Square.

The DA currently before Council is a clear reflection of the applicant's desire and commitment to provide a scheme consistent with the Planning Proposal and to deliver approximately 39,000sqm of commercial office and approximately 2,000sqm of retail in the heart of Parramatta, commensurate with Parramatta's status as a central city and Sydney's second CBD.

The DA is currently under assessment and the determination of the DA is reliant on the finalisation of this Planning Proposal. The Planning Proposal to date has undergone an extensive and prolonged process over a duration of almost 3 years which has resulted in the original scheme being reduced in height by approximately half and which has

been publicly exhibited on three separate occasions.

The owners of the land are keen to break soil and commence construction of a high quality commercial building and cannot afford to encounter any further or unnecessary delays. In closing, we fully support the recommendation of the Council report and respectfully request that Council adopt the recommendation and forward the PP to DPE for finalisation.

Thank you

4 SUBJECT Draft Carlingford Block Study and associated planning proposals - Draft DCP, Draft Section 94 Plan and outcomes of VPA negotiations

REFERENCE RZ/2/2015
FROM Yunsen Li

1189 Not present at the meeting.

5 SUBJECT Planning Proposal for land at 286-300 Church Street, Parramatta

REFERENCE RZ/14/2017
FROM Ben Craig

1190 Firstly, thank you for the opportunity to speak at tonight's meeting. Over the past year we have worked very closely with Council officers on this Planning Proposal and responded to all their requests to date, including:

- Purchasing more land to consolidate a larger site.
- Made substantive changes to the reference design, including:
 - Provision of a laneway along the site's southern boundary.
 - Amended the design of the podium to respond to the character of Church Street.
 - Maximised the active frontages along both Church Street and Erby Place.
 - Amended the basement design to respond to traffic concerns.
 - Adapted the design to ensure the preservation of existing heritage fabric.

Despite all this positive work in good faith, Council officers remain unwilling to support the Planning Proposal in its current form. They continue to hold the view, incorrectly in our opinion, that the proposal

The proposed podium façade treatment incorporates the *existing three storey* heritage shop building at 298-300 Church St, and the *existing three storey freestanding sandstone boundary wall* at 286-290 Church St. The sandstone wall is used in the reference design to divide the *three storey lobby entrances*, such that it too can be seen in the round.

The podium façade not only includes the abovementioned original sandstone shop building, but aims to reference the rhythm and materiality of the now-demolished shops, as they once stood along the length of the original retail street.

The proposed *East/West through-site link* originated from our own intent to activate Erby Place to our east. We volunteered a new retail-activated laneway (not in council's guidelines) and liaised with council officers to relocate it further south to align with future laneways through the Council-owned multi storey 'Eat Street Carpark'.

Setbacks:

The context for any 18m setback is hard to argue given the fact that few if any sites on Church St could utilise such a setback and still have space remaining in which to reasonably locate a tower building.

A more rational context for the current proposals is the existing and adjacent Meriton towers, and other approved/supported Planning Proposals on Church St, as follows:

- 295 Church St, has a setback of 10m.
- 197-207 Church St, has a setback of 12m (per its competition brief, presumably endorsed by Council?), and
- 330 Church St (the Meriton towers) has a setback that varies between 3m and 18m.

It must be stated that any difference between 10m and 12m setbacks when viewed from various points along Church Street, as demonstrated in our Urban Design report and as supported by our heritage consultants NBRS, is negligible and almost imperceptible.

FSR:

The tower as drawn at 16:1 already yields an average of only 6 apartments at a typical level. By necessity, the height will remain due to the Apartment Design Guide requiring the residential uses to be pushed skyward to achieve the best solar access, in an otherwise dense future tower context. Thus, an FSR of 13:1 will produce a very slim tower indeed given the **60 Storey** height limit determined by the aeronautical report.

The Opportunity Sites seem to have been originally chosen due to their distance from sensitive heritage items such as the Lancer Barracks and Parramatta Square. Shadows from this 60-storey tower do not encroach on either location at any time of the year.

Conclusion:

In conclusion, I just would like to highlight a few key points that the

Council should take into consideration when deciding on this Planning Proposal:

1. We have worked over many months with our heritage consultant Brad Vale of NBRS, to incorporate the existing heritage items sensitively into the podium design.
2. Choosing between a setback of 12m and 10m is an imperceptible difference, but it makes a huge difference to the efficiency (and therefore the affordability) of the project.
3. Choosing between an FSR of 13:1 and an FSR of 16:1, is an urban design decision that determines whether the tower should be very slim or even slimmer. But the urban design at street level will be unaffected either way.

We firmly believe that the proposal satisfies the requirements of good urban design, that it ought to be afforded the 10 setback to Church St, that it provides an active and heritage sensitive response to the existing heritage fabric, and that the laudable intent of affording more residential FSR in the CBD of Parramatta (as stated in the intent of the Opportunity Site introduction, FSR and that it is worthy of the Council's support in its current form.

7 SUBJECT Draft Carlingford Block Study and associated planning proposals - Draft DCP, Draft Section 94 Plan and outcomes of VPA negotiation

REFERENCE RZ/2/2015

FROM Adam Byrnes

1192 In relation to the Carlingford Block Study (Item 12.8) Think Planners represents the SPD site. The Baptist Care and SPD sites have received Gateway Approval from the Department of Planning and are well located on Pennant Hills Road, and within 800m from Carlingford Heavy Rail, Carlingford future Light Rail Station, and also 800m from Telopea Heavy and Light Rail Stations.

Renewal of these lands, and supply of housing in this location, is supported by Council officers, IHAP and the Department of Planning.

Our client has supported the broader approach of the Council staff and, along with Baptist Care, has been instrumental in funding the preparation of a Block Study and associated documents.

We have engaged with the local community within the Block Study area, which we understand the vast majority of whom support the Block Study and the Option B recommendation. We thank the residents of the block study for their engagement in the process, understanding of the issues and acceptance of the planning merit and urban design outcome.

