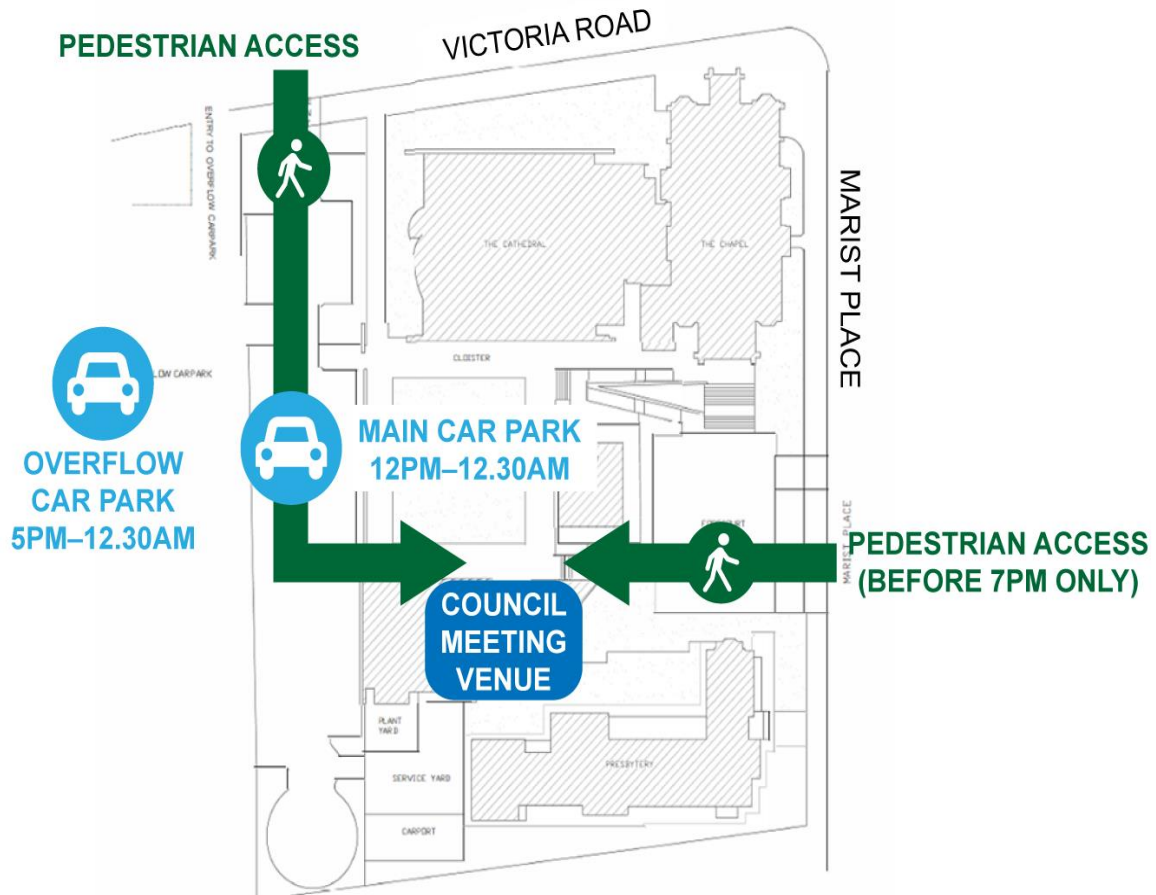


# NOTICE OF COUNCIL MEETING

## PUBLIC AGENDA

An Ordinary Meeting of City of Parramatta Council will be held in the Cloister Function Rooms, St Patrick's Cathedral, 1 Marist Place, Parramatta on Monday, 11 April 2022 at 6:30pm.

Brett Newman  
CHIEF EXECUTIVE OFFICER



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## COUNCIL CHAMBERS

Governance  
Manager

Lord Mayor  
Cr Donna  
Davis

Chief  
Executive  
Officer

Minute Clerk

Cr Phil  
Bradley

Cr Sameer  
Pandey,  
Deputy Lord  
Mayor

Cr Paul  
Noack

Cr Ange  
Humphries

Cr Dr Patricia  
Prociv

Cr Pierre  
Esber

Cr Cameron  
Maclean

Cr Lorraine  
Wearne

Cr Donna  
Wang

Cr Michelle  
Garrard

Cr Dan  
Siviero

Cr Henry  
Green

Cr Kellie  
Darley

Cr Georgina  
Valjak

Sound

IT

Executive  
Director City  
Engagement &  
Experience

Executive  
Director  
Community  
Services

Executive  
Director City  
Planning &  
Design

Group Manager  
City Strategy

Executive  
Director City  
Assets &  
Operations

Chief Finance  
and Information  
Officer

Executive  
Director  
Property and  
Place

Press

Press

Public Gallery

## STATEMENT OF ETHICAL OBLIGATIONS:

In accordance with clause 3.23 of the Model Code of Meeting Practice, Council is obligated to remind Councillors of the oath or affirmation of office made under section 233A of the Local Government Act 1993, and of their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest – the ethical obligations of which are outlined below:

Obligations	
Oath [Affirmation] of Office by Councillors	I swear [solemnly and sincerely declare and affirm] that I will undertake the duties of the office of Councillor in the best interests of the people of the City of Parramatta Council and the City of Parramatta Council that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.
Code of Conduct Conflict of Interests	
Pecuniary Interests	<p>A Councillor who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council at which the matter is being considered, must disclose the nature of the interest to the meeting.</p> <p>The Councillor must not be present at, or in sight of, the meeting:</p> <ul style="list-style-type: none"> <li>a) At any time during which the matter is being considered or discussed, or</li> <li>b) At any time during which the Council is voting on any question in relation to the matter.</li> </ul>
Non-Pecuniary Conflict of Interests	A Councillor who has a non-pecuniary conflict of interest in a matter, must disclose the relevant private interest in relation to the matter fully and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
Significant Non-Pecuniary Conflict of Interests	A Councillor who has a significant non-pecuniary conflict of interest in relation to a matter under consideration at a Council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.
Non-Significant Non-Pecuniary Interests	A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest must also explain why conflict of interest is not significant and does not require further action in the circumstances.



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*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.*

16.2 RFQ 40/2021 Completion of Construction of a New Sports Pavilion – Boronia Park, Epping

*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.*

16.3 RFQ Haslams Creek Crossing and Hill Road, near M4 - Pedestrian/Cycleway Bridges Detail Design

*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.*

**17 PUBLIC ANNOUNCEMENT OF RESOLUTIONS PASSED IN CLOSED SESSION**

**18 CONCLUSION OF MEETING**

***After the conclusion of the Council Meeting, and if time permits, Councillors will be provided an opportunity to ask questions of staff.***

MINUTES OF THE MEETING OF CITY OF PARRAMATTA COUNCIL HELD IN THE CLOISTER FUNCTION ROOMS, ST PATRICK'S CATHEDRAL 1 MARIST PLACE, PARRAMATTA ON MONDAY, 28 MARCH 2022 AT 6:30PM

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*These are draft minutes and are subject to confirmation by Council at its next meeting. The confirmed minutes will replace this draft version on the website once confirmed.*

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 6:36pm.

2. ACKNOWLEDGEMENT OF 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

SUBJECT: Minutes of the Council Meeting held on 14 March 2022

3690 RESOLVED (Prociv/Darley)

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

SUBJECT: Minutes of the Extraordinary Council Meeting held on 21 March 2022

3691      RESOLVED      (Pandey/Wang)

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

6.    APOLOGIES/REQUESTS FOR LEAVE OF ABSENCE

3692      RESOLVED      (Noack/Green)

**That** the request to attend the Ordinary Council Meeting dated 28 March 2022 via remote means submitted by the following Councillors due to personal reasons, be accepted:

- Councillor Valjak;
- Councillor Wearne.

7.    DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

8.    MINUTES OF THE LORD MAYOR

8.1          SUBJECT          Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples

REFERENCE   F2021/02779 - D08447897

REPORT OF   Lord Mayor, Councillor Donna Davis

3693      RESOLVED      (Davis/Darley)

- (a)    **That** Council acknowledges and supports the proposal for a national referendum that formally recognises Aboriginal and Torres Strait Islander peoples in the Australian Constitution and the key principles of the 'Uluru Statement from the Heart'.
- (b)    **That** Council writes to the Prime Minister, the Federal Leader of the Opposition, the Premier of NSW, the Opposition Leader of NSW, local Federal and State MPs, the President of Local Government NSW, the President of the Australian Local Government Association, the Deerubbin Local Aboriginal Land Council, Metropolitan Local Aboriginal Land Council, Gandangarra Local Aboriginal Land Council and local Dharug organisations to express City of Parramatta Council's support for Constitutional recognition for Aboriginal and Torres Strait Islander peoples and the key principles of the 'Uluru Statement from the Heart'.
- (c)    **Further, that** Council notes work underway to develop a First Nations Strategy to replace Council's former Reconciliation Action Plan and that a workshop on this topic will be held in April.

**Note: Councillor Wearne left the Chamber at 6:46pm during the consideration of the Item 8.1 and was not present in the Chamber during the vote thereon.**

8.2 SUBJECT Public Toilet Policy

REFERENCE F2021/02779 - D08465407

REPORT OF Lord Mayor, Councillor Donna Davis

3694 RESOLVED (Davis/Pandey)

(a) **That** Council prepares a high-level public toilet policy that sets out the rationale and criteria for Council's investment in new accessible public toilets.

(b) **Further, that** in developing this Policy, it aligns with the long-term direction for community infrastructure provision as outlined in Council's endorsed Community Infrastructure Strategy.

**Note: Councillor Wearne was not present in the Chamber during the vote thereon.**

8.3 SUBJECT 200 Years of the Royal Agricultural Society of NSW

REFERENCE F2021/02779 - D08466998

REPORT OF Lord Mayor, Councillor Donna Davis

3695 RESOLVED (Davis/Esber)

(a) **That** Council note the Royal Agricultural Society of NSW is celebrating their bicentenary in 2022.

(b) **That** the Lord Mayor write to the Royal Agricultural Society of NSW (RAS), congratulating them on this significant milestone and for the commitment to the promotion of Australian agriculture and advocacy on behalf of rural communities since 1822.

(c) **That** this letter include an invitation to meet with Council to discuss opportunities to further the relationship between the City and the RAS, acknowledge the historical connection and consider opportunities for Council to sponsor a competition at the Sydney Royal Easter Show in an appropriate category.

(d) **Further, that** Council note to recognise this occasion, the Royal Agricultural Society of NSW is holding a special Bicentenary Street Parade on Saturday, 9 April 2022, commencing at Parramatta Park at 3.30am before proceeding to Sydney Olympic Park.

**Note: Councillor Wearne returned to the Chamber at 6:48pm during the consideration of Item 8.3.**

## 9. PUBLIC FORUM

9.1        SUBJECT        PUBLIC FORUM 1: Item 14.2 - Smoke Free Parramatta Square

REFERENCE   F2022/00105 - D08464723

FROM            Dr Shopna Bag

Good evening, Lord Mayor and Councillors, thank you for the opportunity to speak in relation to item No. 14.2 – Smoke Free Parramatta Square. I am Dr Shopna Bag, the Acting Director for the Western Sydney Local District Centre for Population Health and I speak in support of Councillor Pandey’s proposal. Parramatta Square, which lies at the heart of Parramatta CBD, is a large, vibrant outdoor space which is accessed by thousands of local workers, students and consumers including children.

The proposal to implement a smoke-free Parramatta Square, would provide significant benefits to our community.

Firstly, there are considerable health benefits in preventing exposure to harmful second-hand smoke. Second-hand smoke contains over 7000 toxic substances. By protecting individuals from exposure and inhalation of second-hand smoke, we protect them from serious health effects such as respiratory illness, cardiovascular disease and lung cancer, which can lead to hospitalisation. Children, in particular, are more vulnerable and are at increased risk of sudden infant death syndrome, acute respiratory infections, middle ear infections and severe asthma, due to their immature respiratory systems. There is no safe level of exposure to second-hand smoke. Smoke-free environments play a key role in supporting people to reduce their smoking, make more successful quit smoking attempts and supports ex-smokers to maintain their non-smoking status.

Secondly, there are social and economic benefits to establishing a smoke-free Parramatta Square. Surveys from business owners and consumers show that 4 in 5 NSW people support smoke-free outdoor dining and have a preference for improved air quality. Reduced exposure to cigarette smoke-drift increases consumers’ likelihood of spending more time in public and outdoor settings and would boost patronage to local business. Smoke-free environments provide positive role modelling for children and young people, including university students who have increased opportunities to gather in the Square. We strongly support local efforts to support family friendly public spaces and creating safe environments.

Lastly, there are significant environmental benefits to creating smoke-free environments. Cigarette butts are consistently the most littered item. They are made from non-biodegradable plastics which can easily be carried in stormwater drains and local waterways. The prevention of cigarette smoking will lead to a significant reduction in habitual cigarette butt littering which will help protect our Parramatta River and waterways.

To conclude, from a population health perspective, we strongly support the proposal for a smoke-free Parramatta Square. It will contribute to the on-going denormalization of tobacco smoking and build on decades of positive achievements in reducing smoking rates and exposures through public health policies and government legislation. A smoke-free Parramatta Square would provide health and wellbeing benefits to our local community, including social, economic and environmental gains.

Thank you for your time.

## **EXECUTIVE DIRECTOR, CITY ASSETS & OPERATIONS RESPONSE**

There is public health, economic and environmental benefits associated with making Parramatta Square smoke free. There are however significant regulatory issues in enforcing such a ban which make it costly and less than effective. Consequently, very few Sydney Metro Councils have adopted this approach to ban smoking in public spaces.

### 10. PETITIONS

10.1      SUBJECT      Short St North Parramatta Residents Petition

REFERENCE   DA/654/2021

FROM           Kellie Darley

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

*We the Residents of Short St North Parramatta request that The City of Parramatta Council reinstate the pre-existing degraded asphalt path on the Eastern side of Short St North Parramatta.*

*Several neighbours have made contact with the council over the years to report issues with the soft surface path.*

*We request that the hard path is reinstated to resolve the following Issues:*

- *Public Safety – Numerous residents have incurred injury*
- *Loss of accessibility between street & homes*
- *Lack of accessibility along Eastern side of Short Street*
- *Flood mitigation/accessibility after rain*
- *Mud and dirt on resident's property*
- *Incurred cost or loss of personal time to maintain grass & weeds.*

*The residents have endured the soft surface path for some time and it's simply not safe or functional. We ask that the council revert to its original commitment to repairing the existing hard surface path as discussed in 2006.*

3696      RESOLVED      (Darley/Esber)

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

## 11. RESCISSION MOTIONS

Nil

## 12. FOR NOTATION

12.1      SUBJECT      Response to Notice of Motion - Activate, Regulate and Create Safe Underpasses

REFERENCE   F2022/00105 - D08386006

REPORT OF   Place Manager

3697      RESOLVED      (Pandey/Humphries)

(a)      **That** Council receive and note the contents of this report.

(b)      **Further, that** Council work with the State Government to activate underpasses within the Parramatta CBD.

12.2      SUBJECT      Quarter Two Progress Report - Delivery Program and Operational Plan 2021/22

REFERENCE   F2022/00105 - D08446730

REPORT OF   Corporate Strategy Manager

3698      RESOLVED      (Prociv/Garrard)

**That** Council defer consideration of this matter to the 26 April 2022 Council Meeting for discussion at a Councillor Workshop or other suitable forum.

12.3      SUBJECT      NOTE LATE REPORT: Quarterly Budget Review - December 2021

REFERENCE   F2022/00105 - D08443317

REPORT OF   Financial Planning and Analysis Manager

3699      RESOLVED      (Prociv/Garrard)

**That** Council defer consideration of this matter to the 26 April 2022 Council Meeting for discussion at a Councillor Workshop or other suitable forum.

## 13. FOR COUNCIL DECISION



- 13.1      SUBJECT      Counting of petitions for referral of a development application to the Parramatta Local Planning Panel
- REFERENCE   F2022/00105 - D08415668
- REPORT OF   Group Manager - Development and Traffic Services
- MOTION      (Garrard/Wang)
- (a)    **That** Council note the changes to Council's website to assist the community in making submissions on development applications.
- (b)    **Further, that** Council write to the Minister of Planning and Homes advocating for a change to how petitions and form letter submissions are counted for the purposes of referral of a development application to the Parramatta Local Planning Panel.

AMENDMENT (Bradley/Wearne)

- (a)    **That** Council note the changes to Council's website to assist the community in making submissions on development applications.
- (b)    **That** Council write to the Minister of Planning and Homes advocating for a change to how petitions and form letter submissions are counted for the purposes of referral of a development application to the Parramatta Local Planning Panel.
- (c)    **Further, that** for the purposes of Council's conciliation conferences, after the first five (5) form letters or five (5) petition signatories, Council will count every additional five (5) of these as another unique submission.

The amendment moved by Councillor Bradley and seconded by Councillor Wearne on being put was declared LOST.

The motion moved by Councillor Garrard and seconded by Councillor Wang on being put was declared CARRIED.

- 3700      RESOLVED      (Garrard/Wang)
- (a)    **That** Council note the changes to Council's website to assist the community in making submissions on development applications.
- (b)    **Further, that** Council write to the Minister of Planning and Homes advocating for a change to how petitions and form letter submissions are counted for the purposes of referral of a development application to the Parramatta Local Planning Panel.

- 13.2      SUBJECT      Condition of the heritage listed property at 10 New Zealand Street, Parramatta
- REFERENCE   F2022/00105 - D08417925

3701 RESOLVED (Prociv/Darley)

- (a) **That** Council note that there are no legal powers available to Council to require a property owner to maintain a locally listed heritage item.
- (b) **That** Council:
  - a. nominate Wavertree for inclusion on the State Heritage Register and formally make this request to Heritage NSW.
  - b. seek an interim heritage order for the State heritage listing of Wavertree.
- (c) **That** the Lord Mayor and Councillors be updated on the progress of the nomination and interim heritage order.
- (d) **Further, that** the Lord Mayor write to the Minister for Planning and Homes and the Minister for Environment and Heritage requesting the investigation of powers Councils could be given through amendments to current NSW planning and heritage legislation to prevent the deterioration of locally list heritage properties through owner neglect.

13.3 SUBJECT CBD Carparking Strategy

REFERENCE F2022/00105 - D08434912

REPORT OF Group Manager Property Development

MOTION (Pandey/Humphries)

- (a) **That** Council notes the submissions made during the public exhibition of the draft CBD Carparking Strategy.
- (b) **That** Council approves the CBD Carparking Strategy at Attachment 1.
- (c) **That** Council note that ten million dollars (\$10m) from the Property Reserve has been allocated to implement the CBD Carparking Strategy.
- (d) **That** Council provide a yearly report and conduct a review of this strategy on a yearly basis.
- (e) **Further, that** as part of the Smart Parking Tender, Council seek to develop an application mapping availability of carparking spaces.

AMENDMENT (Garrard/Siviero)

**That** Council defer the Carparking Strategy to align with budgetary considerations.

During debate, the amendment moved by Councillor Garrard and seconded by Councillor Siviero was WITHDRAWN.

The motion moved by Councillor Pandey and seconded by Councillor Humphries on being put was declared CARRIED.

3702 RESOLVED (Pandey/Humphries)

- (a) **That** Council notes the submissions made during the public exhibition of the draft CBD Carparking Strategy.
- (b) **That** Council approves the CBD Carparking Strategy at Attachment 1.
- (c) **That** Council note that ten million dollars (\$10m) from the Property Reserve has been allocated to implement the CBD Carparking Strategy.
- (d) **That** Council provide a yearly report and conduct a review of this strategy on a yearly basis.
- (f) **Further, that** as part of the Smart Parking Tender, Council seek to develop an application mapping availability of carparking spaces.

**Note: Councillor Garrard left the Chamber at 7:51pm and returned at 7:57pm during the consideration of Item 13.3.**

13.4 SUBJECT Draft Melrose Park South Site-Specific Development Control Plan and Planning Agreement

REFERENCE F2022/00105 - D08433159

REPORT OF Senior Project Officer

3703 RESOLVED (Noack/Garrard)

- (a) **That** Council approve the draft Melrose Park South Site-Specific Development Control Plan (DCP) provided at Attachment 2 for the purposes of public exhibition.
- (b) **That** Council give delegation to the CEO to draft the Planning Agreement based on the submitted Letter of Offer provided at Attachment 3 for the purposes of public exhibition.
- (c) **That** the draft DCP and Planning Agreement be placed on public exhibition concurrently with the Planning Proposal that was adopted by Council on 9 November 2020 for a period of 28 days, and that a report be provided to Council on the outcomes of the public exhibition.
- (e) **Further, that** Council delegate authority to the Chief Executive Officer to correct and anomalies of minor non-policy nature that may arise during the public exhibition process.

	DIVISION	A division was called, the result being:-
	AYES:	Councillors Bradley, Darley, Davis, Esber, Garrard, Green, Humphries, Maclean, Noack, Pandey, Prociv, Siviero, Valjak, Wang and Wearne
	NOES:	Nil
13.5	SUBJECT	LATE REPORT: Quarterly Budget Review - December 2021
	REFERENCE	F2022/00105 - D08435024
	REPORT OF	Financial Planning and Analysis Manager
3704	RESOLVED	(Prociv/Garrard)
	<b>That</b> Council defer consideration of this matter to the 26 April 2022 Council Meeting for discussion at a Councillor Workshop or other suitable forum.	

#### 14. NOTICES OF MOTION

14.1	SUBJECT	Peninsula Park, Wentworth Point
	REFERENCE	F2022/00105 - D08453092
	FROM	Councillor Paul Noack
3705	RESOLVED	(Noack/Prociv)
	<p>(a) <b>That</b> Council advocate to the State Government on the future of the mixed-use site adjacent to Peninsula Park at Wentworth Point.</p> <p>(b) <b>That</b> Council advocate to Transport for NSW (as landowner) and Landcom (as developer) for commencement of work in the Peninsula Park to occur promptly.</p> <p>(c) <b>That</b> Council notes the concerns of the residents of Wentworth Point in an attached resolution:</p>	
	<p><i>The 19 March 2022 meeting unanimously passed the following motion:</i></p> <p><i>“This meeting of Wentworth Point residents demands that the planned school oval is under the management of the two schools. There will be up to 2,500 students at both schools and our children currently have the lowest open space ratio in NSW. We note that without a dedicated oval the two schools will not meet the mandatory teaching requirements under the NSW Education Standards Authority. Our children need and deserve a dedicated oval.</i></p>	

*This meeting further notes that while Wentworth Point's population is predicted to grow to more than 30,000 there is currently no parks, local community playing fields and community facilities. We call on the State Government and Transport for NSW to honour the 2014 agreement and immediately commence Peninsula Park.*

*We call on the State Government and Transport for NSW to immediately abandon the proposal to allow residential development on the land to the east of the new High School and enter into full and genuine consultation with the community to deliver a community playing field and community facilities."*

- (d) **Further, that** Council supports the need for full and genuine consultation with the residents of Wentworth Point before any decisions are made on the development of land east of the Schools, and the need for community playing fields and community facilities.

**Note: Councillor Esber left the Chamber at 8:04pm and returned at 8:06pm during the consideration of Item 14.1.**

14.2      SUBJECT      Smoke Free Parramatta Square

REFERENCE   F2022/00105 - D08453832

FROM           Deputy Lord Mayor, Councillor Pandey

3706      RESOLVED      (Pandey/Esber)

- (a) **That** Council develop a policy position in support for smoke-free and vape-free options within Parramatta Square.
- (b) **Further, that** the Policy to include:
- a. relevant and appropriate measures to understand the impact of implementing smoke free and vape-free options in Parramatta Square (e.g. community perceptions).
  - b. Identify a suitable, acceptable and enforceable smoke-free option and vape-free for Parramatta Square that addresses stakeholder feedback, health and environmental considerations.
  - c. Deliver a communication campaign to inform stakeholders of the new smoke-free measures in Parramatta Square.

**Note:**

1. **Councillor Prociv left the Chamber at 8:10pm and returned at 8:13pm during the consideration of Item 14.1.**
2. **Councillor Esber left the Chamber at 8:11pm and returned at 8:12pm during the consideration of Item 14.1.**

## 15. QUESTIONS WITH NOTICE

Nil

**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.**

16. CLOSED SESSION

3707 RESOLVED (Esber/Maclean)

**That** 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 listed come within the following provisions:-

16.1 Legal Status Report as at 28 February 2022. (D08443882) - *This report is confidential in accordance with section 10A (2) (e) of the Local Government Act 1993 as the report contains information that would, if disclosed, prejudice the maintenance of law.*

16.2 Epping Laneway - Sale of Land. (D08438003) - *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.*

**Note:**

1. **Councillor Darley left the Chamber at 8:20pm during the consideration of the motion to move into closed session and was not present in the Chamber for the vote thereon.**
2. **Councillor Garrard left the Chamber at 8:20pm during the consideration of the motion to move into closed session and was not present in the Chamber for the vote thereon.**

16.1 SUBJECT Legal Status Report as at 28 February 2022

REFERENCE F2021/03410 - D08443882

REPORT OF Solicitor

3708 RESOLVED (Prociv/Wang)

**That** Council note the Legal Status Report as at 28 February 2022.

**Note:**

1. **Councillor Darley returned to the Chamber at 8:21pm during the consideration of Item 16.1.**
2. **Councillor Garrard returned to the Chamber at 8:22pm during the consideration of Item 16.1.**

16.2        SUBJECT        Epping Laneways (Adjoining the development at 48-54  
Beecroft Road and 52-54 Rawson Street, Epping) - Sale  
of Land

REFERENCE   F2022/00105 - D08438003

REPORT OF   Development Manager

3709        RESOLVED        (Wearne/Maclean)

(a)    **That** Council accepts the offer from DGS Epping Development Pty  
Ltd, as per the Letter of Offer dated 2 March 2022 (Attachment 1).

(b)    **That** Council proceeds with the sale of Lot 100 DP 1274400, as  
per the Contract of Sale (Attachment 2).

(c)    **That** upon exchange of contracts, Council provide landowner's  
consent to the lodgement of a section 4.55 modification application  
which seeks the modification of DA/61/2018 to incorporate Lot 100  
DP 1274400 into the DGS Epping Development.

(d)    **That** the proceeds of the sale of land are allocated to road work  
associated with Epping Aquatic Centre in line with section 43  
*Roads Act 1993*.

(e)    **Further, that** the CEO is delegated authority to execute all  
documents in relation to this matter.

#### PROCEDURAL MOTION

3710        RESOLVED        (Esber/Noack)

**That** the meeting resume in Open Session.

#### 17. REPORTS OF RESOLUTIONS PASSED IN CLOSED SESSION

The Chief Executive Officer read out the resolutions for Items 16.1 to 16.2.

#### 18. CONCLUSION OF MEETING

The meeting terminated at 8:35pm.

THIS PAGE AND THE PRECEDING 12 PAGES ARE THE MINUTES OF THE  
ORDINARY COUNCIL MEETING HELD ON MONDAY, 28 MARCH 2022 AND  
CONFIRMED ON MONDAY, 11 APRIL 2022.

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Chairperson

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**FOR NOTATION**

**11 APRIL 2022**

12.1	Minutes of the Riverside Advisory Board Meeting held on 14 September 2021 and 24 November 2021 .....	22
12.2	Response to Notice of Motion - Wentworth Point Mobile Coverage .....	77
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**FOR NOTATION**

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<b>ITEM NUMBER</b>	12.1
<b>SUBJECT</b>	Minutes of the Riverside Advisory Board Meeting held on 14 September 2021 and 24 November 2021
<b>REFERENCE</b>	F2022/00105 - D08444577
<b>REPORT OF</b>	Business Manager, Riverside Theatres

**CSP THEME: WELCOMING**

**WORKSHOP/BRIEFING DATE: NIL**

**PURPOSE:**

The Riverside Advisory Board met on 14 September 2021 and 24 November 2021. This report provides a precis of the minutes of these meetings.

**RECOMMENDATION**

That Council note the Minutes of the Riverside Theatres Advisory Board Meetings on held 14 September 2021 and 24 November 2021. Full minutes for both meeting are attached as **Attachment 1** and **Attachment 2**.

**BACKGROUND**

1. The Riverside Theatres Advisory Board is a voluntary Committee of interested community members, Council staff and Councillors. The current Committee membership as of 24 November 2021, comprised:  
 Ms Vyvienne Abla  
 Cllr Donna Davis  
 Cllr Bob Dwyer  
 Mr Jon Greig  
 Ms Rhonda Hawkins  
 Cllr Andrew Jefferies  
 Mr Luke Mackey  
 Mr Alan Manly  
 Ms Keiasha Naidoo  
 Mr Vaughan Roles  
 Mr Carl Sciberras  
 Dr Jim Taggart OAM
2. The Advisory Board advocates for Riverside Theatres and its critical role as a major arts and culture attraction for Sydney's Central City.
3. The primary purpose of the Committee is to advise Council on the strategic direction of the Riverside Theatres' performance program and venues with reference to Council cultural plans and other relevant plans; to advise Council on Riverside Theatres' strategic role in delivering Council's vision for Sydney's Central City as a culturally rich, successful, prosperous and destination Parramatta; and to advocate for Riverside Theatres as western Sydney's premier performing arts centre.

4. The Committee meets every two months with a minimum of six meetings each year.

### **RIVERSIDE THEATRES ADVISORY BOARD MEETING – 14 September 2021**

#### **Director's Report**

5. The Director's Report was taken as read and accepted. The report included updates on the venue's Operational status, Program highlights and postponement of shows into calendar year 2022, Covid Updates, People and Culture updates and Marketing updates. The full Director's Report is included **Attachment 3**.
6. The Business Manager gave a Finance Overview for Riverside. Finance KPI's were reviewed and commented upon. The detailed financial report is appended as **Attachment 4**.

#### **Advisory Board – Revised Terms of Reference**

7. The final draft Revised Terms of Reference, appended as **Attachment 5**, were presented, taken as read and accepted by the Board.
8. The Revised Terms were determined following the review carried out by the former Director of Riverside Theatres. The Revised Terms of Reference will now be provided to City of Parramatta's Governance Team, to be incorporated into a wider review of the Advisory Committees of Council, the outcome of which will be considered by Council in early 2022.

#### **Riverside Redevelopment Update**

9. The 2021 Riverside Redevelopment Concept Proposal (as presented and discussed in the Council workshop on July 5<sup>th</sup>) was presented for the Advisory Board's information and comment.
10. The Director explained that the concept proposal has been scoped to establish a design and construction budget (excluding public domain) and to deliver on the goals and aspirations of the 2018 Reimagining Riverside Paper as endorsed by Council.
11. The Director advised the next steps included completion of a validated Reference Design, Functional Spec and QS derived cost plan to be presented to Council late in 2021.

### **RIVERSIDE THEATRES ADVISORY BOARD MEETING - 24 November 2021**

#### **Director's Report**

12. The Director's Report was taken as read and accepted. The report included commentary and plans for post-Covid Reopening, Venue Operations, updated Program highlights, Covid Plan and management updates and a People and Culture updates. The full Director's Report is included as **Attachment 6**.

13. The rough sleeper situation on the front of Riverside loggia has been addressed to a satisfactory resolution. The solution was a joint effort from CoP Social & Community Services team, City Safe, Regulatory and Cleansing team. The plan included actioning a major clean-up of the area, working with and supporting the rough sleepers to seek alternate locations as they were blocking fire exits and the public thoroughfare.
14. The Business Manager gave a Finance Overview for Riverside. All Finance KPI's were reviewed and are included in **Attachment 7**.

## **RIVERSIDE REDEVELOPMENT**

15. The Director updated the board on Riverside Re-development concept proposal, Council approved a next iteration of the development process, taking the concept proposal out to architects and coming up with three keys items: a validated reference design, a detailed functional brief, and a detailed cost plan.

## **Cessation of 7th Riverside Advisory Board**

16. The meeting represented the last meeting of the current Riverside Advisory Board. As previously reported, new Terms of Reference for all Council Advisory Committees will be considered by Council in early 2022.

## **CONSULTATION & TIMING**

### Stakeholder Consultation

17. The following stakeholder consultation has been undertaken in relation to this matter:

<b>Date</b>	<b>Stakeholder</b>	<b>Stakeholder Comment</b>	<b>Council Officer Response</b>	<b>Responsibility</b>
14 <sup>th</sup> September 2021 and 24 <sup>th</sup> November 2021	Community Members of the Advisory Board	Comments are recorded in the Minutes of the Meetings attached to this report	n/a	Riverside Theatres / Community Services / Craig McMaster

### Councillor Consultation

18. The following Councillor consultation has been undertaken in relation to this matter:

<b>Date</b>	<b>Councillor</b>	<b>Councillor Comment</b>	<b>Council Officer Response</b>	<b>Responsibility</b>
14 <sup>th</sup> September 2021 and 24 <sup>th</sup> November 2021	D Davis B Dwyer A Jefferies	Comments where applicable are recorded in the Minutes of the Meetings attached to this report	n/a	Riverside Theatres / Community Services / Craig McMaster

## **LEGAL IMPLICATIONS FOR COUNCIL**

19.

**FINANCIAL IMPLICATIONS FOR COUNCIL**

20. Expenditure incurred by activity referred to in this report is within Council's existing approved budgets.

	<b>FY 20/21</b>	<b>FY 21/22</b>	<b>FY 22/23</b>	<b>FY 23/24</b>
<b>Operating Result</b>				
External Costs				
Internal Costs				
Depreciation				
Other				
<b>Total Operating Result</b>	Nil			
<b>Funding Source</b>				
<b>CAPEX</b>				
CAPEX				
External				
Internal				
Other				
<b>Total CAPEX</b>				
<b>Funding Source</b>				

Sainesh Moss  
**Business Manager, Riverside Theatres**

Craig McMaster  
**Director - Riverside Theatres**

John Angilley  
**Chief Finance and Information Officer**

Jon Greig  
**Executive Director Community Services**

Brett Newman  
**Chief Executive Officer**

**ATTACHMENTS:**

1  Minutes Riverside Theatre Board Meeting - 14 September 2021 6 Pages

2  Minutes Riverside Theatre Board Meeting - 24 November 2021 6 Pages

3  Director's Report - 14 September 2021 8 Pages



<a href="#">4</a> 	Finance Report - 14 September 2021	10 Pages
<a href="#">5</a> 	Riverside Theatre Advisory Committee - Terms of Reference	5 Pages
<a href="#">6</a> 	Director's Report - 24 November 2021	5 Pages
<a href="#">7</a> 	Finance Report - 24 November 2021	10 Pages

## REFERENCE MATERIAL



**CITY OF PARRAMATTA**  
**MINUTE OF THE RIVERSIDE THEATRES**  
**ADVISORY BOARD MEETING**



**Meeting Date/Time:** Tuesday, September 14, 2021 / 6.00PM AEST (Australian Eastern Standard Time)

<b>Advisory Board:</b>	Rhonda Hawkins AM (Chair)	Jon Grieg	Keiasha Naidoo
<b>Members:</b>	Vyviene Abla	Cr Andrew Jefferies	Vaughan Roles
	Cr Donna Davis	Luke Mackey	Carl Scibberas
	Cr Bob Dwyer	Alan Manly	Dr Jim Taggart OAM (Deputy Chair)

<b>Management Attendees:</b>	Craig McMaster, Director Riverside Theatres	Sainesh Moss, Business Manager
	Mike Brew, Operations Manager	Catherine Swallow, Program Manager
	Joanne Kee, Exec. Producer NTofP	
<b>Apologies:</b>	Henri Marron, Marketing Manager	

	<b>AGENDA ITEM #1: MEETING OPENING</b>
Craig McMaster (Director Riverside)	<p><b>Acknowledgment of Country</b>            Craig McMaster completed the Acknowledgement of Country to the Darug land where the meeting was held.</p> <p>The meeting commenced at 6:10pm.</p>
	<b>AGENDA ITEM #2: Welcome and Apologies</b>
Rhonda Hawkins (Chair)	With quorum present the Chair opened the meeting and noted the apologies.
	<b>AGENDA ITEM #3: Minutes of Meeting 26 June, 2021</b>
Rhonda Hawkins (Chair)	<p>Previously distributed minutes taken as read</p> <p><b>MOTION:</b> minutes of last meeting were accepted and approved</p>
	<b>AGENDA ITEM #4: Director's Report</b>
Craig McMaster (Director Riverside)	<p>Craig M opened the meeting by acknowledging it as his first meeting as the Director of Riverside Theatres. Craig thanked everyone for the welcome received over the last couple of months since commencing the role and thanked the Advisory Board for their support.</p> <p>Craig M then provided an Operation Overview/Update, noting the following key items:</p> <ul style="list-style-type: none"> <li> <b>Programming</b>            Riverside had been closed since July and maintained non-operating status. All management team and staff were currently working from home. The focus around this time is program management and managing reschedules, which are quite significant and on-going.         </li> </ul>



**CITY OF PARRAMATTA**  
**MINUTE OF THE RIVERSIDE THEATRES**  
**ADVISORY BOARD MEETING**



	<ul style="list-style-type: none"> <li>Despite the cancellations and reschedules of program for this calendar year, overall Riverside was tracking well for a strong program for calendar year 2022 and beyond.</li> <li>The future venue program compression means the venue has few available dates for most of calendar 2022. This has raised form management's retention of a significant portion Covid impacted 2021 events being scheduled into next year.</li> <li><b>Cancellations:</b> Riverside did however incur a few large event losses, notably the Packemin season of 'Wicked the Musical' which was sold out to &gt;12,000 tickets but was unable be rescheduled in 2022 due to Packemin's license to present being only available until December 2021m resulting in requirement to refund all 'Wicked' sales. A portion of the sales (approx. 1500 tickets) were able to be retained for the Feb 2022 season of 'Mamma Mia!', which will go on sale to the general public in a few weeks' time.</li> <li><b>Riverside Theatres Digital:</b> Continues to be successfully presented, following its launch in 2020. This maintaining of digital content has been an essential component to patron satisfaction and brand presence while the venue has been closed. Craig M thanked and acknowledged the team who had assembled and managed the program very quickly following lockdown being triggered.</li> <li>The digital program will be continued in the coming months and will feature 'SPOT-ON Digital' children's festival in the coming weeks. Other schedule screenings include Queensland Orchestra Livestream of Beethoven and Sibelius Musical Masterpieces of 20 September as a partnership agreement. Craig noted that strategically Riverside will continue to explore the development of an ongoing hybridization program to get behind digital as we go into 2023.</li> <li><b>Commercial Hire</b> As noted, 'Wicked' was substantial loss to Hires income, however, have been able now able to maintain Kermond Productions 'Spiegelesque', which had been originally cancelled. Cumberland Gang Show was also another major hires cancellation. A substantial company of the net impact of these losses will potentially be offset by the Create NSW COVID Support Funding package which is in application at present.</li> <li><b>National Theatre of Parramatta</b> NTofP's final three shows of 2021 have been rescheduled into 2022. i.e., Guards of the Taj, White Pearl, and the Orange Thrower. White Pearl opened to great responses in Brisbane for Queensland Theatre Company with 4673 in attendance and is scheduled to tour to OzAsia Festival in Adelaide in November.</li> <li>It was also noted that NTofP Executive Producer Joanne Kee has been invited back as a member of the Create NSW Theatre Advisory Board. Joanne has also been invited back to the judging panel for the Nick Enright Playwriting Award, part of the State Government creative awards.</li> <li><b>Operational and Technical Team Update</b> The Green Room refresh project has been completed by the in-house team. The project which was done on time and within budget.</li> <li>Technical team is busy supporting the Presents team with the upcoming digital productions. Josh Stringer was acknowledged for his above the call efforts in managing the streaming presentations over recent months.</li> </ul>
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**CITY OF PARRAMATTA**  
**MINUTE OF THE RIVERSIDE THEATRES**  
**ADVISORY BOARD MEETING**



	<ul style="list-style-type: none"> <li> <b>Industry Update</b>            Since the lockdown, most of the industry continues to non-operational. Riverside is currently targeting an Oct 25 re-opening. Craig M thanked Executive Director Jon Greig for the significant support for Riverside's people over recent months.         </li> <li>           Re-opening will commence with small format cinema offerings followed by some live presentations. It is expected that by November and into December Riverside will return to offering normal programming, followed by a busy Sydney Festival program in January.         </li> <li>           As part of the recent Council Meeting, a Lord Mayoral minutes noted City of Parramatta's support for the Live Industries Venue &amp; Event Alliance's #VaxtheNation campaign, widely supported campaign across the industry. Craig M thanked the Lord Mayor for positive initiative forward on behalf of Riverside Theatres and City of Parramatta.         </li> <li> <b>People and Culture</b>            Craig McMaster commenced as the Director of Riverside Aug 16, 2021. Sainesh Moss as recently commenced (under secondment from the council Finance Team) as Riverside's Business Manager. Several former casual positions have recently been converted to Temporary Permanent as an outcome of feedback from last year's employee engagement survey. Currently most Riverside staff are working from home.         </li> <li> <b>Marketing report</b>            The marketing report was tabled for review. It was also noted that Henri Marron had tendered his resignation as Marketing Manager. Recruitment has commenced for a replacement Senior Marketing leader. With the current lockdown, all major show campaigns have been suspended/cancellation.         </li> <li> <b>Create NSW Covid Grants Application update</b>            An update was provided regarding the Create NSW Covid Support Grant application. The grants enable applicants to claim a portion of lost box office revenue during the lockdown. The claims will be shared at negotiated percentages with our various presenting or hirer partners based on which party held the biggest box office risk.         </li> </ul>
<b>Discussion</b>	<p>Luke Mackey commented how challenging all the work is that goes into the Create NSW grant. They also had to do a similar amount of work at State theatre.</p> <p>Jim Taggart thanked Craig for the presentation and mentioned that he has recently spoken on his radio program about the SPOT-ON children's festival to publicize Riverside. Jim was also pleased to hear that Riverside is booked out for next year and was interested in how the financial performance will look like.</p> <p>Vaughan Roles commented that shows such as Wicked do well and it is unfortunate in relations to licensing that we had to refund. A question was then asked about shows that we run for community value or the arts community and what impact COVID restrictions are having on them. Craig advised that demand has not come back from community hirers at this point, but the future impact is likely to be felt when a lot of programming comes back due to compression from 18 months of programming in a under a year.</p>
Rhonda Hawkins	<b>MOTION:</b> The Director's report was accepted and approved



**CITY OF PARRAMATTA**  
**MINUTE OF THE RIVERSIDE THEATRES**  
**ADVISORY BOARD MEETING**



	<b>AGENDA ITEM #5 Finance &amp; Results</b>
Sainesh Moss	<ul style="list-style-type: none"> <li>Sainesh M updated the board with the financial performance result for financial year 2020/21. The financial year begun with a lockdown which impacted revenue generation considerably. The top priority in finance was re-forecasting and assessing the fully year budget impact. As part of re-forecasting, we are looking into costs and revenue and any other new initiative be it revenue generation or cost reduction.</li> <li>Core KPI's in finance were presented. Considering the circumstances, Riverside is performing well against forecast in FY21/22 like it did in FY20/21. A copy of the finance update presentation is appended.</li> </ul>
	<b>AGENDA ITEM # 6 Program Update</b>
Catherine Swallow (Programming Manager Presents) & Joanne Kee (Exec. Producer NToFP)	<p><b>Program Update</b></p> <ul style="list-style-type: none"> <li>Catherine S gave an overview of presentations and upcoming program for Riverside. Including the running a digital program through lockdown with the Friday Night Lives and Q&amp;A programs. Catherine advised Riverside is currently working with interstate colleagues on regional arts and Fringe festivals, and that SPOT ON Digital Festival would be starting soon.</li> <li>Other major shows for the 2022 calendar year are 'Mamma Mia!', 'Freud's Last Session', 'Blue Bones' and of return of 'The Wharf Revue; the Australian Premiere 'Ghost Stories', a Packemin musical (TBA), 'Ulster American' and 'Jane Eyre'. Music highlights for 2022 include 'Songs From The Heart', 'Mozart's Clarinet' and for Children and young people – 'Alphabetical Sydney: All Aboard', 'Girls with Altitude', 'Robot Song' and 'Erth's Prehistoric World'.</li> <li>Catherine also updated on Sydney Festival and the shows that are coming, starting with A Chorus Line at Riverside and The Seven Methods of Killing Kylie Jenner in Lennox, kids show Zoom, and Katie Noonan: The Sweetest Taboo, which was due to open in November, but due to Covid this will within Sydney Festival.</li> <li>Joanne K updated on National Theatre of Parramatta noting they have the archival content available for Stolen and since this performed well last year there was demand for this again this year. Take Two went online last week for a younger audience. Continuing with Zombie Thoughts we now have an education pack for making the app. Finally staging the nation podcast ongoing series.</li> <li>Joanne updated on Sydney Festival for NToFP, including Rich Kids of Tehran (digital interactive performance) plus a digital first 'Things Hidden Since the Foundation of Time', both co-productions with the UK-based Javaad Alipoor company.</li> <li>NToFP will also have shows brought forward from 2021 into 2022 including 'Guards at the Taj', 'Orange Thrower' and 'White Pearl'. With both Orange Thrower and White Pearl NToFP will be doing a lot of community engagement and activations.</li> </ul>
	<b>AGENDA ITEM # 7 Program Update</b>



**CITY OF PARRAMATTA**  
**MINUTE OF THE RIVERSIDE THEATRES**  
**ADVISORY BOARD MEETING**



<p>Jon Greig (Exec Director Community Services)</p> <p>And Mike Brew (Operation Manager)</p>	<p><b>Council and COVID Response</b></p> <ul style="list-style-type: none"> <li>Jon G gave an update on Council's response to COVID lockdown and community impact. Covid management is requiring a significant amount of Council time and focus, with Parramatta being one of the 12 LGA's of concern. Local Emergency Management Plan has put in place at Rydalmere Operational Centre. Food emergency center was set up in Dundas for food hampers. Council's crisis management team is stood back up. There is a substantial focus and concern for people's wellbeing and community care.</li> <li>Mike B provided a Riverside Theatre COVID update and current plans. Currently operating under Covid Plan version 8.1 as release in August. The NSW government has released a new clause around ventilation in the theatres. Plans will be updated accordingly to reflect this and any other new requirements. Riverside and City of Parramatta are also strongly encouraging staff to get to vaccination as soon as possible in readiness for return to work in Oct/Nov.</li> <li>Craig M added that at this time there is no definitive position on mandatory vaccination. Based on everything telegraphed by the Premier to access venues and to working venues we it is expected to be highly likely the public health order will require double dose vaccination for access to venues. Once this is clarified we will be implemented it based on Council's guidance and policy.</li> <li>Jon added the vaccination requirements are already playing out in real time, e.g., for Childcare Centre workers who currently need to provide evidence of one vaccination and negative test result if working outside of the local government area.</li> </ul>
	<p><b>AGENDA ITEM # 8 Draft Advisory Board Terms of Reference</b></p>
<p>Rhonda Hawkins (Chair)</p>	<p><b>Draft Advisory Board Terms of Reference</b>  <i>Review, discussion of the distributed revised terms.</i></p> <p><b>MOTION:</b> Draft 2021 Riverside Advisory Board Terms of Reference was approved and recommended to be presented to Council / Governance for review.</p>
	<p><b>AGENDA ITEM # 9 Riverside Re-development Concept Proposal</b></p>
<p>Craig McMaster (Director Riverside Theatres)</p>	<p><b>Riverside Re-development Concept Proposal and</b></p> <ul style="list-style-type: none"> <li>Craig M updated the Advisory Board on the Riverside redevelopment concept proposal. It was acknowledged that a genesis for the riverside redevelopment was the 'reimagining Riverside' document put together by the advisory board in 2018.</li> <li>The concept proposal key points were presented. Craig explained that the concept is aimed to come in within the budget target of \$140-150M, and in line with the goals and aspirations of reimagining Riverside. The aim is for the final version of development to be put forward to council for endorsement and budget allocation in the fourth quarter of Calendar 2022.</li> <li>Once a scheme is fully endorsed by Council, full design process will be commission in Q2 of Calendar 2022, with a goal to have designed completed by Q3 Calendar</li> </ul>



**CITY OF PARRAMATTA**  
**MINUTE OF THE RIVERSIDE THEATRES**  
**ADVISORY BOARD MEETING**



	<p>2022 (approximately a year out from closing the venue in Aug/Sept 2023). The target is for the venue to re-open in late 2025. So far, all consultants and schemes stakeholders have endorsed the concept as it stands, and due to not excavating underground carparking costs have been contained.</p> <ul style="list-style-type: none"> <li>• Immediate next steps are meetings and briefings with consultants to continue to reference design validation work, functional brief, and cost planning, with a goal of having this completed by the end of mid-November 2021.</li> <li>• <b>MOTION:</b> Call for the Advisory Board to Support the 2021 Redevelopment Concept Scheme The Riverside Advisory Board acknowledged their support for the 2021 Redevelopment Concept Scheme passed their endorsement for the proposal as presented.</li> </ul>
Discussion	<p>Advisory Board members Keiasha N and Carl S asked about losing of the courtyard area.</p> <p>Craig M commented that operational the space has pain points and limitations from a weather, access, and fire egress perspective, often creating more challenges than it solves. The vision for the theatre is to be transparent and permeable with the exterior surrounds to create a feeling of connecting the theatre interior with outside areas.</p> <p>Keiasha N asked about the commercial aspect and in particular proposed café and the options for this to be a restaurant. It was clarified that due to space and location the scope of this café will be contained to casual dining only. Corporate clients catering requirements will be fulfilled by this café as well, with the support of external caterers for major functions.</p> <p>Carl added that the café will be an asset to artists working at Riverside.</p> <p>Luke complemented the concept and the opportunity for businesses to use the space.</p> <p>Keiasha asked if multicultural and mixed abilities needs are considered in the design. Craig said this has been a core focus of all iterations and is well documented in the functional brief.</p>
Rhonda Hawkins (Chair)	<p><b>General Business</b></p> <p>The Chair called on the Advisory Board to raise any additional or general business to discuss. There being none, the Chair called the meeting to a close.</p>
	<b>CLOSE OF MEETING - 8:06pm</b>



## CITY OF PARRAMATTA RIVERSIDE THEATRES ADVISORY BOARD MEETING



**Meeting Date/Time:** Wednesday, November 24, 2021/ 6.00PM AEST

<b>Advisory Board:</b>	Rhonda Hawkins AM (Chair)	Jon Grieg	Keiasha Naidoo
<b>Members:</b>	Vyviene Abla	Cr Andrew Jefferies	Vaughan Roles
	Alan Manly	Carl Scibberas	Carl Scibberas
			Dr Jim Taggart OAM (Deputy Chair)

<b>Management Attendees:</b>	Craig McMaster, Director Riverside Theatres Mike Brew, Operations Manager Sophie Anderson, Marketing & Communications Team Leader	Sainesh Moss, Business Manager Catherine Swallow, Program Manager
<b>Apologies:</b>	Joanne Kee, Exec. Producer NTofP Cr Donna Davis, Cr Bob Dwyer	Cr Andrew Jefferies, Luke Mackey, Dr Jim Taggart OAM (Deputy Chair)

	<b>AGENDA ITEMS #1: MEETING OPENING</b>
Catherine Swallow (Program Manager)	<b>Acknowledgment of Country</b> Catherine Swallow made an Acknowledgement of Country to the Darug land where the meeting was held.  The meeting commenced at 6:12pm.
	<b>AGENDA ITEMS #2: Welcome and Apologies</b>
Rhonda Hawkins (Chair)	With quorum present the Chair opened the meeting and noted the apologies.
	<b>AGENDA ITEMS #3: Minutes of Meeting 26 June, 2021</b>
Rhonda Hawkins (Chair)	Previously distributed minutes taken as read <b>MOTION:</b> minutes of last meeting were accepted and approved
	<b>AGENDA ITEMS #4: Director's Report</b>
Craig McMaster (Director Riverside)	Craig M thanked everyone for attending.  <b>Core Updates:</b> <ul style="list-style-type: none"> <li><b>Reopening</b> – we have reopened recently and had our first paid event was Mark Vincent and Classic Blockbusters with reasonably good attendances.</li> </ul> Craig M thanks Mike and the team for operational and service delivery which was outstanding and received positive feedback from patron, hirers, and performers.





