

MINUTES OF THE EXTRAORDINARY COUNCIL MEETING OF CITY OF
PARRAMATTA COUNCIL HELD IN THE CLOISTER FUNCTION ROOMS, ST
PATRICK'S CATHEDRAL 1 MARIST PLACE, PARRAMATTA ON MONDAY, 21
MARCH 2022 AT 6:30PM

PRESENT

The Lord Mayor, Councillor Donna Davis and Councillors Phil Bradley, Kellie Darley, Pierre Esber, Michelle Garrard, Henry Green, Ange Humphries, Cameron Maclean, Paul Noack, Sameer Pandey, Dr Patricia Prociv, Dan Siviero, Georgina Valjak, Donna Wang and Lorraine Wearne.

1. OPENING MEETING

The Lord Mayor, Councillor Donna Davis, opened the meeting at 6:37pm.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF LAND

The Lord Mayor acknowledged Burramattagal people of The Darug Nation as the traditional owners of land, and paid respect to their ancient culture and to their elders past, present and emerging.

3. WEBCASTING ANNOUNCEMENT

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

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

4. OTHER RECORDING OF MEETING ANNOUNCEMENT

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

5. CONFIRMATION OF MINUTES

There were no confirmation of minutes at this meeting.

6. APOLOGIES/REQUESTS FOR LEAVE OF ABSENCE

3683 RESOLVED (Bradley/Green)

That the request to attend the Extraordinary Council Meeting dated 21 March 2022 via remote means submitted by the following Councillors due to personal reasons, be accepted:

- Councillor Siviero;
- Councillor Wearne.

7. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

8. MINUTES OF THE LORD MAYOR

There were no minutes of the Lord Mayor at this meeting.

9. PUBLIC FORUM

9.1 SUBJECT PUBLIC FORUM 1: Item 11.2 : Pre-exhibition - Planning Proposal, draft Development Control Plan and draft Planning Agreement for 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (St John's Anglican Church)

REFERENCE RZ/5/2018 - D08455136

FROM Cheryl Bates, Chair, Parramatta Regional Branch,
National Trust Parramatta Regional Branch.

I would express my concern that no report is available as of 3:00PM on Thursday 17 March 2022 to allow the community to make comment on this Agenda item.

The Parramatta Regional Branch has continued to voice their opposition to the magnitude of this development that will severely impact on this significant Parramatta heritage item that is equally important to the State of New South Wales and Australia.

In the absence of documentation being publicly available for this agenda item, we would like to restate points identified in our previous public forum submission on 21 February 2022. We focus on the developer's insistence to demolish the Parish Hall.

The demolition of a heritage item should be based on whether the heritage item still maintains its level of significance and not whether a significant historical feature of the City of Parramatta can be traded off for some street art or some other "public purpose" simply because it is convenient for a developer to do so.

It is also my understanding that the removal of a heritage item from Schedule 5 of LEP 2011 requires the same process as including a heritage item in Schedule 5. The Parramatta Regional Branch, and many others would certainly respond negatively to any advertising to remove the heritage listing for St John's Parish Hall. It is simply not good enough to say "delist" a heritage item without the proper heritage consideration being given to its removal from Schedule 5.

Section 7.5(1) of the EPA Act requires a planning agreement to be advertised.

In summary, and in the words of the Department in their letter to Council dated 8 September 2020, "There still remains no strong evidence to allow the removal of St John's Parish Hall from the heritage schedule of Parramatta Local Environmental Plan".

STAFF RESPONSE

No staff response provided.

9.2 SUBJECT PUBLIC FORUM 2: Item 13.1 CBD Planning Proposal
and DPE's GML Heritage Report Concerns

REFERENCE RZ/5/2018 - D08455119

FROM James Colman

My name is James Colman. I am an architect and planner with a particular interest in North Parramatta and its potential to become a special part of this great city. I am not a ratepayer but I am confident I speak for Sydney-siders everywhere who are unhappy with the current plans for the north. I strongly support Councillor Bradley's motion requesting the Department of Planning to immediately reconsider the advice which it received in 2018 from GML, one of the country's most respected heritage consultants. My reasons are as follows.