We support the Adoption of Option B. In addition to the supply of housing, the Block Study importantly delivers –

- An upgrade to the intersection of Baker Street and Pennant Hills Road to improve the traffic and pedestrian safety;

- Provision of a new left turn slip lane off Pennant Hills Road into the new north-south road, providing safer traffic conditions on Pennant Hills Road;
- The purchase of land for the delivery, and related embellishment, of a new public park;
- Protection of vegetation with high ecological merit;
- An improved internal street network;
- Upgrading of the public infrastructure; and
- Widening of Martens Lane.

As you are aware, Option B in the report ensures the delivery of these benefits via VPA and s.94 and there are no long term cost impacts upon Council as s94 funds recoup costs from the completed Block Study redevelopment.

We seek your adoption of Option B in the report this evening, as recommended by the Council officers. We would particularly like to acknowledge Ben Gresham of Council who has been tireless in his handling of this complex matter over the past 3 years; has exhibited professionalism; and provided quality advice throughout the process.

We thank the Councillors for their time in attending workshops, giving consideration to, and analysing this proposal.

8 SUBJECT Post Exhibition Outcomes - Planning Proposal, Draft Site Specific Development Control Plan (DCP) and Draft Voluntary Planning Agreement (VPA) for land at 2-10 Phillip Street, Parramatta

REFERENCE RZ/13/2014

FROM Aras Labutis

1193 Good evening Lord Mayor and Councillors

Aras Labutis from Coronation Property speaking in relation to Item 10.2, 2-10 Phillip Street Parramatta rescission motion. The assessment process has been ongoing for 4 years on this project and it has been supported and endorsed by Council through the Gateway rezoning process, the State Government, Council officers and numerous consultants. Millions of dollars have been spent during this time on consultants fees, lodgement, architects and documentation. I urge you to vote down this rescission motion. The proposal is consistent with what was endorsed by Council to proceed to Gateway in 2016, the site specific DCP endorsed by Council in July 2017 and the VPA offer endorsed by Council. This is the last step in the finalisation of the proposal and to rescind Council's support of this project proceeding would send a message to the industry – Parramatta is closed for business.

We are committed to working with Council and continue to demonstrate this by our embracing the amendment of the vehicular access to the site,

which we have now resubmitted plans to Council for access from Phillip Lane in line with Council's resolution. We are committed to delivering on Council's long standing vision for the City of Parramatta and bringing an international quality development to Parramatta with a true mixed use tower including a five star QT Hotel, Rockpool Dining Group food & beverage, a rooftop bar and high quality residential homes. Our top quality consultant team has designed an integrated building that celebrates the heritage on the site and through a rigorous design excellence and gateway process, has established a site specific response for the site. The only precedent we will be setting here is one of high quality design delivering good outcomes for the city.

Again I urge you to stand by your resolution of the last Council meeting by voting down this rescission motion and to work with us to realise this exciting project.

Thank you

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| 9 | SUBJECT | Post Exhibition Outcomes - Planning Proposal, Draft Site Specific Development Control Plan (DCP) and Draft Voluntary Planning Agreement (VPA) for land at 2-10 Phillip Street, Parramatta |
| | REFERENCE | RZ/13/2014 |
| | FROM | Trevor Clunne |

1194	Not present at the meeting.
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PETITIONS

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| 1 | SUBJECT | Draft Carlingford Block Study and associated planning proposals - Draft DCP, Draft Section 94 Plan and outcomes of VPA negotiation |
| | REFERENCE | RZ/2/2015 |
| | FROM | Residents of Carlingford |

1195	RESOLVED	(Garrard/Esber)
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That the petition be received, noted and considered in conjunction with Item 12.8 of Leading being Draft Carlingford Block Study and associated planning proposals - Draft DCP, Draft Section 94 Plan and outcomes of VPA negotiations on tonight's business paper.

SUSPENSION OF STANDING ORDERS

1196	RESOLVED	(Davis/Zaiter)
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That Standing Orders be suspended to bring forward Item 13.2 of Notice of Motions regarding the Establishment of a Turf Wicket in Richie Benaud Oval due to the presence of Greg Monaghan, President of the Parramatta District Cricket Club in the public gallery.

The Lord Mayor ruled that the matter was urgent.

13.2 SUBJECT Establishing a Turf Wicket Richie Benaud Oval
REFERENCE F2014/02487 - D06042885
REPORT OF Councillor Dwyer
1197 RESOLVED (Dwyer/Davis)

- (a) **That** a report be brought to the June 2018 Council Meeting with respect to what progress has been achieved, since the previous report to Council in 2015, with regards to Council staff investigating avenues for the current Richie Benaud Oval in North Parramatta to be upgraded to a proper grade cricket oval with appropriate turf pitch, fencing and maintenance.
- (b) **Further, that** a location for a second turf pitch on another sporting field in the LGA, possibly George Kendall Reserve, Ermington, be investigated.

RESCISSION MOTIONS

10.1 SUBJECT Determination of TA/50/2018 - Tree Removal at 4
Kindelan Road, Winston Hills
REFERENCE TA/50/2018 - D06044859
REPORT OF Councillor Issa
1198 RESOLVED (Dwyer/Zaiter)

That the resolution of the Council Meeting held on 12 March 2018 in relation to Item 11.3 of 'Sustainable' section regarding Determination of TA/50/2018 – Tree Removal at 4 Kindelan Road, Winston Hills, namely:

That Council as the consent authority, refuse TA/50/2018 for the removal of one (1) x Eucalyptus amplifolia (Cabbage Gum) located within the front setback of the property at 4 Kindelan Road, Winston Hills, for the following reasons:

- i. The subject tree is in good health and structurally sound.*
- ii. The Applicant has failed to provide Council with any technical reports to substantiate the requests for tree removal.*
- iii. The proposed tree removal is not consistent with the*

objectives and provisions of the SEPP Vegetation 2017.

- iv. *The proposed tree removal is not consistent with the objectives of Parramatta Development Control Plan 2011, Section 5.4*
- v. *The proposed tree removal is not consistent with the Tree Dispute Principle “Urban trees and ordinary maintenance issues” as published by the Land and Environment Court.*

be and is hereby rescinded.

The Motion was put and carried.