**CITY OF PARRAMATTA RIVERSIDE THEATRES  
ADVISORY BOARD MEETING**



	<p><b>Covid Update</b> – The latest COVID Safety Plan was released on 18th of October. Riverside is operating at 100% capacity and all patrons over 16 years require double vaccinations. Riverside has a clear condition of entry staying away if ill, wearing mask, checking in, and displaying double vaccination evidence. A proposal was sent to Council to state how we will manage dance schools. Children over 16 years to have at double dose of vaccine and under 16 years need to have at least one dose of vaccine and any children under 12 years old to be tested beforehand. Majority of the dance schools has shown appreciation to keep the children safe.</p> <p>Management support has been received to maintain that double vaccination is a condition of entry. This was a result of a combination of commercial and safety factors being considered.</p>
<b>Discussion</b>	<p>Rhonda H asked if people purchase a ticket and at what point they asked if they are fully vaccinated?</p> <p>Craig M answered that we will update our communications accordingly in the next couple of days.</p> <p>Vaughan R asked of someone has already purchased the ticket who is unvaccinated, do we refund them?</p> <p>Craig answered that we will look at case by case basis and at the moment not a lot of tickets were sold.</p> <p>Carl S added that the sector is going in the same direction toward mandating vaccinations.</p> <p>Vaughan R added the commercial damage to the theatre and the hirers.</p> <p>Rhonda H highlighted that the theatre director had done a risk analysis and it's an iterative cycle in different sectors.</p> <p>The executive director added to that the community services areas is high risk area under his portfolio as it is majority if customer or patron facing. The risk assessments have been very good in terms of environments, groups, and activities. Riverside is part of this exercise and where we have landed as a Council is all including and thorough.</p>
Craig McMaster (Director Riverside)	<ul style="list-style-type: none"> <li>• <b>Venue Operations</b> – able to complete critical compliance issues for Riverside and Lennox. The rough sleeper situation on our front loggia was jointly address by the CoP Social &amp;Community Services team, City Safe team, Regulatory and Cleansing team.</li> </ul> <p>Peter Duffy took the lead on the OzHarvest hamper program. This helped a lot of people who were going through a tough time. These efforts were formally acknowledged by the Executive Director and CEO of Council.</p> <p>Parramatta Light Rail has reached Riverside with footpath and repaving. This has caused some disruptions with accidental cutting of main network fibre. However, they have cleaned it all up outside of eat street and this could be beneficial to the Sydney Festival.</p> <ul style="list-style-type: none"> <li>• <b>Riverside Presentation</b> – the Director drew attention to the new Riverside Education brochure and praised Amy and Catherine for their work putting it together. The</li> </ul>



**CITY OF PARRAMATTA RIVERSIDE THEATRES  
ADVISORY BOARD MEETING**



	<p>brochure has already received very positive feedback from the education community.</p> <p>The Croatian Film Festival is a new client that told us they would come back for 5 dates next year.</p> <p>Continuing to work through strategy for digital, applying for AusCo Grants. The team will be working on a multi-digital strategy, including Hybrid programming.</p> <p>In the Access arena, panel discussion on International Day of People with disability day on Dec 3 in collaboration with council. We are contracting a new service provider for the beyond the square program.</p> <p>We are looking at doing a launch for our education program in 2022, where we welcome the teachers to Riverside and showcase our education program.</p> <p>Craig M introduced Sophie Anderson for joining Council as the Marketing &amp; Communications Team Leader. Sophie has an extensive arts marketing and management background.</p> <p>Craig M discussed the strategic goal at Riverside that came about as part of the building our engagement survey and how we can better engage with our staff. Amy Mathews and Peter Duffy are our engagement representatives work with the Council. We have set five goals:</p> <ol style="list-style-type: none"> <li>1. Focus on audience first in everything we do to deliver the best possible artistic and in venue experiences.</li> <li>2. Growth and develop Riverside to become Western Sydney's leading theatre and cultural venue and a centre of excellence for artistic development.</li> <li>3. Invest in and develop team, operational centers, training equipment and our processes to delivery very best experience for customers and our team members.</li> <li>4. We continue to development the concepts of business case for our re-development with the goal of receiving council approval for the next phase of development in early 2022.</li> <li>5. To review our organisational design and roles to best align our structure to best for now and the reopening period.</li> </ol> <p>The following programming objectives were discussed – to build on our existing program approach by embracing community, diversity, and inclusivity for all to support, collaborate and innovate work with artist and stories for greater Western Sydney.</p> <p>Focus on growing our commercial theatre and music programs to reach younger or diverse audience and to drive revenue and nighttime economy.</p>
Discussion	<p>Vaughan R commented that the measurable nature of Riverside's initiatives is impressive. He provided feedback that the recent marketing of International Day of People with Disability event was unclear if it was public or invitation only. Catherine clarified it was public event and the feedback was taken onboard.</p>



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	<p>Keiasha N asked how we will target the schools that come to the education program showcase, and Catherine answered it was a bit too early to decide on a selection criteria.</p> <p>Keiasha N commented that many schools geographically close to Riverside are not involved in the education programs which is a missed opportunity, citing the Inner West specifically. The Director agreed, raising the regions outside of Parramatta as areas of great opportunity. This also feeds into digital who can't get here and can be productized and sold into schools.</p> <p>Keiasha N also commented Mark Vincent was very well done and wanted to give a shout out to the staff and to Joanne of NTOP for the work she is doing as the speaker of the women club. The Director agreed with the work that Joanne has done some great work and the impact she is making at promoting women in theatre is impressive.</p>
	<b>AGENDA ITEMS #5 Finance &amp; Results</b>
Sainesh Moss (Business manager Riverside)	<p>Sainesh M updated the board with a finance overview and financial performance result YTD financial year 2021/22. Riverside received Covid support funds from CREATE NSW in Oct 21. Total grant was \$191k, \$66k was paid out to related parties and \$125k net revenue retained as offset BoxOffice revenue. September quarterly review was completed and revenue impact \$1.2m as the revenue was revised from \$3.5m to \$2.3m. Similarly, costs were revised from \$6.3m to \$5.9 with a cost savings of \$360k.</p> <p>Box office has reopened and expecting revenue to pick up. We have a positive start of 2022 with A Chorus Line, Sydney Festival and Mamma Mia. Budget work for 2022/23 is underway.</p> <p>Core KPI's in finance were presented for full year 2021/22. Although Covid closures have impacted revenue, costs are being controlled to minimize impact on profitability.</p>
Discussion	Rhonda H asked if there were any comments for the Finance report it was comments
Rhonda Hawkins	<b>MOTION:</b> Director's report was accepted and approved
	<b>AGENDA ITEMS # 6 Council and COVID Response</b>
Jon Greig (Exec Director Community Services)	<p><b>Council and COVID Response</b></p> <ul style="list-style-type: none"> <li>Jon G gave an update that Council election on at the moment. Council is all about ensuring public and community safety alongside trying to re-activate the city. Parramatta lanes were on over the weekend, farmer market has started in the lead up to Christmas. We have an events program running from now to Christmas, New Year and Australia Day.</li> </ul>
	<b>AGENDA ITEMS # 7 Riverside Re-development Concept Proposal</b>
Craig McMaster (Director Riverside)	<p><b>Riverside Re-development Concept Proposal</b></p> <ul style="list-style-type: none"> <li>Craig M updated the board on the Riverside redevelopment concept proposal. Council approved a next iteration of the development process, taking the concept proposal out to architects and coming up with three keys items: a validated reference design, a detailed functional brief, and a detailed cost plan. There has been huge progress made on all the three items. Currently on the final draft for</li> </ul>





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	<p>concept reference design. The next steps are to present to project control group to the executives at Council and once this is approved a business case will be done and taken back to Council. A full program is done that's gives us estimates on completion dates. Council will require us to run a full design competition.</p>
Discussion	<p>Rhonda H acknowledged and commended the director for the continuing support and all the work he is doing for the re-development.</p>
<p>Craig McMaster (Director Riverside)</p> <p>Jon Greig (Exec Director Community Services)</p>	<p><b>Cessation of 7th Riverside Advisory Board</b></p> <ul style="list-style-type: none"> <li>• Craig M said it was a sad day as the last day of the current board as he enjoyed the contributions done by the board. The director thanks the board on behalf of Riverside for their support and contribution and as advocated for Riverside. The new advisory committee will be formed early in 2022.</li> <li>• The executive director explained that the board comes to an end, our Governance team are in the process of doing a review of all the advisory committees. The Governance team are providing a standard review and a standard set of criteria on all committees and all bespoke view of the committees they have done themselves are going in the mix and Riverside is in this position. The motion and recommendation from our last meeting were considered by Governance and this will be taken to the new chamber for the first operational meeting. This first meeting is scheduled for the 10<sup>th</sup> of February 2022.</li> </ul>
Discussion	<p>Jon G the Executive Director thanks the board for having him as a member of the board and the guidance and stewardship. He also acknowledged the interesting and robust discussion around table over the years. Two things he called out that the board did within the relatively short time that he was on board was firstly the boards stewardship during the first lockdown. There were some insightful challenges by the board which were the drivers made us move to digital programming. Secondly having full, frank, and fearless conversations with Robert regarding the role of the board.</p> <p>Rhonda H stated that Riverside is very important to our community. Being on the board for many years and what she can see has developed a much clear and better vision for Riverside and its role in City of Parramatta and community. She also acknowledged and thanked the team we have and had in years.</p> <p>Keiasha N also commented the team at Riverside are creditably hard working and talented. She thanks Robert love, Bob Dwyer, and City of Parramatta Council in supporting Riverside.</p> <p>Vaughan R comment that we don't have a theatre experience in Parramatta that allows people with disability. He is hopeful that Riverside could in future progress on this experience in a costs effect and meaningful way not only for the art industry sector but for Riverside as well. The director agreed that it's critical that we provide these services as one of an important features that distinguishes Riverside from other Theatres.</p> <p>Vyviene A expressed that she was a much newer addition to the board it was a great experience for her. Its inspiring to see the vision and direction that Riverside is going in terms of the musicals and younger and wider audience. The director emphasized that we are committed in the musical space and there are a lot more things happening.</p> <p>Alan M was impressed that Riverside's current KPI's are geared towards Riverside being an asset to the community, congratulating Jon and Craig for this turnaround in attitude. He was in the past frustrated that the nighttime economy draft for Parra City didn't include the theatre and the redevelopment presents a fantastic opportunity for the city.</p>



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	Carl S enjoyed the diversity of the board and the discussions and how its ability to grow talents from the bottom up. Riverside promotes new arts and National Theatre of Parramatta is a good example of the great goals that it has been achieving.
	<b>CLOSE OF MEETING - 8:02pm</b>

**CITY OF PARRAMATTA RIVERSIDE THEATRES  
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# DIRECTOR'S REPORT

## RIVERSIDE THEATRES OPERATIONS

Meeting Date/Time: Tuesday, September 14, 2021 / 6.00PM AEST

### a) CURRENT OPERATIONAL UPDATE

#### 1. OPERATIONAL STATUS

- Since closing the venue in July, we have continued to maintain a non-operating status in line with the requirements of the New South Wales Government Public Health Orders.
- With the additional restrictions that were placed on the 12 LGA's with the largest Covid caseloads, Parramatta has been relatively inaccessible over the past months.
- Operationally our predominant focus areas included managing the continual date and program changes, dealing with rescheduled performances and cancellations, and assisting patrons with the many refunds and rescheduling of tickets for performances.
- The team have done an outstanding job of retaining hirers and presented content, and I would like to acknowledge their commitment and efforts in again managing a very challenging situation so effectively.
- While Riverside has indeed had some cancellations, due to the team's efforts most shows have been able to be rescheduled calendar during 2022 or early 2023.
- Our program post re-opening in 2022 is looking strong with very few available dates left in the booking calendar.

#### 2. RIVERSIDE PRESENTATIONS

- While the seemingly endless task of rescheduling continues with the majority of 2021 events now moved into the 2022 calendar year, the Presentations team have been working alongside colleagues in NTofP and Venue Hire to bring together an incredible line-up to re-invigorate the venue next year.
- We are working towards the announcements of the full program in November. Catherine Swallow (Presentations) and Joanne Kee (NTofP) will present an initial overview of the program in today's meeting.
- Catherine Swallow and the Presentations team have been working closely with myself and all our presenter partners to deliver the best possible outcomes for both the presenters and our patrons.
- A major part of this work has been an all of team effort by the Programming teams to deliver the required information to submit the create New South Wales COVID support package grant submission. This across the business effort involved a huge amount of detailed work by all of the teams - programming, ticketing, finance & operations - and the feedback from our clients as to the work and level of support has been very positive.
- I would like to formally acknowledge the quality of the work completed and the commitment of all involved the project.



## CITY OF PARRAMATTA RIVERSIDE THEATRES ADVISORY BOARD MEETING



### 3. RIVERSIDE DIGITAL PRESENTS

Following the successful launch of Riverside Theatres Digital in 2020, Riverside has been quick to recommence a digital program to keep audiences engaged during the current NSW Covid closure. The first season has been delivering a smorgasbord of live and On Demand theatre and music on Friday nights.

- Commencing two weeks after closure on the July 16, the first presentation was the 'Chop Chef Online Watch Party', a presentation of the critically acclaimed satirical comedy by Blush Opera (produced in collaboration with Riverside).
- Season One highlights included David Williamson's 'Emerald City', with Q&A with David Williamson and Lee Lewis, critically acclaimed 'Rovers' with Roxanne McDonald and Barbara Lowing and sensational cabaret, 'A Migrant's Son' by Michaela Burger.
- The first season wrapped up on Friday 10 September, with comedian, musician, and artist Jude Perl's hilarious shrewd observations in her show I Have a Face.
- The Friday sessions take a break over the Spring School holidays while the 'Spot On Children's Digital Festival' takes centre stage. Featuring fantastic on demand content for little ones including a concert by Justine Clarke, a puppet show about an Echidna called Spike, and a circus show about building blanket forts.
- Families will also can take part in an innovative audio experience for the whole family called Mountain Goat Mountain where they are lead on an adventure through their own living room.
- Spot On also features some live and interactive workshops on music making, shadow puppetry and circus skills, plus interactive watch parties where you can participate in the chat and join the artists live for a Q&A. Full program details follow.

#### 3.1 RIVERSIDE DIGITAL PRESENTS - SEASON 1



Available From	Title	Genre
16-Jul-21	Chop Chef	Opera
30-Jul-21	The Lighthouse Keepers Lunch	Kids & Families
6-Aug-21	Sacro Amor	Music
13-Aug-21	Rovers	Theatre
20-Aug-21	A Migrant's Son	Theatre
27-Aug-21	Emerald City	Theatre/Film
30-Aug-21	Stolen (schools offering)	Education
3-Sep-21	Codgers	Theatre
10-Sep-21	I Have a Face by Jude Perl	Comedy/Music/Theatre



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### 3.2 RIVERSIDE DIGITAL PRESENTS - SCHOOLS PROGRAM

Available From	Title	Audience
30-Jul-21	The Lighthouse Keepers Lunch	K-2
20-Aug-21	Away	Upper Secondary
30- Aug-21	Stolen	HSC Drama
TBC	New Owner Digital	Y3-6
TBC	A Town Named Warboy (ATYP)	Y9-12
TBC	Follow Me Home (ATYP)	Y 9-12
30-Jul-21	The Lighthouse Keepers Lunch	K-2
20-Aug-21	Away	Upper Secondary
30- Aug-21	Stolen	HSC Drama

### 3.3 RIVERSIDE DIGITAL PRESENTS - SEASON 2

Available From	Title	Genre
8-Oct-21	Sydney Fringe Festival Highlights Weekend 1	Various
15-Oct-21	Sydney Fringe Festival Highlights Weekend 2	Various
22-Oct-21	Archie Roach's Tell Me Why (Sunday Concert)	Music
29-Oct-21	Friday night event TBA Red Line Productions	Theatre
29-Oct-21	TBC - Darkfield Radio (Halloween special)	Audio Experience
5-Nov-21	Friday night event TBA	
12-Nov-21	Classical Dreamtime by Metropolitan Orchestra	Music
19-Nov-21	Friday night event TBA	
26-Nov-21	Friday night event TBA	



## CITY OF PARRAMATTA RIVERSIDE THEATRES ADVISORY BOARD MEETING



### 3.4 'SPOT ON(LINE)' CHILDRENS FESTIVAL PROGRAM



Dates	Event	Description
17 Sept	The Box Show	Online Watch Party & On Demand
18 Sept	Mountain Goat Mountain	Audio Experience
20 Sept	Everybody Roar! Justine Clarke	Online Watch Party & On Demand
20 Sept	The Box Show Workshops	Workshops
20 Sept	Fort	Online Watch Party & On Demand
21 Sept	The Clown is Sad?	Live Streamed Show
22 Sept	Making Music with Jojo	Workshop
23 Sept	Spike the Echidna	Online Watch Party & On Demand
23 Sept	Shadow Puppetry Workshop	Workshop
24 Sept	Circus Skills with Asking for Trouble	Workshop

### 3.5 RIVERSIDE DIGITAL SPECIAL EVENT PRESENTATION

Dates	Event	Description
20 Sept	Queensland Orchestra Livestream Beethoven and Sibelius Musical Masterpieces	Online Watch Party & On Demand

### 3.6 COMMERCIAL HIRES UPDATE

- Over the course of the last months we have unfortunately had a number of significant cancellations from commercial hires. These have an equally significant impact on Riverside's revenues.
- The most significant cancellations in the Hires area were the Packemin Productions presentation of 'Wicked the Musical', which was on unfortunately a fully sold-out season. Due to restrictions on the rights holdings that Packemin had for Wicked, the show was unable to be rescheduled into 2022.
- Other significant commercial hires which were cancelled included the remaining performances of Kermond Productions 'Spiegelesque', and one of Riverside's oldest clients, Cumberland Gang Show's production of 'RISE'.
- While these cancellations do have commercial impacts for Riverside, we have made application for grant support to Create NSW for the COVID Support Funding package to partially offset this impact. (See further comment later in this report).
- In addition to the substantial occupancy that we will already achieve as a result of the compress program next year, we've also been able to either secure or pencil a number of other seasons for commercial hires which will make a significant contribution to Hires income in 2022





## CITY OF PARRAMATTA RIVERSIDE THEATRES ADVISORY BOARD MEETING



### 3.7 NATIONAL THEATRE OF PARRAMATTA



#### UPDATE ON SHOWS AND ACTIVITY

- Stolen Digital (archival version) has gone on sale for schools only. As at 3 September we had booked/reserved 27 separate schools.

We have had fantastic feedback from the teachers:

*"This will be of immeasurable help to my students!"*

*"We are so grateful for the resource!"*

*"Thanks you again for your support of the students of Drama."*

*"They enjoyed watching it today, so thank you again for providing that access. It was a great way for them to visually experience the play on stage."*

- Take Two Digital (archival version) will be available for sale from the end of this week, again only for schools. This is for age range 9-12 and is based on The Comedy of Errors.
- The final three shows of 2021 were rescheduled to the first half of 2022 ie Guards of the Taj, White Pearl and the Orange Thrower.
- We are launching the Zombie Thoughts app for use in schools. This app inspired by the play Zombie Thoughts has two options, to play the 2 existing games, or for the user to create their own app. Our intention is to tour the production again in 2023.
- White Pearl opened to great responses in Brisbane for Queensland Theatre Company. 4673 attendance, 2395 ex GST in royalty (1% as co-producer).
- White Pearl is still scheduled to tour to OzAsia Festival in Adelaide in November. The tour to STC Wharf, Riverside and Canberra Theatre is rescheduled for 2022.
- NTofP and Apocalypse Theatre are presenting a workshop at The Australian Performing Arts Exchange industry conference in September. The topic is New Work for New Audiences.
- We held a Creative Hello online event focussing on accents.
- Joanne Kee was invited back as a member of the Create NSW Theatre Advisory Board.
- Joanne Kee was invited back to the judging panel for the Nick Enright Playwriting Award which is part of the State Government awards.
- Planning is underway for the 2022 program, pending final sign off with Sydney Festival for a partnership with international artist Javaad Alipoor, as part of the British Council's program, The Season.



## CITY OF PARRAMATTA RIVERSIDE THEATRES ADVISORY BOARD MEETING



### 3.8 OPERATIONS & TECHNICAL TEAM UPDATE

- The venue has been sitting idle since July and therefore will require a deep clean to get it ready for re-opening. Included in this will be the re-starting of all bar and technical infrastructure that has been shut down.
- Ongoing compliance maintenance has been adhered to and access to the venue granted on a case-by-case basis during the lockdown period.
- GREEN ROOM REFRESH**  
The Green Room refresh project is almost complete save for some final painting requiring scaffold and the dismantling of the 2<sup>nd</sup> kitchen will see the project completed.
- Completion of this project will be top priority (following the major venue clean) once the Facilities Team can again fully access the venue, (expected to be mid-October).
- The Technical Coordinators have been busy getting the digital production elements ready for the upcoming Spot-On(line) Digital Festival.
- In addition, the team have upgraded the venue CAD plans from standard 2D to now incorporate 3D which will assist designers realising their designs in our spaces.
- Operations Manager Mike Brew has done an outstanding job of managing the venue's various iterations of COVID-Safe plans and coordinating our COVID management response with Council. A copy of the most recently updated plan is attached for reference.



### b) INDUSTRY UPDATE

- Following the recent lockdowns, most of the industry continues to be unable to operate on the eastern seaboard. The exception of this is Queensland where they have been operating at either 75% or 100% capacities for a number of weeks.
- As mentioned earlier, it is likely that Riverside will be able to reopen for patrons towards the end of October or early November. The expectation based on current Create NSW guidance is that we will be able to operate at 75% capacity.
- This guidance is consistent with industry information that I've been provided by various commercial producers and promoters have indicated their productions at Venue such as the Sydney Lyric and Capitol Theatre's will open w/comm Oct 25 and operate at 75% capacity.
- Based on current NSW Government communications, it is likely that 'double dose vaccination' will be a mandatory requirement, under Public Health Orders, for staff and patrons to access the venue when Riverside recommences any onsite operations.
- Recently the Live Industries Venue & Event Alliance (LIVE Alliance) launched the #VaxtheNation campaign <https://www.vaxthenation.com.au>. This industry wide campaign is supported by all major players and is designed to encourage the general public to get vaccinated to enable the industry to get back to putting on great events.
- It is worth noting that to date, there has been no major case outbreak that has been sourced to a live theatre or indoor entertainment event.





## CITY OF PARRAMATTA RIVERSIDE THEATRES ADVISORY BOARD MEETING



### c) PEOPLE AND CULTURE UPDATE

- Craig McMaster commenced in the role of Director, Riverside Theatres effective on Aug 16, 2021.
- The Business Manager position, left vacant following Craig's appointment as Director, has been filled. We are pleased to advise that Sainesh Moss, who has assisted in the role previously under a short-term secondment from Council Finance, has been appointed to the role on a full-time basis. Sainesh will be a fantastic new addition to the Riverside's Leadership.
- While some staff have been impacted by loss of work and stand-downs, Council have been able to find some alternative duties for the facilities team and as of last Friday they have now been positioned to work on the OzHarvest hamper efforts supporting the Parramatta community with food and essentials. Whilst not a full weekly roster, it has provided the team an opportunity to be back working together one day a week at their normal rate of pay.
- Several other previously casual positions have recently been converted to Temporary Permanent, and following the appropriate review and recruitment processes, all staff members who held the casual roles have subsequently been confirmed as the successful applicants for the permanent roles.
- All Riverside team members are currently still working from home except for a few facilities team members who are assisting community services to provide food hampers and other support services to those in need of support during the lockdown. All other Fulltime and Temporary staff are continuing in their normal roles providing services to our clients.
- As well as the casual teams being off roster due to the venue closure, the majority of our facilities team had also been stood down and not being able to perform any work duties from home. We have utilised one of the full-time staff members to supervise any of the essential maintenance tasks where possible.
- Council supported the casual teams with two weeks of special leave (above and beyond the splinter award) and the fulltime and parttime facilities team with four weeks of special leave provision, as well as a job retention allowance for the ongoing period of no onsite work being available to them.

### d) MARKETING UPDATE & REPORT

- CEE reorganisation announced. The current Marketing manager is leaving 29 September. A Marketing and Communications Team Leader will be recruited by mid-October. A temp Marketing Coordinator was recruited 30 August until end of October.
- Around 10,000 quarterly brochures landed in mailboxes end of June - the biggest number this year (we started in January with 900) - Unfortunately Covid hit at that moment. Suspension or cancellation of all show campaigns.
- Improved venue signage installed in July: new light boxes in the loggia (that can be rented to hire), new frames on column posters, 2 UHD projector to use for arts or ads in the foyer
- Keeping our audiences engaged: Quiz with question about Riverside sent out to 35k people, 1,029 participants and a weekly Rich Solus EDM a week sent out to 35,000 people to promote our digital program (average opening rate is stable compared to pre covid, 22.4%).
- Launch of SpotOn(line) Childrens Festival and campaign across PR, web, EDM, and digital advertising.
- New e-Voucher and new registration email live since August - They are part of the Riverside Theatres brand strategy 21-23; first draft written by Marketing and Communications Manager and reviewed by Group Manager, City Identity. Will be finalised by the new Marketing and Brand Manager at City of Parramatta Council, Linda Na.
- First concept for Venue Hire brochure have been received and copy is being finalised - work in progress
- New survey system via Council. This will enable us to easily monitor customer satisfaction for our digital shows that are streamed over the coming months.
- A full report is attached as an addendum



## CITY OF PARRAMATTA RIVERSIDE THEATRES ADVISORY BOARD MEETING



### e) CREATE NSW COVID GRANTS APPLICATION UPDATE

- As previously advised, Riverside has submitted a comprehensive application for grant funding via the Create NSW Performing Arts COVID Support Package.
- The funding enables us to claim for a portion of lost box office over certain times periods of 'lockdown', ranging from 15% - 35% depending on the show's timings. These claims are then shared at negotiated percentages with our various presenting or hirer partners, or vice versa if they are making the primary claim
- The current status of our submitted claims is set out in the report below. There as been some reduction from our original guidance due to a number of performances we were advised would not qualify

#### Riverside Summary of 2021 Create NSW Performing Arts Covid Support package

Event Name	\$ Value of Claim	\$ Value Retained by Riverside	\$ Value provided to Presenting Partners
<b>PHASE ONE: 26 June - 30 Sept 2021</b>			
Spiegelgesque	\$10,974.29	\$2,194.86	\$8,779.43
Rise Up 2021	\$67,098.78	\$20,129.63	\$46,969.15
Mr Snot Bottom's Horrible, Terrible, Really..	\$8,051.40	\$6,441.12	\$1,610.28
THE OWL AND THE PUSSYCAT	\$9,393.30	\$9,393.30	\$-
The Tap Affect	\$10,198.44	\$5,099.22	\$5,099.22
Chasing Smoke	\$8,990.73	\$5,843.97	\$3,146.76
Zoom	\$13,053.29	\$6,526.65	\$6,526.65
Wicked	\$215,000.00	\$43,000.00	\$172,000.00
Sydney Comedy Club in July	\$831.60	\$382.54	\$449.06
Monday Morning Minis - The Clown is Sad?	\$1,073.52	\$719.26	\$354.26
Love Song Dedications	\$6,575.31	\$6,575.31	\$-
URZA AND THE SONG IN THE DARK	\$3,824.42	\$3,059.54	\$764.88
New Owner	\$6,172.74	\$6,172.74	\$-
Side by Side	\$6,058.68	\$1,514.67	\$4,544.01
Out of Africa	\$970.20	\$194.04	\$776.16
Sringaram	\$4,041.23	\$808.25	\$3,232.98
Sydney Comedy Club in August	\$356.40	\$163.94	\$192.46
Wakakiri	\$17,884.80	\$4,292.35	\$13,592.45
Uninvited: The Songs of Alanis Morissette	\$2,009.97	\$401.99	\$1,607.98
Robot Song	\$13,740.30	\$10,992.24	\$2,748.06
Simon Tedeschi and the Orava Quartet	\$1,409.00	\$1,127.20	\$281.80
South Asian Theatre Festival VI	\$1,610.28	\$402.57	\$1,207.71
Friends! The Musical Parody	\$32,834.11	\$8,208.53	\$24,625.58
Cool for School- Sandy Evans Indian Project	\$661.37	\$264.55	\$396.82
Blue Bones	\$5,635.98	\$4,508.78	\$1,127.20
White Pearl	\$26,300.16	\$26,300.16	\$-
Double Beat (Sara Black)	\$4,370.76	\$874.15	\$3,496.61
Zoom (rescheduled from July)	\$5,594.27	\$5,594.27	\$-
Sydney Comedy Club in September	\$356.40	\$163.94	\$192.46
The Gruffalo	\$15,153.41	\$3,788.35	\$11,365.06
SPOT ON: BEEP	\$3,048.03	\$3,048.03	\$-
Mr Snot Bottom's Horrible, Terrible, Really..	\$2,138.40	\$1,710.72	\$427.68
SPOT ON Spike the Echidna	\$1,524.02	\$1,524.02	\$-
SPOT ON Fort	\$2,286.02	\$1,828.82	\$457.20
SPOT ON JUST tricking... LIVE ON STAGE!	\$8,685.83	\$6,948.66	\$1,737.17
SPOT ON: A Big Animal Adventure	\$2,600.84	\$2,600.84	\$-
The Orange Thrower	\$5,154.17	\$5,154.17	\$-
<b>TOTAL JUN- SEPT</b>	<b>\$525,662.45</b>	<b>\$207,953.39</b>	<b>\$317,709.06</b>
<b>PHASE TWO: 1 October - 31 December 2021</b>			
Freud's Last Session	\$5,635.98	\$4,508.78	\$1,127.20
JUST Live on Stage!	\$6,477.57	\$5,182.06	\$1,295.51
Guards at the Taj	\$11,271.96	\$11,271.96	\$-
THAI-RIFFIC	\$10,305.23	\$8,244.18	\$2,061.05
<b>TOTAL OCT - DEC</b>	<b>\$33,690.74</b>	<b>\$29,206.98</b>	<b>\$4,483.76</b>
<b>TOTAL 26 JUNE - DEC 2021</b>	<b>\$ 559,353.19</b>	<b>\$237,160.37</b>	<b>\$322,192.82</b>



# Financial Performance Report

*14 September 2021*

Advisory Board Meeting



## Finance Overview

- The financial year started with us going into lockdown with extremely limited activity which impacted revenue generation considerably in the 1<sup>st</sup> quarter.
- Currently we are in the process of re-forecasting for the remainder of the year and assessing the full year budget impact.
- Part of our re-forecasting process is to look into revenue loss, cost containments and new initiatives.
- Measures to maintain optimum financial health for Riverside are in place. We are operating on a fixed cost basis. With no revenue coming, we are maintaining tight control on our expenditure to sustain the best possible financial position.



## Finance Overview

- 2 Finance & Admin positions, one venue booking and one box office positions were converted from casual to temporary status. Recruitment processes were finalised and individuals appointed.
- KPI's and MyCareer objectives were finalised to keep staff engaged and have a career plan. Through this we can monitor and coach to higher performance standards.
- Year End and Audit has been conducted, so far there is no outstanding audit issues for Riverside.
- Refunded were processed for shows that was cancelled in the last two months of this financial year.

# Financial Performance Report FYE 2020/21



## Riverside Theatres - KPI 1 Net operating result 442k, YTD \$264k above revenue, \$177k below expenditure

Riverside	Full Year 2020/21					
	Actual	Forecast	YTD Var \$	YTD Var %	Budget FY	Forecast FY
C72000 - User Charges & Fees	(1,182,146)	(966,379)	215,766	▶ 22.3%	(4,789)	(966,379)
C74000 - Other Revenue	(139,076)	(89,891)	49,185	▶ 54.7%	-	(89,891)
C75000 - Grants	(218,645)	(218,645)	-	▶ 0.0%	(200,000)	(218,645)
C76000 - Contributions & Donations	(98,884)	(99,469)	(585)	▶ -0.6%	(163,085)	(99,469)
<b>Income from Continuing Operations</b>	<b>(1,638,751)</b>	<b>(1,374,384)</b>	<b>264,367</b>	<b>▶ 19.2%</b>	<b>(367,874)</b>	<b>(1,374,384)</b>
C60000 - Employee Costs	3,135,520	3,227,777	92,257	▶ 2.9%	3,931,999	3,227,777
C62000 - Materials & Contracts	412,429	583,973	171,543	▶ 29.4%	576,656	583,973
C64000 - Other Operating Expenses	1,661,822	1,575,453	(86,369)	▶ -5.5%	1,742,624	1,575,453
C69000 - Internal Expenses	20,530	20,474	(56)	▶ -0.3%	21,150	20,474
<b>Expenses from Continuing Operations</b>	<b>5,230,301</b>	<b>5,407,676</b>	<b>177,375</b>	<b>▶ 3.3%</b>	<b>6,272,429</b>	<b>5,407,676</b>
<b>Net Operating Result</b>	<b>3,591,550</b>	<b>4,033,292</b>	<b>441,741</b>	<b>▶ 11.0%</b>	<b>5,904,555</b>	<b>4,033,292</b>

### ACTUALS vs Forecast

#### Expenses – lower by \$177k / 3.3%:

- **\$92k Employee Costs** – Mainly due to lower utilisation of casuals labour and agency costs
- **\$177km Materials & Contracts** – Lower than expected spend in marketing costs and underspend in merchandise for resale - bar due to carried forward stock level

#### Expenses – lower by \$177k / 3.3%:

- **\$92k Employee Costs** – Mainly due to lower utilisation of casuals labour and agency costs
- **\$177km Materials & Contracts** – Lower than expected spend in marketing costs and underspend in merchandise for resale - bar due to carried forward stock level

## Riverside Theatres - KPI 3

- Attendance – Annual target for attendance is set at 144,000.
- Full year actual total attendance was 54,810.

### Riverside Theatres 2020/2021

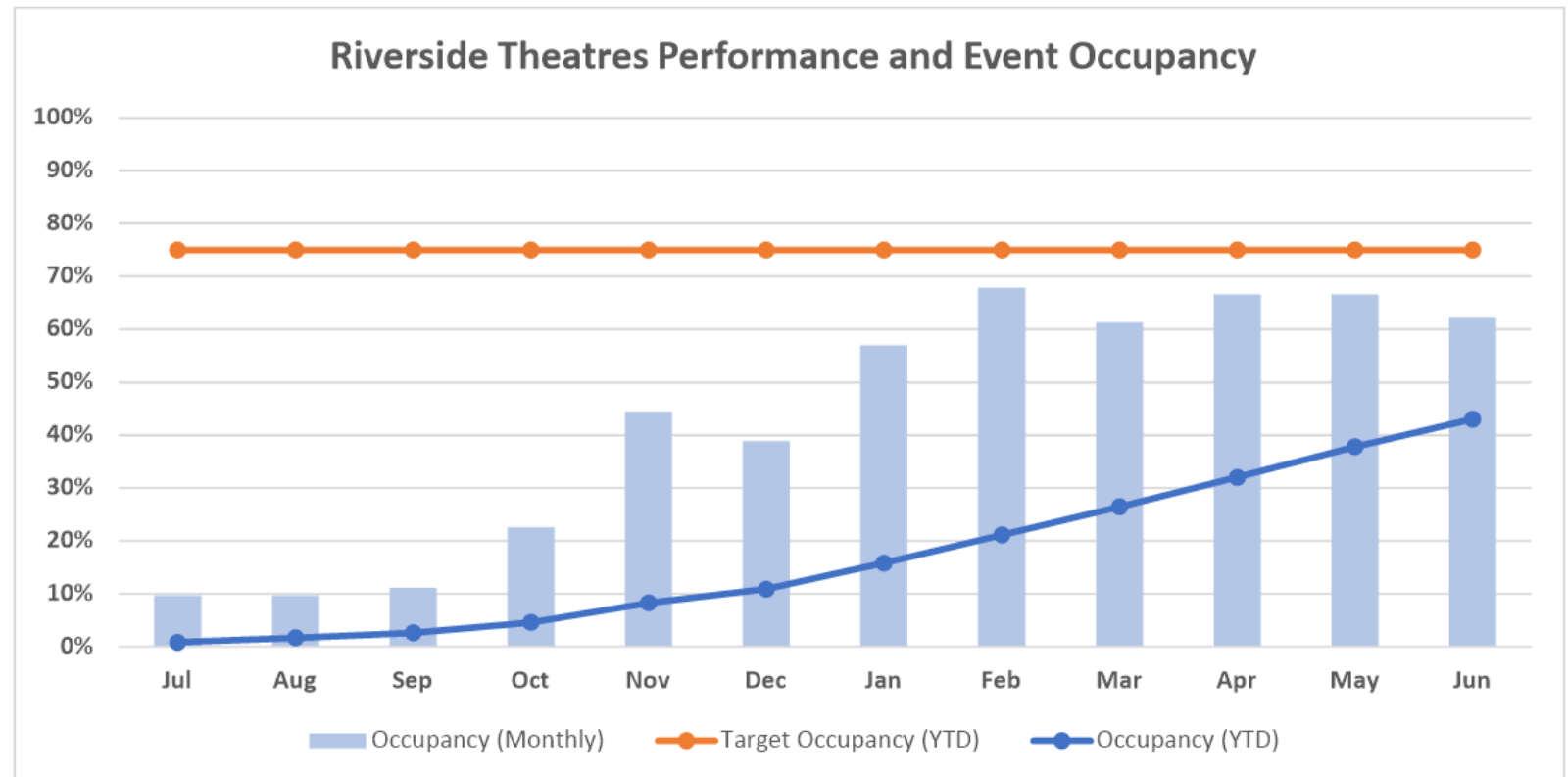
#### Attendance

Business Area	Performances /Events		Paid Ticketed Attendance		Non-Paying Attendance		Total Attendance	
	Ann Target	YTD Act	Ann Target	YTD Act	Ann Target	YTD Act	Ann Target	YTD Act
<b>HIRES</b>								
Performances	169	118	69,021	20,692	6,753	3,876	75,774	24,501
Events	175	117	290	2,052	6,820	2,826	7,110	4,878
<b>TOTAL</b>	<b>344</b>	<b>235</b>	<b>69,311</b>	<b>22,677</b>	<b>13,573</b>	<b>6,702</b>	<b>82,884</b>	<b>29,379</b>
<b>PRESENTATIONS</b>								
Performances	111	80	13,391	9,896	2,985	1,678	16,376	11,574
Events	110	72	675	97	6,549	159	7,224	256
<b>TOTAL</b>	<b>221</b>	<b>152</b>	<b>14,066</b>	<b>9,993</b>	<b>9,534</b>	<b>1,837</b>	<b>23,600</b>	<b>11,830</b>
<b>NTofP</b>								
Performances	96	29	15,457	1,624	4,269	660	19,726	2,284
Events	98	100	2	0	1,128	487	1,130	487
<b>TOTAL</b>	<b>194</b>	<b>129</b>	<b>15,459</b>	<b>1,624</b>	<b>5,397</b>	<b>1,147</b>	<b>20,856</b>	<b>2,771</b>
<b>SCREEN</b>								
Performances	161	115	4,277	1,247	159	23	4,436	1,270
Events	33	0	0	0	3,927	0	3,927	0
<b>TOTAL</b>	<b>194</b>	<b>115</b>	<b>4,277</b>	<b>1,247</b>	<b>4,086</b>	<b>23</b>	<b>8,363</b>	<b>1,270</b>
<b>BTS</b>								
Performances	1	0	257	0	65	0	322	0
Events	113	58	1,387	289	819	145	2,206	434
<b>TOTAL</b>	<b>114</b>	<b>58</b>	<b>1,644</b>	<b>289</b>	<b>884</b>	<b>145</b>	<b>2,528</b>	<b>434</b>
<b>STUDIOS</b>								
Performances	1	0	0	0	13	0	13	0
Events	310	333	52	46	2,739	1,794	2,791	1,840
<b>TOTAL</b>	<b>311</b>	<b>333</b>	<b>52</b>	<b>46</b>	<b>2,752</b>	<b>1,794</b>	<b>2,804</b>	<b>1,840</b>
<b>OVERALL TOTALS</b>								
Performances	539	364	105,405	34,933	14,244	11,820	119,649	46,686
Other	839	706	2,406	2,608	21,982	5,449	24,388	8,057
<b>TOTAL</b>	<b>1,378</b>	<b>1,070</b>	<b>107,811</b>	<b>37,541</b>	<b>36,226</b>	<b>17,269</b>	<b>144,037</b>	<b>54,810</b>



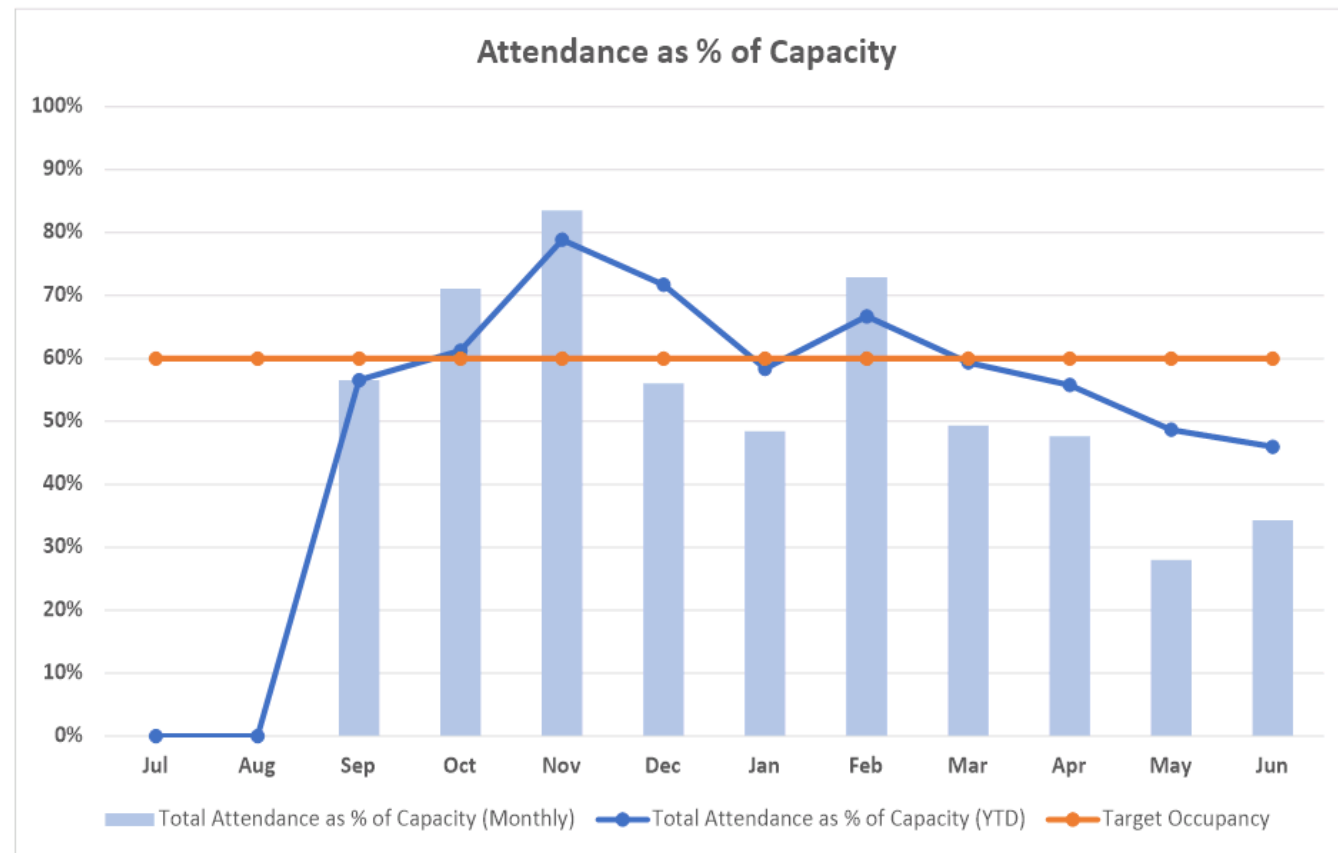
## Riverside Theatres - KPI 4

Utilisation - Annual target of 75%.



## Riverside Theatres – KPI 5

Capacity -YTD actual all venue attendance as a percentage of capacity was 46% with a target of 60%.



# Financial Performance Report YTD 2021/22



## Riverside Theatres - KPI 1

Riverside	August YTD				
	Actual	Forecast	YTD Var \$	YTD Var %	Budget FY
C72000 - User Charges & Fees	(3,410)	(398,385)	(394,975)	▶ -99.1%	(2,764,310)
C74000 - Other Revenue	(2,407)	(83,305)	(80,898)	▶ -97.1%	(505,830)
C75000 - Grants	-	-	-		(200,000)
C76000 - Contributions & Donations	(1,879)	(2,235)	(356)	▶ -15.9%	(113,410)
<b>Income from Continuing Operations</b>	<b>(7,697)</b>	<b>(483,925)</b>	<b>(476,228)</b>	▶ <b>-98.4%</b>	<b>(3,583,550)</b>
C60000 - Employee Costs	395,024	645,976	250,952	▶ 38.8%	4,111,323
C62000 - Materials & Contracts	17,762	92,169	74,407	▶ 80.7%	553,015
C64000 - Other Operating Expenses	29,109	233,715	204,606	▶ 87.5%	1,672,790
C69000 - Internal Expenses	3,504	3,439	(66)	▶ -1.9%	20,631
<b>Expenses from Continuing Operations</b>	<b>445,399</b>	<b>975,298</b>	<b>529,899</b>	▶ <b>54.3%</b>	<b>6,357,759</b>
<b>Net Operating Result</b>	<b>437,702</b>	<b>491,373</b>	<b>53,671</b>	▶ <b>10.9%</b>	<b>2,774,209</b>

### ACTUALS vs Forecast

Revenue - is lower by \$476k / 98.4% contributed mainly by:

- **\$398k User Charges & Fees and \$81k Other Revenue** – Shortfall of revenue due to the cancelled shows as a result of the current lockdown and zero bar revenue as venue is currently not operating

Expenses – lower by \$530k / 54.3%:

- **\$251k Employee Costs** – Mainly due to lower utilisation of casuals labour and agency costs
- **\$75k Materials & Contracts** – Lower than expected spend in the regular contractual costs and underspend in merchandise for resale – bar
- **\$205k Other Operating Expense** – Lower than expected spend in marketing cost and artists creative related expenses.

**CITY OF PARRAMATTA    RIVERSIDE ADVISORY COMMITTEE****TERMS OF REFERENCE - 14 September 2021**

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These Terms of Reference shall be read in conjunction with City of Parramatta Council (**"Council"**) Advisory Committees Core Terms of Reference (August 2016).

**Primary Purpose**

1. The primary purpose of the Riverside Theatres Advisory Committee (**"Advisory Committee"**) is to:
  - 1.1. Strategically advise Council on Riverside Theatres' (**"Riverside"**) contribution to the delivery of Council's cultural vision for Sydney's Central City;
  - 1.2. Strategically advise Riverside on its contribution to the community in providing venues and delivering cultural and performance programs.
  - 1.3. Advocate for Riverside as western Sydney's premier performing arts centre.

**Roles and Responsibilities**

2. The Advisory Committee provides strategic advice to Council on how Council and Riverside can respond to:
  - 2.1. Council's key plans including Council's *Community Strategic Plan, Culture and Our City – A Cultural Plan for Parramatta's CBD 2017 – 2022* etc;
  - 2.2. The provision of cultural services and programs for the community;
  - 2.3. Community expectations for the performing arts in Parramatta;
  - 2.4. Developing arts/cultural infrastructure in Parramatta (e.g., Riverside redevelopment, rehearsal space etc);
  - 2.5. Developing sustainable performance practice/activity in Parramatta and western Sydney;
  - 2.6. Developing Parramatta's night-time economy;
  - 2.7. Defining and positioning Parramatta as a cultural destination.