In their report, GML heritage consultants recommended - inter alia - that there should be no incentives for high rise development adjacent to heritage items and conservation area. The draft CBD Planning Proposal does the exact opposite.

In my expert opinion as an architect and urban designer, the surest way to destroy the amenity of an area rich in heritage is to allow high rise commercial development to proliferate. If Councillors seek evidence in support of this contention they need look no further than the graphic images in the Council's own report on the North East Planning Investigation Area of 2021.

Offering bonus floor space and additional height based on dubious claims of "design excellence" is a false policy. No matter that the building has been excellently designed: the higher the building, the longer the shadows. The pedestrian environment becomes more unpleasant. Sky views are lost and wind turbulence at street level is frequent. Any heritage item nearby will suffer. And the architectural incompatibility between heritage buildings and modern commercial towers is likely to be gross.

What people really want is design excellence at street level. That is asking for a miracle under the design excellence height incentive proposal. Our Department of Planning is constantly calling for better place making, better urban design, and respect for heritage. Yet the same government is encouraging this Council to create a mini-CBD in the north, ignoring the expert advice from its own heritage consultants.

I remind the Department of Planning and Councillors that the CBD PP is not yet determined. For North Parra there is still time for both the Department and the Council to rethink.

And there is now an exciting new opportunity for the new Council to lead with a new plan which properly respects the unique and rich heritage of North Parramatta.

I strongly urge you to support Councillor Bradley's motion.

STAFF RESPONSE

No staff response provided.

9.3 SUBJECT PUBLIC FORUM 3: Item 13.2 CBD Planning Proposal
Concerns Regarding Infrastructure Funding, Flooding
and Design

REFERENCE F2022/00105 - D08455646

FROM Laurie Bennett

Thank you for allowing me to make this presentation to you, about probably the most important issue concerning the Council in this term. It will impact the direction, composition, and vision for our city's growth (it could be for Good or BAD). Your decision tonight will remain long after you have left the Council Chambers. Here is your opportunity to fix the failures of previous Councils and Various Government Departments.

I strongly support Councillor Bradley's request for the Department of Planning to carefully reconsider the CBD Planning Proposal having regard to the reasons set out in his motion.

Regarding Item 2 of the motion, I understand that the Council has not yet endorsed a CBD flood evacuation plan, contrary to official SES advice in the light of the past and recent major floods. That could be an irresponsible position for the Council to take.

Regarding Item 3 of the Motion, I understand that the Council has not yet received up-to-date official serial flood modelling for the CBD. In my opinion it would also be irresponsible for the Council to work towards finalization of the CBD PP before that modelling is available.

With regard to Item 4 of Councillor Bradley's motion, I draw Councillors' attention to the fact that our Department of Planning, along with the Government Architect and the Greater Sydney Commission, is constantly calling for better place making – more effective public consultation – better and more sustainable urban design – respect for heritage - and so on. Yet the same government through its Gateway process is encouraging this Council to create a mini-Manhattan in this heritage-rich precinct. This surely is blatant official hypocrisy.

In addition to the above issues, is the stupidity, complexity and overlay of at least 15 (possible More) strategies, visions other planning instruments that make the development and coherent planning of such a significant are as the North Parramatta zone (including amongst others);

- A. Parramatta Park.
- B. Cumberland Hospital Precinct (East and West)
- C. Wisteria Gardens
- D. The Fleet St Conglomeration of heritage buildings
- E. The Parramatta Goal etc.

All worth of National Heritage listing and protection.

Now is an opportunity to exclude these areas from the study and conduct are singular review of the various strategies and plans so that a coherent vision is achieved that will be supported by the public. They do not sit well with the proposed CBD PP Plan and often conflict, there are numerous example were other Cities have encountered the challenges of Growth and significant Cultural and heritage areas adjoining.

The Department of Planning and Councillors will know that the CBD Planning Proposal is not yet determined. For North Parra there is still time for both the Department and the Council to rethink, as Councillor Bradley requests.

And there is now an exciting opportunity for the new Council to lead with a new visionary plan which properly respects the unique and rich heritage of North Parramatta.