DIVISION The result being:-

AYES: Councillors B Barrak, B Dwyer, M Garrard, P Han, A Jefferies, W Tyrrell, L Wearne and M Zaiter

NOES: Councillors P Bradley, D Davis, P Esber, P Prociv and A Wilson

1199 MOTION (Dwyer/Jefferies)

- (a) **That** Council as the consent authority, APPROVE TA/50/2018 for the removal of one (1) x Eucalyptus amplifolia (Cabbage Gum) located within the front setback of the property at 4 Kindelan Road, Winston Hills.
- (b) **Further, that** the applicant be required to plant 3 trees with the species and location to be determined by Council officers.

The Motion was put and carried.

DIVISION The result being:-

AYES: Councillors B Barrak, B Dwyer, M Garrard, P Han, A Jefferies, W Tyrrell, A Wilson and M Zaiter

NOES: Councillors P Bradley, D Davis, P Esber, P Prociv and L Wearne

NOTE:

Councillor Esber left the meeting at 7.46pm and returned at 7.47pm during consideration of this matter.

10.2 SUBJECT Post Exhibition Outcomes - Planning Proposal, Draft Site Specific Development Control Plan (DCP) and Draft Voluntary Planning Agreement (VPA) for land at 2-10

That the resolution of the Council Meeting held on 12 March 2018 in relation to Item 13.1 of 'Leading' section regarding Post Exhibition Outcomes - Planning Proposal, Draft Site Specific Development Control Plan (DCP) and Draft Voluntary Planning Agreement (VPA) for land at 2-10 Phillip Street, Parramatta, namely:

- (a) **That** Council receives and notes the submissions made during the public exhibition period of the planning proposal, draft site specific DCP and draft VPA provided at **Item 13.1, Attachment 1**.
- (b) **That** Council having considered the issues arising as a result of the submission endorse the planning proposal provided at **Item 13.1, Attachment 2** and forward it to the Department of Planning & Environment (DP&E) for finalisation. However when forwarding it to the DP&E Council also advise them that the Planning Proposal should not be finalised until Council has advised the DP&E that:-
 - i. the site specific Draft DCP for this site has been endorsed by Council; and
 - ii. the Draft VPA has been executed by Council and the applicant and registered on the title.
- (c) **That** Council endorse amendments to the site specific Draft DCP contained at **Item 13.1, Attachment 3**. The Draft DCP shall be amended to show that vehicular access may occur from Phillip Lane (in the north east corner of the site).
- (d) **That** Council enter into the VPA as included at **Item 13.1, Attachment 4**.
- (e) **That** the Lord Mayor and CEO be given delegated authority to execute and affix the Common Seal of Council to the VPA.
- (f) **That** upon signing of the Voluntary Planning Agreement, the agreement be forwarded to the Department of Planning and Infrastructure in accordance with Section 25G of Environmental Planning and Assessment Regulation 2000.
- (g) **That** Council grant delegated authority to the CEO to make any minor amendments and corrections of an administrative and non-policy nature relating to the planning proposal, draft DCP and draft VPA that may arise during the plan making and finalisation process.
- (h) **Further, that** Council receive a report investigating the widening of Marsden Street and the bridge including the possibility of utilising Section 94 contributions and VPA contributions towards this expense.

be and is hereby rescinded.

1200 The Motion was put and lost.

DIVISION The result being:-

AYES: Councillor B Barrak, P Bradley, D Davis and L Wearne

NOES: Councillor B Dwyer, P Esber, M Garrard, P Han, A Jefferies, P Prociv, W Tyrrell, A Wilson and M Zaiter

10.3 SUBJECT Response to Post Gateway Review for the Planning Proposal for land at 55 Aird Street, Parramatta

REFERENCE RZ/18/2015 - D06045381

REPORT OF Councillor Davis. Also Correspondence dated 6 April 2018 from James Matthews. Also Legal Advice from proponents Solicitor's dated 6 April 2018.

1201 RESOLVED (Davis/Wearne)

That the resolution of the Council Meeting held on 12 March 2018 in relation to Item 13.3 of 'Leading' section regarding Response to Post Gateway Review for the Planning Proposal for land at 55 Aird Street, Parramatta, namely:

(a) **That** Council advise the NSW Department of Planning and Environment that it supports the conditions imposed by the Gateway determination for 55 Aird Street issued on 28 November 2017.

(b) **Further, that** this report form the submission to the request of the Gateway determination and be forwarded to the Department of Planning and Environment.

be and is hereby rescinded.

The motion was put and carried.

DIVISION The result being:-

AYES: Councillors B Barrak, P Bradley, D Davis, B Dwyer, P Esber, A Jefferies, P Prociv, W Tyrrell, L Wearne and M Zaiter

NOES: Councillors M Garrard, P Han and A Wilson

1202 MOTION (Davis/Zaiter)

(a) **That** Council supports an FSR of 4.2:1 which is the current LEP controls.

(b) **That** Council does not support the Gateway determination for 55 Aird Street, Parramatta.

- (c) **Further, that** Council advise the NSW Department of Planning and Environment that it withdraws the Planning Proposal from Gateway determination.

AMENDMENT (Garrard/Wilson)

That this matter be deferred for a further Councillor workshop.

The Amendment was put and lost.

The Motion was put and carried.

DIVISION The result being:-

AYES: Councillors B Barrak, P Bradley, D Davis, B Dwyer, A Jefferies, P Prociv, W Tyrrell, L Wearne and M Zaiter

NOES: Councillors P Esber, M Garrard, P Han and A Wilson

NOTE:

The Lord Mayor, Councillor Wilson left the meeting at 8.06pm and returned at 8.09pm during consideration of this matter. Upon return to the Chamber, the Lord Mayor participated in the debate. The Deputy Lord Mayor assumed the Chair for the period of the Lord Mayor's absence and during debate and voting on this matter.