**CITY OF PARRAMATTA RIVERSIDE ADVISORY COMMITTEE**

**TERMS OF REFERENCE - 14 September 2021**

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3. The Advisory Committee will provide Riverside with strategic advice on:
  - 3.1. the communities it serves culturally;
  - 3.2. community and performance industry expectations and connections;
  - 3.3. audience development;
  - 3.4. art-form development;
  - 3.5. engaging and partnering with other art forms and organisations;
  - 3.6. opportunities in the education sector;
  - 3.7. capacity building/training;
  - 3.8. positioning in the community;
  - 3.9. fundraising through philanthropy, sponsorship and government.
4. The Advisory Committee shall respond to Council resolutions directed to the Advisory Committee for action.

**Membership**

5. Membership of the Advisory Committee and shall include:
  - 5.1. Up to four Councillors;
  - 5.2. Council's Chief Executive Officer or nominee;
  - 5.3. Up to eight community members.
6. Membership of the Advisory Committee shall include representatives of the community who can reasonably demonstrate two or more of the following profiles:
  - 6.1. Leader in the community;
  - 6.2. Experience in government, business, education, media or the arts;
  - 6.3. Experience in fundraising;
  - 6.4. Marketing, legal or financial expertise;
  - 6.5. Representative of the community's gender, indigenous, generational and cultural diversity;

**CITY OF PARRAMATTA RIVERSIDE ADVISORY COMMITTEE****TERMS OF REFERENCE - 14 September 2021**

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- 6.6. Practising creative/performance artist;
- 6.7. Understanding of and commitment to Riverside as a premier regional arts centre with performance at its core;
- 6.8. Understanding of and commitment to the Parramatta story and the city's ambition to be a great and outstanding city of culture and the arts;
- 6.9. Able to influence and advocate for Riverside;
- 6.10. Works or lives in Parramatta or western Sydney.
- 7. Membership of the Advisory Committee shall be from the date of appointment to the end of the term of each elected Council unless otherwise determined by Council.
- 8. Members may be reappointed for up to two successive Council terms, whereupon the members must stand down for one Council term to be eligible again for appointment to the Advisory Committee.
- 9. Membership of the Advisory Committee is unpaid and voluntary.
- 10. The Advisory Committee may from its membership appoint sub-committees whose responsibilities shall be determined by the Advisory Committee.
- 11. The Advisory Committee may co-opt non-Committee members with specialist expertise to sub-committees.
- 12. Council may review the membership of the Advisory Committee from time to time, (e.g. appoint additional members, fill casual vacancies or co-opt specialist expertise).

**Chairperson/Deputy Chairperson**

- 13. A Chairperson and Deputy Chairperson shall be elected by the Advisory Committee for the term of Advisory Committee and shall not be a Councillor or Council staff member.
- 14. If the Chairperson is absent from the meeting the Deputy Chairperson shall act as Chairperson for the meeting.
- 15. If the Chairperson and Deputy Chairperson are absent from the meeting the Committee will nominate a Chairperson for the meeting.
- 16. Duties of the Chairperson, Deputy Chairperson or nominated member are:
  - 16.1. Chair meetings according to Council's Code of Conduct, the Terms of Reference, meeting agendas and guidelines;
  - 16.2. Liaise with the Council Officer convening the Advisory Committee to determine the agenda for each meeting;

**CITY OF PARRAMATTA RIVERSIDE ADVISORY COMMITTEE****TERMS OF REFERENCE - 14 September 2021**

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- 16.3. Facilitate the discussion of items on the agenda in a timely manner;
- 16.4. Facilitate the moving of recommendations and voting by Advisory Committee members;
- 16.5. Ensure all Advisory Committee members have the opportunity to participate in meetings.

**Frequency of Meeting and Attendance**

- 17. Meetings of the Advisory Committee shall be convened every two months with a minimum of six meetings each year.
- 18. Additional Advisory Committee and sub-committee meetings may be convened as determined by the Advisory Committee.
- 19. When a member is absent for three (3) consecutive meeting without an apology, the member's position will be declared vacant. However, following the second absence, the Executive Officer shall contact the member to clarify if the member is still interested in continuing to be a member of the Advisory Committee. If there is no response by the following meeting, their membership will cease, and their position declared vacant.
- 20. A quorum shall consist of 50% of members, of which no less than 50% shall be community members.
- 21. Where there is no quorum, the Committee is not able to determine any decisions or actions and can only deliberate on issues. Any decisions or actions must be held over to the next meeting where a quorum is present.

**Conflict of Interest**

- 22. Committee members are to declare any pecuniary or non-pecuniary conflict of interest regarding any issue on the agenda at the commencement of the meeting.
- 23. All conflict of interest is to be declared and recorded in the minutes and if necessary, the parties involved will be asked to leave the room while the matter is discussed.

**Confidentiality**

- 24. Where Committee meetings include confidential information relating to members or the business being discussed, members are required to respect principles of confidentiality.

**Council's Code of Conduct**

- 25. All members must abide by Council's Code of Conduct at all times.



**CITY OF PARRAMATTA RIVERSIDE ADVISORY COMMITTEE**

**TERMS OF REFERENCE - 14 September 2021**

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**Recruitment of Community Members of the Advisory Committee**

- 26. Expressions of Interest for membership of each new Committee will be sought through public advertisement and promotion.
- 27. Shortlisted applicants will be assessed and interviewed by a selection panel comprising up to two Councillors, the Chief Executive Officer or nominee and the Advisory Committee's Executive Officer.
- 28. The selection panel shall recommend to Council the successful applicants for appointment to the Advisory Committee.

**Miscellaneous**

- 29. The Riverside Director shall act as the Advisory Committee's Executive Officer and shall, as the Council Officer, convene meeting of the Advisory Committee.
- 30. Minutes of meetings of the Advisory Committee will be reported to Council following each meeting.
- 31. The Chairperson, Deputy Chairperson and the Riverside Director shall meet twice yearly with Council's Lord Mayor and Chief Executive Officer to report on Riverside activities and to discuss strategic direction.

**Changes to the Terms of Reference**

- 32. Any changes or additions to the Terms of Reference must be adopted by Council.



## CITY OF PARRAMATTA RIVERSIDE THEATRES ADVISORY BOARD MEETING



# DIRECTOR'S REPORT

## RIVERSIDE THEATRES OPERATIONS

Meeting Date/Time: Wednesday, November 24, 2021 / 6.00PM AEST

### A. CURRENT OPERATIONAL UPDATE

#### Reopening

- Very positive reactions to our first few events (Mark Vincent / Classical Blockbusters).
- Operational delivery from team has been outstanding. Very positive feedback from clients and patrons, and equally positive feedback from hirers and performers.
- Recent changes we have made to operational setup and service approach are showing benefits in service delivery, customer experience and revenue.

#### COVID Update

- Latest COVID Safety Plan was released on 18<sup>th</sup> of October. Includes requirements surrounding double vaccination, ventilation improvements and some minor changes to record keeping.
- Riverside currently operating at 100% capacity with all patrons over 16years requiring double vaccination.
- Riverside has a clear Conditions of Entry including, staying away if feeling ill and getting tested, wearing a mask, checking in, and displaying double vaccination evidence.
- CoP WHS team are still working on updates to the internal COVID case/notification procedures.
- CoP People and Culture and WHS team have drafted a vaccination policy with staff fitting into various categories for the work they perform.
- Most of the Riverside staff are now double vaccinated. Unvaccinated staff members will not be able to work at this stage. CoP Vaccination policy is currently under review.
- For the post Dec 15 / 95% vaccination milestone, Riverside has submitted a recommendation to CoP to maintain mandated vaccination for patrons over 16years of age until the end of January. This is consistent with what many other venues and theatres companies are recommending across industry.
- Staggered return to office to support requirements of marketing and delivering live performances, continuing with daily check-ins to ensure everyone is okay with the transition
- Mike and Craig are still engaged in weekly reopening strategy meetings with the other Community Services managers and lead by Jon Greig.



## CITY OF PARRAMATTA RIVERSIDE THEATRES ADVISORY BOARD MEETING



### Venue Operations

- Critical compliance maintenance has been performed in the Riverside and Lennox Theatres on the fly systems and orchestra pit.
- The rough sleeper situation on the front loggia was jointly addressed by the CoP Social & Community Services team, City Safe team, Regulatory and Cleansing team. Actioned a major clean-up of the area and the moving on of rough sleepers who were blocking fire exits and public thoroughfare.
- Council Cleansing Dept is regularly cleaning the loggia early in the mornings and there is a plan to erect some local government act signage within the space.
- The OzHarvest hamper program to which our facilities staff had been redeployed to near the end of lockdown has run its course and will be wrapping up with council involvement soon. Peter Duffy (Facilities Coordinator) and his team did an amazing job in supporting this effort and has been positively acknowledged in several communications from CoP Executive Director Jon Grieg and CEO Brett Newman.
- Bar systems have been restored, cleansed and tested ahead of reopening. Operations team are currently carrying out a detail review of bar sales patterns, products pricing and promotions, and develop a plan for an enhanced offering to drive sales and per capita spend growth.
- FOH Ops team are currently recruiting additional casual staff via the CoP recruitment team to gear up for busy December/January Sydney Festival period.
- Parramatta Light Rail (PLR) has reached Riverside with footpath and repaving. This has caused some issues (including accidental cutting of the main network fibre and working with them on access requirements for the studios). Currently the Riverside customer experience is somewhat compromised due to access restrictions caused by PLR works.

### Riverside Presentations

#### a) Riverside Presentations- 2022 Program

- Mainstage Theatre Season Programmed Jan- June, with Jul- Dec in final stages of confirmation
- Music Program - Actively programming music, especially April - July.

#### b) Education Youth and Families

- 2022 Education Program (Primary and Secondary) Brochure at Print for release late Nov
- School bookings returning with AT Live's Norm and Ahmed (15-20 Nov)
- Ticket Subsidy Program for 2022 confirmed
- Riverside Educator's Panel
- Spot On(line) Children's Festival successful delivery in September School Holidays
- Youth Engagement- Riverside Upstage Youth Program and Sharp Short Theatre Confirmed for 2022



## CITY OF PARRAMATTA RIVERSIDE THEATRES ADVISORY BOARD MEETING



### c) Cinema

- Highlights: Croatian Film Festival (18-21 Nov, some sessions already sold out)
- Exhibition on Screen and Met Opera Return
- Performance and Exhibition on Screen Series Programming 2022 now

### d) Digital

- Riverside Digital 2022 Series Concludes on 19 Nov
- Digital strategy - Commencing work for ongoing digital strategy
- Applying for Australia Council Digital Strategist Grant (Due Dec 2021)

### e) Access

- Panel Discussion on International Day of People with a Disability 3 December
- Beyond the Square- Contracting new service provider for 2022 program
- Audience Accessibility- Consultation underway with Deaf community to review Auslan delivery for 2022
- Auslan and AD performances confirmed for Mamma Mia and performances in 2022
- Relaxed Performances - 6 confirmed in Education Program. Family program TBC.
- Exploring opportunities for new focused program in Nov 2022

### f) Report from Riverside Educator's Panel Meeting by Amy Matthews Term 4, 2021 - Thursday November 4

- Excellent turn out for first in-person meeting back after lockdown- attended by 11 out of 15 members and 9 staff members.
- 2022 Education Program: Very positive comments about the 2022 program in general.
- NTofP Program: Joanne Kee presented the NTofP program. Comments were positive and excited about the fantastic new work on offer.
- Content considerations- 'Nothing': Erin Taylor- director of NTofP show 'Nothing' came to ask members about difficult content considerations. Some excellent feedback given on focussing on craft and not content.
- 2022 Education Brochure: Amy Matthews presented the 2022 Education Brochure design and program. Brochure comments from members- positive about changes made including only producing 1 brochure (K-12), presenting shows chronologically by term, contents table with year group and genre info and addition of QR code.
- Excursions in 2022: General positive feeling about being able to attend excursions in 2022 with good COVID planning. Vaccination policies a bit of a concern for younger students.



## CITY OF PARRAMATTA RIVERSIDE THEATRES ADVISORY BOARD MEETING



### g) Finance Overview

- Full presentation provided for in agenda from Sainesh Moss, Business Manager

### h) Commercial Hires

- 2022 Hires and co-presents program very strong, including previously discussed 'A Chorus Line' and other Sydney Festival shows, Mamma Mia, Wharf Revue and Ghost Stories, plus increase d music activity with SoundWest, The Whitlams etc.
- Hirers very pleased with results achieved from Covid support grants with many recognising Riverside's contribution to their grant success (eg Cumberland Gang Show).
- Currently working on revised rate card and updated Hiring Agreement for 2022.

### i) **NATIONAL THEATRE OF PARRAMATTA**



- A playwriting partnership was launched with Australian Plays Transforms for new writers.
- White Pearl continued its tour with 5 shows presented at the OzAsia Festival in Adelaide to critical acclaim. Nearly 1100 people attended a performance.
- Postponed seasons are now rescheduled for STC Wharf, Riverside and Canberra Theatre for 2022 beginning at STC in March.
- Submitted Crown Packer Foundation acquittal for year 2021.
- Submitted a RISE funding application for a national tour in 2023.
- Stolen Digital (archival version) has sold 104 schools sessions.
- We are at final contracting stage with Sydney Festival for two shows in 2022 produced in association with the Javaad Alipoor Company.
- Two Creative Hello events have been hosted, one for dramaturgical skills with Courtney Stewart and the other for networking for playwrights.
- Hosted a creative development for A Practical Guide to Self Defence, a collaboration with Merrigong Theatre.
- Joanne was selected for the Australia Council, Enhancing Stakeholder Engagement mentorship. This comprises 8 participants from around Australia.
- Joanne was a speaker at the Women's Club, Meet the Artist Program in a line-up with Sydney Festival Director and actor Kate Fitzpatrick.



## CITY OF PARRAMATTA RIVERSIDE THEATRES ADVISORY BOARD MEETING



### B. PEOPLE AND CULTURE UPDATE

- All major venues in NSW have reopened and operating at 100%
- Many major venues maintaining position of vaccination required for entry (above and beyond post 95% PHO requirement).
- This guidance is consistent with industry information that I've been provided by various commercial producers and promoters and arts companies.
- Likely QR code checkin will be maintain for theatres, pubs and clubs.
- No other major changes in industry standards envisaged

### C. PEOPLE AND CULTURE UPDATE

- Welcome to our new Marketing Manager (Sophie Anderson) who commenced 22 November. Sophie has an extensive arts marketing and management background and comes to us from her position as Senior Marketing Manager for Michael Cassel Group.
- Casual positions identified as desirable to convert to permanent have all been actioned. These roles were identified as requiring action following the 2020 Staff Engagement survey results.
- 4 long serving casual staff have now been confirmed on temporary permanent roles.
- Employee Engagement Action Plan has been developed and is in process of implementation.

### D. MARKETING UPDATE

- New team to be in place for January 2022, next Recruitment to be Digital Marketing Producer; Marketing & Communication Officer and Marketing Assistant
- Around 10,000 quarterly brochures to land in mailboxes in early December to promote shows in December, January, February, March. QR code on each page to track sales from brochure
- Weekly EDM announcements of shows for 2021; 2022 Riverside presents program; announcement of 2022 Education program; National Theatre of Parramatta 2022 season
- Spot (Online) Children Festival rolled out across PR, web, EDM and digital advertising
- Monitoring customer satisfaction for digital shows through survey system, last digital mid-November
- Education Brochure to launch for 2022 season to be sent to 7,000 schools
- New Patron Visit email created and to be implemented for first live performance
- First Reopening Performances invitations sent out to engage patrons to return to the theatre. Announcement of Sydney Festival performances at Riverside, largest Sydney Festival at Riverside





# **Financial Performance Report**

**24 November 2021**

## **Advisory Board Meeting**

*Sainesh Moss*



## Finance Overview

- Covid support funds from Create NSW received Oct' 21.
  - Total Grant \$191k (100% of applications).
  - \$66k paid to related parties.
  - \$125k net revenue retained as offset to lost Box Office.
- September quarterly review was completed in Oct 21.
  - Revenue impact (\$1.2m) (revised from \$3.5m to \$2.3m).
  - Cost savings \$360k (revised from \$6.3m to \$5.9m).
- Maintaining tight control on expenditure to sustain the best possible financial position for Riverside.
- Some refunds are still getting processed for cancelled shows in this Fin year.





## Finance Overview

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- Maintaining tight control on expenditure to sustain the best possible financial position for Riverside.
- Some refunds are still getting processed for cancelled shows in this Fin year.



## Finance Overview

- The Box Office has reopened from Oct'21.
- Expecting revenue to pick up as we approach year end.
- A positive start of 2022 with A Chorus Line, Sydney Festival and Mamma Mia! In Feb.
- Budget 2022/23 work is underway from Nov'21.
- We are looking at a strong 2022/23 with two Packemin shows, Ghost Stories and a full programming calendar.



# **ACT YTD (Jul - Oct) Financial Performance Report 2021/22 (KPI 1)**

## Riverside Theatres - KPI 1

Net operating result 127k, YTD \$17k above revenue, \$110k below expenditure

### B330 - Riverside Theatres

\$'000	Oct'21 YTD				FY 2021/22	
	Actual	Forecast	YTD Var \$	YTD Var %	Revised Budget	Original Budget
User Charges & Fees	32	135	103	(77%)	1,697	2,764
Other Revenue	3	8	5	(68%)	275	506
Grants	165	39	(126)	322%	239	200
Contributions & Donations	4	4	0	(5%)	113	113
<b>Revenue from Continuing Operations</b>	<b>203</b>	<b>186</b>	<b>17</b>	<b>9%</b>	<b>2,325</b>	<b>3,584</b>
Employee Costs	884	919	34	4%	3,987	4,111
Borrowing Costs	-	-	-	0%	-	-
Materials & Contracts	59	81	22	27%	455	553
Depreciation & Amortisation	-	-	-	0%	-	-
Other Operating Expenses	147	201	54	27%	1,552	1,673
Internal Expenses	7	7	-	0%	21	21
<b>Expenses from Continuing Operations</b>	<b>1,097</b>	<b>1,208</b>	<b>110</b>	<b>10%</b>	<b>6,015</b>	<b>6,358</b>
<b>Net Operating Result</b>	<b>894</b>	<b>1,021</b>	<b>127</b>	<b>14%</b>	<b>(3,690)</b>	<b>(2,774)</b>

### ACTUALS vs Forecast

Revenue - is higher by \$17k / 9% contributed mainly by:

- **\$165k Grant** – CREATE NSW grant to cover for revenue losses for the cancelled shows during recent lockdown

Expenses – lower by \$110k /10%:

- **\$34k Employee Costs** – Mainly due to lower utilisation of casuals labour and agency costs
- **\$22k Materials & Contracts** – Lower than expected merchandise for resale
- **\$54k Other Operating Expense** – Lower than expected marketing spend

## Riverside Theatres - KPI 2

### Riverside Theatres 2021/2022

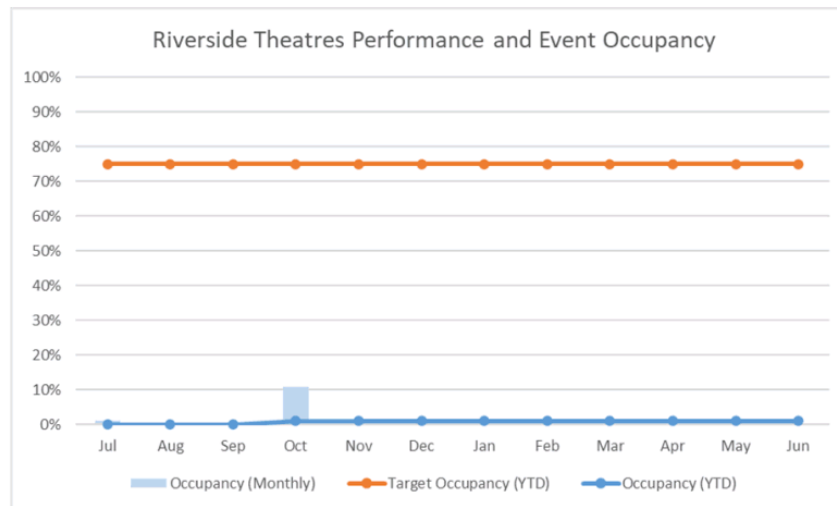
#### Attendance

Business Area	Performances /Events		Paid Ticketed Attendance		Non-Paying Attendance		Total Attendance	
	Ann Target	YTD Act	Ann Target	YTD Act	Ann Target	YTD Act	Ann Target	YTD Act
<b>TOTAL</b>	1,500	282	128,774	2,107	36,226	1,875	165,000	3,982

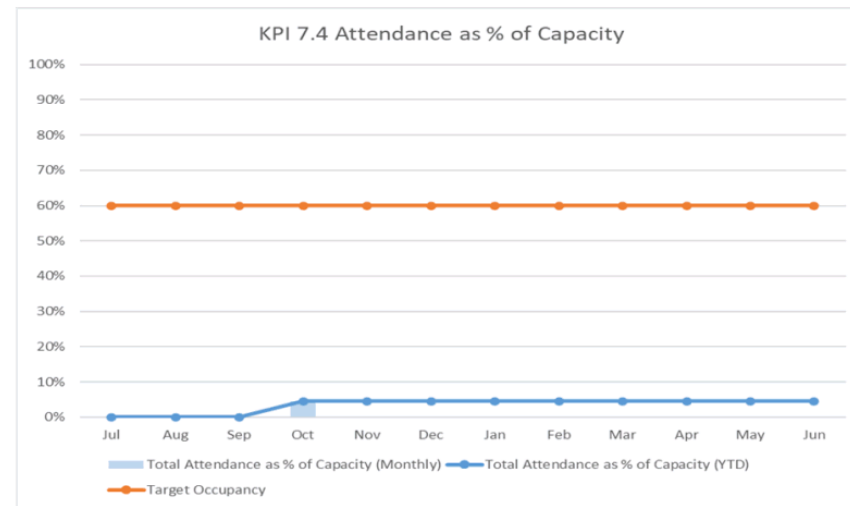
Attendance – Annual target for attendance is set at 165,000. Full year actual total attendance was 3,982. Mostly digital shows/on demand.

We are forecasting to land around 80,084 for total attendance full financial year.

## Riverside Theatres - KPI 3



Utilisation - with an annual target of 75%. Actual utilisation for Oct has only been 11%. This comprised of Film screenings commencing on the 21<sup>st</sup> of Oct and Mamma Mia rehearsals.



Capacity -YTD actual all venue attendance as a percentage of capacity was 5% with a target of 60%. This was again the film screening in Raffertys.

## Riverside Theatres – Summary

- Although Covid closures have impacted revenue, costs are being controlled to minimise impact on profitability.
- Team are responding and agile to new ideas for revenue generation.
- Strong programming for Sydney Festival and for the balance of 2022.
- Overall Riverside is on track to achieve the revised budget.

**Thank you**

The background of the slide is a solid bright blue. It features three large, stylized curved shapes. In the top right, there is a dark blue semi-circular arc. In the bottom left, there is a white semi-circular arc. On the right side, there is a large white circular arc that is partially cut off by the edge of the slide.



**FOR NOTATION**

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<b>ITEM NUMBER</b>	12.2
<b>SUBJECT</b>	Response to Notice of Motion - Wentworth Point Mobile Coverage
<b>REFERENCE</b>	F2022/00105 - D08463008
<b>REPORT OF</b>	Senior Project Officer

**CSP THEME:** FAIR

**WORKSHOP/BRIEFING DATE:** Nil

**PURPOSE:**

This report provides Council with a summary of responses to letters sent to telecommunication companies and NSW Government regarding Wentworth Point mobile service.

**RECOMMENDATION**

**That** Council receive and note the contents of this report.

**BACKGROUND**

1. Council resolved (Minute No. 3343, 26 July 2021) to write to the Chief Executive Officers of Telstra Corporation, Singtel Optus and TPG Community, seeking updated information on their planned and existing Australian Mobile Network Base Stations. The resolution also included a request to the Department of Planning Infrastructure and the Environment ('DPIE') that activations of mobile base stations be included in the Greater Parramatta and Olympic Peninsula Smart Cities Plan.
2. At the Council meeting of 14 March 2022 (Minute No. 3715) Council resolved to receive a report on the response to the letters and to that CEO and Lord Mayor write letters to the federal minister and shadow minister on the on-going issues relating to mobile service in Wentworth Point. These letters are expected to have been sent by the time these papers are published. Council expressed an intention to work with the telecommunications companies to resolve the issues as a part of this motion.
3. The following provides a summary of responses and the full responses from Optus and Telstra (with personal details redacted) are attached with permission:

Entity	Response
DPIE	Director of Smart Places Program responded, informing that the request aligns with the strategy. DPIE expressed that they had a desire to continue working with Council on this issue. The exact location of stations are commercial decisions and cannot be made by DPIE.

Singtel Optus	VP Regulatory and Public Affairs responded noting that a new site for a mobile tower at Wentworth Point is currently scheduled to be online in January 2023.
Telstra	CEO responded, advising that Telstra is actively looking to install a new Macro Base Station in Wentworth Point. No timeline is possible at this stage, however a contact between Council and Telstra has been established for ongoing updates.
TPG Community	No response received.

4. The responses from Singtel Optus and Telstra are attached with the permission of the bodies.

## ISSUES/OPTIONS/CONSEQUENCES

5. The responses received indicate that the issues with mobile coverage are identified and there is work being undertaken to increase coverage in the area.

## CONSULTATION & TIMING

### Stakeholder Consultation

6. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
Nil				

### Councillor Consultation

7. The following Councillor consultation has been undertaken in relation to this matter:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
Nil				

## LEGAL IMPLICATIONS FOR COUNCIL

8. There are no legal implications for Council associated with this report.

## FINANCIAL IMPLICATIONS FOR COUNCIL

9. There are no unbudgeted financial implications for Council's budget.
10. The table below summarises the financial impacts on the budget arising from approval of this report.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Revenue	Nil	Nil	Nil	Nil

Internal Revenue	Nil	Nil	Nil	Nil
External Revenue	Nil	Nil	Nil	Nil
<b>Total Revenue</b>	Nil	Nil	Nil	Nil
<b>Funding Source</b>	Nil	Nil	Nil	Nil
<b>Operating Result</b>	Nil	Nil	Nil	Nil
External Costs	Nil	Nil	Nil	Nil
Internal Costs	Nil	Nil	Nil	Nil
Depreciation	Nil	Nil	Nil	Nil
Other	Nil	Nil	Nil	Nil
<b>Total Operating Result</b>	Nil	Nil	Nil	Nil
<b>Funding Source</b>	Nil	Nil	Nil	Nil
<b>CAPEX</b>	Nil	Nil	Nil	Nil
CAPEX	Nil	Nil	Nil	Nil
External	Nil	Nil	Nil	Nil
Internal	Nil	Nil	Nil	Nil
Other	Nil	Nil	Nil	Nil
<b>Total CAPEX</b>	Nil	Nil	Nil	Nil

Josh Jongma  
**Senior Project Officer**

John Angilley  
**Chief Finance and Information Officer**

Nicole Carnegie  
**Group Manager, City Strategy**

Brett Newman  
**Chief Executive Officer**

#### **ATTACHMENTS:**

- 1   Response from Optus Singtel 1 Page  
2   Response from Telstra 1 Page

#### **REFERENCE MATERIAL**



09 February 2022

Nicole Carnegie  
Group Manager City Strategy  
City of Parramatta  
PO Box 32  
PARRAMATTA NSW 2150

Via email: [REDACTED]

Dear Ms Carnegie,

Thank you for your correspondence to our CEO, Kelly Bayer Rosmarin regarding Optus' current and future coverage in the Wentworth Point area.

Our Networks Team are aware of current coverage challenges at Wentworth Point and have advised that signals from surrounding sites have become increasingly obstructed over time due to the density of high-rise buildings and other developments in the area.

We recognise the growing importance of adequate connectivity in this area for both households and businesses which is why we have prioritised a new greenfield site at Wentworth Point. This site is currently in acquisition phase. Since it is private property, a lease is currently being negotiated with the property owner. We would anticipate the site acquisition will be completed by May of this year.

Once the acquisition phase is complete, we would anticipate the site to go live in January 2023, assuming that future planning, consultation (if required) and the installation itself progress without any unexpected interruptions.

Thank you again for your correspondence, we welcome the opportunity to work in cooperation with City of Parramatta to ensure that our future planning will bring greater connectivity to the communities you represent and will provide you with updates on the proposed new site at Wentworth Point as they become available.

If you do have any further questions on the proposed site at Wentworth Point, or any other developments across Parramatta City please feel free to contact [REDACTED] from our Government Relations Team at [REDACTED]

Yours sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED] **On Behalf Of** Penn, Andrew  
**Sent:** Tuesday, 22 February 2022 12:41 PM  
**To:** Nicole Carnegie [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Wentworth Point

Dear Ms Carnegie

Thank you for your letter regarding mobile coverage issues in Wentworth Point. I am sorry for the frustration and inconvenience this is causing some residents.

Telstra's mobile network provides generally good outdoor coverage in the Wentworth Point area, but due to the high density of apartment buildings there are some areas which may experience poorer indoor coverage.

Telstra is actively looking to install a new Macro Base Station in Wentworth Point which will provide improved coverage for our customers.

While we are currently working to find a suitable location for the base station, the dense high-rise environment within Wentworth Point introduces challenges in selecting the right location for a site to provide optimal coverage to the area.

We are already in discussions with Ausgrid to potentially co-locate on one of their assets and are undertaking a candidate assessment process to review secondary candidates to ensure all options are explored.

As these third party discussions are on-going we are unable to provide a timeframe for construction right now, however we will continue to prioritise this project.

A member of the Telstra team, [REDACTED] will be able to provide you with ongoing updates as the project progresses.

In the meantime, some customers may benefit from the use of a [network extension device](#) to improve their indoor network experience.

Customers may also be able to utilise their fixed broadband connections in their homes to enable our voice calling and SMS over [Wi-Fi](#) feature on supported devices.

Thank you again for raising your concerns with me.

Yours sincerely  
Andy

**Andrew Penn**  
Chief Executive Officer  
Telstra Corporation Limited



This email may contain confidential information.  
If I've sent it to you by accident, please delete it immediately

**FOR NOTATION**

**ITEM NUMBER** 12.3  
**SUBJECT** Council Decision Making  
**REFERENCE** F2022/00105 - D08385480  
**REPORT OF** Governance Manager

**CSP THEME:** **FAIR**

**WORKSHOP/BRIEFING DATE:** NIL

**PURPOSE:**

The purpose of this report is to advise Council on what matters are required to be considered by Council.

**RECOMMENDATION**

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

**BACKGROUND**

1. At the 26 August 2019 Council Meeting, Council was presented with a report on matters that require Council decision. This report was in response to a Matter of Urgency seeking a report on what strategic matters and matters of community and Council interest are required to be assessed by Council.
2. Noting the recent Local Government Elections on 4 December 2021, and considering more than half of the Chamber are new Councillors, it is deemed timely to provide advice to Councillors on what matters are required to be considered by Council and to set the expectations for matters contained within Council Meeting agendas throughout the term of Council.

**ISSUES/OPTIONS/CONSEQUENCES**

3. A review of relevant legislation and agency guides has revealed a detailed list of all matters that require Council approval. The list is provided below for Council notation:

<b><i>Procedural matters to be resolved by Council (pursuant to Code of Conduct, Code of Meeting Practice, and other agency guidelines)</i></b>	
<ul style="list-style-type: none"> <li>• Oath or affirmation of office (at the first Council Meeting after the Councillor is elected)</li> <li>• Adoption of minutes of previous Council Meetings</li> <li>• Permission to attend Council Meetings via remote means</li> <li>• The acceptance of an apology and the granting of leave of absence for that or future meetings</li> <li>• Lord Mayoral Minutes</li> </ul>	<ul style="list-style-type: none"> <li>• Motions / amendments during Council meetings</li> <li>• Rescission Motions</li> <li>• Moving into Closed Session of a Council Meeting</li> <li>• Amendments to meeting schedule (other than calling of Extraordinary Council Meetings)</li> <li>• Tabling returns of interests of Councillors and designated persons in written forms</li> </ul>

<ul style="list-style-type: none"> <li>• Matters of Urgency</li> <li>• Notices of Motions</li> <li>• A motion to accept and refer petitions tabled at Council Meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion of a Councillor or another person from a Council Meeting</li> <li>• Councillor remuneration and superannuation</li> </ul>
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***Legislative matters to be resolved by Council (pursuant to the Local Government Act 1993, Local Government (General) Regulations 2021, Environmental Planning & Assessment Act 1979 and other relevant legislation)***

**Council Matters**

<ul style="list-style-type: none"> <li>• Election of Lord Mayor for a period of 2 years</li> <li>• Election of Deputy Lord Mayor for a period of 2 years or a lesser term</li> <li>• Confirmation of number of Councillors no less than 12 months out from the date of the next ordinary Council elections</li> <li>• The reduction in the number of Councillors</li> <li>• Appointment of Councillors to Committees (term to be determined)</li> <li>• The decision that any vacancy that occurs in office be filled by a countback of votes cast at the last election for that office</li> <li>• The decision on who will conduct elections</li> <li>• Appointment of NSW Electoral Commission to administer elections</li> <li>• Conducting a Council Poll or constitutional referendum</li> <li>• Proposal to conduct elections solely by postal voting</li> <li>• The making of an application, or the giving of a notice, to the Governor or Minister</li> <li>• The establishment or disbandment of Committees</li> <li>• Report of decisions made by the Lord Mayor / CEO between meetings</li> <li>• The decision to introduce or abolish a service of Council</li> </ul>	<ul style="list-style-type: none"> <li>• Formally censure a Councillor for misconduct</li> <li>• Annual report on obligations of an agency under GIPA to be provided to the Information Commissioner and Minister for Local Government (provided via Annual Report)</li> <li>• Report on Code of Conduct complaint statistics to be provided to the Office of Local Government</li> <li>• Report on the details of content or induction and ongoing professional development training offered to the Lord Mayor and Councillors and whether the Councillor participated, and include in annual report to the OLG (provided via Annual Report)</li> <li>• The decision to make an application to the Minister to abolish all wards</li> <li>• The decision to make an application to the Minister to reduce the number of Councillors</li> <li>• The general power of the Council to delegate any function other than those identified in s377 of the LG Act to the General Manager</li> <li>• The decision to delegate to any other person or body (not including another employee of the Council) any function delegated to the Council except the instrument of delegation to the Council</li> <li>• The decision to delegate functions to a joint organisation</li> <li>• The decision to delegate regulatory functions to a joint organisation</li> </ul>
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	<ul style="list-style-type: none"> <li>• The decision for a Council's area to be included in the joint organisation area</li> <li>• Applications for public-private partnerships</li> <li>• The decision to refer an allegation of misconduct by a Councillor to the Departmental Chief Executive</li> </ul>
<b>Personnel Matters</b>	
<ul style="list-style-type: none"> <li>• The appointment of the General Manager</li> <li>• The appointment of staff to exercise functions of the General Manager until a General Manager is appointed</li> <li>• The number of senior staff positions and functions (by definition, anyone on a senior staff contract)</li> <li>• The determination or re-determination of the organisation structure within 12 months after any ordinary Council election</li> </ul>	<ul style="list-style-type: none"> <li>• Final terms of workplace agreements and industrial agreements</li> <li>• Application by General Manager to engage in private employment or contract work outside of service of Council</li> <li>• Application to Minister for payment of termination of employment</li> <li>• The making of an application, or the granting of a notice, to the Governor or Minister</li> </ul>
<b>Strategic Matters</b>	
<ul style="list-style-type: none"> <li>• Endorsement of a community strategic plan</li> <li>• Endorsement of a resourcing strategy</li> <li>• Endorsement of the State of the Environment report</li> <li>• Endorsement of the Community Engagement Strategy</li> <li>• Following ordinary election of Councillors, review the Community Strategic Plan before 30 June following the election, to endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new Community Strategic Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Progress reports (at least every 6 months) on the delivery program</li> <li>• Adoption of an operational plan</li> <li>• End of term report in the year in which an ordinary election of Councillors is held (included in the annual report)</li> <li>• Establish a delivery program after each ordinary election of Councillors for the following four-year period</li> </ul>
<b>Policy Matters</b>	
<ul style="list-style-type: none"> <li>• The adoption of a payment of expenses and provision of facilities policy within the first 12 months of each Council term</li> <li>• Adoption of a Code of Conduct</li> <li>• Adoption of a Code of Meeting Practice</li> <li>• The adoption of a Council seal</li> <li>• The affixing of a Council seal</li> </ul>	<ul style="list-style-type: none"> <li>• Review delegations to the General Manager within 12 months after any ordinary Council election</li> <li>• Review Council adopted Code of Conduct within 12 months after any ordinary Council election</li> <li>• Adoption of draft local approvals and orders policies</li> <li>• Adoption of Council policies to place on public exhibition</li> <li>• Adoption of final Council policies</li> </ul>



	<ul style="list-style-type: none"> <li>• Prepare and implement an equal employment opportunity management plan</li> </ul>
<b><u>Financial Matters</u></b>	
<ul style="list-style-type: none"> <li>• The making of a rate</li> <li>• The determination under s549 as to the levying of a rate</li> <li>• The making of a charge</li> <li>• The fixing of a fee</li> <li>• The decision to borrow money</li> <li>• Reports on budget process and variances where actual income or expenditure of Council is materially different from its estimated income / expenditure</li> <li>• Voting of money for expenditure on its works, services or operations</li> <li>• The acceptance of tenders to provide services currently provided by members of staff of the Council</li> <li>• The adoption of a financial statement included in an annual financial report</li> <li>• The fixing of an amount or rate for carrying out work on private land by the Council</li> <li>• A decision under s356 to contribute money or otherwise grant financial assistance to persons</li> </ul>	<ul style="list-style-type: none"> <li>• The adoption of a financial statement included in an annual financial report</li> <li>• The decision to not proceed with a tender</li> <li>• Reports on Council investments</li> <li>• Setting a minimum delegation for the write-off of Council debts</li> <li>• The decision to write-off debts of Council (amounts above delegation)</li> <li>• Expenditure in excess of \$500k (in accordance with the Local Government Tendering requirements) for unlisted / unbudgeted works</li> <li>• Setting a minimum delegation for the refund of fees</li> <li>• Refund of fees greater than delegations or requiring Council resolution</li> <li>• The sale of land for unpaid rates and charges</li> <li>• Entering into a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decision that a satisfactory result would not be achieved by inviting tenders</li> <li>• The decision to contribute money or grant financial assistance to persons for the purpose of exercising its functions</li> </ul>
<b><u>Regulatory Matters</u></b>	
<ul style="list-style-type: none"> <li>• The power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under s194</li> <li>• Establishment of alcohol free zones</li> </ul>	<ul style="list-style-type: none"> <li>• A review of a determination made by the council, and not a delegate of the council, of an application for approval or an application that may be reviewed under s82A of the EP&amp;A Act</li> <li>• The adoption of a coastal management program under the Coastal Management Act 2016</li> </ul>
<b><u>Property / Planning Matters</u></b>	
<ul style="list-style-type: none"> <li>• A decision to classify / reclassify Council land</li> </ul>	<ul style="list-style-type: none"> <li>• Report by Trust Manager of the performance of Crown Land</li> </ul>

<ul style="list-style-type: none"> <li>• Classification of land dedicated in accordance with s7.11 of the EP&amp;A Act</li> <li>• Declaration of land being the site of known natural, geological, geomorphological, scenic or other feature that is considered to warrant protection or special management considerations</li> <li>• Declaration of community land that Council declares that, because of the presence on the land of any item that the council considers to be of aboriginal, historical or cultural significance, the land is an area of cultural significance</li> <li>• The adoption of plans of management for community land</li> <li>• The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not included the sale of items of plant or equipment)</li> <li>• Closure of public roads</li> </ul>	<ul style="list-style-type: none"> <li>• Proposals for boundary adjustments</li> <li>• Naming or renaming roads</li> <li>• Consideration of submissions made for any proposal to lease, licence or other estate in respect of community land, prior to granting the lease, licence or other estate</li> <li>• The dedication or transfer of land to Council</li> <li>• LEPs</li> <li>• DCPs</li> <li>• Types of development on community classified land</li> <li>• Development contribution plans</li> <li>• Planning agreements</li> <li>• Planning proposals</li> <li>• Housing Strategies</li> <li>• Plans of Management</li> <li>• Masterplans</li> <li>• Public Domain plans</li> </ul>
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***Other Matters (without a legislative requirement) (considered best practice)***

<ul style="list-style-type: none"> <li>• Information reports to Council on significant legal matters where Council is a party to significant legal proceedings</li> <li>• Change in Council corporate identity (ie, name, logo, branding, etc)</li> <li>• The nomination of motions to various Local Government industry conferences</li> <li>• Submissions to government agencies (ie, OLG, DPIE, IPART)</li> </ul>	<ul style="list-style-type: none"> <li>• Formal position of Council on Local Government reform / changes</li> <li>• Appointment of membership to Council and external Committees</li> <li>• The adoption of Council's Ordinary Meeting schedule</li> <li>• The attendance of Councillors to conferences</li> </ul>
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## CONSULTATION & TIMING

### Stakeholder Consultation

4. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
Nil				

### Councillor Consultation

5. The following Councillor consultation has been undertaken in relation to this matter:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
Nil				

## LEGAL IMPLICATIONS FOR COUNCIL

6. There are no legal implications for Council associated with this report. Any legal requirements associated with seeking a specific decision from Council will be detailed in individual reports for Council consideration.

## FINANCIAL IMPLICATIONS FOR COUNCIL

7. There are no unbudgeted financial implications for Council associated with this report.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
<b>Revenue</b>				
Internal Revenue				
External Revenue				
<b>Total Revenue</b>				
<b>Funding Source</b>	NA			
<b>Operating Result</b>				
External Costs				
Internal Costs				
Depreciation				
Other				
<b>Total Operating Result</b>	Nil			
<b>Funding Source</b>	NA			
<b>CAPEX</b>				
CAPEX				
External				
Internal				
Other				
<b>Total CAPEX</b>	Nil			

Patricia Krzeminski  
**Governance Manager**

John Angilley  
**Chief Finance and Information Officer**

Brett Newman  
**Chief Executive Officer**

**ATTACHMENTS:**

**REFERENCE MATERIAL**

## **FOR COUNCIL DECISION**

**11 APRIL 2022**

13.1	Advisory Committees of Council.....	90
13.2	Abandoned Shopping Trolley Trial Outcome Report .....	130
13.3	Section 50 Local Government Act 1993 Land Transfers .....	141
13.4	Post-exhibition - Planning Proposal, draft Development Control Plan and draft Planning Agreement for 8-14 Great Western Highway, Parramatta.....	151

**FOR COUNCIL DECISION**

**ITEM NUMBER** 13.1  
**SUBJECT** Advisory Committees of Council  
**REFERENCE** F2022/00105 - D08385551  
**REPORT OF** Governance Manager

**CSP THEME:** **FAIR**

**WORKSHOP/BRIEFING DATE:** Councillor Induction Session: 10 March 2022

**PURPOSE:**

The purpose of this report is to seek Council's approval to establish advisory Committees, adopt Terms of Reference and appoint Councillor representatives to each Committee.

**RECOMMENDATION**

- (a) **That** Council note the previous resolutions of Council to establish the Finance Committee and Policy Review Committee and the appointment of Councillors on those Committees at the Council Meetings of 21 February and 14 March 2022 as set out in **Attachments 1 and 2**.
- (b) **That** Council note the previous resolution of Council to appoint Councillor representation on statutory committees and external bodies at the Council Meeting of 14 March 2022 as set out in **Attachment 2**.
- (c) **That** Council note the appointment of three (3) independent members to the Major Projects Advisory Committee on the terms outlined in the current MPAC Service Agreement, with the expiration for one member in 2022 and for two members in 2024.
- (d) **That** Council note that the following Committees are not recommended to be established at this time:
  - 1. Bushland and Environment Advisory Committee;
  - 2. Parramatta Light Rail Advisory Committee.
- (e) **That** Council approve the establishment of the following advisory committees and consider Councillor representation for the current term of Council:

<b>Name of Committee</b>	<b>Councillors</b>	<b>Executive Staff</b>	<b>Community Representatives</b>
5/7 Parramatta Square Advisory Committee <i>Note: Recommended to be established for a fixed term period to end 2022.</i>	Lord Mayor + 4 Councillors	Executive Director, Community Services Executive Director, Property & Place	Nil

Access Advisory Committee	Councillors as ex-officio members	Nil	Twelve (12)
Active Transport Advisory Committee	Councillors as ex-officio members	Nil	Twelve (12)
Citizen of the Year Awards Committee	Lord Mayor (or delegate), Deputy Lord Mayor (or delegate)	Nil	Parramatta Adult Citizen of the Year and two (2) citizen representatives
First Nations Advisory Committee	Councillors as ex-officio members	Nil	Thirteen (13)
Grants Committee	5 Councillors	Executive Director, Community Services	Nil
Heritage Advisory Committee	Councillors as ex-officio members	Nil	Fourteen (14)
Public Art & Heritage Interpretation Advisory Committee	3 Councillors	Executive Director, Community Services	Nil
Riverside Theatres Advisory Committee	4 Councillors	Chief Executive Officer (or delegate)	Eight (8)
Smart Cities Advisory Committee	Lord Mayor + 1 Councillor	Nil	Five (5)

- (f) **That** Council approve the Terms of Reference set out at **Attachment 3** including:
- i. Specific purpose, scope, and membership of advisory committees; and
  - ii. Generic terms of reference provisions applicable to all advisory committees.
- (g) **Further, that** expressions of interest be advertised for advisory committees that have community representative vacancies and a report on the appointment of community representatives be brought to Council for approval.

## BACKGROUND

1. Council also known as the governing body receives information and advice in many forms to make decisions. One of the many ways Councillors are informed are through various committees.
2. Committees may be formed in a variety of ways. Committees may be given delegated powers to exercise a function of the Council, or may be formed in an advisory capacity only:
  - a) Council may form a committee under section 355(b) *Local Government Act 1993*. A section 355 committee is a formal committee of Council consisting of only Councillors or a mix of Councillors and the CEO. This

- type of committee is set up to exercise a function of Council and must be conducted in accordance with the Code of Meeting practice. A section 355 committee can have decision making powers and is required to produce formal agendas, business papers and minutes, as well as be webcast to the public unless considering matters.
- b) Council may also form a committee under section 377 *Local Government Act 1993*. These committees are usually created to perform certain functions of the Council (such as managing a public hall or other property). The committees usually consist of community members only or a mix of community members and Councillors. The Council can delegate decision making powers to the committee.
  - c) Council may also form advisory committees; these committees do not have any delegated powers and can only provide recommendations to Council. This committee must consist of at least one non-councillor member. If the committee consists of only Councillors, it is a committee as outlined in part a) and would be subject to the Code of Meeting Practice.
3. Council in its most recent years has only formed advisory committees. Advisory Committees are committees formed by Council that have a general objective of advising Council on the needs or issues of the community and to inform Council's decision making and work relating to our community.
  4. Each advisory committee seeks to advise on a particular area of expertise, issue, or area of community interest. Some advisory committees are required by legislation or government directive, however most advisory committees are convened due to Council's interest in the issues raised at these meetings. Council's advisory committees have no decision-making powers and provide advice and recommendations only.
  5. The Lord Mayor and number of Councillors for each advisory committee recommended in this report arises out of the historical establishment of each advisory committee. The number of community representatives for each advisory committee recommended in this report also arises from the historical establishment of each advisory committee.
  6. All Councillors are ex-officio members (by virtue of office) of all advisory committees and may contribute to each meeting as permitted by the Committee Chair. Ex-officio members are non-voting members of advisory committees.
  7. The Chief Executive Officer and/or the respective Executive Director has been appointed to a number of internal advisory committees to assist in providing advice to make informed decisions.
  8. This report seeks to establish advisory committees of Council and appointed Councillor representation as required. It is noted that a report on the establishment of Park Committees is anticipated to be presented to Council by June 2022.

## ISSUES/OPTIONS/CONSEQUENCES

9. An overview of each of the advisory committees, the objective and number of Councillors / community representatives required for appointment is listed below:



5/7 Parramatta Square Advisory Committee

*Membership: Lord Mayor of the day + Four (4) Councillors, Executive Director Community Services and Executive Director Property & Place*

*Meeting Frequency: As required*

*Responsible Directorate: Property & Place*

The objective of the 5/7 Parramatta Square Advisory Committee is to guide the continued progress of the current design, construction, and business readiness activities of 5 and 7 Parramatta Square.

The Committee membership comprises four (4) Councillors, the Executive Director Community Services, and the Executive Director Property & Place.

Although the Committee during the previous term of Council met monthly, it is noted that the construction of Phive (5 Parramatta Square) is almost complete. It is therefore proposed to re-establish the Committee for a fixed period to the end of 2022, and to hold meetings as required.

Access Advisory Committee

*Membership: Twelve (12) community representatives, Councillors as ex-officio members*

*Meeting Frequency: Bi-monthly*

*Responsible Directorate: Community Services*

The objective of the Access Advisory Committee is to advise Council on the access needs of people with disability and access related issues and to provide advice, input and feedback on Council's business relating to people with disability and access related issues.

The Committee membership comprises twelve (12) community representatives that meet at least one of the following criteria:

- People with a disability who live, work or study in the Parramatta LGA.
- People employed by a disability service provider in the Parramatta LGA.
- People with a demonstrated qualification/ competency/ knowledge of legislative requirements such as the Disability Discrimination Act 1992.

Councillors are ex-officio members of the Committee.

Meetings are to be held bi-monthly.