In the interest of the Council, the City of Parramatta and the CBD area that surrounds, now is your chance to make a difference by endorsing this motion before Council.

Thank you for your time in considering my presentation.

STAFF RESPONSE

No staff response provided.

10. PETITIONS

10.1 SUBJECT Boarding house on 44-46 Wattle St, Rydalmere, NSW
2116

REFERENCE DA/860/2021

FROM Michelle Garrard

A petition signed by the public was tabled at the Council Meeting and reads:

*Petition against boarding house on 44-46 Wattle St, Rydalmere,
NSW 2116 – DA/860/2021*

3684 RESOLVED (Garrard/Esber)

(a) **That** the petition be received and copy of the petition be circulated to all Councillors.

(b) **Further, that** the petition be referred to the Local Planning Panel.

11. FOR NOTATION

11.1 SUBJECT Investment Report for February 2022

REFERENCE F2022/00105 - D08439431

REPORT OF Tax and Treasury Accountant

3685 RESOLVED (Pandey/Noack)

That Council receive and note the Investment Report for February 2022.

12. FOR COUNCIL DECISION

12.1 SUBJECT Minutes of the Aboriginal and Torres Strait Islander Advisory Committee Meetings held on Various Dates

REFERENCE F2022/00105 - D08411586

REPORT OF Community Capacity Building Officer

3686 RESOLVED (Garrard/Bradley)

(a) **That** Council note the minutes of the Aboriginal and Torres Strait Islander Advisory Committee Meetings held on 28 September, 26 October and 23 November 2021.

(b) **Further, that** Council thank the members of the previous Aboriginal and Torres Strait Islander Advisory Committee for their contributions to Council and for their longstanding commitment and advocacy on behalf of the local First Nations community.

12.2 SUBJECT Endorsement of the "Prevention of Domestic and Family Violence Action Plan"

REFERENCE F2022/00105 - D08426032

REPORT OF Community Capacity Building Officer - Family and Domestic Violence

3687 RESOLVED (Garrard/Wang)

That Council approve City of Parramatta's Prevention of Domestic and Family Violence Action Plan for implementation.

12.3 SUBJECT LATE REPORT: Pre-exhibition - Planning Proposal, draft Development Control Plan and draft Planning Agreement for 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (St John's Anglican Church) (Deferred Item)

REFERENCE RZ/5/2018 - D08426967

APPLICANT/S Jattca Pty Ltd

OWNERS St John's Parramatta Endowment Fund

REPORT OF Team Leader –Land Use Planning

3688 RESOLVED (Garrard/Pandey)

- (a) **That** Council accept the draft terms in the 'Terms Sheet of Public Benefits' dated 11 March 2022 as provided at Attachment 1 for inclusion in the draft Planning Agreement for the St John's Anglican Church, that offers the following public benefits:
- i. Licence in perpetuity for public access to the open space surrounding the Cathedral subject to the St Johns Church maintaining the right to limit some uses on this land.
 - ii. Stratum dedication of land to enable laneway between 181 Church Street site and Marsden Street
 - iii. Temporary vehicle access for 181 Church Street site to access Hunter Street for 10 years or until the new laneway described in part ii above is available.
 - iv. Embellishment of the following land to create a civic space:
 - Church land between the Cathedral building and Hunter Street
 - Portion of road in front of 45 Hunter Street to be closed and included in the civic space but remain in Council ownership
 - v. Church to bear the maintenance and liability for the civic space site (including the Council owned portion) in perpetuity.
 - vi. Compensation of \$1.1 million for the reduction in public benefit lost due to the driveway arrangements restricting the size of the civic space and eliminating the previously proposed laneway.
 - vii. Compensation of \$3.5 million to recognise Council's risk from not having the public access recognised on the land title and accepting limitations outlined in the Church's Social Covenant and related to the Church's operational use of the land.
- (b) **That** Council delegate authority to the CEO to:
- i. negotiate and finalise the legal drafting of the Planning Agreement and associated Deed of Agreement/Licence in accordance with the 'Terms Sheet of Public Benefits' described in (a) above and place on public exhibition;
 - ii. finalise the draft site-specific Development Control Plan (DCP), as provided at Attachment 3, for the purpose of public