SUSTAINABLE

11.1 SUBJECT Waste Collection Services Contract

REFERENCE F2016/07413 - D05972117

REPORT OF Service Manager. Sustainability and Waste; Service Manager - Capital Projects

1203 RESOLVED (Barrak /Dwyer)

- (a) **That** Council receive and note this report.
- (b) **That** a further report be brought back to Council after the first twelve (12) months of contract on contractor performance and customer satisfaction regarding the current suite of waste collection and resource recovery services.
- (c) **That** Council consider urgently reinstating its previous practice of offering residents 2 scheduled kerbside cleanups at preset dates/zones, and/or 2 booked kerbside cleanups, such practice being standard policy prior to the appointment of the Administrator.
- (d) **Further, that** for the purposes of consideration of this practice, that Council Officers submit a report to the Chamber for consideration at the Council meeting on 23 April 2018 detailing the options for the introduction of such policy including:
1. The costing to Council and feasibility of this policy - for both the

- 2 scheduled kerbside cleanups alone and for the 2 scheduled kerbside cleanups together with the 2 booked kerbside cleanups;
2. Details of any relevant contractual provisions with the existing or other waste contractor;
3. Options for funding the cost of such policy, and if to be funded from waste levy, the estimate of any increase of such levy to ratepayers; and
4. Any other relevant factors.

NOTE:

Councillor Garrard left the meeting at 8.20pm during consideration of this matter.

LEADING

12.1 SUBJECT Planning Proposal for land at 2 Sorrell Street,
Parramatta

REFERENCE RZ/17/2016 - D06044643

REPORT OF Project Officer- Land Use Planning

1204 RESOLVED (Esber/Han)

(a) **That** Council endorse the Planning Proposal for the land included at 2 Sorrell Street, Parramatta (included as **Attachment 1**) which seeks the following amendments to Parramatta Local Environmental Plan 2011 (PLEP 2011) in relation to the subject site:

- Amend the maximum building height in the Height of Buildings Map from 24m to 60m (17 storeys).
- Amend the maximum FSR in the Floor Space Ratio Map from 4:1 to 5.2:1.
- Add a site- specific clause under Part 7 (Additional Local Provisions – Parramatta City Centre) which addresses the following:
 - Provision outlining that 5.2:1 FSR is exclusive of Design Excellence bonus.
 - Provision outlining a maximum 6:1 FSR achievable including bonus for Design Excellence.
 - Requirement to demonstrate the southern bank of the Parramatta River is not overshadowed by development of the site.
 - Maximum parking rates, in line with the resolution of City of Parramatta Council on 10 April 2017 with regards to parking rates in the CBD Planning Proposal.

- (b) **That** the Planning Proposal be forwarded to the Department of Planning and Environment to request the issuing of a Gateway Determination.
- (c) **That** the applicant be invited to negotiate a potential VPA for the subject site and that delegated authority be given to the CEO to negotiate a Voluntary Planning Agreement (VPA) with the landowner in relation to the Planning Proposal on behalf of Council. These negotiations shall be undertaken in line with Council's resolution on value sharing rates of 10 April 2017 (Item 8.3). The outcome of negotiations be reported back to Council prior to the draft VPA being placed on public exhibition.
- (d) **That** a site-specific development control plan (DCP) be prepared and reported to Council prior to its public exhibition.
- (e) **That**, pending the outcomes of the Gateway Determination and Council's consideration of the draft VPA, the Planning Proposal and draft DCP be placed on public exhibition concurrently.
- (f) **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.
- (g) **Further, that** Council grant delegated authority to the Chief Executive Officer 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 B Barrak, P Bradley, D Davis, B Dwyer, P Esber, P Han, A Jefferies, P Prociv, W Tyrrell, L Wearne, A Wilson and M Zaiter

NOES: Nil

12.2 SUBJECT Planning Proposal for land at 2 – 6 Hassall Street, Parramatta

REFERENCE RZ/20/2017 - D06044693

REPORT OF Project Officer- Land Use Planning

1205 RESOLVED (Davis/Esber)

- (a) **That** Council endorse the Planning Proposal for the land included at 2 – 6 Hassall Street, Parramatta (included as **Attachment 1**) which seeks the following amendments to Parramatta Local Environmental Plan 2011 (PLEP 2011) in relation to the subject site:

- Amend the maximum FSR in the Floor Space Ratio Map from 6:1 to 10:1.
- Amend the maximum building height in the Height of Buildings

Map from 72m to to 86m (22 storeys).

- Add a site- specific control to align with reduced car parking rates under the Parramatta CBD Strategic Transport Study.
 - Add a site specific control relating to high performing buildings and dual water systems in line with the Parramatta CBD PP.
- (b) **That** the Planning Proposal be forwarded to the Department of Planning and Environment for Gateway determination.
- (c) That a site specific Development Control Plan (DCP) be prepared and reported to Council prior to its public exhibition in relation to the building setback the draft DCP shall include the following setbacks
1. A minimum tower setback of 6m to Hassall Street
 2. A Minimum 6m tower setback to the Western Boundary to ensure an appropriate transition to the heritage listed Commercial Hotel
 3. A podium setback of 3m to the rear boundary and a tower setback of 3m from the podium edge as well as the east boundary.
- (d) **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.
- (e) **Further, that** Council grant delegated authority to the Chief Executive Officer 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 B Barrak, P Bradley, D Davis, B Dwyer, P Esber, M Garrard, P Han, A Jefferies, P Prociv, W Tyrrell, L Wearne, A Wilson and M Zaiter

NOES: Nil

NOTE:

Councillor Garrard returned to the meeting at 8.23pm during consideration of this matter.

MEETING ADJOURNMENT

1206 RESOLVED (Wilson/Esber)

That the meeting be adjourned for 15 minutes.

The meeting was adjourned at 8.25pm for a period of 16 minutes.

RESUMPTION OF MEETING

The meeting resumed in the Council Chamber at 8.41pm, there being in attendance The Lord Mayor, Councillor Andrew Wilson and Councillors Benjamin Barrak, Phil Bradley, Donna Davis, Robert Dwyer, Pierre Esber, Michelle Garrard (Deputy Lord Mayor), Paul Han, Andrew Jefferies, Bill Tyrrell, Lorraine Wearne and Martin Zaiter.