Active Transport Advisory Committee

*Membership: Min five (5) and max twelve (12) community representatives, Councillors as ex-officio members*

*Meeting Frequency: Bi-monthly*

*Responsible Directorate: City Planning & Design*

The objective of the Active Transport Advisory Committee is to advise Council on matters relating to active transport including best practice planning and design and behavioural change strategies and to provide advice, input and feedback on Council's business related to active transport.

The Committee membership comprises a minimum of five (5) and a maximum of twelve (12) community representatives meeting the following criteria:

- People who live, work or study in the City of Parramatta LGA;
- People who are members of a peak body, user group or club active within the City of Parramatta LGA.

Councillors are ex-officio members of the Committee.

Meetings are to be held bi-monthly.

#### Bushland & Environment Advisory Committee

It is not recommended to establish an advisory committee on this topic at this time.

#### Citizen of the Year Awards Committee

*Membership: Lord Mayor (or delegate), Deputy Lord Mayor (or delegate), current Parramatta Adult Citizen of the Year and two citizen representatives*

*Meeting Frequency: Annually in December*

*Responsible Directorate: City Engagement & Experience*

The objective of the Citizen of the Year Awards Committee is to review, assess and select award recipients of the Citizen of the Year program.

The Committee membership comprises the Lord Mayor (or delegate), Deputy Lord Mayor (or delegate), the current Parramatta Adult Citizen of the Year and two citizen representatives selected based on their stated experiences, skills, and interests of relevance to the panel with the following guiding principles:

- inclusive membership to ensure a diversity of views;
- experienced track record of engagement with the local community; and
- principal place of residence, educational institution or employment is within the City of Parramatta LGA.

Meetings are to be held annually in December.

#### Finance Committee

*Membership: Five (5) Councillors + two (2) Councillor Alternate, Chief Executive Officer and Chief Finance and Information Officer*

*Meeting Frequency: Monthly*

*Responsible Directorate: Chief Finance & Information Officer*

To provide financial analysis, advice and oversight of Council's budget to ensure that the organisation is operating with the financial resources required to provide agreed programs and services to the community.

The Committee membership comprises five (5) Councillors, two (2) Councillor Alternates, the Chief Executive Officer and the Chief Finance and Information Officer.

It is noted that Council resolved at its meeting of 7 February 2022 to appoint the following Councillors to the Committee:

- Cr Pandey, Deputy Lord Mayor
- Cr Bradley

- Cr Garrard
- Cr Maclean
- Cr Wearne
- Cr Darley (Alternate)
- Cr Siviero (Alternate).

Meetings are held monthly.

#### First Nations Advisory Committee

*Membership: Thirteen (13) members identifying as First Nations, Councillors as ex-officio members*

*Meeting Frequency: Bi-monthly*

*Responsible Directorate: Community Services*

A review of the Aboriginal & Torres Strait Islander Advisory Committee of the previous term of Council was undertaken by an external First Nations consultant at the request of the Executive Director. The review considered current best practice in engaging First Nations communities and made recommendations to inform the redrafting of the terms of reference governing the Committee. The recommendations included:

- Renaming the Committee to 'First Nations Advisory Committee' to realign with the most current terminology;
- Limiting the composition of the committee to exclusively First Nations people;
- Restricting the number of consecutive terms a member can be on the committee; and
- Recommendations relating to strengthening engagement between the Committee and the First Nations community within the LGA.

The review showed merit in the committee being reconvened and identified opportunities to improve effectiveness but reinforced the ongoing importance of First Nations engagement and advice in the conduct of Council business to advance the interests of First Nations communities and to promote knowledge and understanding of First Nations culture, history, achievement and ongoing challenges.

The Committee membership comprises thirteen (13) First Nations members who live, work, study or are otherwise connected to the Parramatta LGA. Applications for membership are particularly encouraged from young people, Elders and the Dharug community.

Meetings are to be held bi-monthly.

#### Grants Committee

*Membership: Five (5) Councillors and the Executive Director, Community Services*

*Meeting Frequency: As required*

*Responsible Directorate: Community Services*

The objective of the Grants Committee is to provide advice and guidance on the design of grant programs and to receive the outcomes of assessment processes of major grant programs and provide recommendations for the consideration of Council consistent with the roles and responsibilities described

within the Grants and Donations Policy, Grants and Donations Procedures and Grant Program Guidelines.

The Committee membership comprises at least five (5) Councillors and the Executive Director, Community Services, or their delegate.

Meetings are to be held as required.

#### Heritage Advisory Committee

*Membership: Up to fourteen (14) Community representatives, Councillors as ex-officio members*

*Meeting Frequency: Bi-monthly*

*Responsible Directorate: City Planning & Design*

The objective of the Heritage Advisory Committee is to develop is to provide advice on items of heritage significance within the LGA, provide strategic advice regarding heritage preservation in planning matters and the administration of the Heritage Assistance Grants.

The Committee membership comprises at least eight (8) and a maximum of fourteen (14) community members with a proven commitment, sensitivity, and understanding of issues relating to heritage in the LGA, as well as:

- Live, work or study in the Parramatta LGA; and/or
- Be an employee or member of an organisation whose primary function relates to the preservation of heritage.

Councillors are ex-officio members of the Committee.

Meetings are to be held Bi-monthly.

#### Parramatta Light Rail Advisory Committee

*Membership: Ten (10) community representatives, Councillors as ex-officio members*

*Meeting Frequency: Quarterly*

*Responsible Directorate: City Planning & Design*

The objective of the Parramatta Light Rail (PLR) Advisory Committee was to provide feedback from stakeholders effected by the Parramatta Light Rail.

It is noted that during the previous term of Council, the Committee had not met since 2019 due to the amount of value that the Committee was providing to the local businesses. It is noted that the Committee had the same purpose as the PLR Business Reference Group (external body) administered by Transport for NSW. Transport for NSW had undertaken several EOIs for membership to the Business Reference Group and any member of Council's PLR Committee has had the opportunity to join the Business Reference Group.

With the new term of Council, it has been requested to re-establish this Committee with a focus on the PLR Stage 2 project. However, as the final plans of the second stage of the Parramatta Light Rail project has not yet been approved by the State Government, it is recommended that the advisory committee not be established until such time as the State Government announces the project.

Council will continue to advocate for the Parramatta Light Rail Stage 2 project to the State Government on behalf of the community.

#### Policy Review Committee

*Membership: Lord Mayor of the day + five (5) Councillors, Chief Executive Officer and Chief Finance & Information Officer*

*Meeting Frequency: Monthly*

*Responsible Directorate: Chief Finance & Information Officer*

The objective of the Policy Review Committee is to review Council policies prior to approval by Council.

The Policy Review Committee has assisted in the review process for policies approved by Council. The scope of the Committee will be revised to enable the Committee to review policies once (unless significant issues are identified) before being brought to the Chamber for approval.

It is noted that Council resolved at its meeting of 14 March 2022 to appoint the following Councillors to the Committee:

- Cr Davis, Lord Mayor
- Cr Pandey, Deputy Lord Mayor
- Cr Garrard
- Cr Prociv
- Cr Valjak
- Cr Wearne
- Cr Darley (Alternate).

Meetings are held monthly.

#### Public Art & Heritage Interpretation Advisory Committee

*Membership: Three (3) Councillors and Executive Director, Community Services (or delegate)*

*Meeting Frequency: As required*

*Responsible Directorate: Community Services*

The objective of the Public Art & Heritage Interpretation Advisory Committee is to assist in providing strategic guidance through the public commissioning and the heritage interpretation design for major projects delivered by Council.

It is proposed that the Committee meet where there are active public art and/or heritage interpretation projects that require consideration.

The Committee membership will comprise of three (3) Councillors and the Executive Director, Community Services (or delegate).

Meetings are to be held as required.

#### Riverside Theatres Advisory Committee

*Membership: Four (4) Councillors, eight (8) community representatives and the Chief Executive Officer (or delegate)*

*Meeting Frequency: Bi-monthly*

*Responsible Directorate: Community Services*

The objective of the Riverside Theatres Advisory Committee is to provide advice in relation to community, culture and the theatre industry.

The Committee membership will comprise of four (4) Councillors, eight (8) community representatives and the Chief Executive Officer (or delegate).

Meetings are to be held bi-monthly.

#### Smart Cities Advisory Committee

*Membership: Lord Mayor of the day + One (1) Councillor and five (5) independent representatives*

*Meeting Frequency: Quarterly*

*Responsible Directorate: City Strategy*

The objective of the Smart Cities Advisory Committee is to provide a trusted sounding board and independent advice to Council on the foundational principles and guiding frameworks to ensure the long-term development of Parramatta as a Smart City and Parramatta as an innovative Council and to guide innovation. Other contributions from the Committee include:

- Consideration of Federal and State government's commitment and funding toward digital services, innovation and transformation, and providing advice on maximising Parramatta's benefits from this interest;
- Generating and assisting to refine and prioritise proposals that will underpin Parramatta's Smart City transformation;
- Provide advice on industry trends and potential project risks for the program;
- Provide strategic, integrated advice to ensure that technology solutions benefit citizens, customers and the public of Parramatta City;
- Assist Council to deliver actions aligned to Council's Smart City Masterplan, Digital Transformation Strategy, and ICT Strategy. It is proposed that the Committee meet where there are active public art and/or heritage interpretation projects that require consideration.

A 23 May 2016 resolution of Council resolved to provide a \$5,000 (ex GST) per annum payment to public members of the Committee. It is noted that the monetary payment was not provided to Councillor representatives. It is a matter for Council if they wish to continue the member payment for this Committee.

The Committee membership will comprise of two (2) Councillors and five (5) independent representatives appointed through an expression of interest process.

Meetings are to be held quarterly.

## **CONSULTATION & TIMING**

### Stakeholder Consultation

10. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
Various	Various business units across Council	Requested to provide feedback on the effectiveness of advisory committees and whether to re-establish for the new term.	Noted – presented to Councillors for consideration.	Governance

### Councillor Consultation

11. The following Councillor consultation has been undertaken in relation to this matter:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
10 March 2022	Various (Councillor Induction Session, 10 March 2022)	Generally supportive of the establishment of all advisory committees of the previous term of Council, with slight variations. Generally supportive of the establishment of two new advisory committees.	Noted. The advisory committees are contained within the report and are recommended for establishment.	Governance

### **LEGAL IMPLICATIONS FOR COUNCIL**

12. There are no legal implications for Council associated with the establishment of advisory committees.

### **FINANCIAL IMPLICATIONS FOR COUNCIL**

13. Should Council resolve to re-establish advisory committees in accordance with the recommendation outlined above, a high level estimate of the average costs per annum of the all advisory committees of Council (including those already established) is set out below:

Total Number of advisory committees (nb: including committees already established)	21
Number of staff hours per meeting (estimated on average)	13

*(agenda / meeting preparation, preparing for attendance, attendance, secretariat, follow up)*

Total number of staff hours for advisory committees per annum 1,924

Average cost per meeting \$4,103

*(CEO, Executive Director, Group Manager, Technical Staff and Secretariat attendance)*

Total Staff Cost for advisory committees **\$391,909**

<b>Assumptions</b>	
8 hours agenda / meeting preparation	Service Manager / Technical Expert
9 hours pre meeting, attendance and post meeting	Secretariat
1 hour meeting preparation	CEO, Executive Director, Group Manager
3 hours meeting attendance	All attendees
1 hour meeting follow up	All attendees

14. It is noted that the above costs are provided for within existing staff resourcing budgets.
15. Should Council resolve to re-establish the Smart Cities Advisory Committee with paid independent members, the annual cost is in the order of \$25,000 (ex GST) and is provided for within the current City Strategy adopted budget.
16. The table below summarises the financial impacts on the budget arising from approval of this report.

	<b>FY 21/22</b>	<b>FY 22/23</b>	<b>FY 23/24</b>	<b>FY 24/25</b>
<b>Revenue</b>				
Internal Revenue				
External Revenue				
<b>Total Revenue</b>				
<b>Funding Source</b>	NA			
<b>Operating Result</b>				
External Costs				
Internal Costs				
Depreciation				
Other				
<b>Total Operating Result</b>	Nil			
<b>Funding Source</b>				
<b>CAPEX</b>				
CAPEX				
External				
Internal				
Other				
<b>Total CAPEX</b>	Nil			





Patricia Krzeminski  
**Governance Manager**

John Angilley  
**Chief Finance and Information Officer**

Brett Newman  
**Chief Executive Officer**

**ATTACHMENTS:**

- |   |   |   |        |
|---|---|---|--------|
| 1   | ↓ | Resolution of Council dated 21 February 2022 to establish the | 1 Page |
|  |   | Finance Committee   |        |
| 2   | ↓ | Resolution of Council dated 14 March 2022 for Councillor      | 2      |
|  |   | Representation on Statutory Committees and External Bodies    | Pages  |
| 3   | ↓ | Terms of Reference for Advisory Committees                    | 25     |
|  |   |   | Pages  |

**REFERENCE MATERIAL**

Resolution of 21 February 2022

RESOLVED (Pandey/Garrard)

**That** Council re-establish the Finance Committee with a meeting to be held within two (2) weeks, and the following Councillors be elected to the Committee:

- Deputy Lord Mayor Councillor Pandey, Chairperson
- Councillor Garrard
- Councillor Maclean
- Councillor Bradley
- Councillor Wearne
- Councillor Siviero (alternate)
- Councillor Darley (alternate).

Resolution of 14 March 2022

RESOLVED (Esber/Garrard)

- (a) **That** Council note the appointment of the following Councillors to the Audit Risk and Improvement Committee for the current term of Council:

Audit Risk & Improvement Committee	Deputy Lord Mayor, Cr Pandey Cr Garrard Cr Maclean (alternate) Cr Valjak (alternate)
------------------------------------	---

- (b) **That** Council approve the appointment of Councillors to the following statutory committees and external bodies for the current term of Council:

CEO Performance Review Committee	Lord Mayor, Cr Davis Deputy Lord Mayor Cr Pandey Cr Garrard Cr Valjak
CivicRisk Mutual	Cr Darley
Floodplain Risk Management Advisory Committee	Cr Bradley Cr Prociv
NSW Public Libraries Association	Cr Humphries
Parramatta Community Fund Advisory Group	Not required at this time
Parramatta Legal and Justice Expansion Coalition	Lord Mayor, Cr Davis Deputy Lord Mayor Cr Pandey OR Cr Wearne(alternate)
Parramatta Light Rail Business Reference Group	Lord Mayor, Cr Davis Deputy Lord Mayor, Cr Pandey
Parramatta River Catchment Group	Cr Prociv Cr Darley (alternate)
Parramatta Traffic Committee	Cr Noack (Chair) Cr Green (alternate)
Parramatta Traffic Engineering Advisory Group	Cr Noack (Chair) Cr Green (alternate)
Sydney Central City Planning Panel	Cr Pandey Cr Siviero Cr Garrard (alternate) Cr Valjak (alternate)
Western Sydney Academy of Sport	Cr Green Cr McClean
Policy Advisory Committee	Lord Mayor, Cr Davis Deputy Lord Mayor, Cr Pandey Cr Garrard Cr Prociv Cr Valjak Cr Wearne Cr Darley (Alternate)

- (c) **That** the respective bodies be advised of these appointments.
- (d) **Further, that** Council delegate authority to the Chief Executive Officer the following road and traffic functions:
- Linemarking (lane lines, separation lines, edge lines, barrier lines, etc);
  - Parking restrictions (excluding preferential and residential parking schemes);
  - Advisory signposting;
  - Works zones;
  - Taxi zones / bus zones (subject to consultation with relevant associations and bodies and Transport for NSW);
  - Angled and disabled parking;
  - Light traffic thoroughfares;
  - Regulatory signs (other than turn restrictions and one-way restrictions);
  - Marked foot crossings and children crossings (other than raised crossings or where road narrowing is involved);
  - Temporary road closures / on-the-spot road closures for annual events (as per RMS requirements and subject to Police approval).



# CITY OF PARRAMATTA

## **[Name] [Advisory] Committee** **Terms of Reference**

**[Date Committee Established]**

### **1. Purpose of [Name] [Advisory] Committee**

#### **General Purpose**

- 1.1 To advise Council on the needs or issues of our community and to inform Council's decision making and work relating to our community.

#### **Specific Purpose of [Name] [Advisory] Committee**

Select which purpose is applicable

*[5/7 Parramatta Square Advisory Group]*

- 1.2 To guide the continued progress of the current design, construction and business readiness activities of 5 and 7 Parramatta Square.]

*[Access Advisory Committee]*

- 1.3 To advise Council on the access needs of people with disability and access related issues and to provide advice, input and feedback on Council's business relating to people with disability and access related issues.]

*[Active Transport Advisory Committee]*

- 1.4 To advise Council on matters related to active transport initiatives, including best practice planning and design, and behavioural change strategies.

- 1.5 To provide advice, input and feedback on Council's business relating to active transport.]

*[Bushland & Environment Advisory Committee]*

- 1.6 To provide advice on matters relating to enhancement, preservation, conservation and management of natural areas, wildlife and habitat corridors and local indigenous vegetation and environmental health and sustainability issues and initiatives and to monitor the implementation and performance against Council's Environmental Sustainability Strategy.]

*[CEO Performance Review Committee]*

- 1.7 The CEO Performance Review Committee is a committee required through a directive from the Office of Local Government, under guidelines on the management of a CEO's performance and the development of a performance agreement.]

*[Citizen of the Year Awards Committee]*

- 1.8 To review, assess and select award recipients of the Citizen of the Year Program.]

*[Finance Committee]*

- 1.9 To provide financial analysis, advice and oversight of Council's budget to ensure that the organisation is operating with the financial resources required to provide agreed programs and services to the community.]

*[First Nations Advisory Committee]*

- 1.10 To advise Council on the views, needs and interests of First Nations people and communities in the Parramatta area, within the scope of Council's authority.
- 1.11 To advise Council on matters relating to embedding First Nations considerations into Council business, including appropriate approaches for engagement.
- 1.12 To provide input into City of Parramatta Council's work to promote an increased knowledge and understanding of the wider community of First Nations culture, history, achievements and ongoing challenges.]

*[Floodplain Risk Management Committee]*

- 1.13 To provide and advise Council on strategic matters relating to all types of flooding across the Local Government Area.]

*[Grants Committee]*

- 1.14 To assist Council in the design of grant programs and assess grants applications in accordance with Council's Grants and Donations Policy, procedures and guidelines.]

*[Heritage Advisory Committee]*

- 1.15 To assist Council to develop policies and strategies in relation to the management of heritage in Parramatta within the parameters of Council's authority and responsibilities.
- 1.16 To assist Council in the allocation of Heritage Assistance Grants.
- 1.17 To advise Council on a range of heritage-related matters which are of interest to the Community.]

*[Policy Review Committee]*

1.18 To review Council policies prior to adoption by Council.]

*[Public Art & Heritage Interpretation Advisory Committee]*

1.19 To provide strategic guidance through the public commissioning and heritage interpretation design for major projects delivered by Council.]

*[Riverside Theatres Advisory Committee]*

1.20 To Strategically advise Council on Riverside Theatres contribution to the delivery of Council's cultural vision for Sydney's Central City.

1.21 Strategically advise Riverside on its contribution to the community in providing venues and delivering cultural and performance programs.

1.22 Advocate for Riverside as Western Sydney's premier performing arts centre.]

*[Smart City Advisory Committee]*

1.23 To provide a trusted sounding board and independent advice to Council on the foundational principles and guiding frameworks to ensure the long-term development of Parramatta as a Smart City and Parramatta as an innovative Council and to guide innovation. Other contributions from the Committee will include:

- Consideration of Federal and State government's commitment and funding toward digital services, innovation and transformation, and providing advice on maximising Parramatta's benefits from this interest,
- Generating and assisting to refine and prioritise proposals that will underpin Parramatta's Smart City transformation,
- Provide advice on industry trends and potential project risks for the program.
- Provide strategic, integrated advice to ensure that technology solutions benefit citizens, customers and the public of Parramatta City,
- Assist Council to deliver actions aligned to Council's Smart City Masterplan, Digital Transformation Strategy, and ICT Strategy.]

*[Other Committees]*

1.24 To assist Council to develop policies and strategies in relation to [xxxx].

1.25 To advise Council on the views, needs and interests of [xxxx].

1.26 To advise Council on matters relating to [xxxx].

1.27 To advise Council on [xxxx].

1.28 To provide advice, input and feedback on [xxxx].]

## 2. Roles and Responsibilities

### General Roles and Responsibilities

- 2.1 The [Name] [Advisory] Committee has no executive powers and has been established to provide feedback, input and advice to Council.
- 2.2 The [Name] [Advisory] Committee is directly responsible and accountable to the CEO in undertaking its responsibilities.
- 2.3 The responsibilities of the [Name] [Advisory] Committee may, in consultation with the Committee, be revised or expanded by Council resolution from time to time.
- 2.4 The key responsibilities of the [Name] [Advisory] Committee are:
  - a. To represent the views, interests and/or identified issues that affect the communities within the Parramatta local government area within the scope of Council's authority;
  - b. To provide advice, input and feedback to Council on issues that fall within the parameters of its authority and relate to the particular communities / identified issues the Committee is concerned with.

### Specific Roles and Responsibilities of the [Name] [Advisory] Committee

Select which roles and responsibilities are applicable

[5/7 Parramatta Square Advisory Group]

- 2.5 To:
  - a. Guide the continued progress of the current design, construction, and business readiness activities, by:
  - b. Providing detailed review to ensure recommendations meet the project aspirations and vision as set out in the 5 & 7 Parramatta Square Functional Brief as adopted by Council at the meeting of Council held on 10 February 2020, and;
  - c. Ensure that in the finalisation of the design that Smart City initiatives are taken into account, including but not be limited to: Furniture, Material, Customer Experience, Digital Experience, and holistic approach to the Parramatta Square project. The approach reflecting the Smart City Master Plan and Parramatta Square Smart City Plan that was previously developed, with;
  - d. Consideration of the interaction and integration of 5 & 7 Parramatta Square with the public domain elements (including signage, and art), the proposed Civic Link, and other buildings in the precinct.]

[Access Advisory Committee]

- 2.6 To provide specialist advice to Council relating to access issues.



- 2.7 To provide advice, input and feedback to Council on Council's Disability Inclusion Action Plan.
- 2.8 To provide advice towards and monitor the implementation of relevant Council plans, facilities, programs and policies in relation to the Disability Discrimination Act 1992 and Australian Standards.
- 2.9 To provide a forum for community members and organisations to raise and address access issues and the needs of people with disability in relation to Council business.
- 2.10 To report back to individuals, organisations and networks on Council's role and responsibilities, and its decisions relating to the Advisory Committee and access in the local community.]

*[Active Transport Advisory Committee]*

- 2.11 To provide advice to Council on matters relating to active transport initiatives, including best practice planning and design, and behavioural change strategies.
- 2.12 To provide advice, input and feedback on Council's business relating to active transport.]

*[Bushland & Environment Advisory Committee]*

- 2.13 To provide advice on matters relating to enhancement, preservation, conservation and management of natural areas, wildlife and habitat corridors and local indigenous vegetation and environmental health and sustainability issues and initiatives.
- 2.14 To monitor the implementation and performance against Council's Environmental Sustainability Strategy.]

*[CEO Performance Review Committee]*

- 2.15 To oversee the Chief Executive Officer's performance in accordance with the Standard Contract.]

*[Citizen of the Year Awards Committee]*

- 2.16 To review, assess and select award recipients of the Citizen of the Year Program.]

*[Finance Committee]*

- 1.1. To review Council's budgets and ensuring the budgets are:
  - Consistent with the organisational objectives of Council
  - Appropriate having regard to Council's funding to enable the approval of the annual budget by Council.

- 1.2. To monitor the monthly financial and operating performance of Council.
- 1.3. To monitor activity performance against prescribed indicators and targets.
- 1.4. To review significant Strategic Business cases and provide recommendations to Council as appropriate.
- 1.5. To review Council's Quarterly Business Reviews (QBRs) and half-yearly reviews to enable approval by Council.

*[First Nations Advisory Committee]*

- 2.17 To provide advice towards and monitor the implementation of relevant Council plans and strategies with respect to the needs, issues and interests of First Nations people and communities.
- 2.18 To provide specialist advice to Council relating to issues impacting First Nations communities and best practice approaches for community engagement.
- 2.19 To support and encourage the cultural competency of Council.
- 2.20 To provide advice on how particular Council projects may identify, reflect, promote and protect First Nations heritage and culture.
- 2.21 To work with Council to develop and promote appropriate commemorations and celebrations of First Nations culture including Sorry Day and NAIDOC Week.
- 2.22 To continually liaise with local First Nations community members, organisations and networks to identify and represent issues affecting those communities.
- 2.23 To report back to community members, organisations and networks on Council's role and responsibilities and its decisions relating to First Nations communities.
- 2.24 To support and work with First Nations and other organisations committed to increasing Reconciliation and respect for First Nations culture and history, past and present.]

*[Floodplain Risk Management Committee]*

- 2.25 To provide and advise Council on strategic matters relating to all types of flooding across the Local Government Area.]

*[Grants Committee]*

- 2.26 To provide advice and guidance on the design of grant programs.
- 2.27 To receive the outcomes of assessment processes of major grants programs and provide recommendations for the consideration of Council, consistent with the roles and responsibilities described within the Grants and Donations Policy, Grants and Donations Procedures and Grant Program Guidelines.]

*[Heritage Advisory Committee]*

- 2.28 To assist Council to develop policies and strategies in relation to the management of heritage in Parramatta within the parameters of Council's authority and responsibilities.
- 2.29 To assist Council in the allocation of Heritage Assistance Grants.
- 2.30 To advise Council on a range of heritage-related matters which are of interest to the Community.]

*[Policy Review Committee]*

- 2.31 To review Council policies prior to adoption by Council.]

*[Public Art & Heritage Interpretation Advisory Committee]*

- 2.32 To provide strategic guidance through the public commissioning and heritage interpretation design for major projects delivered by Council.]

*[Riverside Theatres Advisory Committee]*

- 2.33 To provide strategic advice to Council on how Council and Riverside can respond to:
- a. Council's key plans including Council's Community Strategic Plan, Culture and Our City – A Cultural Plan for Parramatta's CBD 2017-2022 etc;
  - b. The provision of cultural services and programs for the community;
  - c. Community expectations for the performing arts in Parramatta;
  - d. Developing arts/cultural infrastructure in Parramatta (eg Riverside redevelopment, rehearsal space, etc);
  - e. Developing sustainable performance practice/activity in Parramatta and Western Sydney;
  - f. Developing Parramatta's night-time economy;
  - g. Defining and positioning Parramatta as a cultural destination.
- 2.34 To provide strategic advice on:
- a. The communities it services culturally;
  - b. Community and performance industry expectations and connections;
  - c. Audience development;
  - d. Art-form development;

- e. Engaging and partnering with other art forms and organisations;
- f. Opportunities in the education sector;
- g. Capacity building / training;
- h. Positioning in the community;
- i. Fundraising through philanthropy, sponsorship and government.

2.35 To respond to Council resolutions directed to the Advisory Committee for action.]

*[Smart City Advisory Committee]*

2.36 To provide a trusted sounding board and independent advice to Council on the foundational principles and guiding frameworks to ensure the long-term development of Parramatta as a Smart City and Parramatta as an innovative Council and to guide innovation. Other contributions from the Committee will include:

- Consideration of Federal and State government's commitment and funding toward digital services, innovation and transformation, and providing advice on maximising Parramatta's benefits from this interest,
- Generating and assisting to refine and prioritise proposals that will underpin Parramatta's Smart City transformation,
- Provide advice on industry trends and potential project risks for the program.
- Provide strategic, integrated advice to ensure that technology solutions benefit citizens, customers and the public of Parramatta City,
- Assist Council to deliver actions aligned to Council's Smart City Masterplan, Digital Transformation Strategy, and ICT Strategy.]

*[Other Specific Roles and Responsibilities – select whichever is applicable to your committee]*

2.37 To provide advice towards and monitor the implementation of [xxxx].

2.38 To provide advice on [xxxx].

2.39 To provide specialist advice to Council relating to [xxxx].

2.40 To provide advice, input and feedback to Council on [xxxx].

2.41 To provide a forum for [xxxx] to raise and address [xxxx].

2.42 To provide support to Council on [xxxx].

2.43 To work collaboratively in developing strategies to address these needs, issues and interests that Council could include in current and future workplans.

- 2.44 To work with Council to develop and promote [xxxx].
- 2.45 To report back to individuals, organisations and networks on Council's role and responsibilities and its decisions relating to [xxxx].
- 2.46 To liaise with [xxxx] to identify and represent [xxxx].
- 2.47 To support and cooperate with [xxxx].
- 2.48 To support and encourage [xxxx].
- 2.49 To establish working parties (where appropriate) to address specific issues or projects, including [xxxx].
- 2.50 To advise Council on how to promote and involve the community in [xxxx].
- 2.51 To encourage Council to support and endorse programs and events that [xxxx].
- 2.52 To share information about [xxxx] events and issues in the City of Parramatta LGA.
- 2.53 To provide comment on [xxxx].
- 2.54 To assist in the allocation of [xxxx].
- 2.55 To assist Council with [xxxx].
- 2.56 To make recommendations to Council on [xxxx].]

### **3. Membership**

#### Duties of Appointed Members

- 3.1 To attend and participate in a compulsory induction workshop which will include information on the role of the [Advisory] Committee, the role and responsibility of members and Council, Council's Code of Conduct and other related policies and protocols.
- 3.2 To attend and participate in meetings of the [Advisory] Committee (including any planning sessions and relevant training).
- 3.3 To work co-operatively with other members in achieving the aims of the [Advisory] Committee.

- 3.4 To raise issues of concern within the scope and objective of the [Advisory] Committee.
- 3.5 To contribute ideas and suggestions relating to items on meeting agendas.
- 3.6 To provide advice and recommendations to Council on items on meeting agendas.
- 3.7 To action and follow up tasks established by the [Advisory] Committee and resolved by Council.
- 3.8 To report back to existing networks within the communities they represent on Council's role, responsibilities and its decisions relating to the [Advisory] Committee.
- 3.9 To use existing networks to remain informed regarding the views and interests of the particular group / community they represent.
- 3.10 To advise the Chair if they are unable to attend and to liaise with Alternate Members for attendance at meetings.

#### Alternate Members

- 3.11 Any member who is appointed as an alternate member will be provided with all information (meeting invite, agenda, minutes, presentations, etc) as an appointed member.
- 3.12 If an appointed member is unable to attend a meeting for any reason, the appointed member is to notify an alternate member of their absence.
- 3.13 Alternate members may attend meetings of the [Advisory] Committee in either capacity as an appointed or alternate member.

#### Member Attendance at Meetings

- 3.14 If a member is absent for two (2) consecutive meetings without an apology, the Committee Convenor will attempt to contact the member to clarify whether they are still interested in continuing to be a member of the [Advisory] Committee.
- 3.15 If a member is absent for three (3) consecutive meetings without an apology, and there has been no response from the Committee member explaining their absence, their position will be declared vacant and the declaration of the vacancy must be recorded in the minutes of that meeting.

3.16 Members may elect to participate in a meeting by audio-visual means.

#### Member Leave of Absence

3.17 Members may apply to the Committee Convenor for a leave of absence, and the granting of such leave of absence is at the discretion of the [Advisory] Committee. All applications for leave of absence must be recorded in the minutes of a [Advisory] Committee meeting.

#### Membership

3.18 Council encourages participation from across the wider community. Membership is limited to no more than two consecutive terms, at the discretion of Council.

3.19 Membership of the [Name] Committee is voluntary. Members are entitled to reimbursement for costs associated with travel to and from [Name] Committee meetings, including public transport costs, parking fees and travel vouchers.

#### Specific Membership Criteria

Select which criteria is applicable

##### [5/7 Parramatta Square Advisory Committee]

3.20 The Advisory Committee will comprise such members as are appointed by Council from time to time, including:

- a. The Lord Mayor of the day;
- b. Four (4) Councillors nominated by the governing body;
- c. The Chief Executive Officer; and
- d. The Executive Director, Property & Place.]

##### [Access Advisory Committee]

3.21 The Advisory Committee will comprise such members as are appointed by Council from time to time, including:

- a. The Lord Mayor of the day;
- b. A minimum of seven (7) and a maximum of twelve (12) members meeting one or more of the following criteria:
  - People with a disability;
  - People employed with a specialised non-profit or social enterprise disability service in the City of Parramatta LGA supporting people with shared experience of access barriers;
  - People with a demonstrated qualification / competency / knowledge of legislative requirements such as the Disability Discrimination Act 1992 and Australian Standards.

3.22 The Selection Panel will consider the need for representation from people



with different disabilities and expertise on the Access Advisory Committee.]

[Active Transport Advisory Committee]

3.23 The Committee will comprise such members as are appointed by Council from time to time, including:

- a. A minimum of five (5) and a maximum of twelve (12) members meeting the following criteria:
  - demonstrate skills and capacity to contribute to the Committee; and
  - live, work, study or have a strong commitment to the City of Parramatta LGA; and
  - members of a Peak Body, User Group, or Club active within the City of Parramatta LGA.

3.24 Applicants for the Active Transport Advisory Committee may also qualify for membership if they are a member of a Peak Body, User Group, or Club active within the City of Parramatta LGA (in lieu of living, working or studying in the City of Parramatta LGA).]

[Bushland & Environment Advisory Committee]

3.25 The Committee will comprise such members as are appointed by Council from time to time, including:

- a. The Lord Mayor of the day;
- b. Three (3) Councillors nominated by the governing body;
- c. Up to ten (10) members meeting the following criteria:
  - People who live or work in the City of Parramatta LGA;
  - People who can demonstrate an involvement in local community groups or activities;
  - People having knowledge and awareness of bushland and environmental issues;
  - People who are able to represent and communicate the interests to the local community;
  - People who are members of a peak body, user group or club active within the City of Parramatta LGA.]

[CEO Performance Review Committee]

3.26 The Advisory Committee will comprise such members as are appointed by Council from time to time, including:

- a. The Lord Mayor of the day;
- b. The Deputy Lord Mayor;
- c. One (1) Councillor nominated by the governing body;
- d. One (1) Councillor nominated by the CEO.]

[Citizen of the Year Awards Committee]

3.27 The Committee will comprise such members as are appointed by Council from time to time, including:



- a. The Lord Mayor of the day;
- b. The Deputy Lord Mayor;
- c. The current Parramatta Adult Citizen of the Year;
- d. Two (2) citizen representatives selected based on their stated experiences, skills, and interests of relevance to the panel with the following guiding principles:
  - inclusive membership to ensure a diversity of views;
  - experienced track record of engagement with the local community; and
  - principal place of residence, educational institution or employment is within the City of Parramatta LGA.]

[Finance Committee]

3.28 The Advisory Committee will comprise such members as are appointed by Council from time to time, including:

- a. Five (5) Councillors appointed by the governing body;
- b. Two (2) Councillor alternates appointed by the governing body;
- c. The Chief Executive Officer (or their delegate);
- d. The Chief Finance and Information Officer.]

[First Nations Advisory Committee]

3.29 The Committee will comprise such members as are appointed by Council from time to time,

- a. A minimum of seven (7) and a maximum of thirteen (13) members meeting the following criteria:
  - demonstrate skills and capacity to contribute to the Committee; and
  - live, work, study or have a strong commitment to the City of Parramatta LGA; and
  - meet the specific criteria for membership of the Committee.

3.30 Applications for the First Nations Advisory Committee are open to First Nations people who meet one or more of the following criteria:

- a. Reside in the Parramatta Local Government Area;
- b. Work, study or have a specific connection to the Parramatta Local Government Area;
- c. Are members of the Dharug community.

3.31 Applications for membership are encouraged from First Nations people from the following subcategories, with a focus on gender diversity and the diversity of the group as a whole:

- a. Young people;
- b. Elders;
- c. Darug.]

[Floodplain Risk Management Committee]

- 3.32 The Committee will comprise such members as are appointed by Council from time to time, including:
- Up to two (2) current serving Councillors as nominated by Council as its representative on the Committee;
  - Up to five (5) community representatives, preferably with at least one person from across each of the five (5) wards
  - Up to three (3) representatives of business associations or private businesses located in the LGA
  - Up to five (5) representatives from relevant State Government Agencies such as the SES, Office of Environment and Heritage
  - Council staff from relevant Departments (eg, Catchment Management, City Strategy, etc.)

[Grants Committee]

- 3.33 The Committee will comprise such members as are appointed by Council from time to time, including:
- Up to five (5) current serving Councillors as nominated by Council as its representative on the Committee;
  - The Executive Director of Community Services (or their delegate).]

[Heritage Advisory Committee]

- 3.34 The Committee will comprise such members as are appointed by Council from time to time, including:
- A minimum of eight (8) and a maximum of fourteen (14) members meeting the following criteria:
    - demonstrate skills and capacity to contribute to the Committee; and
    - live, work, study or have a strong commitment to the City of Parramatta LGA; and
    - be an employee or member of an organisation whose primary function relates to the preservation of heritage.

- 3.35 Applicants for the Heritage Advisory Committee must have a proven commitment, sensitivity, and understanding of issues relating to heritage issues in the City of Parramatta LGA.]

[Policy Review Committee]

- 3.36 The Committee will comprise such members as are appointed by Council from time to time, including:
- Six (6) Councillors appointed by the governing body;
  - Chief Executive Officer; and
  - Chief Finance and Information Officer.]

[Public Art and Heritage Interpretation and Advisory Committee]

- 3.37 The Committee will comprise such members as are appointed by Council from time to time, including:

- a. Three (3) Councillors appointed by the governing body;
- b. Executive Director, Community Services (or delegate).]

[Riverside Advisory Committee]

3.38 The Advisory Committee will comprise such members as are appointed by Council from time to time, including:

- a. Up to four (4) current serving Councillors as nominated by Council as its representative on the Committee;
- b. Council's Chief Executive Officer or nominee;
- c. A maximum of eight (8) community members who can reasonably demonstrate two or more of the following profiles:
  - Leader in the community;
  - Experience in government, business, education, media or the arts;
  - Experience in fundraising;
  - Marketing, legal or financial expertise;
  - Representative of the community's gender, indigenous, generational and cultural diversity;
  - Practising creative / performance artist;
  - Understanding of and commitment to Riverside as a premier regional arts centre with performance at its core;
  - Understanding of and commitment to the Parramatta story and the City's ambition to be a great and outstanding City of culture and the arts;
  - Able to influence and advocate for Riverside;
  - Works or lives in Parramatta or Western Sydney.]

[Smart City Advisory Committee]

3.39 The Committee will comprise such members as are appointed by Council from time to time, including:

- a. The Lord Mayor of the day;
- b. Up to one (1) current serving Councillors as nominated by Council as its representative on the Committee;
- c. A maximum of five (5) members meeting the following criteria:
  - demonstrate skills and capacity to contribute to the Committee; and
  - live, work, study or have a strong commitment to the City of Parramatta LGA; and
  - have a specific interest in furthering the objectives of Council's Smart City Strategy, as detailed in Council's Smart City Masterplan and relevant experience.]

Ex-Officio Members

3.40 All Councillors are ex-officio members of the [Advisory] Committee.

3.41 Depending on the nature of issues raised, relevant Council staff and/or other

stakeholders or guests will be invited to attend the meetings.

3.42 Ex-officio members may contribute to the meeting as permitted by the Committee Chair.

3.43 Ex-officio members are non-voting positions.

#### Observers

3.44 Non-members of the [Advisory] Committee are able to attend meetings with the permission of the Convenor and Chairperson of the [Advisory] Committee.

3.45 Observers are able to participate in discussions to the extend as permitted by the Chairperson.

#### [First Nations Advisory Committee Managing culturally sensitive matters]

3.46 Where an issue is identified as culturally sensitive, the [Advisory] Committee is able to proceed according to cultural practices (ie with only First Nations people present at the time of discussion). Non-indigenous people will be required to leave the meeting.

3.47 Any decisions arising from discussions held during this time will be relayed to other attendees when they return to the meeting.]

### **4. Chairperson/Deputy Chairperson**

#### Duties of Chairperson/Deputy Chairperson

- 4.1 Duties of the Chairperson or Deputy Chairperson are to:
- a. To chair meetings according to Council's Code of Conduct, the Terms of Reference and Guidelines, and meeting agendas;
  - b. To make recommendations for Agenda items in relation to the business of Council and the purpose of the Committee;
  - c. To facilitate the discussion of items on the agenda in a timely manner;
  - d. To facilitate the moving of recommendations and voting by Committee members;
  - e. To ensure all Committee members have the opportunity to participate;
  - f. To facilitate the participation of Ex-Officio members, Guest Speakers and Observers present at the meeting;
  - g. To participate in Committee training as organised and offered by the City of Parramatta Council.

#### Election of Chairperson/Deputy Chairperson

Select which option is applicable

[Option 1: Councillors Appointed to Committee]

- 4.2 The Lord Mayor of the day is the Chairperson of the Advisory Committee.
- 4.3 The Lord Mayor may delegate the role of Chairperson to another Councillor Advisory Committee member on an annual basis, or for the term of the appointment to the Advisory Committee.
- 4.4 The Advisory Committee will vote annually to determine its Deputy Chairperson.
- 4.5 If the Chairperson or Deputy Chairperson are absent from the meeting, the Advisory Committee will nominate a Chairperson for the meeting amongst those in attendance.]

[Option 2: Community Only Appointed Committee]

- 4.6 The [Advisory] Committee votes annually to determine its Chairperson and Deputy Chairperson, with the election taking place at the first meeting in each calendar year.
- 4.7 The Chairperson cannot be appointed as Chair for more than two (2) years.]

Absence of Chairperson/Deputy Chairperson

- 4.8 If the Chairperson and Deputy Chairperson are absent from a meeting, the [Advisory] Committee will nominate a Chairperson amongst its members for that meeting.

Sub-committees

- 4.9 The [Advisory] Committee may determine to establish sub-groups to enable focus on key priority areas or specific subjects and to maximise the value of members' time.
- 4.10 Sub-groups may consist of both members and ex-officio members, and may invite staff members or other subject matter experts to provide advice / guidance as appropriate.
- 4.11 Sub-groups of the [Advisory] Committee have no executive powers and will be established to provide advisory services only.
- 4.12 Sub-groups are directly responsible and accountable to the [Advisory] Committee for all responsibilities.

### Member Vacancies

- 4.13 Where a vacancy occurs:
- Within six (6) months from the appointment of members, the vacancy may be filled firstly by a person on the eligibility list if they are still interested and available to join the [Advisory] Committee; or
  - After six (6) months from the appointment of members, and more than 12 months from the end of the [Advisory] Committee's term, an Expression of Interest utilising Council, Community and Committee members' networks should be undertaken.
- 4.14 Vacancies will not normally be filled within the last 12 months of a [Advisory] Committee term.

## **5. Meetings**

### Frequency of Meetings

- 5.1 The [Advisory] Committee will meet [monthly/bi-monthly/quarterly/annually], or as determined by the Chair. Details of meeting commitments will be detailed in any expression of interest information package.

### Location of Meetings

- 5.2 Meetings will be held in Council offices.
- 5.3 Provisions will be made for remote attendance at [Advisory] Committee Meetings.

### [First Nations Advisory Committee]

- 5.4 As practicable, up to two (2) meetings annually will be scheduled at various community locations across the Parramatta Local Government Area.]

### Urgent Business

- 5.5 The [Advisory] Committee may be required to consider urgent business outside of the regular meeting cycle.
- 5.6 A special meeting of the [Advisory] Committee may be called by the Chairperson following a reasonable request from a member of the [Advisory] Committee, the Chief Executive Officer, or by resolution of the Council.
- 5.7 If a meeting is unable to be called, the business may be considered via



alternate methods, including email.

#### Voting Membership

- 5.8 The 'voting membership' of the [Advisory] Committee will be initially determined by the number of members appointed to the [Advisory] Committee at the time of the formation of a new Committee, and thereafter:
- increased by any additional members appointed to the [Advisory] Committee (remaining within max membership); or
  - reduced by any resignations received from members (remaining within min membership); or
  - reduced by any lapsed member/s whose membership has been declared vacant.
- 5.9 For Committees with agency representation, State Government and Council representatives are "non-voting" members. All other members are "voting" members.

#### Quorum

- 5.10 The quorum for [Advisory] Committee meetings shall be half plus one of the 'voting membership'. In instances where there is an odd number of voting members, the number will be rounded up to the nearest whole number.
- 5.11 Where there is no quorum present after a period of 15 minutes has elapsed, an informal meeting may be conducted at the discretion of the Chairperson at which the [Advisory] Committee may receive any presentations and undertake informal discussion. No actions or recommendations may be made until a further meeting of the [Advisory] Committee is held when a quorum is present.
- 5.12 Where there is no quorum, an [Advisory] Committee is not able to determine any decisions or actions and can only deliberate on issues. Any decisions or actions must be held over to the next meeting where a quorum is present.
- 5.13 No minutes are kept of meetings which do not have a quorum but informal notes may be taken to enable any proposed recommendations or decisions to be presented to a further meeting when a quorum is present (note that case law has determined that decisions of inquorate meetings cannot strictly be 'ratified' by a later meeting – they must be made afresh).
- 5.14 In the event that there are two consecutive non quorate meetings suffered, the Convenor will contact the Chair and each [Advisory] Committee Member to determine their continuation on the Committee. If required, a fresh Expression of Interest process will be undertaken.

- 5.15 Members may participate in meetings by audio-visual means of communications.

#### Minutes of Meetings

- 5.16 The minutes of [Advisory] Committee meetings will contain details of the attendance for each meeting, a short summary of the discussion item and any action / outcome from the discussion.
- 5.17 Minutes of [Advisory] Committee meetings will be provided to Councillors on a regular basis. Minutes will be published on Council's website.
- 5.18 Where the [Advisory] Committee establishes an action or recommendation arising out of the Committee discussion, a report will be provided to a Council meeting presenting those actions / recommendations for consideration.

#### Strategic Planning and Annual Report on the conduct of the Committee

- 5.19 At the beginning of the term of the [Advisory] Committee, and once per year, members will work with the [Advisory] Committee Convenor to plan the objectives and priorities for the upcoming year. This will involve evaluation of work over the preceding year and identification of priorities for the year ahead in the context of Council business, indicators of effectiveness, and any additional training required to enable members to carry out their duties on the [Advisory] Committee.
- 5.20 An annual report on the conduct of the [Advisory] Committee, the meetings held, key issues considered and activities undertaken will be prepared by the [Advisory] Committee Convenor, in consultation with the Chairperson, and reported to Council prior to the end of the calendar year.

### **6. Other Roles**

#### Role of the Committee Convenor

- 6.1 The [Advisory] Committee is convened by a Council officer known as the 'Committee Convenor'. The Convenor is responsible to:
- set the agenda with input from members and/or Council including allocation of time for agenda items;
  - attend each meeting;
  - ensure meetings are run according to Council's Code of Conduct and the Terms of Reference;
  - liaise between the [Advisory] Committee and other officers within



- Council as determined by the [Advisory] Committee's business;
- e. finalise [Advisory] Committee minutes;
- f. prepare annual reports, in consultation with the Chairperson, on the conduct of the [Advisory] Committee;
- g. prepare Council reports on specific actions / recommendations from the [Advisory] Committee
- h. act as moderator of meetings where the majority of participants attend via remote means.

#### Role of the Secretariat

- 6.2 Council's Governance Team provides secretariat support to the [Advisory] Committee and is responsible to:
  - a. Set of meeting dates;
  - b. communicate meeting dates to members, staff and Councillors;
  - c. distribute the agenda to members, staff and Councillors;
  - d. manage RSVPs to meetings;
  - e. arrange appropriate catering for the meeting;
  - f. prepare draft minutes;
  - g. finalise draft minutes within seven (7) days of the meeting;
  - h. provide draft minutes to the [Advisory] Committee Convenor;
  - i. distribute minutes to members, staff and Councillors
  - j. facilitate reviews of the Terms of Reference as required.

### **7. Conflict of Interest**

- 7.1 [Advisory] Committee members are to declare at the commencement of each meeting any pecuniary or non-pecuniary conflict of interest they have regarding any issue on the agenda.
- 7.2 All conflicts of interest declared are to be recorded on the appropriate form and recorded in the minutes of the meeting.
- 7.3 If necessary, the member concerned will be asked to leave the room while the matter is being discussed.

### **8. Confidentiality**

- 8.1 Where [Advisory] Committee meetings include consideration of confidential information relating to members or the business being discussed, members are required to respect the principles of confidentiality.

### **9. Council's Code of Conduct**

- 9.1 All members must abide by Council's Code of Conduct at all times.

9.2 All members must attend and participate in a compulsory induction workshop prior to attendance at their first meeting which will include information on Council's Code of Conduct.

9.3 No member of an [Advisory] Committee is able to make media or public comment on behalf of the [Advisory] Committee or Council at any time.

## 10. Training

10.1 All members of the [Advisory] Committee are required to attend an Induction Workshop.

10.2 Other training will be provided to members where this is required to enable them to fulfil their duties.

## 11. [Advisory] Committee Representation / Attendance at Forums

11.1 From time to time, the [Advisory] Committee may be approached to supply a representative to another Committee of Council. Where the [Advisory] Committee determines that representation is appropriate, nominations will be called for at the meeting and a vote shall take place to select a representative.

11.2 Representatives shall be entitled to reimbursement of the equivalent public transport fare to and from the meeting or forum, or be provided with vouchers for alternative transport.

## 12. Changes to Terms of Reference

12.1 The Terms of Reference of the [Advisory] Committee are ratified by Council and any changes or additions to them must be approved by Council.

*[First Nations Advisory Committee]*

## 13. Annual NSW Local Government Aboriginal Network Conference

13.1 Consistent with Department of Local Government programs for the encouragement of First Nations people to stand for Local Government, Council allocates funding within the Social and Community Services budget for attendance by Members of the First Nations Advisory Committee at future Local Government Aboriginal Network Conferences as follows:

- a. Funds are allocated annually to the Committee, who shall elect two (2) First Nations representatives of that Committee to attend one (1) conference per year; and
- b. The Committee direct these funds to defray costs towards registration, travelling costs and accommodation at those conferences.