- exhibition, subject to further draft amendments described in the body of this report being resolved; and
- iii. to correct any minor inconsistencies or anomalies of an administrative nature relating to the draft Planning Proposal (at Attachment 4), draft DCP and draft Planning Agreement documentation that may arise during their preparation exhibition.
- (c) **That** in response to the Gateway condition that requires all references to the de-listing of St John's Parish Hall as an item of local heritage significance to be removed from the Planning Proposal:-
- i. the draft Planning Proposal be amended accordingly, and
 - ii. Council requests the Department of Planning and Environment endorse amendments to the Planning Proposal to include a new site specific clause (described in detail in the Council report of 21 February 2022) that requires, the preparation of a DCP prior to development consent being granted to development that provides for the specific matters to be addressed with the inclusion of a note that this obligation may be satisfied by the making and approval of a concept development application (also referred to as a Stage 1 Development Application) consistent with Section 4.23 of the *Environmental Planning and Assessment Act 1979*.
- (d) **That** the Planning Scheme documents be exhibited as follows:
- i. draft Planning Proposal be exhibited for a minimum of 28 days commencing no later than 28 March 2022 in accordance with all conditions and requirements of the Gateway Determination.
 - ii. if drafting of the Draft DCP and draft Planning Agreement documentation permits, that these be exhibited concurrently with the Planning Proposal. However, should these documents not be finalised by 28 March 2022 that separate exhibition of these documents commence no later than 4 April 2022 for no less than 28 days.
- (e) **That** the outcome of the exhibition of the Planning Scheme be reported back to Council.
- (f) **Further, that** the CEO facilitate discussions with the owners of 181 Church Street, Parramatta on alternate vehicle access arrangements to this site from Hunter Street in line with the Deed of Agreement attached to the Applicant's Planning Agreement during the public exhibition period.

DIVISION A division was called, the result being:-

AYES: Councillors Esber, Garrard, Green, Humphries, Noack, Pandey, Siviero, Valjak and Wang

NOES: Councillors Bradley, Darley, Davis, Maclean, Prociv and Wearne

13. NOTICE OF MOTION

13.1 SUBJECT CBD Planning Proposal and DPE's GML Heritage Report Concerns

REFERENCE F2022/00105 - D08443680

FROM Councillor Phil Bradley

3689 RESOLVED (Bradley/Pandey)

That consideration of this matter be deferred pending further consultation with Councillors and Council officers.

DIVISION A division was called, the result being:-

AYES: Councillors Bradley, Darley, Davis, Green, Humphries, Maclean, Noack, Pandey, Prociv, Valjak and Wang

NOES: Councillors Esber, Garrard, Siviero and Wearne

Note: Councillor Garrard left the Chamber at 7:18pm and returned at 7:18pm during the consideration of Item 13.1

13.2 SUBJECT CBD Planning Proposal Concerns Regarding Infrastructure Funding, Flooding and Design

REFERENCE F2022/00105 - D08443717

FROM Councillor Phil Bradley

MOTION (Bradley/Prociv)

That consideration of this matter be deferred pending further consultation with Councillors and Council officers.

The motion moved by Councillor Bradley and seconded by Councillor Prociv on being put was declared LOST.

DIVISION A division was called, the result being:-

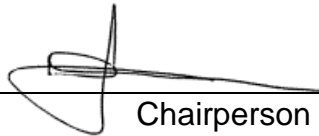
AYES: Councillors Bradley, Darley, Davis, Maclean and Prociv

NOES: Councillors Esber, Garrard, Green, Humphries, Noack, Pandey, Siviero, Valjak, Wang and Wearne

14. CONCLUSION OF MEETING

The meeting terminated at 7:33pm.

THIS PAGE AND THE PRECEDING 8 PAGES ARE THE MINUTES OF THE
EXTRAORDINARY COUNCIL MEETING HELD ON MONDAY, 21 MARCH 2022
AND CONFIRMED ON MONDAY, 28 MARCH 2022.



Chairperson