- 12.3 SUBJECT Planning Proposal at 2 O'Connell Street, Parramatta - Heritage Matter
- REFERENCE RZ/2/2017 - D06008852
- REPORT OF Project Officer
- 1207 RESOLVED (Davis/Esber)
- (a) **That** Council note the information presented in this report relating to the Planning Proposal for 2 O'Connell Street, Parramatta and potential impacts on St. John's Cemetery.
 - (b) **That** Council resolve that no further amendments are required to this Planning Proposal, beyond the amendments discussed in the report of 26 February 2018 on this matter.
 - (c) **That** Council endorse forwarding the amended Planning Proposal for 2 O'Connell Street, Parramatta (located at Attachment 2 of Attachment 1 to this report) to the Department of Planning and Environment in order to facilitate progression of a Gateway Determination;
 - (d) **That** Council affirm that the planning outcomes which Council sought through the original proposed structure of the Planning Proposal are unchanged;
 - (e) **That** Council specifically reaffirm its position on this Planning Proposal as follows:
 - (i) That delegated authority be given to the CEO to negotiate a Voluntary Planning Agreement (VPA) with the landowner in relation to this Planning Proposal on behalf of Council, that this negotiation be undertaken in line with Council's resolution on value sharing rates of 10 April 2017 (Item 8.3), and that the outcomes of this negotiation be reported back to Council prior to public exhibition of the VPA.
 - (ii) That a site-specific Development Control Plan (DCP) be prepared in association with this Planning Proposal and reported to Council prior to its public exhibition.
 - (iii) That, pending the outcomes of the Gateway Determination for the Planning Proposal, the Planning Proposal, VPA and DCP be placed on public exhibition concurrently.
 - (iv) That Council advises the Department of Planning and Environment that the CEO will be exercising the plan-making delegation for this Planning Proposal as authorised by Council on 26 November 2012.
 - (v) 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 for this Planning Proposal.

- (f) **Further, that** the following are to be addressed during the preparation of the site specific DCP and VPA for this site. The report to Council accompanying the Draft DCP and Draft VPA should specifically detail how the following issues are addressed in the documents:
1. That the northern edge of the new development to Aird Street considers the existing axial views from the cemetery path.
 2. That the public domain landscaping on the eastern side of O'Connell Street is enhanced.

DIVISION The result being:-

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

NOES: Councillor B Barrak

NOTE

Councillor Prociv returned to the meeting at 8.44pm during consideration of this matter.

12.4 SUBJECT Planning Proposal for land at 286-300 Church Street, Parramatta

REFERENCE RZ/14/2017 - D06045981

REPORT OF Project Officer Land Use. Also supplementary report from Service Manager Land Use Planning distributed 6 April 2018

MOTION (Garrard/Zaiter)

- (a) **That** Council endorse the Planning Proposal at **Attachment 1** for land at 286-300 Church Street, Parramatta subject to the following amendments:
- Provide a potential maximum FSR of 16:1 (comprised of a base FSR of 10:1 of which 1:1 much be provided as commercial, and the application of 1.5:1 for design excellence, 0.5:1 High Performing Building Bonus, and an additional commercial floor space of 1:1, with the 3:1 opportunity bonus) prior to the Gateway request being forwarded to DP&E;
- (b) **That** the proponent provides an amended reference design consistent with the above requirements prior to the Planning Proposal request being forward to the DP&E;
- (c) **That** once (a) and (b) are satisfied the Planning Proposal be forwarded to DPE for Gateway Determination;
- (d) **That** this report form Council's submission in response to the

request for a Gateway Assessment and be forwarded to the Department of Planning and Environment.

- (e) **That** should a Gateway be issued, a site specific DCP be prepared in accordance with the following principles:
- The heritage walls remain in situ throughout the construction process;
 - The podium be appropriately articulated to respond to the fine grain historical subdivision pattern of Church Street;
 - That a fully public laneway with a minimum width of 3.5m be provided and dedicated to Council, with design principles in accordance with Council's endorsed CBD Laneway Strategy; and
 - That the laneway, front and rear frontages be activated with retail uses to encourage through traffic and to provide a high level of amenity to pedestrians.
- (f) **That** the DCP, VPA and associated documents only require a 10 m setback.
- (g) **That** the proponent be invited to provide a draft Letter of Offer consistent with Council's endorsed Draft Planning Agreement Policy.
- (h) **That** upon the issue of a Gateway Determination the Planning Proposal, DCP, and VPA be exhibited concurrently.
- (i) **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.
- (j) **Further, that** Council authorise the acting CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.

1208

AMENDMENT (Prociv/Esber)

That consideration of this matter be deferred for a Councillor Workshop and a further report be provided to Council on 18m setbacks and preserving view lines to the dome.

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

DIVISION The result being:-

AYES: Councillors P Bradley, D Davis, P Esber, P Han, P Prociv, L Wearne and A Wilson

NOES: Councillors B Barrak, B Dwyer, M Garrard, A Jefferies, W Tyrrell and M Zaiter

12.5 SUBJECT Outcome of Public Exhibition - Planning Proposal for land at 220-230 Church St & 48 Macquarie Street, Parramatta

REFERENCE RZ/10/2015 - D05829135

REPORT OF Project Officer Land Use Also supplementary report from Service Manager Land Use Planning distributed 6 April 2018. Also Briefing note from Acting Service Manager Land use Planning dated 9 April 2018.

1209 RESOLVED (Garrard/Barrak)

- (a) **That** Council receives and notes the submissions made during the three public exhibition periods detailed in the Council Report Item 12.5 of 9 April 2018 (refer **Attachments 8 and 10 (labelled 5 & 7)**) and the summary of submissions made during the third public exhibition periods of the planning proposal (as detailed in this report) for land at 220-230 Church Street and 48 Macquarie Street Parramatta.
- (b) **That**, Council endorse the planning proposal as attached to the Council Report Item 12.5 of 9 April 2018 (refer **Attachment 9** labelled 'Attachment 6 re-exhibited documentation – 22 November 2017 to 12 January 2018') and forward the planning proposal to Department of Planning and Environment for finalisation;
- (c) **That** in Council's submission a special note be included that requests that in the drafting of the clause (as it relates to overshadowing of Parramatta Square) that the wording included in the final LEP amendment allow Council some discretion to allow development that causes very minor levels of overshadowing associated with minor design elements on adjoining buildings or structures and other public domain elements in the square that contribute to the amenity of Parramatta Square.
- (d) **That**, Council advise the Department of Planning and Environment (DPE) that it will not be exercising its plan making delegations due to the issues raised by Public Authorities.
- (e) **That** delegated authority be given to the Chief Executive Officer (CEO) to negotiate the draft VPA on behalf of Council for the purpose of public exhibition and that the outcomes of the public exhibition of the draft VPA be reported back to Council prior to its finalisation.
- (f) **Further, that** Council authorise the CEO to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan amendment process, relating to the Planning Proposal and the Draft VPA.