**14. Dissemination of Information to the Community**

- 14.1 Minutes of meetings will be sent to Gandangara Local Aboriginal Land Council (LALC), Deerubbin LALC, Metropolitan LALC and the NSW Aboriginal Land Council.]

Ends

### Community Membership Application Process

- 1.1 The term of membership coincides with the term of the Council or such other period as resolved by Council. At this time, all positions are declared vacant.
- 1.2 Following the Council election and Council determination of which [Advisory] Committees are to be formed, Council will then implement an Expression of Interest process to recruit members for the [Advisory] Committees and this will be publicised through the following channels for a minimum of two (2) weeks:
  - a. Council's dedicated webpage for [Advisory] Committees (which is to include all relevant documentation, EOI forms, Council Officer contact details, etc);
  - b. Council's website homepage carousel;
  - c. Direct communications with former [Advisory] Committee members;
  - d. Advertising in any available community newspaper reaching residents of the City of Parramatta Local Government Area;
  - e. Social media advertising;
  - f. Advertising across relevant community networks relevant to each Advisory Committee;
  - g. A message through the Lord Mayor's column;
  - h. Any other channel as deemed appropriate by the [Advisory] Committee Convenor.
- 1.3 All applicants for membership must apply using the relevant Expression of Interest form that requires applicants to address the stated criteria for membership. Previous members are entitled to apply for membership using the Expression of Interest form. **Optional (as required): Committee membership may be subject to a criminal history check.**

#### [First Nations Advisory Committee]

- 1.4 A Selection Panel will be established to assess membership applications, and comprise the following:
  - a. Two (2) First Nations people;
  - b. The Committee Convenor;
  - c. An independent external First Nations person;
  - d. A Councillor Officer.
- 1.5 In addition, access and equity principles will be applied in the selection of members and the composition of the Committee will reflect a diversity of views and opinions, variations in length and quality of related experience, age and gender balance.]

#### [Other [Advisory] Committees]

- 1.6 The Executive Director responsible for the [Advisory] Committee will

determine the Selection Panel comprising three (3) Council Officers to assess Expressions of Interest against the Terms of Reference and stated criteria of the [Advisory] Committee.

- 1.7 In addition, access and equity principles will be applied in the selection of members and the composition of the [Advisory] Committees will reflect a diversity of views and opinions, variations in length and quality of related experience, age and gender balance.]
- 1.8 The Selection Panel will prepare a report on all applicants detailing:
  - a. any previous membership of City of Parramatta [Advisory] Committee/s;
  - b. whether the applicants meet the selection criteria for the [Advisory] Committee;
  - c. any additional considerations;
  - d. panel recommendations for applicants.
- 1.9 Membership applications are to be reported to Council for approval.
- 1.10 Any applications that meet the criteria but are not appointed as members, will be retained on an eligibility list for a period of six (6) months following any expression of interest process undertaken to appoint members. The eligibility list will expire six (6) months from the date Council appoints its members.

**FOR COUNCIL DECISION**

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<b>ITEM NUMBER</b>	13.2
<b>SUBJECT</b>	Abandoned Shopping Trolley Trial Outcome Report
<b>REFERENCE</b>	F2022/00105 - D08426713
<b>REPORT OF</b>	Group Manager Regulatory Services

**CSP THEME:**       **INNOVATIVE**

**WORKSHOP/BRIEFING DATE:** NIL

**PURPOSE:**

The purpose of this report is to respond to the council resolution of 13 July 2020 detailed in paragraph three below. As a result of a series of Notices of Motion from 2018 onwards, Council has been investigating various approaches and strategies to deal with the complex problem of abandoned shopping trolleys. It should be noted that this report has been delayed due to the impacts of Covid and long leave of Council staff. This report brings together the overall results of the extensive investigation of the approaches used across Councils and the outcome of the trial, which was conducted between September 2020 and March 2021, which involved using Council resources to identify and impound trolleys.

**RECOMMENDATION**

- (a) **That** Council note a trial was undertaken to improve the rate of collection of abandoned trolleys and included:
  - i. impounding trolleys (abandoned for more than 48 hours) until payment of release fees;
  - ii. identifying abandoned trolleys and issuing PINS;
  - iii. reporting abandoned trolleys via alerting the relevant third party trolley tracker/collection services.
- (b) **That** Council endorse continuing reporting abandoned trolleys by council officers via the relevant trolley tracker/collection services and Council note, based on the trial, where [94%] of trolleys reported via the app were collected within 48 hours, it is an effective measure.
- (c) **That** Council not continue the trial of impounding or identifying abandoning trolleys and issuing PINS because they are not viable due to:
  - i. the high cost of collection and lack of available space for storage;
  - ii. administration requirements of the Impounding Act.
  - iii. Lack of enforceability of the PINs
- (d) **That** Council note, to assist the community and provide better customer service, external complaints for abandoned shopping trolleys will be entered into the Trolley Tracker App by Council staff.
- (e) **Further, that** Council note staff will advocate to retail stores that have shopping trolleys to sign up to a Trolley Tracker App or equivalent platform.

**BACKGROUND**

1. At the Council meeting held on 26 February 2018, the following Notice of Motion was resolved:
  - (a) *That Council investigates its legal options, developing a formal policy to outline Council's approach to abandoned or unattended trolleys in the Parramatta LGA.*
  - (b) *That Council, as part of this policy, implement a one-year trial program for the collection of abandoned shopping trolleys as part of its 2018/19 Operational Plan and Budget.*
  - (c) *That a report be brought back to Council that investigates the feasibility of introducing standard Conditions of Consent for local businesses where shopping trolleys are used to ensure effective trolley management systems, which may include Deposit/Refund Schemes (coin operated trolley release bays) or Trolley Containment Systems (electronic wheel-lock) and alternative methods of disposal.*
  - (d) *Further, that Council meets with major retailers to investigate ways to address abandoned shopping trolleys, cost recovery options for the collection of shopping trolleys and public education opportunities.*
2. Following this Notice of Motion, a report was provided to Council on 25 June 2018 containing information on the practices employed by both the City of Parramatta and other NSW Councils to manage abandoned shopping trolleys and the resources required to facilitate these. It was further resolved:
  - (a) *That the Council does not proceed with a formal policy on the management of abandoned shopping trolleys, and instead improve education and promotion relating to reporting of trolleys to the responsible agents of collection.*
  - (b) *That Council enhance its education and engagement over the next 6 months through the measures and opportunities detailed in the body of this report.*
  - (c) *That Council strengthen the current standard Conditions of Consent for businesses where shopping trolleys are used to ensure effective trolley management systems are in place, including convening a meeting with business operators in the LGA that provide shopping trolleys.*
  - (d) *Further, that a report be brought back to Council after 12 months detailing:*
    - i. *The outcomes of the recommended enhancements and new approach in managing this issue.*
    - ii. *Cost of a collection and re-claim option for shopping trolleys.*
3. Subsequently, 25 November 2019, it was resolved by Council:

*That a report be brought to the Chamber for the first Council Meeting in 2020 containing:*

  - (a) *an update on all work that has been done to address the motions that have already been moved in this Chamber regarding shopping trolley management.*
  - (b) *any consultation that has been undertaken with neighbouring Councils on their trolley management strategies and policies, in particular, regulatory policies and education strategies that have been successfully implemented.*

4. In July 2020, a report was brought to Council and the following was resolved:
- (a) *That Council note the information contained within this report:*
  - (b) *Further, that Council approves a six (6) month trial of issuing penalties for the non-collection of reported trolleys, and costs of the trial to be funded from existing operational budgets.*
5. As a result of this resolution, Council introduced a six-month trial based on issuing penalties to operators for the non-collection of trolleys.
6. The trial consisted of dedicated patrols to identify abandoned trolleys in regular hotspots, reporting them to the owner (relevant Store Manager) and requesting the removal within 48 hours with monitoring to determine if compliance was gained. Non-removal of a reported abandoned trolley within 48 hours resulted in a Penalty Infringement Notice (PIN) being issued to the relevant Store Manager.
7. The trial consisted of two (2) Parking Patrol officers patrolling nominated suburbs daily, the suburbs were Parramatta, North Parramatta, Rosehill, and Carlingford. The trolleys were assigned an impound number and details such as owner/brand and location were recorded. An email was sent to an Admin staff member who emailed the storeowner and/or service provider of the location and a request made to remove the trolley within 48 hours or fines could apply. The 48 hour compliance period commenced at the time of emailing the relevant store. Daily patrols continued monitoring for the removal of reported and new abandoned shopping trolleys.
- 8 The results of the trial are as follows:

*Table 1-Number of abandoned trolleys identified during the trial*

<b>Month of trial *</b>	<b>No. trolleys</b>
September 2020	234
October 2020	204
November 2020	401
December 2020	245
February 2021	<b>79</b>
March 2021	<b>107</b>
Total	<b>1270</b>

\*note: staff were not available to run trial in Jan 21



<u>Parramatta</u>		<u>North Parramatta</u>	
Coles	117	Coles	212
Woolworths	466	Woolworths	0
Target	70	Target	0
Kmart	188	Growers	0
Country Growers	27		
<b>Total</b>	<b>868</b>	<b>Total</b>	<b>212</b>
<u>Rosehill</u>		<u>Carlingford</u>	
Coles	0	Coles	26
Woolworths	127	Woolworths	37
Target	0	Target	0
Growers	0		
<b>Total</b>	<b>127</b>	<b>Total</b>	<b>63</b>

Table 2-Number of PINS issued during trial

Retailers that received PINs during trial	No. issued
Kmart Parramatta	22
Woolworths Parramatta	10
Coles North Parramatta	20
Coles Parramatta	9
Target Parramatta	8
<b>Total</b>	<b>69</b>

Table 3-Trial results of total trolleys removed within 48 hours of being reported abandoned

	No. trolleys	% of total
Trolleys removed after reported abandoned, within 48 hours of the report	1,201	95%
Trolleys not removed after reported abandoned, within 48 hours of the report.	69	5%
<b>Total</b>	<b>1270</b>	<b>100%</b>

## ISSUES/OPTIONS/CONSEQUENCES

- Council's existing practice has been to issue the PIN to the Retailer and they would ensure their Store Managers remove the trolleys. This is the normal

historical approach accepted by most local Councils however, during the course of the trial, Council received updated legal advice that this was not consistent with S32 of the Impounding Act 1993 which specifies that an item or article can only be abandoned by a “person”. This meant Council had to change its approach and advise the Retailers that PINs would be issued to the relevant “person” which in effect meant the Manager of the actual store where the trolley normally resided. The problem with this is that Council does not necessarily know the name or the address of the Manager making enforcement through the courts extremely difficult.

10. The trial revealed that should a trolley be reported to the relevant owner, in 95% of cases, it would be removed within 48 hours, despite the manifest problems in issuing PINs and enforcement under the Impounding Act 1993. It will be noted from Table 3 above that a total of 69 PINs were issued during the trial. Due to the problems identified, Council has withdrawn enforcement action in relation to all 69 PINs in table 3 above.
11. This is supported by the data for Woolworths who requested that their Trolley Tracker service be included in the notification email. Whilst Woolworths account for more than 50% of the trolleys reported, less than 2% of their trolleys remained in situ after the 48-hour compliance period. Compared to Coles Myer Group (including Target and Kmart) who did not request we contact their trolley removal service provider, who had 10% of their trolleys left in the public domain after reporting and accounted for over 85% of the fines issued. The issue here is that Woolworths is a subscriber and supporter of the Trolley Tracker App. Coles and the other retailers do not support the App and rely on their own trolley retrieval process, which does not use the Trolley Tracker App.
12. Council’s Waste and Sustainability Unit has been working collaboratively with major retailers in Parramatta, North Parramatta, Rosehill, Carlingford, and Epping shopping hubs to highlight the issue of trolley abandonment in the public domain.
13. Council wanted to understand their current trolley retrieval process and requested they review that service, to address the high number of abandoned trolleys in the community. Council provided information to the Store Managers relevant to the impact of the abandoned shopping trolleys, causing visual and physical impacts for both the environment and the community.
14. Council officers also discussed alternate control options with Supermarket Managers, such as electronic range locking devices and the use of coin locks. There was very little appetite by any of the stores to implement such devices due to the cost burden and that almost all had Shopping Trolley Recovery Teams operating with the Shopping Centres.
15. Council officers contacted other Councils with most having similar issues as Parramatta Council. Hornsby Council negotiated with the Hornsby Westfield Supermarkets to introduce a trial of electronic range locking devices.
16. The trial was stopped early due to the impact of the trolleys becoming range locked outside of most access points to the Westfield Centre. Westfield Centre management asked the supermarket operators to cease the trial, due to customers being impacted entering and leaving the Centre.

17. The outcome of all these talks has been the securing a priority reporting login for Council employees for the Trolley Tracker Service, the main service provider in the market.
18. Further to this, Council was notified in late October 2021 by TrolleyTrackers to advise that they have completely rebuilt the App with the following additions:
  - Improvement of the App's user experience by making location services and mapping more accurate for Council officers.
  - Improved easy to follow Instructions, plus a short instructional video exclusively for Council officers on YouTube.
  - Provide Council's with a unique code for reporting 'High Priority' Council reports through the new website and application.
19. These changes have been the result of pressure by City of Parramatta and City of Cumberland Councils for retailers to take greater responsibility for their trolleys and look to implement measures to contain trolleys to their property or ensuring an appropriate trolley recovery service is in place.
20. As a result of Council's review, monitoring of the trial and liaising with other Councils, a new Development Consent condition was implemented and forwarded to the Development and Transport Services to assist with the management of shopping trolleys by Supermarkets.
21. As a result of these resolutions, a new consent condition has been developed.

*"Prior to the issue of an Occupation Certificate, an operational plan of management is to be submitted to and approved by Council. At a minimum, the plan must:*

- (a) Incorporate a trolley containment system to contain trolleys to the premises (these could include coin/token operated systems, wheel locks activated by a radio signal or magnetic strip, radio signal transmitters on trolleys or other means)*
- (b) Include sufficient trolley bays within or adjacent to the premises (including its car park)*
- (c) Incorporate signage that trolleys should not be removed from the premises*
- (d) Provide adequate trolley collection services to ensure that unattended trolleys are collected in a timely fashion*
- (e) Ensure that all trolleys are marked or labelled in such a manner that Council can easily ascertain the owner of the trolley (including the store responsible for its provision)*
- (f) Agree to a process of ongoing liaison with Council to ensure that Council's objectives regarding shopping trolley management and collection are being met*
- (g) Outline how and when the operator will remove general litter associated with the premises from any public places immediately adjoining or adjacent to the site.*

*Reason: To maintain the amenity of the surrounding area."*

22. This condition has not been used to-date, as there have not been any new Supermarket Development Applications or Modifications where Shopping Trolleys would or are being used.
23. It should also be noted, that the Findings and Recommendations of the Impounding Act Review commissioned by the Office of Local Government held in 2020 are yet to be released. Whilst we cannot know what changes, if any, will result from this review, given the limited powers the Act currently gives to Councils to address the widespread issue of trolley abandonment, it is expected that changes will be made and more effective measures to specifically address trolleys will be included.
24. Given the extensive costs associated with lost revenue (PIN revenue), actual resources, and vehicle costs to continue this allocation of specific abandoned shopping trolley patrols, it is recommended that this trial not be implemented on a permanent basis. With the imminent and possible significant improvements in the Trolley Tracker App, it would be beneficial for this to be advertised across Council's current media formats (Pulse, Website and Social Media platforms and the Customer Service Centre).
25. It will be seen from Table 5 below that the actual cost of the trial when taking into account lost revenue, due to the revenue generating officers being deployed to the trial, and the actual employee costs, was \$262,500. Table 5 shows that if the trial were to become an ongoing program then the real cost to council on an annual basis would be \$525,000 of operational expenditure per annum.

*Table 4-Actual costs associated with trial and potential further costs if continued*

	<b>FY 20/21</b>	<b>FY 21/22</b>
<b>Revenue</b>		
Internal Revenue		
External Revenue (Parking PIN Revenue lost with alternate duties)	(\$175,000) Lost Fine Revenue	(\$350,000) Lost Fine Revenue
<b>Total Revenue</b>		
<b>Funding Source</b>	N/A	N/A
<b>Operating Result</b>		
External Costs		
Employee Costs (2 x Parking Officers incl on costs)	\$80,000	\$160,000
Depreciation		
Other – Pool Vehicle @ \$30k per annum	\$7,500	\$15,000
<b>Total Net Operating Result</b>	<b>(\$262,500)</b>	<b>(\$525,000)</b>
	<b>Actual cost of the 6 month trial</b>	<b>Annual cost that would have been incurred if trial was continued into 21/22</b>
<b>Funding Source</b>	General Revenue	General Revenue

<b>CAPEX</b>	N/A	N/A

26. The improvements in the Trolley Tracker App, specifically the Council login and priority notifications will allow staff from Regulatory Services, Cleansing etc via their normal patrols and functions to report via the Abandoned Shopping Trolley APP. This would reduce the need for specific Council resources being allocated to the management of Abandoned Shopping Trolleys but assist in the removal of the trolleys in a reasonable timely manner.
27. Council officers will work with City Engagement and Experience to implement information notifications about the Abandoned Shopping Trolley App to be distributed across all of Council's communication mediums.
28. In summary, during the trial, 69 PINs were issued and these had no material impact on the overall recovery of trolleys. Rather, the trial showed that the single most important action Council can take is to facilitate the timely reporting of the abandoned trolleys to the relevant Store Manager. Table 4 shows that 95% of reported trolleys were in fact collected within 48 hours by the relevant Retailer.
29. It is clear from the trial that impounding abandoned trolleys and fining the store operators is costly to Council and has minimal impact. In addition, stores are loath to implement coin operated recovery systems and, in any case, these systems do not materially reduce the problem.
30. Council has worked extensively with stakeholders with education activities and support however, the nub of the issue is that for the large retailers this is a commercial decision, so they will only devote minimal resources. Staff have worked with the DA teams to strengthen DA conditions however, these can only apply to new DAs not existing grocery retailers. Council has liaised extensively with metro Councils in relation to this problem and they report similar issues with no alternative viable approaches.
31. The trials however, have revealed that the retailers that support the Trolley Tracker App, are the most responsive and will collect 95% of wayward trolleys within 48 hours of being reported to the App. The clear recommendation of this report is that Council does not continue the proactive trial but rather supports the Trolley Tracker App by forwarding complaints to it and advocates for more retailers to sign up and support the App.

## **CONSULTATION & TIMING**

### Stakeholder Consultation

32. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
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Various across 2020 and 2021	Waste and Sustainability Unit	Intelligence advice provided to determine hotspot and target suburbs for the trial	Utilisation of the data to target the suburbs with the highest frequency of abandoned shopping trolley	Regulatory Services
Various between July 2020 to March 2021	Managers of all Supermarkets using shopping trolleys	Generally, the managers agreed it was an issue, but stated that budget constraints stopped the implementation of additional measures, i.e., locking devices etc over the current collection service	Council officers clearly articulated the processes of the trial and indicated both the desired outcome and potential consequences of not complying with the removal of the shopping trolleys	Regulatory Services

### Councillor Consultation

33. The following Councillor consultation has been undertaken in relation to this matter:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
Various across 2020 and 2021	Clr Prociv and Davis	Clr Davis and Prociv provided positive feedback, but also asked if the trial could be broadened given the wide spread of the abandoned trolleys	Periodic updates were issued to Clr Davis and Prociv relevant to the trial logistics, amendments, and initial outcomes. Due to the impact on resources for other service deliverables the trial was unable to be extended to further suburbs due to budgetary and resource constraints.	Regulatory Services – Manager Michelle Burke and Group Manager Paul Lyth

### **LEGAL IMPLICATIONS FOR COUNCIL**

34. There are no legal implications arising from the recommendations in this report. Legal advice has previously been provided that Council cannot take effective enforcement action against the trolley owner (the store) for the trolleys abandoned in the public domain.
35. Council can take enforcement action against a person who abandons a trolley

however, this is extremely difficult in practice as Rangers and Parking officers are required to witness the offence and obtain personal details of the offender.

36. At this point in time, Council has no other reasonable legislative means available to regulate abandoned shopping trolleys in the public domain.
37. Council provided comments relative to the deficiencies of the Impounding Act to the Office of Local Government. Council anticipates that amendments may be made that will assist Councils in managing these types of increasing issues and impacts from the increased medium and high-density housing.

## FINANCIAL IMPLICATIONS FOR COUNCIL

38. The recommendations of this report will not incur any unbudgeted funds.

	FY 20/21	FY 21/22	FY 22/23	FY 23/24
<b>Operating Result</b>				
External Costs				
Internal Costs				
Depreciation				
Other				
<b>Total Operating Result</b>	Nil	Nil	Nil	Nil
<b>Funding Source</b>				
<b>CAPEX</b>				
CAPEX				
External				
Internal				
Other				
<b>Total CAPEX</b>	Nil	Nil	Nil	Nil
<b>Funding Source</b>	Nil	Nil	Nil	Nil

Paul Lyth  
**Group Manager Regulatory Services**

Caroline Nuttall  
**Solicitor**

John Angilley  
**Chief Finance and Information Officer**

John Warburton  
**Executive Director, City Assets & Operations**

Brett Newman  
**Chief Executive Officer**

## ATTACHMENTS:

There are no attachments for this report.

## **REFERENCE MATERIAL**



**FOR COUNCIL DECISION**


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<b>ITEM NUMBER</b>	13.3
<b>SUBJECT</b>	Section 50 Local Government Act 1993 Land Transfers
<b>REFERENCE</b>	F2022/00105 - D08451061
<b>REPORT OF</b>	Property Officer

**CSP THEME: ACCESSIBLE**

**WORKSHOP/BRIEFING DATE:** Nil

**PURPOSE:**

To convert the ownership of public garden and recreation space and drainage reserve into Council ownership.

**RECOMMENDATION**

- (a) **That** Council, in accordance with section 50(4) of the *Local Government Act 1993* gazette the vesting of the land identified in **Attachment 1**, into Council's ownership.
- (b) **Further, that** Council delegate authority to the Chief Executive Officer to sign all documentation in connection with this matter.

**BACKGROUND**

1. Through Council's land verification process, Council has uncovered land which has not been conveyed or transferred to Council.
2. The parcels of land in question are identified in the table below:

Parcel	Name	Subdivision Date
Lot 42 DP15422	David Hamilton Reserve	1927
Lot 92 DP35436	Lockyer Reserve	1945
Lot 53 DP13906	Willsford Homes Park	1926
Lot 16 DP1141023	Rangihou Reserve	1956
Lot 1 DP1176157	Subiaco Creek Reserve	1955
Lot 1 DP1176170	Subiaco Creek Reserve	1955
Lot 173 DP23173	Russell Walker Reserve	1951
Lot 615 DP16170	Drainage Reserve - 16A Macartney Street, Ermington	1928

3. Prior to 16 June 1964, there was no provision for public reserves to be vested in Council on registration of a deposited plan. Early deposited plans often included parcels denoted as 'Public Garden and Recreation Space'. However, these parcels were not automatically created as public reserves and vested in Council on registration of the plan. Refer to Registrar General Guidelines at **Attachment 2**.
4. Similarly, between 24 November 1922 and 15 June 1964, a drainage reserve was not automatically vested in Council on registration of the plan. Refer to Registrar General Guidelines at **Attachment 3**.

5. Section 50 of the *Local Government Act 1993* provides that Council may direct 'Public Garden and Recreation Space' shown in a plan approved before 15 June 1964 and 'Drainage Reserve' shown in a plan approved between 24 November 1922 and 15 June 1964 to be conveyed or transferred to Council.
6. Section 50(4) of the *Local Government Act 1993* states "*Instead of directing that land be conveyed or transferred to it, the council may publish a notice in the Gazette notifying that the land is vested in it.*"
7. With the exception of Lot 615 DP16170 (Drainage Reserve – 16A Macartney Street, Ermington), Council has always maintained the land identified in **Attachment 1**.

### ISSUES/OPTIONS/CONSEQUENCES

8. Rectifying the land ownership issue is critical to Council in order for Council to successfully manage public land.
9. Should Council not proceed with the gazettal of the ownership, confusion as to ownership will continue.
10. Management of the land and enforcement will become increasingly difficult as Council is not the registered landowner.

### CONSULTATION & TIMING

#### Stakeholder Consultation

11. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
December 2021	Assets & Environment	Recommends that the ownership is rectified as it will help manage and identify the land in the new Plans of Management.	Agreed with comment.	Senior Open Space & Natural Area Planner

#### Councillor Consultation

12. The following Councillor consultation has been undertaken in relation to this matter:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
Nil				

## LEGAL IMPLICATIONS FOR COUNCIL

13. Under Section 53 of the *Local Government Act 1993*, Council must keep a register of all land vested in it or under its control. Currently, Council's land register is inaccurate as there is confusion regarding the ownership of the land identified in **Attachment 1**.
14. Pursuant to section 50(4) and (5) of the *Local Government Act 1993*, Council may publish a notice in the Gazette notifying that the land is vested in it. A new title in the name of City of Parramatta Council will be created on lodgment and registration of a Request Form 11R with NSW Land Registry Services.

## FINANCIAL IMPLICATIONS FOR COUNCIL

15. The application and appropriate PEXA transfers will be funded through the Asset Planning budget.
16. The table below summarises the financial impacts on the budget arising from approval of this report.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
<b>Revenue</b>				
Internal Revenue				
External Revenue				
<b>Total Revenue</b>	Nil	Nil		
<b>Funding Source</b>	Nil	Nil		
<b>Operating Result</b>				
External Costs	Nil	Nil		
Internal Costs				
Depreciation				
Other				
<b>Total Operating Result</b>	Nil	Nil		
<b>Funding Source</b>	Nil	Nil		
<b>CAPEX</b>				
CAPEX				
External				
Internal				
Other				
<b>Total CAPEX</b>	Nil	Nil		

Benjamin Ayoub  
**Property Officer**

Robert Ramsbottom  
**Group Manager Property, Security, Assets & Services**

Ian Woodward




**Group Manager Legal Services**

John Angilley  
**Chief Finance and Information Officer**

Bryan Hynes  
**Executive Director Property & Place**

Brett Newman  
**Chief Executive Officer**

**ATTACHMENTS:**

- |   |   |   |         |
|---|---|---|---------|
| 1 |  | Parcels of land to be transferred                         | 4 Pages |
| 2 |  | Public Reserves Explanation from Land Registry Services   | 1 Page  |
| 3 |  | Drainage Reserves Explanation from Land Registry Services | 1 Page  |

**REFERENCE MATERIAL**

David Hamilton Reserve - Lot 42 DP15422



Lockyer Reserve - Lot 92 DP35436



Willsford Homes Park – Lot 53 DP13906



Rangihou Reserve – Lot 16 DP1141023





**Subiaco Creek Reserve – Lot 1 DP1176157 & Lot 1 DP 1176170**



**Russell Walker Reserve – Lot 173 DP23173**



**Drainage Reserve – Lot 615 DP16170**





21/03/2022, 14:27

Public reserves - Registrar General's Guidelines

**NSW Land Registry  
Services****Registrar General's Guidelines**

On 11 October 2021, the Real Property Amendment (Certificates of Title) Act 2021 commenced, which abolished the Certificates of Title (CTs) and the control of the right to deal (CoRD) framework. All existing CTs have been cancelled and CTs will no longer be issued. Existing CTs will not need to be produced, and CoRD holder consent will not be required, for a dealing or plan to be registered. All existing Guidelines subject to this change are currently being reviewed and will be updated to reflect these changes. For further information regarding the abolition of CTs, please see <https://www.registrargeneral.nsw.gov.au/property-and-conveyancing/eConveyancing/abolition-of-certificates-of-title>

## Public reserves

Parcels of land may be dedicated as a public reserve by:

- the registration of a deposited plan bearing an appropriate statement creating a lot(s) as public reserve or
- the publication of an appropriate notification in the Government Gazette vesting an existing parcel as public reserve.

### Deposited Plans registered prior to 16 June 1964

Prior to 16 June 1964 there was no provision for public reserves to be vested in council on registration of a deposited plan. Early deposited plans often include parcels denoted as 'Public Garden and Recreation Space', 'Reserve for Garden' or simply 'Reserve', however these parcels were not created as public reserves on registration of the plan. A statement of creation was not endorsed on the plan and the fee of the parcel remained in the cancelled certificate of title under the name of the then registered proprietor(s). Similarly, reserves in plans subdividing Old System land were not created as public reserves on registration of the plan (see below for more information).

### Public garden and recreation space

Section 340A *Local Government Act 1919* provides that parcels shown as 'public garden and recreation space' (and no others) can be conveyed or transferred to the council as public reserve. The provisions of s.340A were carried over to s.50 of the 1993 Act and still enable a council to acquire title to 'public garden and recreation space' shown in a plan approved before 15 June 1964. The section provides that the council may either:

- direct that the parcel be transferred to the council (s.50(2)) or
- publish a notice in the Government Gazette notifying that the land is vested in its name (s.50(4)).

A new title in the name of the Council will be created on lodgment and registration of a suitable [Request form 11R](#) (PDF 131 KB) prepared in terms of one of these options. A Public Reserve notification will be endorsed in the second schedule of the new title.

23/03/2022, 11:59

Drainage reserves - Registrar General's Guidelines

**NSW Land Registry  
Services****Registrar General's Guidelines**

On 11 October 2021, the Real Property Amendment (Certificates of Title) Act 2021 commenced, which abolished the Certificates of Title (CTs) and the control of the right to deal (CoRD) framework. All existing CTs have been cancelled and CTs will no longer be issued. Existing CTs will not need to be produced, and CoRD holder consent will not be required, for a dealing or plan to be registered. All existing Guidelines subject to this change are currently being reviewed and will be updated to reflect these changes. For further information regarding the abolition of CTs, please see <https://www.registrargeneral.nsw.gov.au/property-and-conveyancing/eConveyancing/abolition-of-certificates-of-title>

## Drainage reserves

Section 49(3) *Local Government Act 1993* provides that on registration of a plan on which land is marked with the statement 'Drainage Reserve' the land vests in Council in fee simple for drainage purposes. As a consequence, a folio of the Register is automatically created in the name of the Council when the plan is registered. The drainage reserve comprises 'Operational Land' and may be dealt with in the same manner as other operational land standing in the name of the Council. Section 49(3) replaced Section 398 *Local Government Act 1919* which had served a similar function since 15 June 1964.

Between 24 November 1922 and 15 June 1964 a drainage reserve was not automatically vested in the Council on registration of the plan. The Council may either direct that the reserve be transferred or conveyed to it or, alternatively, the Council may publish a notice in the Government Gazette notifying that the land is vested in it pursuant to ss.50(3) and (4) *Local Government Act 1993*. Subsequent to the gazettal the Council must lodge a [Request form 11R](#) (PDF 131 KB) to be registered as proprietor of the drainage reserve.

Prior to 24 November 1922 any dealing relating to a drainage reserve shown in a plan of subdivision will not normally be registered. See Baalman & Wells Para. 310-200.

New deposited plans intending to create a drainage reserve must:

- have the Statement 'Drainage Reserve' shown within the appropriate lot, and
- bear a statement of intention to create Lot .... as a Drainage Reserve in the Statements Panel of the Administration Sheet
- be signed by the persons specified in s.195D *Conveyancing Act 1919*
- bear a completed subdivision certificate if the drainage reserve creates new boundaries.

**Note 1** The certificate of title for the new drainage reserve is created in the name of the council. A 'DDR' notification is entered in the second schedule:

LAND IS DEDICATED AS A DRAINAGE RESERVE

**Note 2** Except when the land being subdivided already stands in the name of the council all encumbrances including mortgages, lease, caveats etc recorded on the subdivided title will not be carried forward onto the new certificate of title for the Drainage Reserve. In all instances any affecting interests including easements will be recorded on the new title.

## Notification in the Government Gazette

A council may dedicate an existing parcel of land as a drainage reserve by preparing an appropriate notification in the Government Gazette pursuant to s.46C *Real Property Act 1900*. If the parcel is Torrens Title land a [Transfer for Public Reserve or Drainage Reserve form 01TD](#) (PDF 107 KB) (if the parcel stands in the name of the Council) or an [Application form 04RP](#) (PDF 672 KB) must then be lodged to update the certificate of title.

**FOR COUNCIL DECISION**

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<b>ITEM NUMBER</b>	13.4
<b>SUBJECT</b>	Post-exhibition - Planning Proposal, draft Development Control Plan and draft Planning Agreement for 8-14 Great Western Highway, Parramatta
<b>REFERENCE</b>	F2022/00105 -
<b>APPLICANT/S</b>	GLN Planning Pty Ltd
<b>OWNERS</b>	JM Malouf Investments Pty Ltd and the Owners Strata Plan 8700
<b>REPORT OF</b>	Project Officer-Land Use Planning
<b>CSP THEME:</b>	<b>INNOVATIVE</b>

**DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL** Nil**PURPOSE:**

To detail submissions received during the public exhibition of a Planning Proposal, draft Development Control Plan and draft Planning Agreement relating to land at 8-14 Great Western Highway, Parramatta. The report seeks Council's approval to endorse the draft Development Control Plan for finalisation and not proceed with the draft Planning Agreement. The report notes that the site-specific Planning Proposal is no longer required to proceed.

**RECOMMENDATION**

- (a) **That** Council receives and notes the submissions made during the public exhibition of the Planning Proposal, draft Development Control Plan (DCP) and draft Planning Agreement at 8-14 Great Western Highway, Parramatta. A summary of submissions is provided at **Attachment 1**.
- (b) **That** Council notes the Gateway alteration issued by the then Department of Planning, Industry and Environment (DPIE) on 28 October 2021 determined that the Planning Proposal not proceed on the basis that the Parramatta CBD Planning Proposal is seen as a more efficient way of achieving the objectives of the site-specific Planning Proposal (refer to **Attachment 2**). Therefore, Council is not able to further consider the Planning Proposal seeking to establish the height and floor space ratio controls for the site as these controls will be determined by the Department of Planning and Environment (DPE) through the finalisation of the Parramatta CBD Planning Proposal.
- (c) **That** Council approve the site specific DCP at **Attachment 4** for finalisation and inclusion within Part 10 (Site Specific Controls) of the finalised Parramatta City Centre DCP, including a minor amendment relating to the wording of the relevant Australian Standard relating to driveway access, following the finalisation of the Parramatta CBD Planning Proposal.
- (d) **That** Council not proceed with the Planning Agreement at **Attachment 5** exhibited with the site-specific Planning Proposal for 8-14 Great Western Highway recognising that contributions to community infrastructure funding will

be required as a condition of development consent pursuant to the contributions plan applicable at the time.

- (e) **Further, that** Council delegate authority to the Chief Executive Officer to make any minor, administrative and/or non-policy amendments to the Development Control Plan during the finalisation process.

## SITE DESCRIPTION

1. The subject site comprises 8 Great Western Highway (Lot 10 DP1097949) and 10-14 Great Western Highway, Parramatta (SP8700) and is approximately 2,386 square metres in area. The site has a single frontage on the Great Western Highway at its southern boundary. The site is bound by three to eight storey residential flat buildings along its western and northern boundaries and a single-storey commercial building on its eastern boundary (see **Figure 1**).



**Figure 1:** An aerial image of the site (shaded in blue) and surrounds.

2. There are two items of State Heritage significance near the subject site shown in pale brown in **Figure 1** above. 'Lennox House' is to the north-west of the site and the 'Masonic Centre' is to the north-east of the site.

## BACKGROUND

3. On 19 May 2020, the Local Planning Panel resolved to recommend Council endorse a Planning Proposal for the purposes of requesting a Gateway



Determination for the site with a maximum floor space ratio of 15:1 (inclusive of Design Excellence, High Performing Buildings and Opportunity Site bonuses with provisions for unlimited additional Commercial Floor Space) and a height control of RL 211 metres (62 storeys), consistent with the Parramatta CBD Planning Proposal (CBD PP).

4. At its meeting on 9 June 2020, Council resolved to endorse the Planning Proposal for the purpose of requesting a Gateway Determination and to amend the height of buildings control consistent with the recommendation of the Council Officers and Local Planning Panel. Council also resolved to prepare a draft Development Control Plan and draft Planning Agreement to be exhibited with the Planning Proposal. A more detailed summary of the Planning Proposal is provided in the following section of this report.
5. On 1 September 2020, the then Department of Planning, Industry and Environment issued a Gateway determination which allowed the Planning Proposal to proceed to public exhibition. The Gateway determination requires that the site-specific Planning Proposal be consistent with the Parramatta CBD Planning Proposal prior to being finalised.
6. On 7 December 2020, Council resolved to endorse for the purposes of public exhibition the draft site-specific Development Control Plan (DCP) for the site and authorised the commencement of the legal drafting of the Planning Agreement. Council also resolved that the draft DCP and draft Planning Agreement be placed on exhibition concurrently with the Planning Proposal.
7. The Planning Proposal, draft site specific DCP and Planning Agreement were publicly exhibited from 20 July to 20 August 2021. Since the exhibition, Council received a Gateway alteration from the DPIE dated 28 October 2021 which determined that the site-specific planning proposal should not proceed. The Gateway alteration was issued on the basis that the Parramatta CBD Planning Proposal is seen as a more efficient way of achieving the objectives of the site-specific planning proposal.
8. This report addresses the outcomes of the public exhibition and makes recommendations for progressing the draft Development Control Plan.

## RELATIONSHIP WITH PARRAMATTA CBD PLANNING PROPOSAL

9. The height control, FSR control and site-specific provisions exhibited for the site are consistent with the Parramatta CBD Planning Proposal. Table 1 outlines the planning controls for the site under the existing Parramatta LEP 2011, the Parramatta CBD Planning Proposal and the site-specific Planning Proposal.

**Table 1: Summary of current, CBD PP and site-specific controls**

	<b>Parramatta LEP 2011</b>	<b>Parramatta CBD Planning Proposal</b>	<b>Site-Specific Planning Proposal</b>
<b>Site Area</b>	2,386sqm		
<b>Land Use Zoning</b>	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
<b>Height of Buildings</b>	28m (8 storeys)	211m (62 storeys)	211m (62 storeys)

	<b>Parramatta LEP 2011</b>	<b>Parramatta CBD Planning Proposal</b>	<b>Site-Specific Planning Proposal</b>
		243m (72 storeys) – including Design Excellence bonus	243m (72 storeys) – including Design Excellence bonus
<b>Floor Space Ratio</b>	3.5:1	<b>15:1 FSR</b> (made up of the following) <ul style="list-style-type: none"> <li>• 10:1 Mapped Incentive FSR (inclusive of minimum required 1:1 commercial FSR)</li> <li>• 15% Design Excellence bonus (ie. 1.5:1)</li> <li>• 5% High Performing Buildings bonus (i.e.. 0.5:1)</li> <li>• 3:1 Opportunity Site FSR</li> <li>• With the potential for unlimited additional commercial FSR subject to height control<sup>1</sup></li> </ul>	<b>15:1 FSR</b> made up of the following): <ul style="list-style-type: none"> <li>• 10:1 Mapped Maximum FSR (inclusive of minimum required 1:1 commercial FSR)</li> <li>• 15% Design Excellence bonus (ie. 1.5:1)</li> <li>• 5% High Performing Buildings bonus (i.e. 0.5:1)</li> <li>• 3:1 Opportunity Site FSR</li> <li>• Unlimited additional commercial floor space subject to height control<sup>1</sup></li> </ul> <b>Total FSR of at least: 16.42:1</b>
<b>Parking</b>	Car Parking rates per <i>Parramatta LEP 2011</i>	Maximum car parking rates previously endorsed by Council as part of Parramatta CBD Planning Proposal.	Maximum car parking rates previously endorsed by Council as part of Parramatta CBD Planning Proposal.
<b>Heritage</b>	The site is not identified as an item of local heritage significance and is not within a Heritage Conservation Area. The site is located within the vicinity of the following heritage items:	No change	No change

	<b>Parramatta LEP 2011</b>	<b>Parramatta CBD Planning Proposal</b>	<b>Site-Specific Planning Proposal</b>
	<ul style="list-style-type: none"> <li>Item 00751 being Lennox House (and adjoining brick wall on footpath); and</li> <li>Item 648 being Masonic Centre.</li> </ul>		
<b>High Performing Buildings</b>	N/A	Provision outlining an additional FSR of 5% is achievable, provided that high-performing buildings standards are met.	Provision outlining an additional FSR of 5% is achievable, provided that high-performing buildings standards are met.
<b>Number of Dwellings</b>	104 residential units <sup>2</sup> with some commercial GFA at ground level	417 residential units <sup>2</sup> and minimum of 2,386 sqm plus unlimited additional commercial GFA permitted within height control.	408 residential units <sup>3</sup> and minimum of 2,386 sqm plus unlimited additional commercial GFA permitted within height control.

1. Above the required 1:1 minimum commercial provision but within the Height of Building control requirement

2. Based on average unit size of 80sqm

3. Based on Reference Design submitted by applicant

10. The applicant's Reference Design submitted at **Attachment 6** illustrates a concept building envelope with a height of 170 metres (52 storeys) and an indicative FSR of 16.42:1. However, Council's resolution when endorsing the Planning Proposal for the purpose of seeking a Gateway determination was to endorse a height control for the site that is consistent with the Parramatta CBD Planning Proposal. As such, notwithstanding the Reference Design, the proposed height control is RL 211 metres (62 storeys) or RL 243 metres when including the Design Excellence bonus (72 storeys) which is consistent with the Parramatta CBD Planning Proposal.

11. As a consequence, the FSR that may be achieved on the site may be higher than the 16.42:1 demonstrated in the reference design. This is due to the proposed site-specific provision which allows for additional commercial floor space area to be exempt from the FSR control. This additional commercial floor space is, however, still subject to the maximum height control and approach consistent with the Parramatta CBD Planning Proposal.

## GATEWAY ALTERATION

12. After the completion of the public exhibition period, the DPIE issued a Gateway alteration dated 28 October 2021 (refer to **Attachment 2**) which determined that the site-specific planning proposal should not proceed.
13. As the proposed controls within the Parramatta CBD Planning Proposal reflect the site-specific Planning Proposal, the DPIE's view was that the site-specific Planning Proposal was unnecessary and the same controls will be achieved when the Parramatta CBD Planning Proposal is finalised and notified. The Gateway alteration was issued on the basis that the Parramatta CBD Planning Proposal is seen as a more efficient way of achieving the objectives of the site-specific planning proposal.
14. Therefore, Council is not able to further consider the site-specific Planning Proposal which is seeking to establish the height and floor space ratio controls for the site. Rather, these controls will be determined by the DPE through the finalisation of the Parramatta CBD Planning Proposal. As such, this report is limited to the consideration of the other two remaining documents that were included in the recent public exhibition being the draft DCP and draft Planning Agreement. It is also recommended that the submissions relating to the Planning Proposal be noted by Council.

#### **DRAFT SITE-SPECIFIC DEVELOPMENT CONTROL PLAN**

15. Council endorsed the draft Development Control Plan (DCP) and draft Planning Agreement for exhibition on 7 December 2020. The exhibited draft DCP (**Attachment 4**) covers matters including building setbacks, built form, design, massing, heritage interface and vehicular access. Notwithstanding that the site-specific planning proposal is not proceeding, the controls from the site-specific planning proposal will still be achieved through the Parramatta CBD Planning Proposal. As such, the draft DCP is still relevant and will provide a greater level of certainty to the proponent and the Design Competition process.
16. The draft site-specific DCP is proposed to be included within Part 10 (Site Specific Controls) of the draft Parramatta City Centre DCP. It will be applied in combination with the draft Parramatta City Centre DCP and the existing provisions of the Parramatta DCP 2011.

#### ***Road Widening***

17. Great Western Highway is a classified road, meaning that agreement both at Planning Proposal and Development Application stages will be required from Transport for NSW (TfNSW) for proposed access arrangements for this site.
18. Council consulted with Transport for NSW in March 2020 regarding the Planning Proposal to seek early feedback on the proposal. In response, TfNSW advised that there is the potential that road widening may be required on the Great Western Highway and the Planning Proposal and draft DCP should reflect this. At the time, they noted that while there was no formal road widening reservation required and this could change upon completion of the Integrated Transport Plan (ITP). In response, the draft DCP includes a 6 metre front setback for the podium to facilitate potential future road widening on Great Western Highway.



19. Correspondingly, an early version of the Land Reservation Acquisition Map related to the Parramatta CBD Planning Proposal included a new reservation for the purpose of road widening on the Great Western Highway frontage of the site. However, in September 2019, TfNSW requested that all new reservations identified in the Parramatta CBD Planning Proposal where the TfNSW was to be the acquiring authority be removed pending further internal discussion and consultation. When the Parramatta CBD Planning Proposal was publicly exhibited, TfNSW did not seek reinstatement of any road widening in their submission. Consequently, no reservation has been applied to the land for finalisation of the Parramatta CBD Planning Proposal.
20. The more recent submission received from Transport for NSW during the public exhibition of this site-specific Planning Proposal advised as follows: *“Potential future road widening requirements along the Great Western Highway remain unresolved. However, the proposed 6 metre wide setback to the front boundary on the Great Western Highway is supported as it will make possible allowance for future road widening if required.”*
21. The site-specific DCP has been drafted in such a way that if road widening is required, the building setbacks would remain unchanged, and any road widening is accommodated in the front setback. Council Officers acknowledge that this outcome will result in a limited capacity to provide deep-soil landscaping within the front setback, however, the outcome is still deemed acceptable in an urban context as the building will provide an active frontage along the street edge.
22. Further, the early consultation with TfNSW indicated that vehicular ingress and egress into the site would need to be relocated to the western boundary so that the access point is located away from the Great Western Highway and Church Street intersection.
23. Council Officers acknowledge that this requirement is likely to impact upon the existing mature trees located on this portion of the site regardless of whether road widening is required. Provisions have been included in the site-specific DCP that ensure that the 6 metres front setback can be utilised for the planting of replacement trees in the case that the land is not required for road widening purposes.

## DRAFT PLANNING AGREEMENT

24. The exhibited draft Planning Agreement (refer to **Attachment 5**) makes provision for a monetary contribution of \$5,010,600 which is to be used towards community infrastructure within the Parramatta CBD. At the time of preparation, it was consistent with Council’s framework for Community Infrastructure in the Parramatta CBD.
25. Since the public exhibition of the draft Planning Agreement, Council has endorsed a change in the approach to infrastructure funding in the Parramatta CBD through its endorsement of the Parramatta CBD Local Infrastructure Contributions Plan (endorsed by Council at its meeting of 25 October 2021). Under this Plan, Council is no longer seeking funding for local infrastructure within the CBD by securing monetary contributions through Planning

Agreements. Rather, the Plan seeks to increase the percentage rate applicable to developments in the CBD under Section 7.12 (formerly known as Section 94A contributions). It should be noted that Council cannot apply the increased percentage levy until the Minister endorses the Contributions Plan. At the time of the preparation of this report, the Parramatta CBD Local Infrastructure Contributions Plan had been forwarded to the Minister and had yet to be approved.

26. The implications for the subject draft Planning Agreement are that it no longer represents an endorsed approach to infrastructure funding in the Parramatta CBD. As such, it is recommended that Council not proceed with the Planning Agreement noting that contributions to community infrastructure funding will be required as a condition of development consent through the contributions plan applicable at that time.

## **PUBLIC EXHIBITION**

35. The Planning Proposal, draft DCP and draft Planning Agreement were publicly exhibited from 20 July to 20 August 2021, alongside supporting appendices.
36. The public exhibition included:
  - a. Letters to landowners and occupiers within the vicinity of the site, as well as nearby landowners and occupiers anticipated to be impacted by overshadowing;
  - b. Letters to relevant State and Federal Government Agencies;
  - c. Notification in local newspaper Parra News; and
  - d. Exhibition materials were available on Council's Participate Parramatta website noting that Council's Customer Contact Centre and Libraries were closed at that time due to the directives issued by NSW Health.
37. Nine (9) submissions were received during the public exhibition period. This includes four (4) submissions from public agencies and five (5) from community members. A summary of all submissions and Council officer responses is provided at **Attachment 1**. The submissions and responses are discussed further in the following sections of this report.

## **PUBLIC AGENCY SUBMISSIONS SUMMARY AND RESPONSE**

38. Four (4) submissions were received from public agencies as follows:
  - a. Heritage NSW
  - b. Transport for NSW
  - c. DPIE - Energy, Environment and Science; and
  - d. Endeavour Energy.
39. The submissions generally raise issues that will be addressed through the development application process. A summary and response to the public agency submissions is provided in **Attachment 1**. Most notable is a change to the draft DCP requested by TfNSW noting that the Great Western Highway is a classified road and their agreement is required for any access provided to the site from this road. They have requested Council change the wording of Access Control C.10 as follows:

*“The driveway from the Great Western Highway must be a minimum width of 12 metres wide and comply with Council’s engineering standards.”* be replaced with: *“The driveway from the Great Western Highway must comply with AS2890.1 2004 and AS2890.2 – 2018.”*

40. This change to the draft DCP is supported and is included in the recommendation to Council. As the amendment is minor there is no requirement to re-exhibit the draft DCP.

## COMMUNITY SUBMISSIONS SUMMARY AND RESPONSE

41. Across the five (5) community submissions, three (3) of the submissions objected to the Planning Proposal and two (2) of the submissions support the Planning Proposal. From the objections received, the following concerns were raised with this proposal:
- a. The draft Planning Agreement appears to be a bribe to Council for the FSR bonuses;
  - b. Parramatta is experiencing a proliferation of new high rise buildings which will impact on surrounding residential areas and are not accompanied by an associated increase in infrastructure and services;
  - c. High density housing should not be pursued in a pandemic world; and
  - d. The proposal will increase demands on the electricity grid which cannot be accommodated.
42. Council officers note these submissions, and respond as follows:
- a. The site-specific Planning Proposal is one of several that has been lodged for sites within the CBD by property owners which seek to increase the permissible density in accordance with that permitted by the Parramatta CBD Planning Proposal. The draft Planning Agreement was negotiated in the context of the associated Infrastructure Strategy which aimed to use Planning Agreements as a method of obtaining value capture to help fund community infrastructure.
  - b. Since the public exhibition of the draft Agreement, Council has endorsed a change in the approach to infrastructure funding in the Parramatta CBD through its endorsement of the Parramatta CBD Local Infrastructure Contributions Plan (endorsed by Council at its meeting of 25 October 2021). Under this Plan, Council is no longer seeking funding for local infrastructure within the CBD by securing monetary contributions through Planning Agreements. Rather, the Plan seeks to increase the percentage rate applicable to developments in the CBD under Section 7.12 (formerly known as Section 94A contributions). It should be noted that Council cannot apply the increased percentage levy until the Minister endorses the Contributions Plan. At the time of the preparation of this report, the Parramatta CBD Local Infrastructure Contributions Plan had been forwarded to the Minister and had yet to be approved. As such, it is recommended that Council not proceed with the draft Planning Agreement recognising that contributions to community infrastructure funding will be required as a condition of development consent pursuant to the contributions plan.
  - c. In response to this submission, Council Officers emailed the author and advised of the above information. The content of Council’s email is quoted in the table at **Attachment 1**. Council Officers do not accept that the draft

Planning Agreement represents a bribe and note that Council's decision to enter into the Planning Agreement was made at an open meeting of Council and the Planning Agreement was subsequently prepared and publicly exhibited in accordance with Council's endorsed Planning Agreements Policy.

- d. It is acknowledged that there will be impacts on surrounding properties from development of the site. The impacts will be assessed in detail at the development application stage and will be managed through the application of appropriate built form controls within the DCP. These provide for tall slender towers aiming to maximise inter-building separation and reduce the length of time that the impacts of overshadowing are sustained by any one property. With regard to infrastructure and services, the draft Parramatta CBD Local Infrastructure Contributions Plan 2021 has recently been endorsed by Council and aims to levy developers to secure monetary contributions towards the provision of community infrastructure within the CBD.
  - e. Current public health measures in response to Covid-19 do not include the deferral of development projects but rather they are seen by the NSW Government as an important initiative in the road to economic recovery.
  - f. The demand for electricity and water created by the proposal will be minimised by the application of a High Performing Buildings clause. In relation to electricity supply and the energy network, this matter is beyond the scope of the Planning Proposal.
43. The two (2) submissions that were in support of the Planning Proposal requested that tall towers also be permitted on the southern side of the Great Western Highway to provide a greater sense of arrival into Parramatta from the west. As part of Council's consideration of the Parramatta CBD Planning Proposal on 25 November 2019, Council resolved to further investigate several areas on the periphery of the CBD for potential increases in density. This includes what is referred to as the Southern Planning Investigation Area (PIA) which encompasses an area south of the Great Western Highway opposite the subject site and the area referred to as the West Auto Alley Precinct.
44. A more detailed summary and response to each of the concerns outlined above is included in the table at **Attachment 1**.

## HERITAGE ADVISORY COMMITTEE RESPONSE

45. The site is not a heritage item and is not located in a heritage conservation area however, it is located in close proximity to two State listed heritage items, the Masonic Centre and Lennox House.
46. At its Meeting on 26 November 2020, the Heritage Advisory Committee were notified of the impending public exhibition of the Planning Proposal, draft DCP and draft Planning Agreement. The Committee asked that its previous comments on the Parramatta CBD Planning Proposal be considered in this regard. A summary of the Committee's comments are as follows:
- a. A need to highlight the importance of Parramatta's rich and diverse heritage;

- b. Provision for the stepping down of building heights for areas surrounding heritage items;
  - c. The need to open up vistas/sightlines to and from Civic Place and nearby landmarks;
  - d. Provision of sufficient setbacks to all major historic landmarks; and
  - e. Adoption of heritage considerations as a key principle for development of the city.
47. These comments are detailed in **Attachment 1** including the Officer response. The Committee were further notified of the public exhibition on 21 July 2021 and no further comments were made.

## CONSULTATION & TIMING

### Stakeholder Consultation

48. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
11 March 2020	Transport for NSW	As described above in paragraphs 16 to 22.	As described above in paragraphs 16 to 22.	City Planning and Design
26 November 2020	Council's Heritage Advisory Committee	As described above in paragraphs 45 to 47.	As described above in paragraphs 45 to 47.	City Planning and Design
20 July to 20 August 2021	Public exhibition, including State and Federal Agency consultation	As described in this report (refer also to <b>Attachment 1</b> ).	As described in this report (refer also to <b>Attachment 1</b> ).	City Planning and Design

### Councillor Consultation

49. The following Councillor consultation will be undertaken in relation to this matter:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
Standard briefing prior to Council meeting	TBD	TBD	TBD	City Planning and Design

## FINANCIAL IMPLICATIONS FOR COUNCIL

50. All costs associated with finalising the draft DCP are accommodated within the existing City Planning and Design budget. There are no further financial implications for Council associated with this matter.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
<b>Revenue</b>				
Internal Revenue				
External Revenue				
<b>Total Revenue</b>				
<b>Funding Source</b>	N/A	N/A	N/A	N/A
<b>Operating Result</b>				
External Costs				
Internal Costs				
Depreciation				
Other				
<b>Total Operating Result</b>	NIL	NIL	NIL	NIL
<b>Funding Source</b>	N/A	N/A	N/A	N/A
<b>CAPEX</b>				
CAPEX				
External				
Internal				
Other				
<b>Total CAPEX</b>	N/A	N/A	N/A	N/A

51. The exhibited Planning Agreement makes provision for a monetary contribution of \$5,010,600 for the purposes of community infrastructure within the Parramatta CBD. At the time of negotiation, it was consistent with Council's framework for Community Infrastructure in the Parramatta CBD.
52. Since the public exhibition of the draft Planning Agreement, Council has endorsed a change in the approach to infrastructure funding in the Parramatta CBD through its endorsement of the Parramatta CBD Local Infrastructure Contributions Plan (endorsed by Council at its meeting of 25 October 2021). Under this Plan, Council is no longer seeking funding for local infrastructure within the CBD by securing monetary contributions through Planning Agreements. Rather, the Plan seeks to increase the percentage rate applicable to development applications in the CBD under Section 7.12 (formerly known as Section 94A contributions). It should be noted that Council cannot apply the increased percentage levy until the Minister endorses the Contributions Plan. At the time of the preparation of this report, the Parramatta CBD Local Infrastructure Contributions Plan had been forwarded to the Minister and has yet to be approved.
53. The contribution endorsed by Council under the Parramatta CBD Local Infrastructure Contributions Plan 2021 is proposed to be calculated at 5 per cent of the development cost of the proposal. The cost of the proposal is not known at this point in time and will be identified in the future development application for the site. However, it is considered that the monetary contribution foregone by not proceeding with the Planning Agreement will be offset by the increase in the Section 7.12 contributions.

## CONCLUSION

54. It is noted that the site-specific Planning Proposal is no longer proceeding as per the Gateway Alteration issued by DPIE on 28 October 2021. The site will be subject to the controls to be introduced through the Parramatta CBD Planning Proposal. Therefore, Council is not required to progress the site specific Planning Proposal.
55. It is recommended that Council not proceed with the Planning Agreement exhibited with the site-specific Planning Proposal as the contributions to community infrastructure funding will be required as a condition of development consent pursuant to the contributions plan applicable at the time.
56. It is also recommended that Council endorse the draft site specific-DCP at **Attachment 4** for finalisation and inclusion within Part 10 (Site Specific Controls) of the finalised Parramatta City Centre DCP, including the minor amendment, following the finalisation of the Parramatta CBD Planning Proposal.

Felicity Roberts  
**Project Officer-Land Use**

Bianca Lewis  
**Team Leader Land Use Planning**













David Birds  
**Group Manager, Major Projects and Precincts**

John Angilley  
**Chief Finance and Information Officer**

Jennifer Concato  
**Executive Director City Planning and Design**

Brett Newman  
**Chief Executive Officer**

#### **ATTACHMENTS:**

1  	Summary Table of Submissions	9 Pages
2  	Gateway alteration	2 Pages
3  	Planning Proposal document as exhibited	38 Pages
4  	Draft Development Control Plan as exhibited	9 Pages
5  	Draft Planning Agreement as exhibited	31 Pages
6  	Applicant's Reference Design	33 Pages

#### **REFERENCE MATERIAL**

## Attachment 1

Table 1: Agency submissions

MATTERS RAISED	COUNCIL OFFICER RESPONSE
<b>Heritage NSW</b>	
<ul style="list-style-type: none"> <li>The subject site is located directly to the south west of the State Heritage Register listed "Lennox House" located at 39 Campbell Street which is associated with notable bridge builder, David Lennox. They are unable to determine the impacts of the proposed development on the visual setting of Lennox House without a Heritage Impact Statement (HIS). They note that the draft site-specific DCP requires a HIS to be submitted with any development application for the site and would be happy to provide further advice once this is prepared.</li> <li>The subject site is less than 15 metres from the "Masonic Centre" at 47 Campbell Street. While it is listed in the PLEP 2011 as an item of State heritage significance, it is not listed on the State Heritage Register so is a matter for Council's consideration.</li> </ul>	<p>Council is in a position to request a Heritage Impact Statement (HIS) with the lodgement of a development application for the site under the existing provisions of the PLEP 2011 (Clause 5.10(5)(c)) as the site is within the vicinity of a heritage item. The draft Heritage Control C.15 within the site-specific DCP requires the inclusion of a HIS with the development application. Council's City Significant Development team has advised that while there is no legislative requirement for Council to send the development application to Heritage NSW for applications on sites within the vicinity of heritage items of State significance, , consideration will be given to forwarding any application to Heritage NSW for comment.</p> <p>The amendments to Part 4.3.3 of the Parramatta DCP 2011 – Strategic Precincts Parramatta City Centre endorsed by Council on 11 October 2021 for public exhibition include heritage controls tailored to the Parramatta CBD. Any development application for the site would also be assessed in accordance with these controls including Section 6 Heritage however where there is an inconsistency the controls in the site-specific DCP for 8-14 Great Western Highway would prevail.</p>
<ul style="list-style-type: none"> <li>The other objectives and controls relating to heritage in the draft site-specific DCP are encouraging and should have a positive heritage outcome</li> </ul>	Noted
<ul style="list-style-type: none"> <li>There is potential for archaeological relics to be present at this site and the applicant should undertake an investigation of the likelihood of relics and identify any management required</li> </ul>	Clause 5.10(7) of the PLEP 2011 requires Council to notify Heritage NSW (as delegate of the Heritage Council) of any application on an archaeological site and take any comments into consideration. Further to this, under Section 3.5.2 Archaeology of the PDCP 2011, archaeology is required to be



MATTERS RAISED	COUNCIL OFFICER RESPONSE
under the Heritage Act 1977 to inform any future development application for the site.	addressed with the application and draft Heritage Control C. 16 requires the applicant to provide evidence that they have the support of Heritage NSW prior to Council's determination.
Transport for NSW	
<ul style="list-style-type: none"> <li>The proposed site-specific provision applying a maximum car parking rate as per the endorsed Parramatta CBD Planning Proposal is supported.</li> </ul>	Noted.
<ul style="list-style-type: none"> <li>TfNSW will ultimately determine the driveway requirements as the vehicular access is proposed to a classified road. It is requested that Access Control C.10 on page 7 of the draft DCP as follows:  <i>"The driveway from the Great Western Highway must be a minimum width of 12m wide and comply with Council's engineering standards"</i>, be replaced with:  <i>"The driveway from the Great Western Highway must comply with AS2890.1 2004 and AS2890.2 – 2018"</i>.</li> </ul>	Noted. This change is supported by Council's Traffic and Transport Team and is included in the recommendation to Council.
<ul style="list-style-type: none"> <li>Potential future road widening requirements along the Great Western Highway remain unresolved. However, the proposed 6 metre wide setback to the front boundary on the Great Western Highway is supported as it will make possible allowance for future road widening if required.</li> </ul>	<p>Noted. Draft site-specific DCP controls C3., C4 and C6 under the heading 'Building alignment and setbacks controls' support the requirement for a 6 metre of the building from the front boundary on the Great Western Highway.</p> <p>It is also noted that during the preparation of the Parramatta CBD Planning Proposal, TfNSW requested that no new road widening proposals be added where they are the acquisition authority pending further discussion and consultation. When the Parramatta CBD Planning Proposal was publicly exhibited, TfNSW did not seek inclusion of any road widening in their submission. Consequently, no reservation has been applied to the land for finalisation of the Parramatta CBD Planning Proposal.</p>
<ul style="list-style-type: none"> <li>An appropriate funding mechanism/agreement should be in place prior to the finalisation of the</li> </ul>	The NSW State Government has yet to implement the State Infrastructure Contribution (SIC) requirement that it has been flagging over the last 5 years. Some State Government Agencies

MATTERS RAISED	COUNCIL OFFICER RESPONSE
amendment to the LEP to help ensure that developer contributions are obtained on an equitable basis for the provision of state and regional transport infrastructure required to support development uplift and future growth in the Parramatta CBD precinct.	have been requesting that Council apply a satisfactory arrangements clause which would require the applicant to make a contribution towards State Government Infrastructure even if the SIC is never implemented. Where State Agencies have requested during the exhibition process that this clause be applied to Council Planning Proposals, Officers have raised concern that the application of these clauses is inconsistent and does not treat all developers in the Parramatta CBD equitably. It is also noted that the Gateway determination for the site does not require Council to include a satisfactory arrangements clause within the Planning Proposal. Council Officers consider that this is an issue for DPIE to resolve, as the agency advice being provided here does not appear to be consistent with DPIE's position on this matter.
<b>Endeavour Energy</b>	
<ul style="list-style-type: none"> <li>Provided details of existing electricity infrastructure on the site and provided their guidelines and technical specifications for future development.</li> </ul>	Noted. Advice was forwarded to the applicant.
<b>Department of Planning, Industry and Environment – Environment, Energy and Sciences</b>	
<ul style="list-style-type: none"> <li>Noted the proposal and raised no comments or concerns.</li> </ul>	Noted.

Table 2: Community Submissions

MATTERS RAISED	COUNCIL OFFICER RESPONSE
<p>Objects to any increase in density on this site and the draft Planning Agreement appears to be a bribe to permit the FSR bonuses.</p> <p>Plans on writing to the ICAC in relation to the inducement the council is receiving for endorsing the density proposed.</p>	<p><u>One (1) submission raised this issue.</u></p> <p>Advice was provided to the author of this submission on 6 August 2021 via email as follows:</p> <p><i>Since 2013, Council has been undertaking a process of preparing amended planning controls for the broader Parramatta CBD in recognition of the identification of Parramatta by the State Government as a centre for substantial growth in jobs and housing. This process has resulted in the Parramatta CBD Planning Proposal which provides a new framework for increased density</i></p>

MATTERS RAISED	COUNCIL OFFICER RESPONSE
<p>Object to any concessions of this magnitude being given to any developer. They should be treated the way the author was treated with his DA just down the road.</p>	<p><i>controls across the Parramatta CBD. Included with the CBD Planning Proposal is an Infrastructure framework which originally aimed to levy developers through Planning Agreements to secure contributions to fund community infrastructure within the CBD.</i></p> <p><i>Council's endorsed approach to the infrastructure framework for the Parramatta CBD has recently changed in light of changes by the State Government to its "Planning Agreements – Practice Note" which no longer supports the use of Planning Agreements for the purpose of value capture. Therefore, Council as part of its consideration of a report on the Parramatta CBD Planning Proposal at the Council Meeting on 23 June 2021 has resolved to no longer proceed with this approach. Instead, Council will seek to fund infrastructure through an increase in the percentage rate of the developer contributions plan. A report to Council on the increase in the percentage rate of the developer contributions plan endorsed a modified Contributions Plan for the Parramatta CBD for the purpose of public exhibition at the Council Meeting on 26 July 2021.</i></p> <p>Since the public exhibition of the draft Agreement, Council has endorsed the Parramatta CBD Local Infrastructure Contributions Plan (endorsed by Council at its meeting of 25 October 2021). Under this Plan, Council is no longer seeking funding for local infrastructure within the CBD by securing monetary contributions through Planning Agreements. Rather, the Plan seeks to increase the percentage rate applicable to developments in the CBD under Section 7.12 (formerly known as Section 94A contributions). It should be noted that Council cannot apply the increased percentage levy until the Minister endorses the Contributions Plan. At the time of the preparation of this report, the Parramatta CBD Local Infrastructure Contributions Plan had been forwarded to the Minister and has yet to be approved.</p> <p>The site-specific Planning Proposal for 8-14 Great Western Highway was lodged by the applicant in 2019 and has been one of several site-specific planning proposals lodged by property owners within the Parramatta CBD seeking to increase the height and floor space ratio controls on their site to achieve the same density proposed by the Parramatta CBD Planning Proposal.</p> <p>These site-specific Planning Proposals have been assessed by Council against the strategic framework of the Parramatta CBD Planning Proposal and associated infrastructure framework. The subject Planning Proposal for 8-14 Great Western Highway is consistent with the</p>

MATTERS RAISED	COUNCIL OFFICER RESPONSE
	<p>controls proposed to be introduced by the CBD Planning Proposal. The CBD Planning Proposal is expected to be notified and come into effect later in 2021 (subject to the DPIE), at which time, the subject site-specific Planning Proposal will most likely not proceed further as the changes sought to the controls will have been already introduced by the CBD-wide Planning Proposal.</p> <p>At the time that the subject Planning Proposal was assessed, Council's endorsed position was to enter into Planning Agreements with applicants in order to secure the contribution towards community infrastructure in the CBD. As Council's position has recently changed for the reasons described above, it will be recommended to Council that it not proceed with the Planning Agreement exhibited with the site-specific Planning Proposal for 8-14 Great Western Highway and instead be subject to the amended developer contributions rate consistent with in the Draft Parramatta CBD Local Infrastructure Contributions Plan 2021.</p> <p><b>It is noted that the official ICAC email addresses was copied into the Council email response sent to the author of this submission. No reply to Council's email to the author has been received to date.</b></p>
<p>High density housing should not be pursued in a pandemic world as one infection in the building can force the whole building into lockdown. Further, without the return to pre-Covid immigration levels, we may end up with half empty apartment buildings. Council should defer the project to first assess design guidelines for a future pandemic world.</p>	<p><u>One (1) submission raised this issue.</u></p> <p>The response to Covid-19 has been co-ordinated by the Federal and State Government. Current public health measures do not include the deferral of development projects but rather they are seen by the NSW Government as an important initiative in the road to economic recovery.</p>
<p>Even the energy-efficient versions of high density housing will increase demand for energy for things like lift cores and air conditioning. The NSW power grid will not be able to accommodate the growth in demand for electricity.</p>	<p><u>One (1) submission raised this issue</u></p> <p>The subject Planning Proposal includes the introduction of a site-specific clause which provides for a 5% FSR bonus for High Performing Buildings consistent with Council's endorsed position on the Parramatta CBD Planning Proposal. This relates to the meeting of targets for water and electricity usage. The relevant targets for commercial buildings and the commercial component of mixed use buildings is based on a NABERS rating of between 3.5 and 5.5 depending on the proposed type of commercial/retail use. The relevant targets for residential development are over and above those normally required by the current BASIX requirements. These controls will be regularly reviewed by Council to ensure high performing building measures improve over time to reflect new technologies and commercial viability.</p>

MATTERS RAISED	COUNCIL OFFICER RESPONSE
	Further the site-specific Planning Proposal was referred to Endeavour Energy who did not raise any issues in relation to this matter.
Planning for Sydney's growth by the Greater Sydney Commission does not take into account energy-related analysis. Council should pro-actively engage in the maximum electricity demand monitoring exercise.	<u>One (1) submission raised this issue</u> This is a matter for the State Government and is beyond the cope of the subject Planning Proposal. Refer to comment above regarding the endorsed approach to energy efficiency standards for development of the site.
As a resident of Parramatta, objects to the Planning Proposal and the proliferation of high rise buildings as there are no associated services being provided eg. new train lines, new hospitals, child care centres, schools and shopping centres.	<u>One(1) submission raised this issue</u> The planning for the development of the Parramatta CBD under the CBD Planning Proposal is accompanied by the Draft Parramatta CBD Local Infrastructure Contributions Plan 2021. This aims to levy developers to secure monetary contributions towards the provision of community infrastructure within the CBD. This ensures that community infrastructure can keep pace with the expected increase in population. The Draft Parramatta CBD Local Infrastructure Contributions Plan 2021 has been publicly exhibited and the results of public exhibition are expected to be reported to Council at its Meeting on 25 October 2021. In terms of State Government infrastructure, Parramatta is set to benefit from significant Government investment in new facilities and infrastructure including the Parramatta Light Rail, the Sydney West Metro and the Museum of Applied Arts and Sciences. The Greater Sydney Commission (GSC) is also working with council and relevant agencies to ensure infrastructure delivery is matched with growth in the Greater Parramatta to Olympic Park (GPOP) corridor which includes the Parramatta CBD. At the time of writing this report, the GSC is preparing a strategic planning framework for GPOP which is exhibited to be publicly exhibited to encourage community input into the future vision for GPOP.
The area is characterised by low rise residential units and they will be affected by the proposal in terms of sunlight access, sewerage, traffic, shopping and public transport.	<u>One (1) submission raised this issue</u> It is acknowledged that the surrounding area will be affected by overshadowing from the future development of the site under the controls endorsed in the Planning Proposal. However, the development controls within the proposal will provide for tall, slender building forms. This way, while a large number of properties will be overshadowed, the shadows will be fast moving and will minimise the impacts on any one property. Further, shadow diagrams are required to be submitted with any development application for the site allowing this issue to assessed in detail.

MATTERS RAISED	COUNCIL OFFICER RESPONSE
	<p>Parramatta CBD is well-serviced by existing public transport and retail facilities and as noted above the Parramatta CBD is expected to benefit from new public infrastructure. In relation to traffic and future public transport provision, Council has prepared an Integrated Transport Plan (ITP) that considers the transport needs arising from the growth anticipated under the Parramatta CBD Planning Proposal. Following public exhibition, the ITP was endorsed by Council on 26 July 2021 and submitted to DPIE to support the finalisation of the CBD Planning Proposal.</p> <p>To reduce the load on the existing sewerage system from new development, the CBD Planning Proposal introduces a new requirement for provision of dual water supply to require potable water pipes and recycled water pipes for the purposes of all available internal and external water uses.</p>
Tall buildings should also be permitted on the southern side of the Great Western Highway to provide a greater sense of arrival into Parramatta from the future Badgery's Creek Airport.	<p><u>Two (2) submissions raised this issue</u></p> <p>As part of Council's consideration on the CBD Planning Proposal on 25 November 2019, Council resolved to further investigate several areas on the periphery of the CBD for potential increases in density. This includes what is referred to as the Southern Planning Investigation Area (PIA) which encompasses an area south of the Great Western Highway opposite the subject site and west Auto Alley.</p>

Table 3: Heritage Advisory Committee Submission

MATTERS RAISED	COUNCIL OFFICER RESPONSE
<p>At its Meeting on 26 November 2020, the Heritage Advisory Committee were made aware of the impending public exhibition of the Planning Proposal, draft DCP and draft Planning Agreement. The Committee asked that its previous comments on the Parramatta CBD Planning Proposal be considered in this regard. These comments include:</p> <p>a. <i>The importance of Parramatta's rich and diverse heritage (Aboriginal, non-Aboriginal</i></p>	<p>In regard to the Committee's comments, no comments were made specific to the site but rather, contained general heritage comments. It is considered that the concerns raised regarding setbacks to historic landmarks have been addressed by the draft DCP which propose heritage provisions, setbacks and deep soil zones to manage the impacts of development on nearby heritage items.</p>

MATTERS RAISED	COUNCIL OFFICER RESPONSE
<p><i>and shared) and architectural development over time. The Committee considers that Parramatta is the sum of all its parts and it should not be reduced by a part-by-part nibbling of its identity;</i></p> <p><i>b. A built heritage that reflects this rich and diverse history and architectural styles, not just concerns with the current trends in commercial and residential high-rise architecture;</i></p> <p><i>c. A major stepping down provision for areas surrounding individual heritage items as well as conservation areas to give the heritage items room for space, setting, context and connection to/with other heritage items (e.g. 10 m Perth House, blocks on western side of Sorrell Street);</i></p> <p><i>d. Opening up vistas/sightlines to and from Civic Place and nearby landmarks by increasing setbacks closest to Civic Place e.g. corners of Church, Macquarie, Hunter Streets e.g. 15 metres;</i></p> <p><i>e. Providing sufficient setbacks to all major historic landmarks, not only in Church Street; and</i></p> <p><i>f. Heritage considerations should be a key principle, incorporating design excellence, the heritage of Parramatta and its architectural history, and its city landscape as key values.</i></p>	

MATTERS RAISED	COUNCIL OFFICER RESPONSE
The Committee were further notified of the public exhibition on 21 July 2021 and no further comments were made.	





Planning,  
Industry &  
Environment

IRF21/3731

Mr Brett Newman  
Chief Executive Officer  
City of Parramatta  
PO BOX 32  
PARRAMATTA NSW 2124

Dear Mr Newman

**Planning proposal PP\_2020\_COPAR\_006\_00 – Alteration of Gateway Determination**

I refer to the planning proposal PP\_2020\_COPAR\_006\_00 to amend the planning controls at 8-14 Great Western Highway, Parramatta.

A Gateway determination for this proposal was issued on 1 September 2020 and a 12-month timeframe for finalisation was provided. At the time, it was noted that the proposal was largely consistent with Council's resolved position in relation to the CBD Planning Proposal (CBD PP). The CBD PP has since moved to finalisation ahead of the site-specific planning proposal. Given that the planning proposal's objectives broadly align with the CBD PP, prioritising finalisation of the CBD PP is considered the most efficient mechanism to achieving the objectives of the proposal.

In light of the above, I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 1 September 2020 for PP\_2020\_COPAR\_006\_00 so it does not proceed. The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Natalie Thai to assist you. Ms Thai can be contacted on 8289 6952.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Catherine Van Laeren'.

28/10/2021

**Catherine Van Laeren**  
**Executive Director**  
**Central River City and Western Parkland City**

Encl: Alteration of Gateway Determination



**Planning,  
Industry &  
Environment**

## **Alteration of Gateway Determination**

**Planning proposal (Department Ref: PP\_2020\_COPAR\_006\_00)**

I, Executive Director, Central River City and Western Parkland City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 1 September 2020 for the proposed amendment to the Parramatta Local Environmental Plan 2011 as follows:

1. Change the description of the planning proposal from:

"I, Director Central (GPOP), Central River City and Western Parkland City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environment Planning and Assessment Act 1979* (the Act) that an amendment to the Parramatta Local Environmental Plan (LEP) (2011) to amend the planning controls for land at 8-14 Great Western Highway should proceed subject to the following conditions:"

and replace with:

"I, Executive Director, Central River City and Western Parkland City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environment Planning and Assessment Act 1979* (the Act) that an amendment to the Parramatta Local Environmental Plan (LEP) (2011) to amend the planning controls for land at 8-14 Great Western Highway should not proceed"

2. Delete conditions 1 to 7.

Dated 28<sup>th</sup> day of October 2021

**Catherine Van Laeren**  
Executive Director, Central River City  
and Western Parkland City  
Greater Sydney, Place and  
Infrastructure  
Department of Planning, Industry and  
Environment

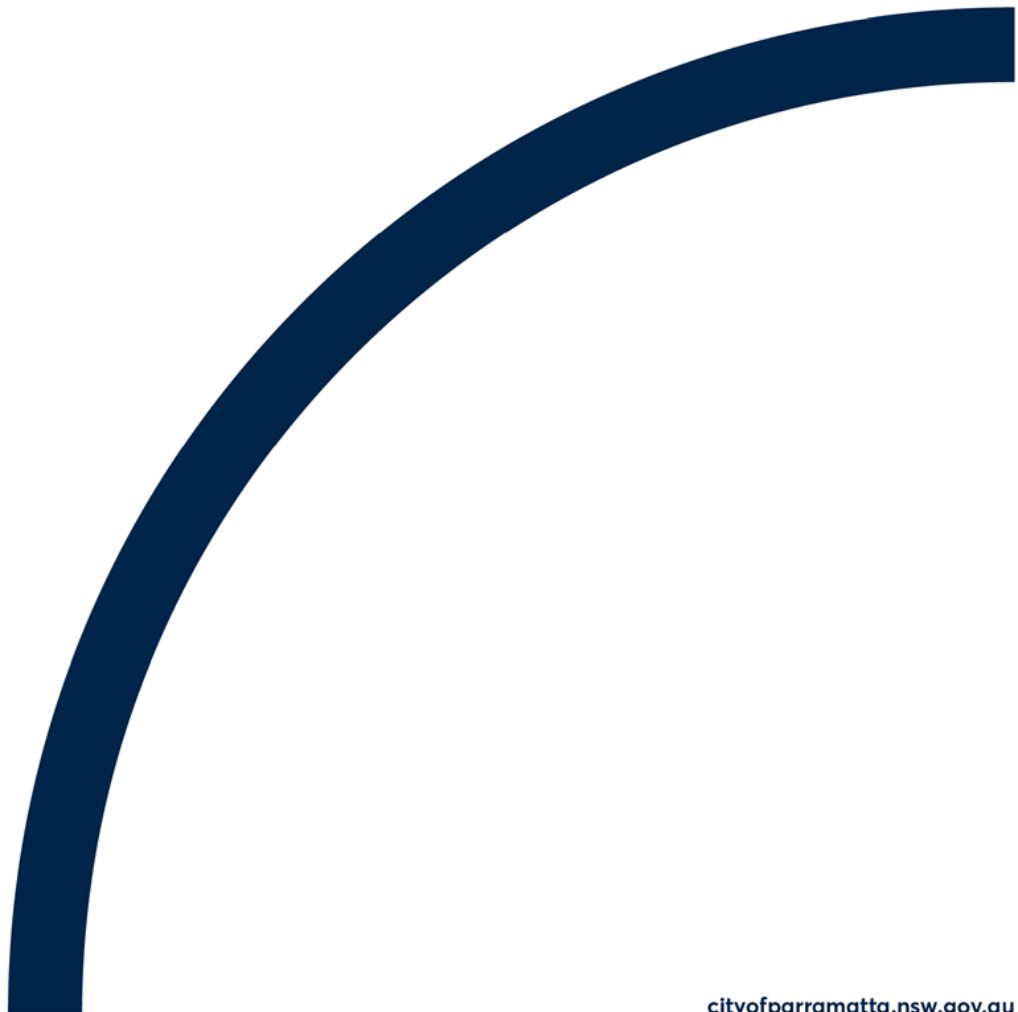
**Delegate of the Minister for Planning  
and Public Spaces**

PP\_2020\_COPAR\_006\_00 (IRF21/3731)



# PLANNING PROPOSAL

8-14 Great Western Highway, Parramatta NSW



[cityofparramatta.nsw.gov.au](http://cityofparramatta.nsw.gov.au)

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PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

**Planning Proposal drafts**

Version No.	Author	Version
1.	GLN	August 2019
2.	City of Parramatta Council	19 May 2020: Report to Local Planning Panel
3.	City of Parramatta Council	9 June 2020: Report to Council and submission to the Department of Planning, Industry and Environment for Gateway Determination
4.	City of Parramatta Council	June 2021: Pre-exhibition – amendments to ensure consistency with Gateway Determination and other relevant administrative amendments made for purposes of clarification

PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

# INTRODUCTION

This Planning Proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta Local Environmental Plan 2011* for the property known as 8-14 Great Western Highway, Parramatta. It has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment guides, 'A Guide to Preparing Local Environment Plans' (August 2016) and 'A Guide to Preparing Planning Proposals' (August 2016) and 'Guidance for merged councils on planning functions' (May 2016).

## Background and context

The Planning Proposal application was lodged on 13 September 2019 by GLN Planning Pty Ltd. The proposal effects 8 Great Western Highway, legally known as Lot 10 DP1097949, and 10-14 Great Western Highway, legally known as SP8700. The site fronts Great Western Highway and has a site area of approximately 2,386sqm (refer **Figure 1**). Currently, the site comprises a vacant lot and a 3 storey walk-up residential flat building above car parking (refer **Figure 2**).

As per the Ministerial direction issued on 27 September 2018, Council is required to refer all Planning Proposals prepared after 1 June 2018 to the Local Planning Panel for advice before Council considers whether or not to forward it to the Department of Planning, Industry and Environment for a Gateway Determination. At its meeting on 19 May 2020, the Parramatta Local Planning Panel, in issuing its advice to Council, supported the Council Officer's recommendations.



**Figure 1** – Site at 8-14 Great Western Highway subject to the planning proposal (outlined in red).



PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta



**Figure 2** – The existing site comprising of a 3-storey residential flat building above car parking.

Under *Parramatta Local Environment Plan 2011*, the site:

- is zoned B4 Mixed Use;
- has a maximum building height of 28 metres;
- has a maximum floor space ratio (FSR) of 3.5:1;
- is located within proximity of identified heritage items;

The site is not flood prone.

An extract of the Parramatta LEP 2011 maps are provided in Section 4.1 Existing controls.

**Note:** This Planning Proposal has been amended prior to exhibition to ensure consistency with the Gateway Determination, and to undertake relevant administrative amendments for the purposes of clarification. Please refer to these edits in red text throughout.

PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal seeks to amend the existing *Parramatta Local Environment Plan 2011* to:

- Increase the height of building and floor space ratio controls; and
- Insert site-specific provisions relating to design excellence, high performing buildings, minimum commercial floor space, maximum additional commercial floor space and maximum car parking rates.

The proposed amendments to the *Parramatta Local Environment Plan 2011* will facilitate a development consisting of:

- A podium with single tower above building at 170 metres (approx. 52 storeys) **Note. Whilst the reference design at Appendix 1 demonstrates a building height of 170 metres, the site is capable of achieving a building height of RL 211m (RL 243m when including Design Excellence bonus), consistent with the Parramatta CBD Planning Proposal;**
- 399 dwellings (equivalent to 33,404sqm of residential GFA);
- At least 2,386sqm commercial GFA; and
- 243 car parking spaces within 4 levels of basement parking.

The Urban Design Analysis detailing the built form response for this site, prepared by Plus Architecture, can be found at **Appendix 1**.

The submitted Reference Design at Appendix 1 illustrates a building envelope with a maximum height of 170 metres. However, this Planning Proposal seeks to increase the height from 28m to RL 211 metres to align with the controls endorsed under the Parramatta CBD Planning Proposal.

The Parramatta CBD Planning Proposal identifies a maximum incentive building height of RL 211 metres (total height of 243m RL when including 15% Design Excellence bonus), which reflects the maximum height limit permitted by the Civil Aviation Safety Authority.

In relation to the subject proposal, Council's internal testing of the applicant's urban design analysis report indicated that a mixed-use development incorporating a floor-space ratio of 16.42:1 (as provided in the applicant's Urban Design Report), with appropriate setbacks, could be accommodated on the subject site within a height of 170 metres (52 storeys), rather than the applicant's proposed 166 metres (51 storeys). However, the Planning Proposal has been amended to request a height of RL 211 metres (65 storeys), (RL 243 metres (75 storeys) with Design Excellence).

This change to the height control in the applicant's original Planning Proposal correlates with the change to allow unlimited commercial floor-space above the 1:1 requirement, consistent with the Parramatta CBD Planning Proposal. Further to this, the proposed height of RL 211 metres is consistent with the Parramatta CBD Planning Proposal and allows for design flexibility. It may be necessary due to traffic and road widening issues for a narrower and taller tower to ultimately be built on this site. Allowing for a height consistent with the Parramatta CBD Planning Proposal gives the flexibility to deal with these design issues that may require additional height above that shown in the current reference design. The impact of allowing a taller building has already been tested and shown to be acceptable as part of the Parramatta CBD Planning Proposal process.



PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

## PART 2 – EXPLANATION OF PROVISIONS

This planning proposal seeks to amend *Parramatta Local Environment Plan 2011 (PLEP 2011)* to increase the maximum height of building and the maximum floor space ratio (FSR) to 10:1 and insert new provisions for Opportunity Sites and High Performing Building consistent with the Parramatta CBD Planning Proposal. Design Excellence is already incorporated in Parramatta LEP 2011.

This site-specific Planning Proposal can facilitate a floor-space ratio up of at least 16.42:1, comprising of the following:

- Mapped FSR of 10:1 of which a minimum of 1:1 FSR must be commercial uses;
- Design Excellence bonus (15% i.e. 1.5:1) – provided under CI7.10 of PLEP 2011;
- High Performing Buildings bonus (5% i.e. 0.5:1);
- Opportunity Sites bonus (3:1); and
- Unlimited additional commercial FSR (at least 1.42:1)

To achieve the above desired objectives, the following amendments to the *PLEP 2011* would need to be made:

1. Amend the maximum building height in the **Height of Buildings Map** (Sheet HOB\_010) from 28 metres to RL 211 metres (65 storeys), **(RL 243 metres (75 storeys) with 15% Design Excellence bonus)**. Refer Figure 8 in Part 4 of this planning proposal.
2. Amend the maximum FSR in the **Floor Space Ratio Map** (Sheet FSR\_010) from 3.5:1 to 10:1. Refer Figure 9 in Part 4 of this planning proposal.
3. Amend the **Special Provisions Area Map** (Sheet CL1\_010) to identify the site as Area X (*number to be allocated prior to finalisation*). Refer to Figure 10 in Part 4 of this Planning Proposal.
4. **Insert a site-specific provision applying maximum car parking rates per the endorsed Parramatta CBD Planning Proposal.**
5. Insert a new subclause entitled Development of Land at 8 - 14 Great Western Highway, Parramatta which:
  - Inserts a site-specific provision which requires a minimum 1:1 commercial floor space to be provided on the site (of the mapped maximum FSR of 10:1);
  - Insert a site-specific provision which allows an additional 5% floor-space ratio bonus (0.5:1), provided high performing building standards are met (provided in Table 2 below);
  - Insert a site-specific provision which allows an additional 3:1 floor-space ratio if the development demonstrates it meets the 'opportunity site' criteria (provided in Table 2 below); and
  - Insert a site-specific provision which allows for an unlimited additional commercial floor-space ratio above the mapped floor-space ratio control.

PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

**Table 2: Criteria for achieving floor-space ratio bonuses**

<b>High Performing Buildings criteria</b>
In relation to residential development to demonstrate that:
a. The energy target is a minimum 10-point increase in the BASIX score compared to current requirements.
b. The water target is a minimum 15-point increase in the BASIX score compared to current requirements.
<b>Opportunity Sites (3:1 bonus) criteria</b>
a. The development site must be at least 40 metres wide at the front building line and have an area of at least 1,800 square metres;
b. The development must demonstrate an appropriate transition to any heritage items;
c. The development must have already achieved the Design Excellence bonus (through completion of a competitive design process) under Clause 7.10 of PLEP 2011;
d. The development must have already achieved the High Performing Buildings bonus (through meeting High Performing Building criteria); and
e. A site-specific DCP is to be prepared.
<b>Unlimited Commercial Floorspace</b>
In relation to provision of 'unlimited' commercial premises floorspace that:
• Only where the site has a minimum area of 1,800 square metres.
• Conversion of any commercial premises floor space approved to residential accommodation floor space is prohibited.

## 2.1. Other relevant matters

### 2.1.1 Voluntary Planning Agreement

The applicant has indicated their willingness to enter into a Voluntary Planning Agreement (VPA) with Council.

The Parramatta CBD Planning framework includes a resolution of Council dated 10 April 2017 which applies a 'Phase 1' community infrastructure contribution and a 'Phase 2' community infrastructure contribution whichever Community Infrastructure rate applies to residential development at the time of negotiation. On 10 April 2017, Council endorsed rates of \$150/sqm for Phase 1 value sharing for the difference between the current (or 'base') and a value sharing of \$375/sqm for Phase 2 value sharing for Opportunity Sites. However community Infrastructure rate applies to residential development at the time of negotiation.

Council have successfully negotiated a Planning Agreement with the Applicant for the delivery of local amenities, services, and infrastructure. The Planning Agreement has a total value of \$5,010,600 and is being exhibited concurrently with the Planning Proposal.

### 2.1.2 Draft DCP

Council has endorsed a draft site-specific development control plan (DCP) for the site. This DCP contains specific requirements, including, but not limited to:

- Building heights
- Building alignment and setbacks
- Building separation
- Street wall design and ground floor
- Access, parking, and servicing
- Heritage

PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

- **Landscaping**

The draft site-specific DCP is being exhibited concurrently with this Planning Proposal and draft Planning Agreement.

## PART 3 – JUSTIFICATION

This part describes the reasons for the proposed outcomes and development standards in the planning proposal.

### 3.1. Section A - Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcome and objectives. The set questions address the strategic origins of the proposal and whether amending the LEP is the best mechanism to achieve the aims on the proposal.

#### 3.1.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

This Planning Proposal was prepared in response to Council's adoption of the Parramatta CBD Planning Strategy and Parramatta CBD Planning Proposal.

Council adopted the Parramatta CBD Planning Strategy in April 2015. The Strategy is the outcome of a study which reviewed the current planning framework and included a program of consultation with stakeholders and the community. The strategy sets the vision for the growth of the Parramatta CBD. Council has subsequently prepared a Planning Proposal which has been informed by Councillor workshops held throughout 2015 and various Council resolutions.

The Parramatta CBD Planning Proposal (CBD PP) was endorsed by Council on 25 November 2019 for the purpose of commencing consultation with State agencies. The CBD PP seeks to deliver a new planning framework through amendments to *PLEP 2011*, applying to land collectively referred to as the 'Parramatta CBD', within the City of Parramatta Local Government Area. The CBD PP is currently at Pre-Exhibition stage. Whilst the CBD PP has received Gateway determination, the Department has requested further matters to be addressed prior to exhibition. This site-specific PP is consistent with the Council's CBD PP being the most recently adopted position on density increases in the Parramatta CBD.

The planning proposal has been informed by an Urban Design Analysis prepared by Plus Architecture (**Appendix 1**). This analysis incorporates feedback from Council's Urban Design and Planning Units and demonstrates that increased height and floor space can be achieved on the site, consistent with the strategic vision for the Parramatta CBD. It is noted that the reference design within the urban design report envisions that the floor space ratio, inclusive of all bonuses, can be accommodated in a tower of 170 metres. However, Council Officers have revised this PP to request a maximum building height of RL 211 metres (RL 243 metres (75 storeys) with 15% design excellence). This is to acknowledge that potential road widening and access arrangements may require the built form to be reconfigured and greater height may be required to accommodate these changes. Further, a height of RL 211 metres is consistent with the CBD PP.

Further, at its meeting on 19 May 2020, the Parramatta Local Planning Panel, in issuing its advice to Council, supported the Council Officer's recommendations and advised Council that the Planning Proposal is consistent with the Parramatta CBD Planning Proposal.

#### 3.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

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A Planning Proposal, and amendment of *PLEP 2011*, is the most effective way of providing certainty for Council, the local community and the landowner and allows for orderly development of the subject site. The planning proposal will result in a built form, incorporate high performance building measures and framework contribute to infrastructure needs that could not be pursued under the existing planning controls in *PLEP 2011*. It will enable a higher intensity of development including a mix of residential and commercial uses commensurate with Parramatta's status as Sydney's second CBD and will assist in meeting State Government dwelling and employment targets in a location well serviced by public transport.

This planning proposal, involving a statutory amendment to the *PLEP 2011*, is considered the only means of achieving the objective and intended outcome.

### 3.2. Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the NSW Government's Plan for Growing Sydney and subregional strategy, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

#### 3.2.1 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

##### A Metropolis of Three Cities

In March 2018, the NSW Government released the *Greater Sydney Region Plan: A Metropolis of Three Cities* ("the GSRP") a 20-year plan which outlines a three-city vision for metropolitan Sydney for to the year 2036.

The GSRP is structured under four themes: Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are 10 directions that each contain Potential Indicators and, generally, a suite of objective/s supported by a Strategy or Strategies. Those objectives and or strategies relevant to this planning proposal are discussed below.

##### Infrastructure and Collaboration

An assessment of the planning proposal's consistency with the GSRP's relevant Infrastructure and Collaboration objectives is provided in Table 3a, below.

**Table 3a** – Consistency of planning proposal with relevant GSRP Actions – Infrastructure and Collaboration

Infrastructure and Collaboration Direction	Relevant Objective	Comment
A city supported by infrastructure	O1: Infrastructure supports the three cities	This proposal will increase commercial and housing opportunities in Parramatta which supports its role as a growth centre, as envisaged in the GSRP. The proposed development is also close to transport linkages which facilitates integration between the three cities.



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	<b>O2:</b> Infrastructure aligns with forecast growth – growth infrastructure compact	The increase in housing supply proposed in this development aligns with the forecast growth of Parramatta CBD, which will need to accommodate significant numbers of people close to existing and planned infrastructure.
	<b>O4:</b> Infrastructure use is optimised	The proposal optimises use of Parramatta CBD's railway, bus and metro infrastructure by providing nearby housing for commuters and commercial opportunities.

**Liveability**

An assessment of the planning proposal's consistency with the GSRP's relevant Liveability objectives is provided in Table 3b, below.

**Table 3b – Consistency of planning proposal with relevant GSRP Actions – Liveability**

Liveability Direction	Relevant Objective	Comment
<b>A city for people</b>	<b>O6:</b> Services and infrastructure meet communities' changing needs	Contributions will be made towards community infrastructure such as community and cultural facilities, cycleways and environmental and recreational facilities.
	<b>O7:</b> Communities are healthy, resilient and socially connected	
	<b>O8:</b> Greater Sydney's communities are culturally rich with diverse neighbourhoods	
	<b>O9:</b> Greater Sydney celebrates the arts and supports creative industries and innovation	
<b>Housing the city</b>	<b>O10:</b> Greater housing supply	The Planning Proposal will allow the delivery of an estimated 399 apartments that will contribute to housing targets and provide diversity in dwellings for the district.
	<b>O11:</b> Housing is more diverse and affordable	In accordance with the PDCP 2011, a range of apartment units will be provided, including studio to 3 bedrooms and Universal Access apartments.
<b>A city of great places</b>	<b>O12:</b> Great places that bring people together	This Planning Proposal will be supported by a site-specific DCP that will ensure an appropriate relationship between existing and proposed development.
	<b>O13:</b> Environmental heritage is identified, conserved and enhanced	The subject site is located within the broader Parramatta Archaeological Management Unit 3060 and adjacent to State listed heritage sites, including Lennox House and the Masonic Centre. Heritage matters will be addressed in a draft DCP.

**Productivity**

An assessment of the planning proposal's consistency with the GSRP's relevant Productivity objectives is provided in Table 3c, below.

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**Table 3c – Consistency of planning proposal with relevant GSRP Actions – Productivity**

Productivity Direction	Relevant Objective	Comment
A well connected city	<b>O14:</b> The plan integrates land use and transport creates walkable and 30 minute cities	The Planning Proposal supports the continuing development of the Parramatta CBD by providing diverse housing in close proximity to existing transport routes – Parramatta Railway Station/Bus Terminal and Light Rail Stops at Macquarie St.
	<b>O15:</b> The Eastern, GOPP and Western Economic Corridors are better connected and more competitive	This proposal supports increased competitiveness in GOPP as it provides increased commercial opportunities and residential capacity close to transport.
Jobs and skills for the city	<b>O19:</b> Greater Parramatta is stronger and better connected	See O14 and O15.
	<b>O22:</b> Investment and business activity in centres	The proposal's commercial use is appropriately located in Parramatta CBD, nearby transport options, concentrating investment and business in this area.
	<b>O24:</b> Economic sectors are targeted for success	This planning proposal is likely to increase jobs in Parramatta CBD by providing a significant amount of commercial floor space.

**Sustainability**

An assessment of the planning proposal's consistency with the GSRP's relevant Sustainability objectives is provided in Table 3d, below.

**Table 3d – Consistency of planning proposal with relevant GSRP Actions – Sustainability**

Sustainability Direction	Relevant Objective	Comment
A city in its landscape	<b>O31:</b> Public open space is accessible, protected and enhanced	Contributions will be made towards community infrastructure such as community facilities, cycleways and environmental and recreational facilities.
An efficient city	<b>O33:</b> A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The Planning Proposal includes a requirement for a high performing buildings bonus whereby a 5% FSR bonus is considered where the residential component meets higher BASIX water and energy targets.
	<b>O34:</b> Energy and water flows are captured, used and re-used	
	<b>O35:</b> More waste is re-used and recycled to support the development of a circular economy	

**Implementation**

An assessment of the planning proposal's consistency with the GSRP's relevant Implementation objectives is provided in Table 3e, below.

**Table 3e – Consistency of planning proposal with relevant GSRP Actions – Implementation**

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Implementation Direction	Relevant Objective	Comment
Implementation	O39: A collaborative approach to city planning	The planning proposal aligns with the directions of the GRSP in that it supports the growth and land use decisions in the Central City District Plan. The Planning Proposal will allow for the provision of high quality and diverse housing in close proximity to the Parramatta CBD.

**Central City District Plan**

In March 2018, the NSW Government released *Central City District Plan* which outlines a 20-year plan for the Central City District which comprises The Hills, Blacktown, Cumberland and Parramatta local government areas.

Taking its lead from the GSRP, the *Central City District Plan* ("CCDP") is also structured under four themes relating to Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are Planning Priorities that are each supported by corresponding Actions. Those Planning Priorities and Actions relevant to this planning proposal are discussed below.

**Infrastructure and Collaboration**

An assessment of the planning proposal's consistency with the CCDP's relevant Infrastructure and Collaboration Priorities and Actions is provided in Table 4a, below.