DIVISION The result being:-

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

NOES: Nil

12.6 SUBJECT Outcome of Public Exhibition for the Planning Proposal, draft Development Control Plan and Draft Voluntary Planning Agreement for the land at 184-188 George Street, Parramatta

REFERENCE RZ/7/2014 - D05143955

REPORT OF Senior Project Officer - Land Use

1210 RESOLVED (Esber/Han)

That consideration of this matter be deferred for a Councillor Workshop and brought to the next available Council Meeting .

DIVISION The result being:-

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

NOES: Nil

12.7 SUBJECT Response to Post Gateway Review for the Planning Proposal for land at 107 George Street, Parramatta

REFERENCE RZ/16/2015 - D06018896

REPORT OF Project Officer-Land Use Planning. Also correspondence dated 6 April 2018 from Matt Daniels. Also Correspondence dated 5 April 2018 from James Matthews.

1211 RESOLVED (Tyrrell/Garrard)

That consideration of this matter be deferred at the request of the applicant.

DIVISION The result being:-

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

NOES: Nil

NOTE

Councillor Martin Zaiter declared a Non-Pecuniary, Less than Significant Interest in this item as a client has an adjacent property. He retired from the meeting during debate and voting on this matter.

12.8 SUBJECT Draft Carlingford Block Study and associated planning proposals - Draft DCP, Draft Section 94 Plan and outcomes of VPA negotiations

REFERENCE RZ/2/2015 - D05659014

REPORT OF Project Officer Land Use. Also Correspondence dated 6 April 2018 from Ellen Robertshaw. Also Correspondence dated 4 April 2018 from Greg Camseoloise.

MOTION (Garrard/Wearne)

- (a) **That** Council endorse the amended Draft Carlingford Block Study (Option B) as provided at **Attachment 2**, for the purpose of public exhibition.
- (b) **That** the planning proposals for 264-268 Pennant Hills Rd, Carlingford (BaptistCare site) and 258-262 Pennant Hills Rd and 17 & 20 Azile Court, Carlingford (SPD site) be updated to reflect the recommended controls in the endorsed Carlingford Block Study.
- (c) **That** Council endorse the Draft DCP (Option B) prepared for the Carlingford Block Study area as provided at **Attachment 4**, for the purpose of public exhibition.
- (d) **That** Council endorse the Draft Section 94 Development Contributions Plan (Option B) prepared for the Carlingford Block Study area as provided at **Attachment 6**, for the purpose of public exhibition and acknowledging the risk that the Section 94 Plan may not deliver the maximum contribution depending on the extent of development.
- (e) **That** a draft VPA document be prepared to reflect the terms outlined in the Letters of Offer (Option B) at **Attachment 8** and that the Acting CEO be delegated to negotiate and finalise the legal drafting of the VPA on behalf of Council for the purposes of public exhibition.
- (f) **That** the Draft Carlingford Block Study (Option B), Draft DCP (Option B), Draft Section 94 Plan (Option B) and Draft VPA endorsed by the CEO be placed on public exhibition concurrently with the planning proposals for 264-268 Pennant Hills Rd, Carlingford (BaptistCare site) and 258-262 Pennant Hills Rd and 17 & 20 Azile Court, Carlingford (SPD site) for a minimum period of 28 days, and the outcome of the public exhibition be reported back to Council.
- (g) **Further, that** Council authorise the Acting CEO to correct any minor inconsistencies or anomalies of an administrative nature relating to the Draft Carlingford Block Study, Draft DCP, Draft Section 94 Plan and VPA documentation that may arise during the drafting and exhibition processes.

1212 AMENDMENT (Barrak /Tyrrell)

That Council not proceed with the Draft Carlingford Block Study in its current form and instead defer the matter to allow for a further report dealing with:

1. The Baptistcare planning proposal and the SPD planning proposal as separate applications to Council;
2. Revising the planning proposals and Draft DCP for each planning proposal such that a maximum of 1:1 FSR is achieved on each, with a maximum height of 4 storeys on the Northern part of each site fronting Pennant Hills Road, and a lower appropriate height to the South in order to achieve good planning merit where the sites meet with the existing R2 zoning;
3. Feedback from Baptistcare and SPD on what they would be willing to include in their VPA under this alternate development scenario;
4. As part of the further discussions with Baptistcare, the option of the Draft VPA and Draft DCP being amended to provide a piece of open space that could be dedicated to Council on the Baptistcare site in a different design configuration to that shown in the current Draft DCP so that the potential open space is more accessible to the general community.

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

DIVISION The result being:-

AYES: Councillors B Barrak, P Bradley, D Davis, B Dwyer, A Jefferies, P Prociv, W Tyrrell and M Zaiter

NOES: Councillors P Esber, M Garrard, P Han, L Wearne and A Wilson

NOTE:

1. **Councillor Michelle Garrard declared a Non-Pecuniary, Less than Significant Interest in this item as she worked more than 2 years ago for the owner of SPD. She remained in the meeting during debate and voting on this matter.**
2. **Councillor Esber left the meeting at 9.21pm and returned at 9.23pm during consideration of this matter.**
3. **Councillor Zaiter left the meeting at 9.42pm and returned at 9.44pm during consideration of this matter.**
4. **A Rescission motion signed by Councillors Wearne, Wilson and Garrard was tabled on this issue prior to the close of the Meeting.**

MEETING ADJOURNMENT

1213 RESOLVED (Wilson)

That the meeting be adjourned for 5 minutes.

The meeting was adjourned at 9.59 pm for a period of 13 minutes.

RESUMPTION OF MEETING

The meeting resumed in the Council Chamber at 10.12pm, there being in attendance The Lord Mayor, Councillor Andrew Wilson and Councillors Benjamin Barrak, Phil Bradley, Donna Davis, Robert Dwyer, Pierre Esber, Michelle Garrard (Deputy Lord Mayor), Paul Han, Andrew Jefferies, Dr Patricia Prociv, Bill Tyrrell, Lorraine Wearne and Martin Zaiter.