**Table 4a** – Consistency of planning proposal with relevant CCDP Actions – Infrastructure and Collaboration

Infrastructure and Collaboration Direction	Planning Priority/Action	Comment
<b>A city supported by infrastructure</b> <b>O1:</b> Infrastructure supports the three cities <b>O2:</b> Infrastructure aligns with forecast growth – growth infrastructure compact <b>O3:</b> Infrastructure adapts to meet future need <b>O4:</b> Infrastructure use is optimised	<b>PP C1: Planning for a city supported by infrastructure</b> <ul style="list-style-type: none"> <li><b>A1:</b> Prioritise infrastructure investments to support the vision of <i>A metropolis</i></li> <li><b>A2:</b> Sequence growth across the three cities to promote north-south and east-west connections</li> <li><b>A3:</b> Align forecast growth with infrastructure</li> <li><b>A4:</b> Sequence infrastructure provision using a place-based approach</li> <li><b>A5:</b> Consider the adaptability of infrastructure and its potential shared use when preparing infrastructure strategies and plans</li> <li><b>A6:</b> Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes to reduce the demand for new infrastructure, supporting the development of adaptive and flexible regulations to allow decentralised utilities</li> </ul>	Critical infrastructure is not required to achieve or unlock the potential of the site under the Planning Proposal as it is located close to transport, commercial and retail facilities that support the higher density outcomes proposed as outlined in O1, O2, O3, and O4 for GSRP.  The planning proposal and the future development of the site will result in equitable contributions for infrastructure upgrades across the wider Parramatta area.
<b>O5:</b> Benefits of growth realized by collaboration of governments, community and business	<b>PP C2: Working through collaboration</b> <ul style="list-style-type: none"> <li><b>A7:</b> Identify prioritise and delivery collaboration areas</li> </ul>	The planning proposal will foster collaboration through co-location of commercial/retail uses and residential development. Contributions will be made to further enhance community infrastructure in the Parramatta CBD.



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**Liveability**

An assessment of the planning proposal's consistency with the CCDP's relevant Liveability Priorities and Actions is provided in Table 4b, below.

**Table 4b – Consistency of planning proposal with relevant CCDP Actions – Liveability**

Liveability Direction	Planning Priority/Action	Comment
<b>A city for people</b> <b>O6:</b> Services and infrastructure meet communities' changing needs	<b>PP C3: Provide services and social infrastructure to meet people's changing needs</b> <ul style="list-style-type: none"> <li><b>A8:</b> Deliver social infrastructure that reflects the need of the community now and in the future</li> <li><b>A9:</b> Optimise the use of available public land for social infrastructure</li> </ul>	The Planning Proposal will facilitate a development that will require contributions to local infrastructure upgrades. These contributions are anticipated to go toward community infrastructure such as community facilities, cycleways, and environmental and recreational facilities.
<b>O7:</b> Communities are healthy, resilient and socially connected <b>O8:</b> Greater Sydney's communities are culturally rich with diverse neighbourhoods <b>O9:</b> Greater Sydney celebrates the arts and supports creative industries and innovation	<b>PP C4: Working through collaboration</b> <ul style="list-style-type: none"> <li><b>A10:</b> Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by (a-d).</li> <li><b>A11:</b> Incorporate cultural and linguistic diversity in strategic planning and engagement.</li> <li><b>A12:</b> Consider the local infrastructure implications of areas that accommodate large migrant and refugee populations.</li> <li><b>A13:</b> Strengthen the economic self-determination of Aboriginal communities by engagement and consultation with Local Aboriginal Land Council's.</li> <li><b>A14:</b> Facilitate opportunities for creative and artistic expression and participation, wherever feasible with a minimum regulatory burden including (a-c).</li> <li><b>A15:</b> Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places</li> </ul>	The reference scheme includes a ground floor lobby addressing Great Western Highway which will support activation of Great Western Highway.
<b>Housing the city</b> <b>O10:</b> Greater housing supply <b>O11:</b> Housing is more diverse and affordable	<b>PP C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport</b> <ul style="list-style-type: none"> <li><b>A16:</b> Prepare local or district housing strategies that address housing targets [abridged version]</li> <li><b>A17:</b> Prepare Affordable Rental housing Target Schemes</li> </ul>	The current land use controls significantly constrain the ability to deliver higher density housing on the site. The planning proposal will allow the delivery of an estimated 399 apartments that will contribute to housing targets and provide diversity in dwellings for the district. This is supported by the range of units from studio apartments to 3 bedroom apartments, which also provides affordable options.

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<b>A city of great places</b> <b>O12:</b> Great places that bring people together <b>O13:</b> Environmental heritage is identified, conserved and enhanced	<b>PP C6: Creating and renewing great places and local centres, and respecting the District's heritage</b> <ul style="list-style-type: none"> <li>• <b>A19:</b> Identify, conserve and enhance environmental heritage by (a-c)</li> </ul>	See O13 in GRSP.
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**Productivity**

An assessment of the planning proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 4c, below.

**Table 4c – Consistency of planning proposal with relevant CCDP Actions – Productivity**

Productivity Direction	Planning Priority/Action	Comment
<b>A well-connected city</b> <b>O19:</b> Greater Parramatta is stronger and better connected	<b>PP C7: Growing a stronger and more competitive Greater Parramatta</b> <ul style="list-style-type: none"> <li>• <b>A23:</b> Strengthen the economic competitiveness of Greater Parramatta and grow its vibrancy [abridged]</li> </ul>	<p>The planning proposal will provide commercial and residential opportunities in close proximity to Parramatta Railway Station which will strengthen the connections within Greater Parramatta. These increased opportunities for commercial and residential development will attract more people and improve the economic competitiveness of Parramatta CBD.</p> <p>The Planning Proposal will also provide for basement car parking to alleviate street parking in close proximity to the Parramatta CBD.</p>
<b>O14:</b> The plan integrates land use and transport creates walkable and 30 minute cities	<b>PP C9: Delivering integrated land use and transport planning and a 30-minute city</b> <ul style="list-style-type: none"> <li>• <b>A32:</b> Integrate land use and transport plans to deliver a 30-minute city</li> <li>• <b>A33:</b> Investigate, plan and protect future transport and infrastructure corridors</li> <li>• <b>A34:</b> Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network</li> </ul>	<p>The Planning Proposal will ensure that high density housing is located close to public transport networks to support walkability and cycling within the Parramatta CBD.</p>
<b>O23:</b> Industrial and urban services land is planned, retained and managed	<b>PP C10: Growing investment, business opportunities and jobs in strategic centres</b> <ul style="list-style-type: none"> <li>• <b>A37:</b> Provide access to jobs, goods and services in centres [abridged]</li> <li>• <b>A38:</b> Create new centres in accordance with the principles for Greater Sydney's centres</li> <li>• <b>A39:</b> Prioritise strategic land use and infrastructure plans for growing centres, particularly those with capacity for additional floorspace</li> </ul>	<p>The proposal provides commercial opportunities that will attract business and investment to Parramatta CBD. This considers the role of Greater Parramatta as a growth centre and the proposed development's proximity to transport.</p>

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**Sustainability**

An assessment of the planning proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 4d, below.

**Table 4d** – Consistency of planning proposal with relevant CCDP Actions – Sustainability

Sustainability Direction	Planning Priority/Action	Comment
<b>O30:</b> Urban tree canopy cover is increased	<b>PP C16: Increasing urban tree canopy cover and delivering Green grid connections</b> <ul style="list-style-type: none"> <li><b>A68:</b> Expand urban tree canopy in the public realm</li> </ul>	The planning proposal adopts setbacks to Great Western Highway for tree planting in deep soil areas to increase the tree cover.
<b>O31:</b> Public open space is accessible, protected and enhanced	<b>PP C17: Delivering high quality open space</b> <ul style="list-style-type: none"> <li><b>A71:</b> Maximise the use of existing open space and protect, enhance and expand public open space by (a-g) [abridged]</li> </ul>	Contributions will be made towards community infrastructure such as community facilities, cycleways and environmental and recreational facilities.
<b>An efficient city</b> <b>O33:</b> A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change <b>O34:</b> Energy and water flows are captured, used and re-used	<b>PP C19: Reducing carbon emissions and managing energy, water and waste efficiently</b> <ul style="list-style-type: none"> <li><b>A75:</b> Support initiatives that contribute to the aspirational objectives of achieving net-zero emissions by 2050</li> <li><b>A76:</b> Support precinct-based initiatives to increase renewable energy generation and energy and water efficiency</li> </ul>	The Planning Proposal introduces a new clause allowing the building to be meet high performing building targets, consistent with the CBD PP.

### 3.2.2 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The following local strategic planning documents are relevant to the planning proposal.

**Parramatta 2038 Community Strategic Plan**

Parramatta 2038 is a long-term Community Strategic Plan for the City of Parramatta and it links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the City and the region.

The planning proposal is considered to meet the strategies and key objectives identified in the plan including allowing for the concentration of housing around transport nodes and contributes towards dwelling targets for the Parramatta local government area.

**Parramatta Local Strategic Planning Statement**

Council's Local Strategic Planning Statement (LSPS) was published on 31 March 2020. Council's LSPS sets out a 20-year land use planning vision for the City of Parramatta, balancing the need for housing and economic growth, whilst protecting and enhancing housing diversity, heritage and local character. Further, the Local Strategic Planning Statement aims to protect the City's environmental assets and improve the health and liveability of the City.

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The subject site is situated with Parramatta CBD, an area identified for significant growth in the LSPS. The Planning Proposal is considered to meet the priorities, policy directions and actions of the LSPS, specifically, the actions to progress the Parramatta CBD Planning Proposal to increase commercial and housing opportunities in Parramatta CBD. Through this, it is noted that the site-specific Planning Proposal is consistent with the Parramatta CBD Planning Proposal.

### Parramatta CBD Planning Strategy

Council adopted the "Parramatta CBD Planning Strategy" at its meeting of 27 April 2015. The Strategy is the outcome of detailed technical studies which reviewed the current planning framework and also a significant program of consultation with stakeholders and the community. The objectives of the Strategy are as follows:

1. To set the vision for the growth of the Parramatta CBD as Australia's next great city.
2. To establish principles and actions to guide a new planning framework for the Parramatta CBD.
3. To provide a clear implementation plan for delivery of the new planning framework for the Parramatta CBD.

The Planning Proposal is consistent with the objectives of the Parramatta CBD Planning Strategy.

### 3.2.3 Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are of relevance to the site (refer to Table 5 below).

**Table 5** – Consistency of planning proposal with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistency: Yes = ✓ No = x N/A = Not applicable	Comment
SEPP No 55 Remediation of Land	✓	The site is currently a residential use. The planning proposal does not propose a change from the current B4 Mixed Use which permits residential development and as such a Phase 1 Assessment under SEPP No 55 is not required.
SEPP 64 – Advertising and Signage	N/A	Not relevant to proposed amendment. May be relevant to future DAs.
SEPP No 65 Design Quality of Residential Flat Development	✓	The reference design demonstrated potential compliance with SEPP 65 requirements. Detailed compliance and assessment will be made at design excellence and development application for the site.
SEPP No.70 Affordable Housing (Revised Schemes)	N/A	Not relevant to proposed amendment.

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SEPP (State and Regional Development) 2011	✓	May apply to future development of the site.
SEPP (Affordable Rental Housing) 2009	✓	May apply to future development of the site.
SEPP (BASIX) 2004	✓	Detailed compliance with SEPP (BASIX), including achieving higher BASIX targets as part of meeting the higher performing buildings requirements, will be demonstrated at the time of making a development application for the site facilitated by this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	✓	May apply to future development of the site.
SEPP (Infrastructure) 2007	✓	May apply to future development of the site.
Sydney Regional Environmental Plan No 18—Public Transport Corridors	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	The proposed development is not located directly on the Sydney Harbour Catchment foreshore. Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage.
SEPP (Urban Renewal) 2010	NA	The site is not mapped within a potential precinct.
SEPP (Vegetation in Non-Rural Areas) 2017	✓	The site contains one tree which will be retained in the front setback to Great Western Highway. This SEPP will be further addressed at the development application stage.
SEPP No 1 Development Standards	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.

### 3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)

In accordance with Clause 9.1 of the *EP&A Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing planning proposals for new LEPs. The directions are listed under the following categories:

- Employment and resources
- Environment and heritage



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- Housing, infrastructure and urban development
- Hazard and risk
- Housing, Infrastructure and Urban Development
- Local plan making

The following directions are considered relevant to the subject Planning Proposal.

**Table 6 – Consistency of planning proposal with relevant Section 9.1 Directions**

Relevant Direction	Comment	Compliance
<b>1. Employment and Resources</b>		
Direction 1.1 – Business and Industrial Zones	This Planning Proposal does not seek to rezone the subject site from B4 Mixed Use and the proposed development in the reference scheme includes employment generating land uses as a fundamental component in the podium structure.	Yes
<b>2. Environment and Heritage</b>		
Direction 2.3 - Heritage Conservation	<p>The site contains a large residential flat building, it is located in a potentially archaeologically significant locality known as Parramatta Archaeological Management Unit 3060 on the State Heritage Inventory. This area is deemed to have moderate archaeological research potential based on structural and other archaeological remains associated with its occupation since 1844. It is recommended that the site specific draft DCP includes a requirement that an archaeological assessment be required for any future development application.</p> <p>The site does not contain any heritage items listed under Schedule 5 of the PLEP 2011; however, there are listed heritage items in close proximity to the site (I00751 and I648 (Lennox House and the Masonic Centre)). It is recommended that a site specific DCP be prepared which addresses the following at DA stage:</p> <ul style="list-style-type: none"> <li>• A geotechnical report must be prepared, to establish if there will be any impact of works on the stability of grounds in the sites of the two heritage items. This report must address stability during construction works and after construction.</li> <li>• An assessment of heritage impact must be prepared and submitted with any eventual development application, to ensure the buildings form, proportions, view lines, materials, colours and design are responding to the heritage items.</li> <li>• An evenly vertical elevation of any new development, that faces the two heritage items in order to minimise visibility in the background of the heritage items.</li> </ul>	Yes
<b>3. Housing, Infrastructure and Urban Development</b>		
Direction 3.1 - Residential Zones	<p>The Planning Proposal is consistent with this direction, in that it:</p> <ul style="list-style-type: none"> <li>• facilitates additional housing in close proximity to Parramatta City CBD that is currently not provided on the site</li> <li>• provides residential development in an existing urban area that will be fully serviced by existing infrastructure and form part of the proposed extended Parramatta CBD</li> </ul>	Yes

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	<ul style="list-style-type: none"> <li>• does not reduce the permissible residential density of land.</li> <li>• makes more efficient use of space and infrastructure by increasing densities on an underutilised site.</li> </ul>	
Direction 3.4 - Integrating Land Use and Transport	<p>The Planning Proposal is consistent with this direction, in that it:</p> <ul style="list-style-type: none"> <li>• will provide new dwellings in close proximity to existing public transport links</li> <li>• will enable residents to walk or cycle to work if employed in the Parramatta City Centre or utilise the nearby heavy and light rail service to other destinations.</li> <li>• will provide additional commercial premises in proximity to existing transport links</li> </ul>	Yes
3.5 Development Near Regulated Airports and Defence Airfields	<p>The maximum building height is consistent with the height controls proposed for the site under the Parramatta CBD Planning Proposal, which has been informed by previous consultation with CASA and DITRDC.</p> <p>DITRDC issued their approval for the CBD Planning Proposal to go to public exhibition and therefore Council is of the view that this Planning Proposal is also consistent with this direction.</p> <p>Further consultation with CASA and DITRDC will occur as part of the public exhibition period for this site-specific Planning Proposal to ensure the proposed height does not impact on the operations of aerodromes nor create a hazard or potential hazard to aircraft.</p>	Yes
<b>4. Hazard and Risk</b>		
Direction 4.1 - Acid Sulfate Soils	The site is identified as Class 5 on the Acid Sulfate Soils Map in Parramatta Local Environmental Plan 2011. Acid sulfate soils are generally not found in Class 5 areas.	Yes
Direction 4.3 - Flood Prone Land	The site is not flood prone and is above the 1:100 year flood level. Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage. This will also include any design detail required to ensure compliance with Council's water management controls within the Parramatta DCP 2011.	Yes
<b>5. Local Plan Making</b>		
Direction 6.1 - Approval and Referral Requirements	The Planning Proposal does not introduce any provisions that require any additional concurrence, consultation or referral.	Yes
Direction 6.3 – Site Specific provisions	The Planning Proposal introduces three site-specific provisions relating to floor-space ratio bonuses; High Performing Buildings, Opportunity sites and additional commercial floor space bonuses. While site-specific, these bonuses are consistent with the future controls proposed by the Parramatta CBD Planning Proposal which received a Gateway Determination in December 2018. Given that these provisions will be incorporated into the Parramatta LEP at a future date, the site-specific provisions of this planning proposal can be supported.	No - justified
<b>6. Metropolitan Planning</b>		
Direction 7.1 - Implementation of A Plan for Growing Sydney	As detailed in Section 3.2.1 of this report, the planning proposal is consistent with the directions, actions and priorities of a Plan for Growing Sydney.	Yes

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<ul style="list-style-type: none"> <li>Direction 7.5 – Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</li> </ul>	<p>The proposal is consistent with the actions in the interim Land use and infrastructure Plan in that the proposed development:</p> <ul style="list-style-type: none"> <li>Is in keeping with the Parramatta CBD</li> <li>Will contribute towards dwelling targets within the Parramatta CBD</li> <li>Assist in the funding of infrastructure</li> </ul>	Yes
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### 3.3. Section C – Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

#### 3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject site is located within a high urbanised environment of the CBD in an established area within the Parramatta City Centre. No critical habitat or threatened species, populations or ecological communities, or their habitats are located on the land.

#### 3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The main potential environmental impacts to be examined in detail with any future development proposal for the site are:

- Urban Design and Built Form
- Overshadowing
- Transport and Accessibility Assessment

These are addressed further below:

#### Urban Design and Built Form

The proposed built form has been considered in the context of the rapidly evolving nature of the Parramatta CBD. The proposed land use is in keeping with the objectives of the B4 Mixed Use zone by promoting residential, commercial and retail land uses and providing for high density housing in close proximity to major transport routes, services and employment opportunities. The reference scheme has had regard to adjoining and nearby developments that have been supported for rezoning and has responded to input from Council's Urban Design Unit.

Key urban design elements for future development include:

- Taking advantage of the site's location within Parramatta CBD and access to public transport, existing infrastructure and public spaces.
- Seeking to achieve a greater intensity of development within Parramatta in a manner consistent with the future and recently approved development.
- Ground level activation of streets with commercial uses making a positive contribution to the future character and creating safe and inviting environments for pedestrians.
- Podium and slender tower forms contributing to both the street character and the city skyline.
- Building separation to allow for building amenity and equitable development opportunities on adjacent properties.
- Incorporating of ADG design considerations.



PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta



**Figure 3** – The proposed design concept illustrating the building form (Plus Architecture, 2019).

### Overshadowing

It is acknowledged that this Planning Proposal will result in additional overshadowing to its surrounds. As part of the Parramatta CBD Planning Proposal, Council undertook the Overshadowing in the Parramatta CBD - Technical Paper (November 2019) which provided a cumulative overshadowing analysis of the controls proposed under the CBD Planning Proposal. The report undertook an analysis of the impact on key public spaces and open spaces, some heritage items and heritage conservation areas within and surrounding the CBD. Due to its location, the subject site does not impact on these key areas.

## PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

The tower form and height of this planning proposal has been designed to respond to the site to ensure overshadowing is minimised and that adjoining developments are capable of meeting the applicable Apartment Design Guide solar access provisions.

### Transport and Accessibility

Council resolved on 10 April 2017 to endorse the Parramatta CBD Strategic Transport Study and include reduced parking rates in the CBD Planning Proposal **to levels currently used by City of Sydney CBD**, pending result of mesoscopic modelling. The study was undertaken in consultation with Transport for NSW and Roads and Maritime Services, informed through the use of strategic transport demand modelling, using the Sydney Strategic Travel Model (STM). Council's traffic and transport team has advised that it agrees with the approach of applying resolved rates to this planning proposal.

**As per Condition 4 of the Gateway Determination, "Council is to ensure consistency between the planning proposal and the Parramatta CBD planning proposal."**

**The following site-specific clause is proposed, consistent with the parking rates stipulated in the CBD PP (as per the Gateway determination) and Parramatta CBD Strategic Transport Study.**

#### **7.# Car parking on land at land at 8-14 Great Western Highway, Parramatta**

**(1) The objectives of this clause are as follows-**

**(a) to identify the maximum number of car parking spaces that may be provided to service particular uses of land,**

**(b) to minimise the amount of vehicular traffic generated because of proposed development.**

**(2) This clause applies to land identified as "Area XX" on the Key Sites Map.**

**(3) Despite clause 7.3, development consent must not be granted to development on land to which this clause applies that includes car parking spaces in connection with a proposed use of land if the total number of car parking spaces, including existing car parking spaces, provided on the site would be greater than the maximum set out in this clause.**

**(4) If the consent authority is satisfied that there are car parking spaces in excess of the requirements of the occupiers of an existing building, the consent authority may grant development consent to the use of those car parking spaces by persons other than the occupiers of the building.**

**(5) If the maximum number of car parking spaces under this clause is not a whole number, the number is to be rounded to the nearest whole number.**

**(6) More than one provision of this clause may apply in the case of a mixed use development and in such a case—**

**(a) the maximum number of car parking spaces is the sum of the number of spaces permitted under each of those provisions, and**

**(b) a reference in those provisions to a building is taken to be a reference to the parts of the building in which the relevant use occurs.**

## PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

(7) *Business premises and office premises* The maximum number of car parking spaces for a building used for the purposes of business premises or office premises is as follows—

(a) if the building has a floor space ratio of no more than 3.5:1—1 space for each 175 square metres of gross floor area of the building used for those purposes,

(b) if the building has a floor space ratio greater than 3.5:1, the following formula is to be used—

$$M = (G \times A) \div (50 \times T)$$

where—

*M* is the maximum number of parking spaces, and

*G* is the gross floor area of all office premises and business premises in the building in square metres, and

*A* is the site area in square metres, and

*T* is the total gross floor area of all buildings on the site in square metres.

(8) *Centre-based child care facilities* The maximum number of car parking spaces for a building used for the purposes of a centre-based child care facility is 1 space plus 1 space for every 100 square metres of the gross floor area of the building used for those purposes.

(9) *Dwelling houses, attached dwellings and semi-detached dwellings* The maximum number of car parking spaces for dwelling houses, attached dwellings and semi-detached dwellings is 1 space for each dwelling.

(10) *Health consulting rooms and medical centres* The maximum number of car parking spaces for a building used for the purposes of health consulting rooms or medical centres is 2 spaces for every consulting room.

(11) *Hotel or motel accommodation and serviced apartments* The maximum number of car parking spaces for a building used for the purposes of hotel or motel accommodation or serviced apartments is—

(a) if the building contains up to 100 bedrooms—1 space for every 4 bedrooms, and

(b) if the building contains more than 100 bedrooms—1 space for every 5 bedrooms.

(12) *Information and education facilities* The maximum number of car parking spaces for a building used for the purposes of information and education facilities is 1 space for every 200 square metres of the gross floor area of the building used for those purposes.

(13) *Light industries* The maximum number of car parking spaces for a building used for the purposes of light industries is 1 space for every 150 square metres of the gross floor area of the building used for those purposes.

(14) *Places of public worship and entertainment facilities* The maximum number of car parking spaces for a building used for the purposes of a place of public worship or an entertainment facility is whichever of the following provides the greater number of spaces—

## PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

- (a) 1 space for every 10 seats, or
- (b) 1 space for every 30 square metres of the gross floor area of the building used for those purposes.

(15) Residential flat buildings, dual occupancies and multi dwelling housing The maximum number of car parking spaces for residential flat buildings, dual occupancies and multi dwelling housing is as follows—

- (a) for each studio dwelling—0.1 spaces,
- (b) for each 1 bedroom dwelling—0.3 spaces,
- (c) for each 2 bedroom dwelling—0.7 spaces,
- (d) for each 3 or more bedroom dwelling—1 space.

(16) Retail premises

The maximum number of car parking spaces for a building used for the purposes of retail premises is as follows—

In the case of a building that has less than 2,000 square metres of retail premises:

- (a) if the building has a floor space ratio of no more than 3.5:1—1 space for each 90 square metres of gross floor area of the building used for those purposes,
- (b) if the building has a floor space ratio greater than 3.5:1, the following formula is to be used—

$$M = (G \times A) \div (50 \times T)$$

where—

*M* is the maximum number of parking spaces, and

*G* is the gross floor area of all retail premises in the building in square metres, and

*A* is the site area in square metres, and

*T* is the total gross floor area of all buildings on the site in square metres.

(17) In this clause—

*car parking space* means a space intended to be used for the parking of cars that is ancillary to another land use on the site, but does not include the following—

- (a) a place primarily used for the purpose of washing vehicles,
- (b) a place primarily used for the purpose of loading or unloading of goods,
- (c) a place primarily used for the purpose of storing bicycles or motorcycles,
- (d) a car parking space in a car park,
- (e) a car parking space for the exclusive use of vehicles belonging to a car share scheme.



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*car share scheme means a scheme in which a body corporate, an unincorporated body or a public authority owns or manages and maintains vehicles for shared or communal use and hires those vehicles exclusively to members of the scheme for occasional use for short periods of time, on demand and on a pay-as-you go basis.*

Applying the above rates to the Planning Proposal, the following maximum car parking spaces would apply to the site:

#### Residential Parking Requirements

Type of Apartment	Space/Unit	Units indicated in reference design	Total
3 Bedroom	1 space/ unit	45	45
2 Bedroom	0.7 space/unit	221	154.7
1 Bedroom	0.3 space/unit	90	27
Studio	0.1 space/unit	43	4.3
<b>Total</b>		<b>399</b>	<b>231</b>

#### Commercial Parking Requirements

$$M = (G \times A) \div (50 \times T)$$

Where:

M = maximum number of parking spaces;

G = GFA of all office/business premises in the building (sqm)

A = Site Area (sqm)

T = Total GFA of all buildings on the site (sqm)

The current reference design indicates a site area of 2,386sqm, and 5,776sqm of commercial floor space. Applying the above formula to the current reference design yields a maximum of 8 car parking spaces for the commercial use as follows:

$$M = (5,776 \times 2,386) \div (50 \times 35,784)$$

$$M = 7.7$$

$$M = (\text{round to } 8)$$

This would permit a total number of car parking spaces of 239. The total number of -243 car parking spaces as indicated in the reference design is slightly greater than permitted but it is noted that the reference design is a concept scheme only and the final numbers of car parking spaces will be identified through the development application process. As such, it is considered that the scheme will ensure that travel behaviours 'focus on public transport' and are consistent with the resolution of Council for parking rates applicable to site specific planning proposals in the Parramatta CBD.

#### 3.3.3 How has the planning proposal adequately addressed any social and economic effects?

This planning proposal will facilitate an increase in density of housing and employment close to public transport, retail, commercial and community facilities.

PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

A Voluntary Planning Agreement framework addressing contributions towards community, recreation and physical services will be entered into by the proponent and Council. A formal letter will be provided and assessed. The commercial components of the development will further contribute to the creation of employment in Parramatta CBD.

### **3.4. Section D – State and Commonwealth Interests**

#### **3.4.1. Is there adequate public infrastructure for the planning proposal?**

The area is well serviced with public infrastructure that can facilitate the density increase proposed as part of this planning proposal. The subject land is approximately 510m walking distance from Parramatta Railway Station/Bus terminal, and 1km from the Parramatta Light Rail stop in Macquarie Street. The development anticipated by this planning proposal is consistent with that anticipated under the Parramatta CBD Planning Proposal.

The full range of utility services including electricity, telecommunications, water, sewer and stormwater are available across the site. Where necessary, upgrades will be provided to ensure the increased density is adequately serviced.

#### **3.4.2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Consultation with the State and Commonwealth public authorities will be undertaken once the gateway determination has been issued.

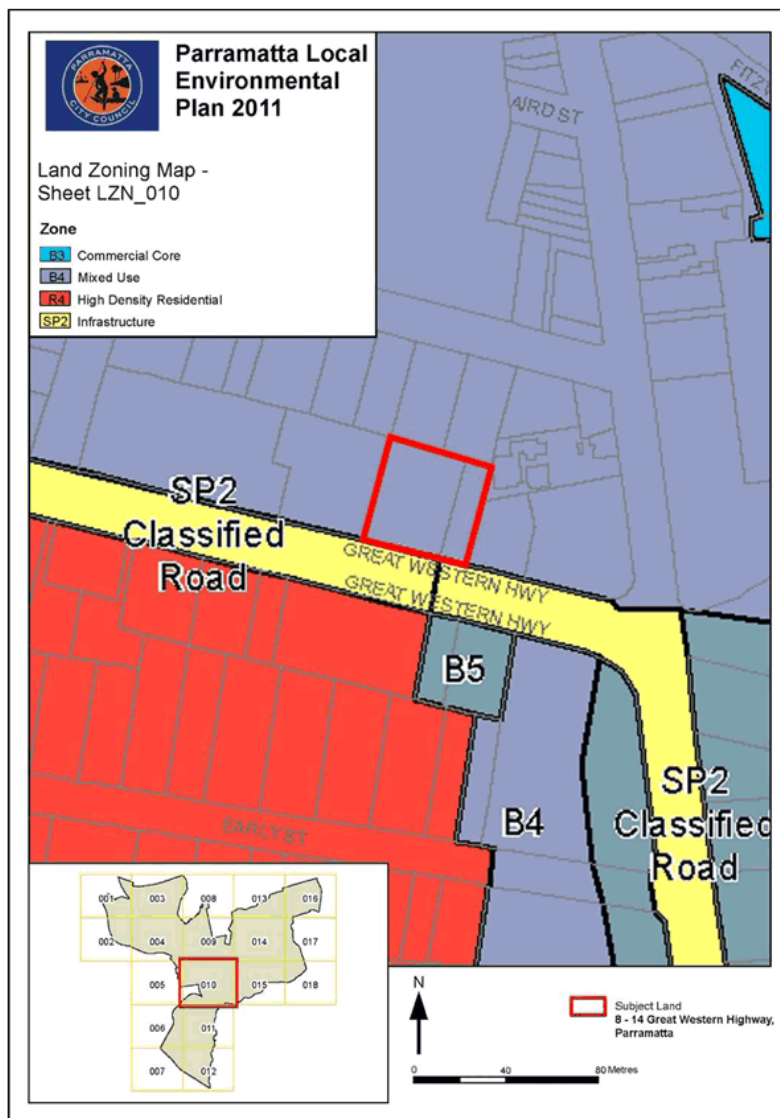
PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

## PART 4 – MAPPING

This section contains the mapping for this planning proposal in accordance with the DP&E's guidelines on LEPs and Planning Proposals.

### 4.1 Existing controls

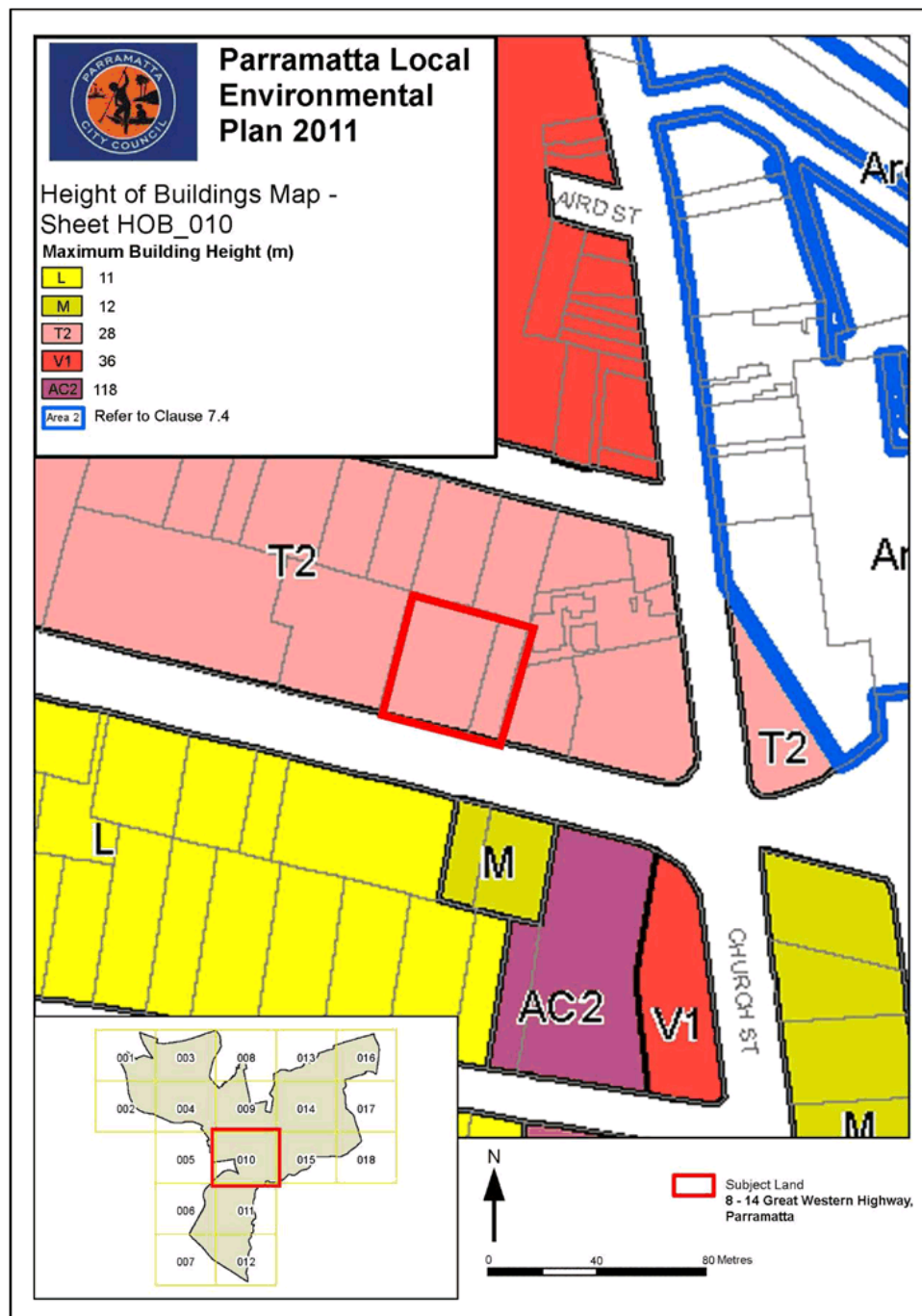
This section illustrates the current PLEP 2011 controls which apply to the site.



**Figure 4 – Extract of Existing Land Use Zoning Map LZN\_010 (Parramatta LEP 2011)**

Figure 4 illustrates the existing B4 Mixed Use zoning over the site.

PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

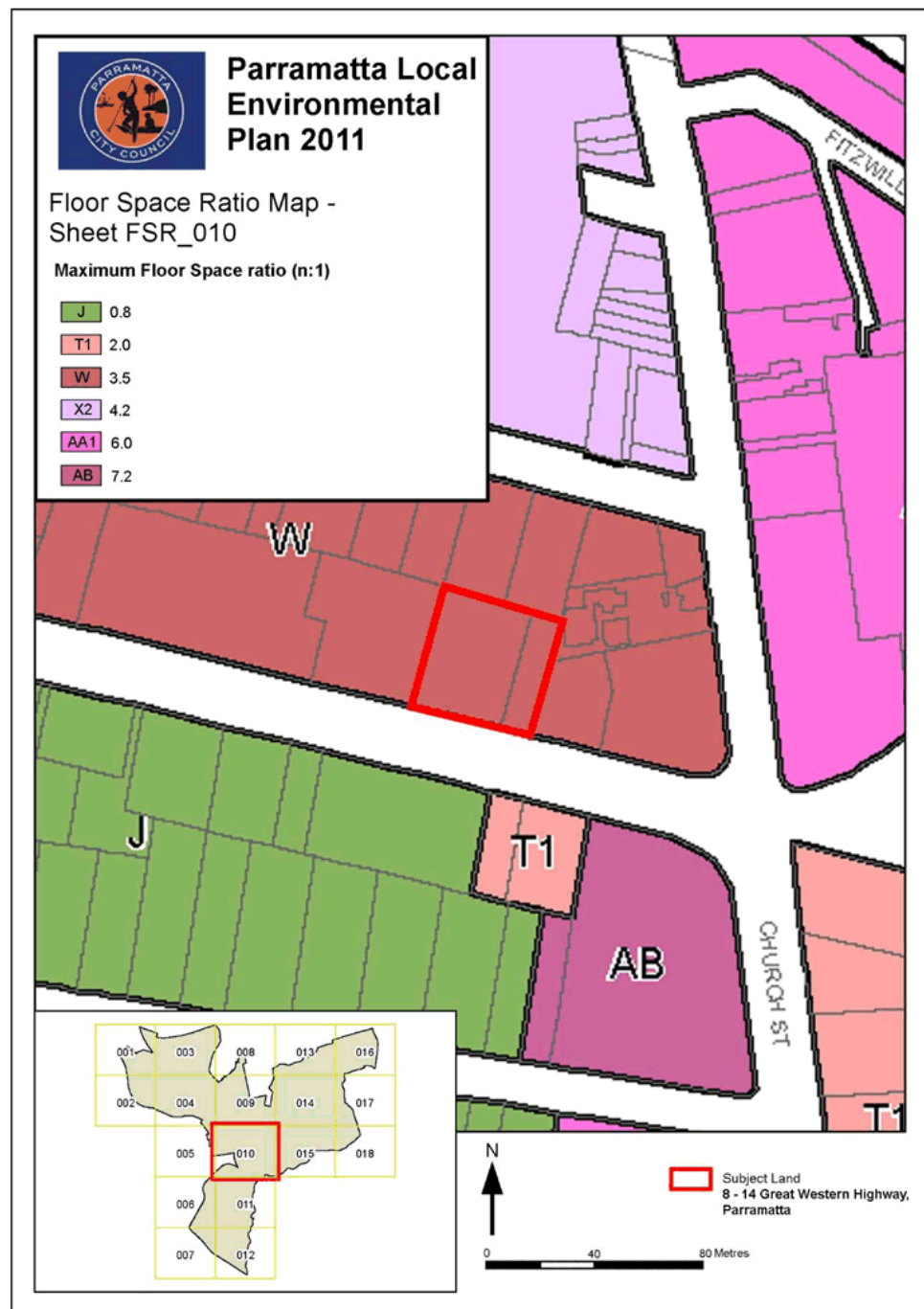


**Figure 5 – Extract of Existing Heights of Buildings Map HOB\_010 (Parramatta LEP 2011)**

Figure 5 illustrates the existing 28 metre maximum building height over the site.



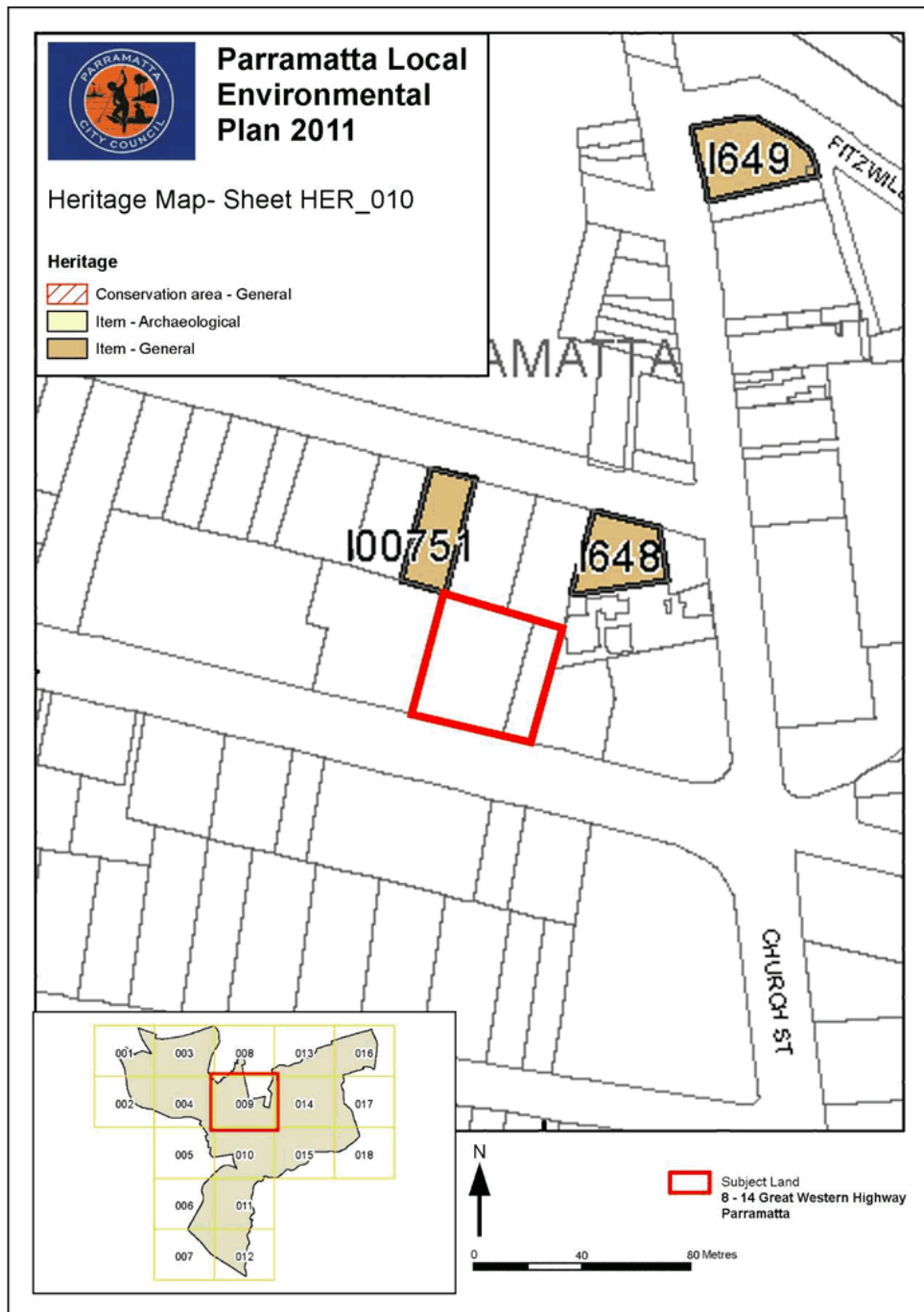
PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta



**Figure 6 - Extract of Existing Floor Space Ratio Map FSR\_010 (Parramatta LEP 2011)**

Figure 6 illustrates the existing 3.5:1 FSR over the site.

PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta



**Figure 7** - Extract of Existing Heritage Map HER\_010 (Parramatta LEP 2011)

Figure 7 illustrates the existing heritage items identified within proximity of the site:

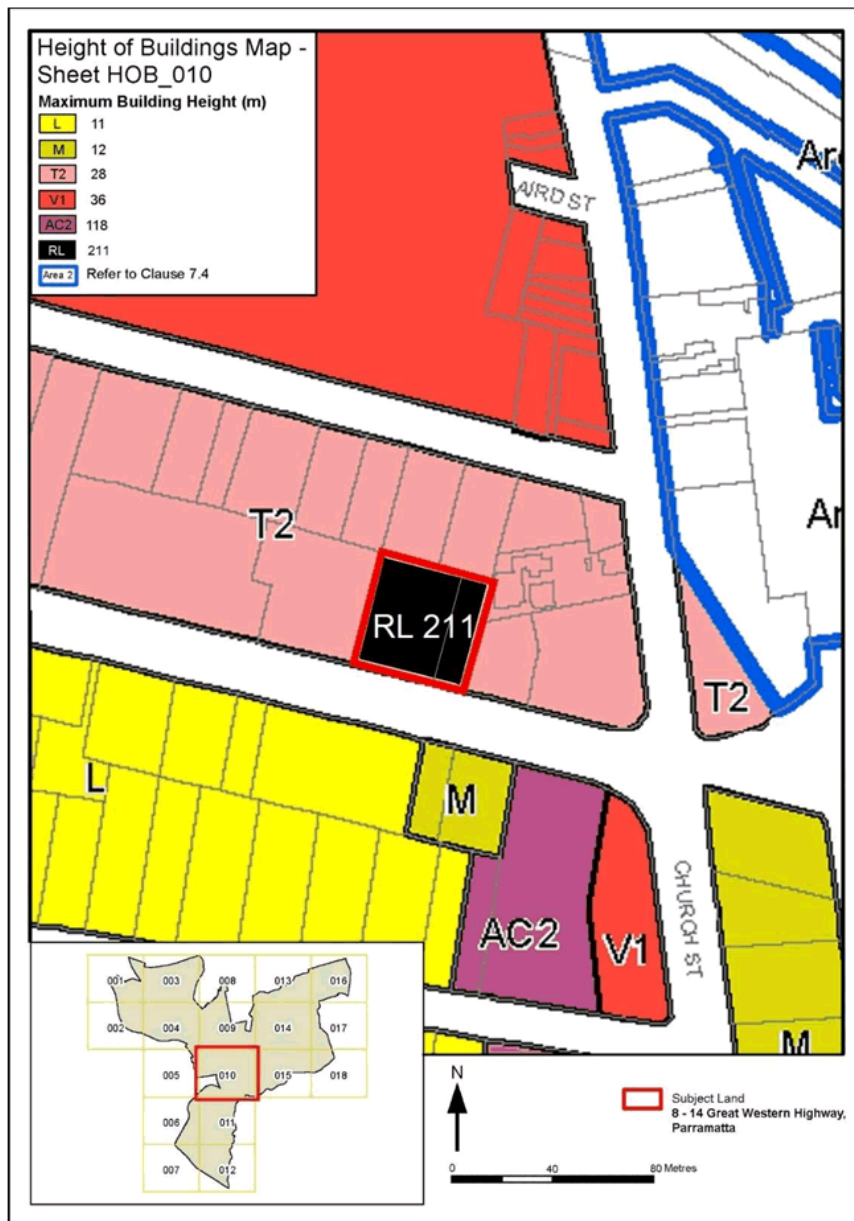
- Item 00751 being Lennox House (and adjoining brick wall on footpath); and
- Item 648 being Masonic Centre

Both items are listed as being of State significance.

PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

#### 4.2 Proposed controls

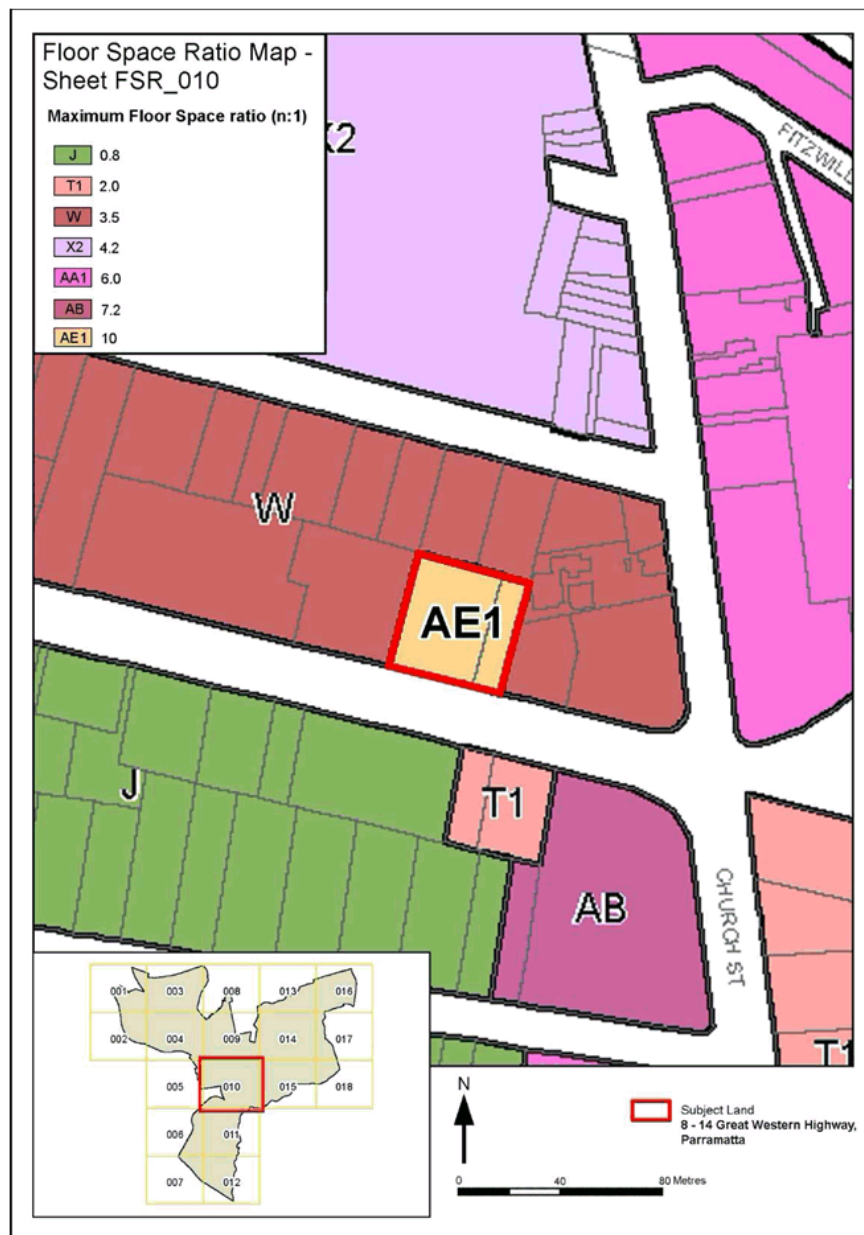
The figures in this section (Figures 8 to 10) illustrate the proposed building height and floor space ratio controls sought by this planning proposal.



**Figure 8 – Proposed amendment to the Parramatta LEP 2011 Height of Building Map**

Figure 8 above illustrates the proposed RL 211 metres building height over the site. This excludes the 15% design excellence bonus which can be achieved under Cl. 7.10 of the Parramatta LEP 2011, through which a height of RL 243 metres (75 storeys) can be achieved.