12.9 SUBJECT Update on Traffic Works in the Carlingford Precinct relating to a VPA in force in the Precinct

REFERENCE F2016/02304 - D06018657

REPORT OF Project Officer Land Use

1214 RESOLVED (Jefferies/Tyrrell)

(a) **That** Council endorse the Council Officer recommendation that would:

- Provide pedestrian footpath upgrades to Larry Bolitho Reserve;
- Enable the construction of a new pedestrian refuge island on Post Office Street, Carlingford to provide a crossing to Larry Bolitho Reserve; and
- Allow for the allocation of the unused amount of the additional monetary contribution to the Section 94 reserve fund, so that the remainder of the funds are spent on traffic related capital works projects in the Carlingford precinct.

(b) **Further, that** in order to facilitate (a) as above, amendments be made to the works program of the *City of Parramatta Section 94 Development Contributions Plan – Carlingford Precinct* (also known as ‘Contribution Plan No. 14 – Carlingford Precinct’) (‘Plan’) to enable the works to be funded through the Plan. This will require the Plan to be publicly exhibited for a period of 28 days. To minimise the impact of this on Council resources, this amendment will be exhibited at the same time as other development contributions plan amendments are made as part of the Land Use Planning Harmonisation Project.

DIVISION The result being:-

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

NOES: Nil

12.10 SUBJECT Proposed Amendment to the Homebush Bay West DCP

REFERENCE RZ/27/2016 - D05823209

REPORT OF Senior Project Officer Land Use. Also Briefing note from director Strategic Outcomes and Development dated 3 April 2018. Also Correspondence dated 9 April 2018 from Saul Moran.

1215 RESOLVED (Prociv/Zaiter)

That consideration of this matter be deferred.

DIVISION The result being:-

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

NOES: Nil

NOTE:

Councillor Donna Davis declared a Non – Pecuniary, Less than Significant Interest in this item as she has attended meetings with the applicant as part of her role as Senior Electorate Officer. She retired from the meeting during debate and voting on this matter.

12.11 SUBJECT Parramatta CBD Planning Proposal Update

REFERENCE F2013/02004 - D06032956

REPORT OF Service Manager Land Use Planning

1216 RESOLVED (Tyrrell/Jefferies)

That consideration of this matter be deferred for 2 weeks.

DIVISION The result being:-

AYES: Councillors P Bradley, D Davis, B Dwyer, M Garrard, P Han, A Jefferies, P Prociv, W Tyrrell, L Wearne and A Wilson

NOES: Nil

NOTE:

- 1. Councillor Benjamin Barrak declared a Pecuniary Interest in this item as he owns property in the subject area. He retired from the meeting during debate and voting on this matter.**
- 2. Councillor Pierre Esber declared a Pecuniary Interest in this item as he owns property in the subject area. He retired from**

the meeting during debate and voting on this matter.

3. Councillor Martin Zaiter declared a Non –Pecuniary but Significant Interest in Item 12.11 of Leading being Parramatta CBD Planning Proposal Update as a client owns property in the subject area. He retired from the meeting during debate and voting on this matter.

12.12 SUBJECT Approval for Council to participate and financially contribute to the Granville Traffic Study

REFERENCE F2014/00167 - D06042952

REPORT OF Project Officer Land Use

1217 RESOLVED (Prociv/Tyrrell)

- (a) **That** Council endorse the Scope of Works (Attachment 3) and enter into the Terms of Reference (Attachment 4) with the NSW Department of Planning and Environment and Cumberland Council for the preparation of a precinct-wide Traffic Study required as part of the implementation of the Parramatta Road Corridor Urban Transformation Strategy.
- (b) **Further, that** the acting CEO be granted delegation to sign the final Terms of Reference and to correct any minor anomalies of a non-policy and administrative nature that may arise during the finalisation process.

12.13 SUBJECT Submission to Draft Camellia Town Centre Masterplan

REFERENCE F2012/02348 - D06036315

REPORT OF Team Leader LUP. Also supplementary report with Attachment 1.

1218 RESOLVED (Davis/Prociv)

- (a) **That** Council endorse the submission contained in Attachment 1 (to be provided under separate cover) to the draft Camellia Town Centre Master Plan
- (b) **That** the CEO be authorised to make minor and/or inconsequential amendments to the final submission prior to forwarding to the Department of Planning and Environment.
- (c) **That** Council write as a matter of urgency to the NSW State Government regarding fast tracking of an integrated approach to the upgrade of James Ruse Drive that also considers how such a solution will manage the increase in heavy vehicle movements arising from the Metro West Barging proposal on what is already a constrained traffic network.
- (d) **Further, that** Council write to the Minister for Planning, Minister for

Transport and Minister for Roads advising them of Council concerns regarding the current lack of an integrated solution for the proposed Parramatta Light Rail Bridge crossing James Ruse Drive and James Ruse Drive grade separation at Grand Avenue and the potential adverse impacts on the future Camellia Town Centre and Rosehill.

12.14 SUBJECT Endorsement of the Draft Community Strategic Plan for public exhibition

REFERENCE F2017/01291 - D06013632

REPORT OF Project Officer City Strategy

1219 RESOLVED (Dwyer/Tyrrell)

That Council endorses for public exhibition the draft Community Strategic Plan for a period of 28 days from 16 April to 13 May 2018 with the following amendments:

1. "City of Parramatta is experiencing growing pains" on page 8, read "City of Parramatta is experiencing current and ongoing growing pains"
2. The statement "The Community Strategic Plan is our opportunity to put strategies in place to manage growth, leading to an improved quality of life for all" to be amended to reflect that Council cannot control or influence some issues, as they are the responsibility of the State Government.

12.15 SUBJECT Ordinary Council Meeting - Monday 23 April 2018

REFERENCE F2004/07851 - D06051197

REPORT OF Council Secretariat and Policy Officer

1220 RESOLVED (Tyrrell/Barrak)

That in accordance with Section 365 of the Local Government Act 1993, Council hold an additional Ordinary Council Meeting on Monday, 23 April 2018 and such meeting be held in the Cloister Function Rooms at St Patrick's Cathedral, 1 Marist Place, Parramatta commencing at 6.30pm.

NOTICES OF MOTION

13.1 SUBJECT Parks and Reserves Committees

REFERENCE F2004/07573 - D06000738

REPORT OF Councillor Davis

1221 RESOLVED (Davis/Prociv)

That a briefing note be brought to a Council meeting detailing:

- the number, location and membership details of park and reserve committees across the LGA,
- the status of park and reserve committees (operational or defunct)
- the current structure of park and reserve Committees across the LGA
- the level of community/stakeholder involvement on these committees
- an assessment of the effectiveness and efficiency of the current park committee structure
- a cost/benefit analysis of operating these committees
- alternative methods of engaging and involving stakeholders in an advisory role.

13.3 SUBJECT Phillip Street 'Smart Street' project.

REFERENCE F2017/02984 - D06049467

REPORT OF Councillor Zaiter

1222 RESOLVED (Zaiter/Tyrrell)

- a) **That** Council allocate up to \$4.3M from the CBD Special Infrastructure Rate as available to the first stage construction of the Phillip Street 'Smart Street' project between Church and Smith Streets, southern side.
- b) **That** Council commence consultation with local property owners, businesses and the Smart City Committee.
- c) **Further, that** a report comes to Council outlining funding opportunities and any other relevant matters raised by Councillors for the next stages of this project.

CLOSED SESSION
9 APRIL 2018

1223 RESOLVED (Wearne /Esber)

NOTE

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

No member of the gallery wished to make representations.

Members of the press and public be excluded from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 10A(s) of the

Local Government Act, 1993 as the items lists come within the following provisions:-

- 1 Tender 4/2018 - Traffic Control Signals Upgrade & Associated Civil Work - Intersection of Hassall Street, Station Street East & Argyle Street, Parramatta and Intersection of Carlingford Road & Rawson Street, Epping. (D06026501) - *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 ITT15/2017 Riverside Theatres Smoke and Heat Vents Renewal Project. (D05657143) - *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.*
- 3 189 Macquarie Street, Parramatta. (D06043643) - *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.*
- 4 Legal Services Budget - Parramatta Square. (D06045153) - *This report is confidential in accordance with section 10A (2) (c) (d) of the Local Government act 1993 as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

CLOSED SESSION

14.1	SUBJECT	Tender 4/2018 - Traffic Control Signals Upgrade & Associated Civil Work - Intersection of Hassall Street, Station Street East & Argyle Street, Parramatta and Intersection of Carlingford Road & Rawson Street, Epping
	REFERENCE	F2017/03652 - D06026501
	REPORT OF	Project Manager
1224	RESOLVED	(Barrak /Esber)
	(a)	That the tender submitted by Sydney Civil Pty Ltd (ABN: 90 078

474 665) for the upgrade of the traffic control signals and associated civil work at the intersection of Hassall Street, Station Street East and Argyle Street, Parramatta and the intersection of Carlingford Road and Rawson Street, Epping for the sum of \$1,559,017.45 (excluding GST) be accepted.

- (b) **That** an amount of \$248,095.00 be made available from the Civic Improvement Plan (CIP) during the March Quarterly Review to make up the total available budget.
- (c) **That** all unsuccessful tenderers be advised of Council's decision in this matter.
- (d) **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.

14.2 SUBJECT Tender ITT15/2017 Riverside Theatres Smoke and Heat Vents Renewal Project

REFERENCE F2017/02869 - D05657143

REPORT OF Property Programmer

1225 RESOLVED (Barrak /Esber)

- (a) **That** Council cancel ITT/15/2017 Riverside Theatres Smoke Vents Renewal Project.
- (b) **That** Council proceed with the design and construction of a Mechanical Extraction System throughout the Building.

14.3 SUBJECT 189 Macquarie Street, Parramatta

REFERENCE F2018/00226 - D06043643

REPORT OF Development Manager

1226 RESOLVED (Barrak /Zaiter)

That Council resolve in accordance with the options contained within paragraph 15.

NOTE

Councillor Pierre Esber declared a Non-Pecuniary, Less than Significant Interest in this item as his son works for one of the firms in the report. He retired from the meeting during debate and voting on this matter.

14.4 SUBJECT Legal Services Budget - Parramatta Square
REFERENCE F2018/00359 - D06045153
REPORT OF Development Manager; Director Property and Significant Assets

1227 RESOLVED (Barrak /Zaiter)

- (a) **That** this item be deferred until 23 April 2018 pending delivery of a Briefing Note to Councillors on the Friday prior to the meeting of 23 April 2018 to explain the meaning of, “estimated general contract administration fee per month plus an additional fee for predictable work items anticipated for each project” – as referred to in paragraph 13.
- (b) Specifically the Briefing Note should advise whether this means a fixed fee irrespective of work done or whether work is billed only if done and according to agreed hourly rates to be described in a bill.

EXTENSION OF TIME

1228 RESOLVED (Zaiter/Barrak)

That as the time has reached 10.59pm, the meeting be extended for 30 minutes to enable consideration of a matter relating to 5 Parramatta Square.

SUSPENSION OF STANDING ORDERS

1229 RESOLVED (Wilson/Barrak)

That Standing Orders be suspended to enable consideration to be given to an urgent motion pertaining to 5 Parramatta Square

The Lord Mayor ruled that the matter was urgent.

1 SUBJECT 5 Parramatta Square
REFERENCE F2018/00986
FROM Director Property and Significant Assets

1230 RESOLVED (Barrak /Zaiter)

That Council adopt option B of the Director Property and Significant Assets report.

The meeting terminated at 11.28 pm.

RESCISSION MOTIONS

A Notice of Motion to rescind Item 12.8 Draft Carlingford Block Study and associated planning proposals - Draft DCP, Draft Section 94 Plan and outcomes of VPA negotiations signed by Councillors Wearne, Wilson and Garrard was submitted on 9 April 2018 prior to the close of the Meeting.

THIS PAGE AND THE PRECEDING 10 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 9 APRIL 2018 AND CONFIRMED ON MONDAY, 23 APRIL 2018.

Lord Mayor