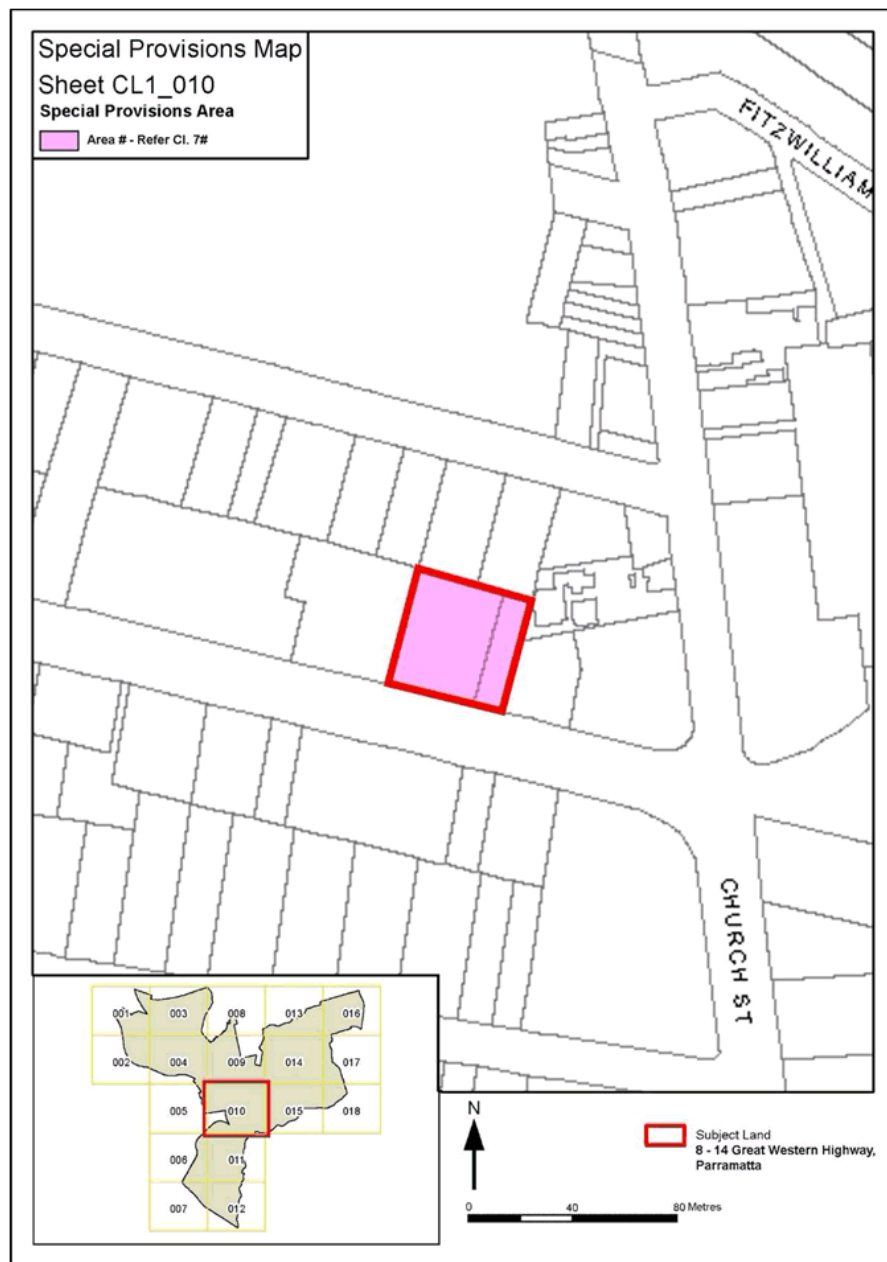
PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta



**Figure 9 – Proposed amendment to the Parramatta LEP 2011 Floor Space Ratio Map**

Figure 9 above illustrates the proposed 10:1 over the site. This excludes the floor-space ratio bonuses which can be achieved under site-specific clauses relating to Design Excellence, high performing buildings, opportunity sites and additional commercial floor-space (a maximum floor-space ratio of 16.42:1 is intended to be achieved).

PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta



**Figure 10** Proposed amendment to the *Parramatta LEP 2011* Special Provisions Area

Figure 10 above identifies the site to which the proposed additional clause will apply.

PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

## PART 5 – COMMUNITY CONSULTATION

The planning proposal (as revised to comply with the Gateway determination) is to be publicly available for community consultation.

Public exhibition will include:

- display on the Council's website;
- newspaper notification;
- hard-copy display in Council's main office and central library (this may not be possible subject to Covid restrictions as in place by NSW Health at the time of exhibition) ; and
- written notification to adjoining landowners.

The gateway determination also specifies the level of public consultation that must be undertaken in relation to the planning proposal including those with government agencies.

Consistent with sections 3.34(4) and 3.34(8) of the *EP&A Act 1979*, where community consultation is required, an instrument cannot be made unless the community has been given an opportunity to make submissions and the submissions have been considered.



PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

## PART 6 – PROJECT TIMELINE

Once the planning proposal has been referred to the Minister for review of the Gateway Determination and received a Gateway determination, the anticipated project timeline will be further refined, including at each major milestone throughout the planning proposal's process.

Table 7 below outlines the anticipated timeframe for the completion of the planning proposal.

**Table 7** – Anticipated timeframe to planning proposal process

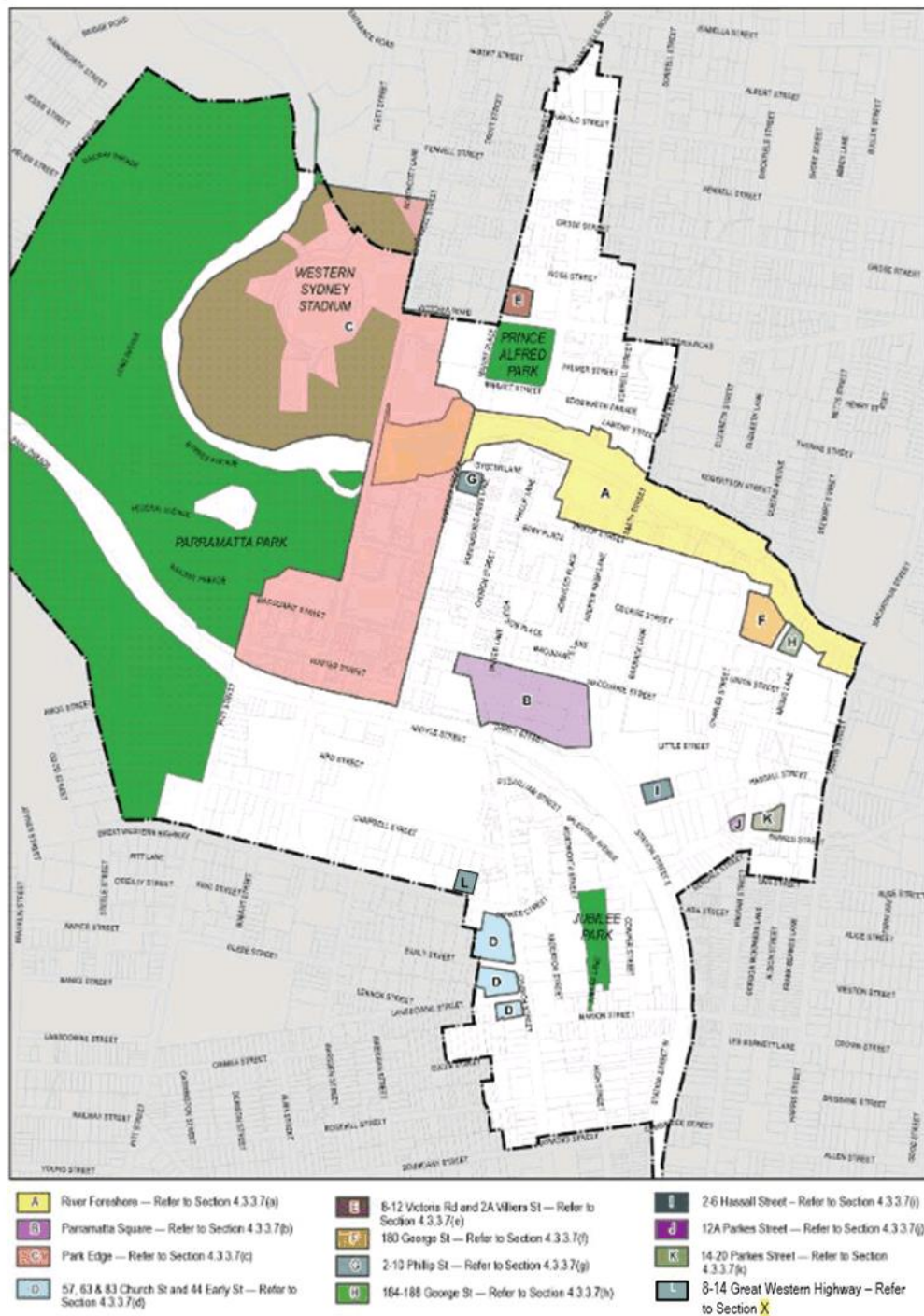
MILESTONE	ANTICIPATED TIMEFRAME
Report to LPP on the assessment of the PP	May 2020
Report to Council on the assessment of the PP	June 2020
Referral to Minister for review of Gateway determination	July 2020
Date of issue of the Gateway determination	1 September 2020
Commencement and completion dates for public exhibition period	21 July – 20 August 2021
Commencement and completion dates for government agency notification	21 July – 20 August 2021
Consideration of submissions	September 2021
Consideration of planning proposal post exhibition and associated report to Council	Local Planning Panel – October 2021 Council – November 2021
Submission to the Department to finalise the LEP	December 2021
Notification of instrument	February/March 2021

PLANNING PROPOSAL – 8-14 Great Western Highway, Parramatta

## **Appendix 1 – Urban Design Analysis (Plus Architecture)**



## Amended City Centre Special Areas



## 8-14 Great Western Highway, Parramatta

### Land to which this DCP applies

This part of the DCP applies to land known as Lot 10 DP 1097949 and SP 8700 at 8-14 Great Western Highway, Parramatta as illustrated in Figure 1 below.



Figure 1: Land covered by this part

### Relationship to other planning documents

This DCP sets relevant development controls for the built form and urban design objectives for development at 8-14 Great Western Highway, Parramatta, including building form and massing, setbacks, building separation, heritage interface, landscaping, and potential road widening and vehicular access requirements.

This site specific DCP must be read in conjunction with other parts of the Parramatta DCP and the Parramatta Local Environmental Plan 2011 (PLEP 2011).

If there is any inconsistency between this part of the DCP and other parts of the Parramatta DCP 2011, this part of the DCP will prevail. This part establishes objectives and controls to be applied to the preparation and assessment of a development application for the site.

It should be noted that future development will be subject to a design excellence competition process under the PLEP 2011. The scope of this brief will be informed by the urban design outcomes and principles of this DCP.

---

## Desired future character

The site will be redeveloped into a high-quality, water and energy efficient, mixed-use development with residential and commercial uses, including ground floor retail uses which will activate the site's frontage to the Great Western Highway. Future development will align with the vision for the Parramatta CBD, which realises Parramatta as an urban and high-density and high-amenity city centre.

This DCP provides controls on the built form outcomes, vehicular access arrangements, heritage and landscape requirements. This DCP recognises the sites location along the Great Western Highway as a major arterial road and seeks to ensure safe ingress and egress and maintain the efficient functioning of traffic along this road corridor.

## Site Objectives

- O1. To facilitate the development of a mixed use building on the site which provides an activated street frontage, commercial floor space within a building podium, and a residential tower above.
- O2. Ensure that built form achieves contextual fit with adjacent buildings, both existing and future.
- O3. Protect and manage the impact of development on the public domain and neighbouring sites.
- O4. To ensure the nominated setback to the Great Western Highway can accommodate the potential for future road widening.
- O5. Provide vehicular access points and circulation that is safe and minimises impact to the operation of the intersection between Great Western Highway and Church Street.
- O6. Ensure that the building design is sympathetic to nearby heritage items and does not detract from their value.
- O7. Ensure that nearby heritage items are protected during the redevelopment of the subject site.
- O8. Require that any potential archaeology is managed in accordance with the requirements of Heritage NSW.
- O9. Provide deep-soil zones across the site to allow for adequate landscaping and allow for large tree plantings at the front and rear of the development.
- O10. Ensure that built form enables a healthy environment for street trees within the front setback.

## Built form and massing

### Principles

- P1. To define built form and massing principles that achieve good urban design outcomes for the site context.
- P2. Set back buildings above the street wall and side and rear boundaries to allow daylight penetration, mitigate wind impacts and enable views to the sky in streets and public places.
- P3. Design street walls to create streets that are legible, comfortable, safe, functional and attractive.
- P4. Design towers to be elegantly proportioned and maximise its slenderness of form.

## Design Controls

### Maximum Building Heights

- C1. The building will present a commercial podium of 4 to 5 storeys to Great Western Highway with residential tower setback above.

### Building alignment and setbacks

- C2. The building is to be aligned parallel with the Great Western Highway.
- C3. Street setbacks and street wall heights are to comply with Figure 2 and Figure 3, whereby development is to have a 6m setback at ground, and a 3m upper level setback for tower above.
- C4. The building (podium) setback is to have a 6 metre setback to the existing boundary with the Great Western Highway, 3 metre from the eastern boundary, 6 metre to the northern boundary and a 3m setback to the western boundary.
- C5. The basement is to be located wholly within the build footprint, with the exception the western boundary and a portion of the northern boundary as shown in Figure 2. A nil setback is permitted at these locations for basement levels that generally marry with the ground floor level of the development on 18 – 20 Great Western Highway.
- C6. The 6 metre front setback is to be measured from the existing boundary in accordance with Figure 3. The front setback is to ensure adequate deep-soil planting, and where possible, the retention of existing trees. In the event of any future widening of Great Western Highway is required, the setting of the building is not required to change.
- C7. The residential tower above commercial podium is to be setback 9 metre from all existing site boundaries.

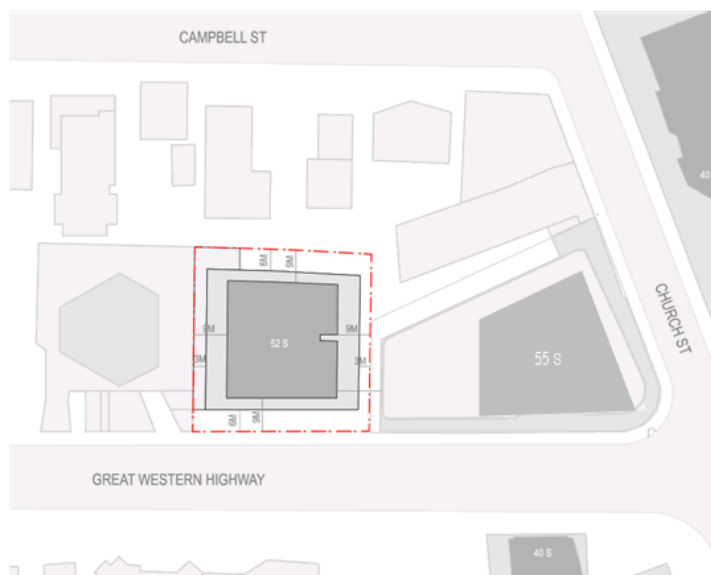


Figure 2: Building alignment and setbacks

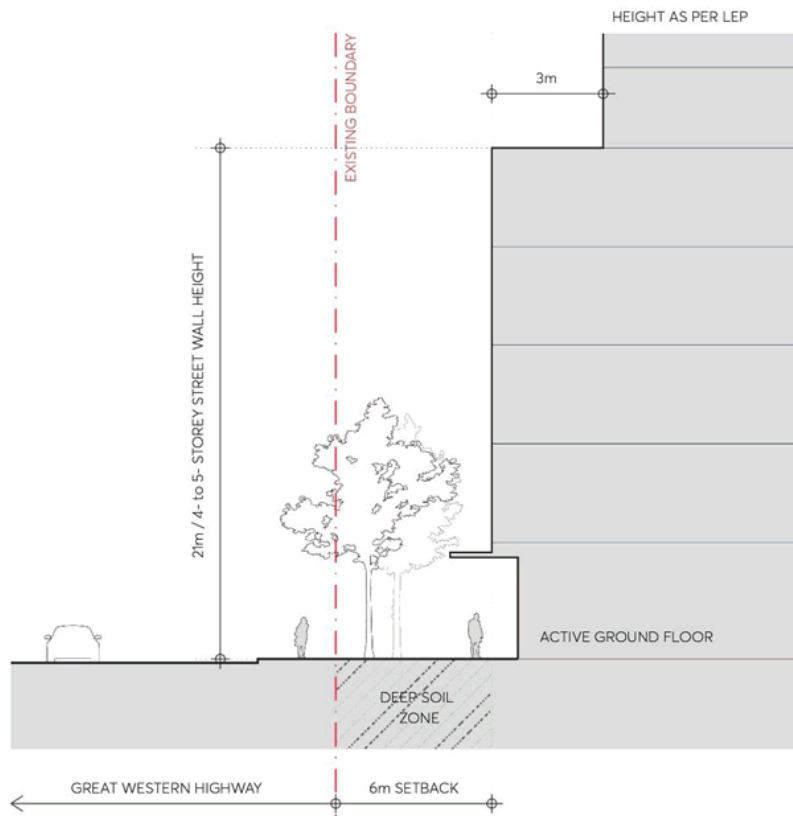


Figure 3: Street Setbacks to Great Western Highway

#### Building Separation

- C8. Future development must provide for a minimum building separation above street wall height of 18m, where separation distances must be apportioned equally between adjacent sites.

#### Street Wall Design and Ground Floor

- C9. The street walls must:
- be modulated in vertically in increments that relates to a fine grain subdivision and negotiates any stepping in the ground floor level.
  - be of predominantly masonry character with no lightweight panel construction or curtain walling.
  - be articulated with depth, relief and shadow on the street façade. A minimum relief of 150mm between the masonry finish and glazing face must be achieved.
  - utilise legible architectural elements and types - doors, windows, loggias, reveals, pilasters, sills, plinths, frame and infill, etc. - not necessarily expressed in a literal traditional manner.
  - include semi-recessed awnings for pedestrian shelter, in accordance with Figure 5.
- C10. The active ground floor frontage must be considered in detail and the following must be incorporated in its design, as per Figure 4:



- a) Active uses must fully occupy the ground floor frontage and not taken up by services.
- b) A nominal 500mm interface zone at the frontage must be set aside to create interest and variety in the streetscape, to be used for setbacks for entries, opening of windows, seating ledges, benches, and general articulation.
- c) The façade must have a high level of expressed detail and tactile material quality.
- d) The articulation of the façade must include a well resolved meeting with the ground that also takes account of any slope. A horizontal plinth, integrated in the design, must be incorporated at the base of glazing to the natural ground level or footpath.
- e) Design solutions need to maintain and reflect the levels of the existing footpath, incorporating a fine grain response that allows the ground floor tenancies to step with the sloping public domain.

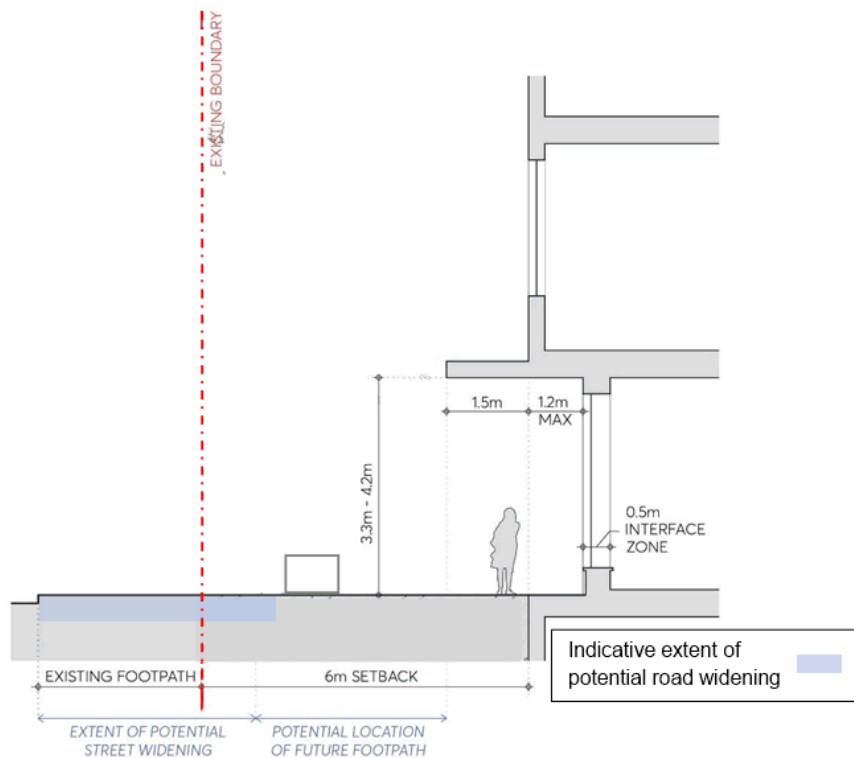


Figure 4: Ground Floor Interface Zone

## Access, parking and servicing

### Access controls

- C9. Vehicular ingress and egress into the site must be provided near the site's western boundary so that the access point does not impact on the operation of the Great Western Highway and Church Street intersection (Figure 6 and Figure 7).
- C10. The driveway from the Great Western Highway must be a minimum of 12m wide and comply with Council's engineering standards.
- C11. All vehicles, including service vehicles, must enter and exit the site in a forward direction.
- C12. All areas for car parking, loading, deliveries and servicing shall be located within the boundaries of the site. A swept path analysis must demonstrate that the largest vehicle likely to access the site can safely and efficiently manoeuvre in these areas.

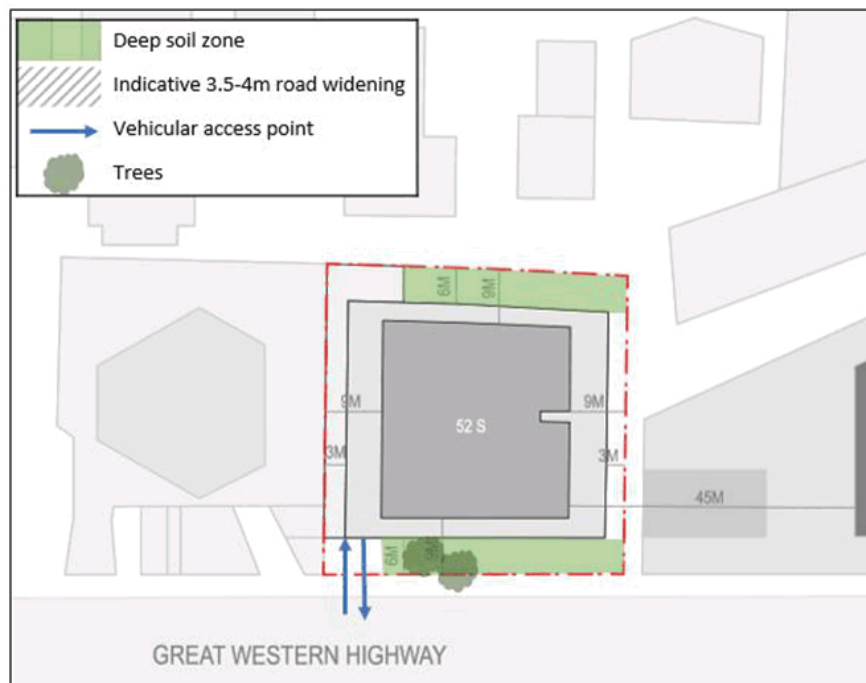


Figure 5: Location of proposed vehicular access along the western site boundary and landscaping impact

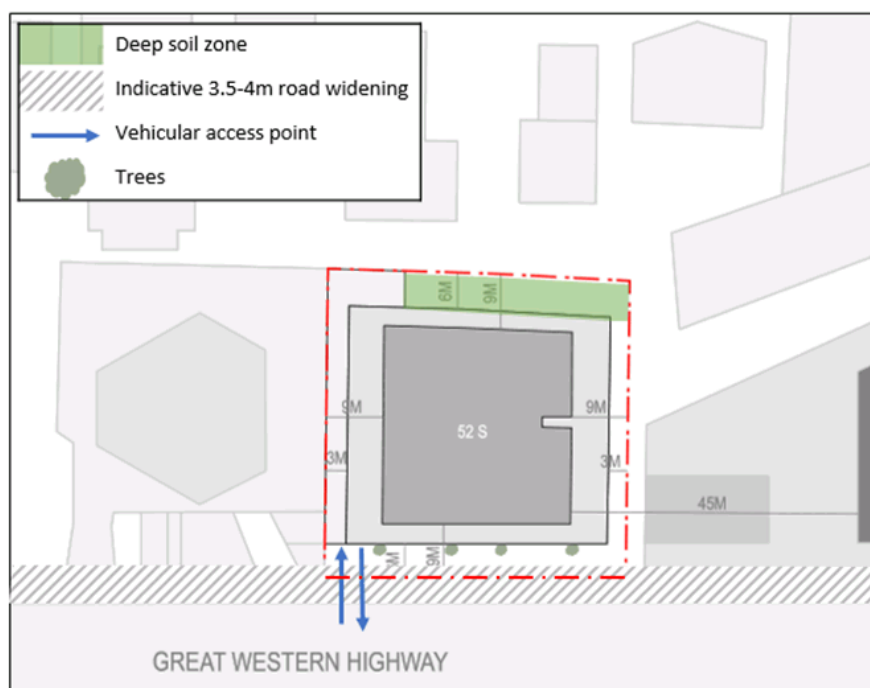


Figure 6: Indicative extent of road widening on Great Western Highway and landscaping impact

## Heritage

The area subject to the proposal is located in vicinity of two State heritage listed items: Lennox House at 39 Campbell Street and Parramatta Masonic Centre at 47 Campbell Street;

Part of the subject area (specifically No 8 Great Western Highway) is identified as being of local significance, and having moderate archaeological research potential.

### Heritage controls

- C13. Any development on the site must be accompanied by a geotechnical report and a structural engineer's report, to assess impact of works on the suitability of grounds, and structural stability of the two adjacent heritage items during and after construction.
- C14. During any construction works, protection of significant fabric of the adjacent heritage items must be ensured and any damaged or weakened fabric repaired or reconstructed to Council's satisfaction.
- C15. An assessment of heritage impact, including models and photomontages, must be prepared and submitted with any development application, to ensure the buildings form, proportions, view lines, materials, colours and design respond to the heritage items.
- C16. Archaeological requirements must be confirmed with Heritage NSW, and evidence of their support provided to Council before determination of any Development Application.



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## Landscaping

### Landscaping controls

- C17. Deep-soil planting should be maximised at the front and rear setbacks the site, including tree planting.
- C18. Screen planting, tree pits and planter boxes may be provided along the side boundaries, but only in instances where it is not possible to provide deep-soil planting.
- C19. Existing trees located along the Great Western Highway within the site boundary are to be retained unless it is demonstrated that they are impacted the potential road widening or access driveways along this frontage.

## Voluntary Planning Agreement

### **For exhibition**

City of Parramatta Council  
*ABN 49 907 174 773*

*Sept Fortis Property Group Pty Ltd*  
*ACN 624 098 326*

*8GWH Pty Ltd*  
*ACN 632 377 863*

*The Owners - Strata Plan No 8700*  
*ABN 87 622 181 066*

*J M Malouf Investments Pty Ltd*  
*ACN 001 172 603*

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# Agreement

## Date

## Parties

### First party

<b>Name</b>	City of Parramatta Council ( <b>Council</b> )
<b>ACN</b>	49 907 174 773
<b>Contact</b>	Manager, Land Use Planning
<b>Telephone</b>	(02) 9806 5050

### Second party

<b>Name</b>	Sept Fortis Property Group Pty Ltd ( <b>Sept Fortis</b> )
<b>ACN</b>	624 098 326
<b>Contact</b>	Daniel De Gregorio
<b>Telephone</b>	0404 021 177

### Third party

<b>Name</b>	8GWH Pty Ltd ( <b>8GWH</b> )
<b>ACN</b>	632 377 863
<b>Contact</b>	[TBA]
<b>Telephone</b>	[TBA]

### Fourth party

<b>Name</b>	The Owners - Strata Plan No 8700 ( <b>SP8700 Owners</b> )
<b>ABN</b>	87 622 181 066
<b>Contact</b>	[TBA]
<b>Telephone</b>	[TBA]

### Fifth party

<b>Name</b>	J M Malouf Investments Pty Ltd ( <b>Lot 10 Owner</b> )
<b>ABN</b>	001 172 603
<b>Contact</b>	[TBA]
<b>Telephone</b>	[TBA]

## Background

- A. In August 2019, Sept Fortis made an application to the Council for the Instrument Change for the purpose of making a Development Application to the Council for Development Consent to carry out the Development on the Land.
- B. On 13 July 2020, Council resolved to endorse the Planning Proposal for the purpose of requesting a gateway determination.
- C. On 1 September 2020, the Planning Proposal received Gateway Determination from the Department of Planning, Industry and Environment.
- D. The Instrument Change application was accompanied by an offer by Sept Fortis to enter into this agreement to make contributions for public purposes associated with the Instrument Change and the Development.
- E. 8GWH is the grantee under the Call Options.

## Operative part

### 1 Definitions

In this agreement, unless the context indicates a contrary intention:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW);

**Address** means a party's address set out in the Notices clause of this agreement;

**Approval** means any certificate, licence, consent, permit, approval or other requirement of any Authority having jurisdiction in connection with the activities contemplated by this agreement;

**Authority** means any government, semi-governmental, statutory, administrative, fiscal or judicial body, department, commission, authority, tribunal, public or other person;

**Bank Guarantee** means an irrevocable and unconditional undertaking that is not limited in time and does not expire by one of the following trading banks:

- (a) Australia and New Zealand Banking Group Limited,
- (b) Commonwealth Bank of Australia,
- (c) Macquarie Bank,
- (d) National Australia Bank,
- (e) St George Bank Limited,
- (f) Westpac Banking Corporation, or
- (g) Other financial institution approved by the Council,

to pay an amount or amounts of money to the Council on demand and containing terms and conditions reasonably acceptable to the Council;

**Business Day** means a day on which banks are open for general banking business in Sydney, excluding Saturdays and Sundays;

**Call Options** means the call options between 8GWH, as the Grantee, and the registered proprietors of lots 1-27 in SP8700 and the Lot 10 Owner, as grantors, and the term Call Option means any one of them;

**Claim** means any claim, loss, liability, damage, proceeding, order, judgment or expense arising out of the operation of this agreement;

**Construction Certificate** means a construction certificate as defined under section 6.4 of the Act;

**Contributions Plan** has the same meaning as under the Act;

**Costs** includes any cost, charge, expense, outgoing, payment or other expenditure of any nature (whether direct, indirect or consequential and whether accrued or paid).

**CPI** means the All Groups Consumer Price Index applicable to Sydney published by the Australian Bureau of Statistics;

**Damages** means all liabilities, losses, damages, costs and expenses, including legal fees and disbursements and costs of investigation, litigation, settlement, judgment, interest and penalties;

**Dealing**, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land;

**Developer Parties** means Sept Fortis and 8GWH, jointly and severally;

**Development** means future development of the Land as anticipated by the Planning Proposal either for a high density mixed use development consisting of residential and commercial uses or a wholly commercial development;

**Development Application** has the same meaning as in the Act;

**Development Consent** has the same meaning as in the Act;

**FSR** means floor space ratio, as defined in the *Parramatta Local Environmental Plan 2011*;

**GST** has the same meaning as in the GST Law;

**GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition of or administration of the GST;

**Guaranteed Obligations** means all agreements, conditions, covenants, provisions, obligations and liabilities to be performed, observed or complied with by 8GWH under or contemplated by this agreement:

- (a) irrespective of the capacity in which 8GWH or Council enter into this agreement;
- (b) whether 8GWH is liable alone, or jointly, or jointly and severally with another person;
- (c) whether 8GWH is the original obligee or an assignee of the Guaranteed Obligations and whether or not:
  - (i) the assignment took place before or after the delivery of this agreement;
  - (ii) Council consented to or was aware of the assignment; or
  - (iii) the assigned obligation was secured; and
- (d) whether 8GWH is the original obligee or an assignee of the original obligee and whether or not Sept Fortis or Council consented to or was aware of the assignment.

**Insolvent** means, in relation to a party:

- (a) that party makes an arrangement, compromise or composition with, or assignment for, the benefit of its creditors or a class of them;
- (b) a receiver, receiver and manager, administrator, provisional liquidator, trustee, controller, inspector or analogous person is appointed in relation to, or over, all or any part of that party's business, assets or securities;
- (c) a presumption of insolvency has arisen under legislation because of the party's failure to comply with a statutory demand or analogous process;
- (d) an application for the winding up of, or for the appointment of a receiver to, that party, other than winding up for the purpose of solvent reconstruction or re amalgamation, is presented and not withdrawn or dismissed within 21 days (or such longer period agreed to by the parties), or an order is made or an effective resolution is passed for the winding up of, or for the appointment of a receiver to, that party, or any analogous application is made or proceedings initiated;
- (e) any shareholder or director of that party convenes a meeting for the purpose of considering or passing any resolution for the winding up or administration of that party;
- (f) that is an individual, a creditor's petition or a debtor's petition is presented to the Official Receiver or analogous authority in relation to that party;
- (g) an execution or analogous process is levied or enforced against the property of that party;
- (h) that party ceases or suspends, or threatens to cease or suspend, the conduct of all or a substantial part of its business;
- (i) that party disposes of, or threatens to dispose of, a substantial part of its assets;
- (j) that party stops or suspends, or threatens to stop or suspend, payment of all or a class of its debts; or
- (k) that party is unable to pay the party's debts as and when they become due and payable.

**Instrument Change** means an amendment to the *Parramatta Local Environmental Plan 2011* in response to the Planning Proposal;

**Land** means Lot 10 DP 10979449 and SP8700 (including each of the strata lots and the common property), known as 8-14 Great Western Highway, Parramatta;

**Law** means:

- (a) any law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation;
- (b) any Approval, including any condition or requirement under it; and
- (c) any fees and charges payable in connection with the things referred to in paragraphs (a) and (b);

**Monetary Contribution** means the monetary contribution payable by the Developer Parties under clause 6 of this agreement;



**Occupation Certificate** means an occupation certificate as defined under section 6.4 of the Act and includes a partial Occupation Certificate;

**Planning Proposal** means planning proposal PP\_2020\_COPAR\_006\_00 seeking an amendment to the *Parramatta Local Environmental Plan 2011* to:

- a. increase the height of building control applying to the Land from 28 metres to 211 metres,
- b. increase the maximum FSR controls applying to the Land from 3.5:1 to 10:1,
- c. insert site specific provisions applying the following controls to the Land:
  - i. a minimum 1:1 FSR for commercial uses,
  - ii. an additional 5% FSR bonus (0.5:1) provided high performing building standards are met,
  - iii. an additional 3:1 FSR bonus if development meets the “opportunity site” criteria, and
  - iv. an unlimited additional commercial FSR above the mapped FSR control; and
- d. insert a site-specific provision applying maximum car parking rates in accordance with the Parramatta CBD Strategic Transport Study.

**Public Reserve** has the same meaning as in the *Local Government Act 1993*;

**Public Road** has the same meaning as in the *Roads Act 1993*;

**Register** means the Torrens title register maintained under the *Real Property Act 1900* (NSW);

**Regulation** means the *Environmental Planning and Assessment Regulation 2000*;

**Related Body Corporate** has the meaning given to that term in s 9 of the *Corporations Act 2001* (Cth); and

**Strata Plan** means a strata plan, a strata plan of subdivision or a strata plan of consolidation that is registered in accordance with the *Strata Schemes Development Act 2015*.

## 2 Interpretation

In this agreement, unless the context indicates a contrary intention:

- (a) **(documents)** a reference to this agreement or another document includes any document which varies, supplements, replaces, assigns or novates this agreement or that other document;
- (b) **(references)** a reference to a party, clause, paragraph, schedule or annexure is a reference to a party, clause, paragraph, schedule or annexure to or of this agreement;
- (c) **(headings)** clause headings and the table of contents are inserted for convenience only and do not affect interpretation of this agreement;
- (d) **(person)** a reference to a person includes a natural person, corporation, statutory corporation, partnership, the Crown and any other organisation or legal entity and

their personal representatives, successors, substitutes (including persons taking by novation) and permitted assigns;

- (e) **(party)** a reference to a party to a document includes that party's personal representatives, executors, administrators, successors, substitutes (including persons taking by novation) and permitted assigns;
- (f) **(president, CEO, general manager or managing director)** the president, CEO, general manager or managing director of a body or Authority includes any person acting in that capacity;
- (g) **(requirements)** a requirement to do any thing includes a requirement to cause that thing to be done, and a requirement not to do any thing includes a requirement to prevent that thing being done;
- (h) **(including)** including and includes are not words of limitation, and a list of examples is not limited to those items or to items of a similar kind;
- (i) **(corresponding meanings)** a word that is derived from a defined word has a corresponding meaning;
- (j) **(singular)** the singular includes the plural and vice-versa;
- (k) **(gender)** words importing one gender include all other genders;
- (l) **(parts)** a reference to one or more things includes each part and all parts of that thing or group of things but nothing in this clause implies that part performance of an obligation constitutes performance of that obligation;
- (m) **(rules of construction)** neither this agreement nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting;
- (n) **(legislation)** a reference to any legislation or provision of legislation includes all amendments, consolidations or replacements and all regulations or instruments issued under it;
- (o) **(time and date)** a reference to a time or date in connection with the performance of an obligation by a party is a reference to the time and date in Sydney, Australia, even if the obligation is to be performed elsewhere;
- (p) **(joint and several)** an agreement, representation, covenant, right or obligation:
  - (i) in favour of two or more persons is for the benefit of them jointly and severally; and
  - (ii) on the part of two or more persons binds them jointly and severally;
- (q) **(writing)** a reference to a notice, consent, request, approval or other communication under this agreement or an agreement between the parties means a written notice, request, consent, approval or agreement;
- (r) **(replacement bodies)** a reference to a body (including an institute, association or Authority) which ceases to exist or whose powers or functions are transferred to another body is a reference to the body which replaces it or which substantially succeeds to its power or functions;
- (s) **(Australian currency)** a reference to dollars or \$ is to Australian currency;
- (t) **(month)** a reference to a month is a reference to a calendar month; and

- (u) (year) a reference to a year is a reference to twelve consecutive calendar months.

### 3 Planning Agreement under the Act

- (a) The parties agree that this agreement is a planning agreement within the meaning of section 7.4 of the Act.
- (b) Schedule 4 of this agreement summarises the requirements for planning agreements under section 7.4 of the Act and the way this agreement addresses those requirements.

### 4 Application of this agreement

This agreement applies to:

- (a) the Instrument Change, and
- (b) the Development, and
- (c) the Land.

### 5 Operation of this agreement

This agreement commences on and from the date it is executed by all parties.

### 6 Contributions to be made under this agreement

#### 6.1 Monetary Contribution

- (a) If Development Consent is granted for Development that includes use of the Land or any part of the Land for residential purposes, the Developer Parties will pay to Council a monetary contribution of \$5,010,600.00 or an amount calculated in accordance with the following formula, whichever is the greater:

$$\begin{array}{rcl}
 \$5,010,600.00 & \times & \frac{\text{The CPI at the time of payment}}{\text{The CPI at the date of this agreement}}
 \end{array}$$

- (b) Subject to clause 6.1(c), the Monetary Contribution must be paid to Council in instalments as follows:
  - (i) 75% of the Monetary Contribution prior to the issue of a Construction Certificate for the Development; and
  - (ii) 25% of the Monetary Contribution prior to the issue of an Occupation Certificate for the Development, or prior to the registration of any Strata Plan, whichever is earlier.
- (c) The Developer Parties are not required to pay the instalment of the Monetary Contribution specified in clause 6.1(b)(i) if the Developer Parties provide to the Council a Bank Guarantee in accordance with clause 11.2 as security for that payment, in which case the Developer Parties must pay the full amount of the Monetary Contribution prior to the issue of an Occupation Certificate for the Development.

- (d) The Monetary Contribution must be paid by way of bank cheque in favour of Council or by deposit by means of electronic funds transfer into an account specified by Council.
- (e) The Monetary Contribution will be taken to have been made when the Council notifies the Developer Parties in writing that the bank cheque has been received and cleared funds or electronic funds have been deposited in the Council's bank account.
- (f) The parties agree and acknowledge that the Monetary Contribution will be used by the Council towards community infrastructure within the Paramatta Central Business District.

## 7 Application of s 7.11, s 7.12 and s 7.24 of the Act

- (a) This agreement does not exclude the application of section 7.11 of the Act to the Development.
- (b) This agreement does not exclude the application of section 7.12 of the Act to the Development.
- (c) This agreement does not exclude the application of section 7.24 of the Act to the Development.
- (d) The benefits under this agreement are not to be taken into consideration in determining a development contribution under section 7.11 of the Act.

## 8 Registration of this agreement

### 8.1 8GWH Interest

- (a) 8GWH represents and warrants to Council that:
  - (i) on the date of this agreement it has entered into the Call Options and is entitled to purchase all lots comprising the Land, except the common property, when the Instrument Change is made; and
  - (ii) 8GWH has lodged and will maintain a caveat over the Land to protect its interests as grantee under the Call Options; and
  - (iii) under the Option, 8GWH is entitled to require the SP8700 Owners and Lot 10 Owner to consent to the registration of this agreement against all lots comprising the Land.

### 8.2 Registration of this agreement

- (a) The Developer Parties agree to procure the registration of this agreement under the *Real Property Act 1900* (NSW) in the relevant folios of the Register for Lot 10 DP 10979449 and the common property of SP8700 in accordance with section 7.6 of the Act.
- (b) The Developer Parties, at their own expense, must:
  - (i) procure the lodgement of this agreement with the Registrar-General as soon as reasonably practicable after this agreement comes into operation, but in any event, no later than 10 Business Days after that date;
  - (ii) procure the registration of this agreement by the Registrar-General in the relevant folios of the Register for Lot 10 DP 10979449 and the common

- property of SP8700 as soon as reasonably practicable after this agreement is lodged for registration; and
- (iii) provide documentary evidence that the registration of this agreement has been completed to Council within 5 Business Days of receiving confirmation that the registration has occurred.
- (c) The Developer Parties at their own expense will take all practical steps, and otherwise do anything that the Council reasonably requires to procure:
- (i) the consent of each person who:
    - (A) has an estate or interest in Lot 10 DP 10979449 and the common property of SP8700 registered under the *Real Property Act 1900* (NSW); or
    - (B) is seized or possessed of an estate or interest in Lot 10 DP 10979449 and the common property of SP8700,
  - (ii) an acceptance of the terms of this agreement and an acknowledgement in writing from any existing mortgagee in relation to the Land that each will consent to the registration of this agreement and be bound by and adhere to the provisions of this agreement as owner of the Land or as mortgagee in possession, as the case may be, in accordance with section 7.6 of the Act,
  - (iii) the execution of any documents; and
  - (iv) the production of the relevant duplicate certificates of title or electronic equivalent,
- to enable the registration of this agreement in accordance with this clause 8.2.
- (d) The Lot 10 Owner consents to the registration of this agreement against the title to Lot 10 DP 10979449.
  - (e) The SP8700 Owners consent to the registration of this agreement against the title to the common property of SP8700 and warrant that, as at the date of this agreement, the SP8700 Owners have resolved to enter into this agreement and consent to this agreement being registered against the title to the common property of SP8700.
  - (f) If the strata scheme SP8700 is terminated, this agreement must remain registered on the title created on termination and, if this agreement is removed from the Register, the Developer Parties agree to take all action without delay to have this agreement registered.

### 8.3 *Removal from Register*

The Council will provide a release and discharge of this agreement so that it may be removed from the folios of the Register for the Land (or any part of it) provided the Council is satisfied the Developer Parties have duly fulfilled their obligations under this agreement, and are not otherwise in default of any of the obligations under this agreement.

#### 8.4 Caveat

- (a) The SP8700 Owners acknowledge and agree that:
  - (i) when this agreement is executed, the Council is deemed to have acquired and the SP8700 Owners are deemed to have granted, an equitable estate and interest in the common property of SP8700 for the purposes of section 74F(1) of the *Real Property Act 1900* (NSW) and consequently the Council will have a sufficient interest in that land in respect of which to lodge a caveat notifying that interest;
  - (ii) they will not object to the Council lodging a caveat in the relevant folios of the Register for common property of SP8700 nor will they seek to remove any caveat lodged by the Council provided the caveat does not prevent registration of any dealing or plan other than a transfer.
- (b) The Lot 10 Owner acknowledges and agrees that:
  - (i) when this agreement is executed, the Council is deemed to have acquired and the Lot 10 Owner is deemed to have granted, an equitable estate and interest in Lot 10 DP 10979449 for the purposes of section 74F(1) of the *Real Property Act 1900* (NSW) and consequently the Council will have a sufficient interest in that land in respect of which to lodge a caveat notifying that interest;
  - (ii) it will not object to the Council lodging a caveat in the relevant folios of the Register for Lot 10 DP 10979449 nor will it seek to remove any caveat lodged by the Council provided the caveat does not prevent registration of any dealing or plan other than a transfer.
- (c) The Council must, at the Developer Parties' cost, register a withdrawal of any caveat in respect of the common property of SP8700 or Lot 10 DP 10979449 within five Business Days after the Developer Parties comply with clause 8.2 and must not lodge any other caveats on the title.
- (d) 8GWH must retain caveats against the title to the Land to protect its interest as Grantee under the Call Options and must:
  - (i) notify Council if any part of the Land is to be sold to a third party;
  - (ii) inform the purchaser that this agreement applies to the Land; and
  - (iii) ensure that Council's interests are not diminished or fettered in any way by the proposed sale of the Land, including if necessary, require the purchaser to enter into any novation deed or further deed with Council.

### 9 Review of this agreement

#### 9.1 Review by agreement

- (a) This agreement may be reviewed or modified by agreement between the parties using their best endeavours and acting in good faith.
- (b) For the purposes of clause 9.1 of this agreement and subject to clause 9.2, no modification or review of this agreement will be of any force or effect unless it is in writing, exhibited in accordance with the requirements of the Act and Regulation and signed by the parties to this agreement.

- (c) For the purposes of clause 9.1 of this agreement and subject to clause 9.2, a party is not in breach of this agreement if it does not agree to an amendment to this agreement requested by a party in, or as a consequence of, a review.

## 9.2 Change to Development Contributions

- (a) The parties acknowledge that as at the date of this agreement:
  - (i) Council is proposing to amend the *Parramatta Local Environmental Plan 2011* to address the provision of community infrastructure within the Parramatta Central Business District and to adopt an accompanying Infrastructure Strategy and Development Guideline;
  - (ii) the Monetary Contribution payable under this agreement has been calculated on the basis of a monetary rate per square metre of land (**Community Infrastructure Rate**), being a percentage of land value uplift (as defined in the Council's Planning Agreements Policy); and
  - (iii) the Community Infrastructure Rate of \$150.00 per square metre for incentive sites and \$375.00 per square metre for opportunity sites is being applied by Council at the date of this agreement but may change when the planning proposal for the Parramatta Central Business District is finalised.
- (b) If, at the time the Monetary Contribution becomes payable (**Payment Date**):
  - (i) the Community Infrastructure Rate adopted by Council is less than the rate applied at the time of this agreement (being \$150 per square metre for incentive sites and \$375.00 per square metre for opportunity sites) or Council decides not to adopt the approach set out in clause 9.2(a)(i) and the Community Infrastructure Rate; and
  - (ii) as a consequence of the reduction of the Community Infrastructure Rate or the rejection of the Community Infrastructure Rate, Council amends the Contributions Plan applying to the Land, or adopts a new Contributions Plan that applies to the Land, so that the contributions payable under section 7.11 or section 7.12 of the Act (**Development Contributions**) for the Development are higher, per square metre or other basis of measurement used to determine the contributions, than they would have been as at the date of this agreement,

then, within 20 Business Days of the Developer Parties making a request for review, the Council and the Developer Parties must meet to review this agreement in accordance with the principles in clause 9.2(c) and using their best endeavours and in good faith.
- (c) If a review of this agreement is carried out under clause 9.2(b) the parties must consider during that review process, the quantum of Monetary Contribution payable by the Developer Parties to the Council under this agreement and a reduction of the Monetary Contribution by an amount equivalent to the difference between:
  - (i) the Development Contributions calculated as at the date of this agreement (indexed in accordance with increases in the CPI from the date of this agreement to the date of the calculation); and

- (ii) the Development Contributions paid or payable for the Development in accordance with the Development Consent.
- (d) If, at the Payment Date, Council has adopted a Community Infrastructure Rate that is higher than the rate applicable as at the date of this Agreement, within 20 Business Days of either party making a request for review, the Council and the Developer must meet to review this Agreement using their best endeavours and in good faith to consider increasing the quantum of Monetary Contribution payable by the Developer under this Agreement in accordance with the increased Community Infrastructure Rate, having regard to the Development and Development Contributions payable in accordance with the Development Contributions Plan, or provision of other material public benefits in lieu of that increased amount.
- (e) Any agreement reached during a review under this clause 9.2 will not constitute an amendment to this agreement until the amendment has been:
  - (i) confirmed in writing as a proposed amendment to this agreement;
  - (ii) publicly notified in accordance with the Act and the Regulation;
  - (iii) approved by Council after consideration of any public submissions; and
  - (iv) signed by the parties.
- (f) A failure by a party to agree to participate in a review under this clause 9.2 is taken to be a dispute for the purposes of clause 10.
- (g) If the parties cannot agree to the terms of any amendment to this agreement following a review under clause 9.2, either party may refer the matter to dispute resolution under clause 10.
- (h) Nothing in this clause 9.2:
  - (i) affects the obligation of the Developer Parties under the Act to pay contributions in accordance with section 7.11 or section 7.12 of the Act; or
  - (ii) requires the Council to pay any money to the Developer Parties or to refund to the Developer Parties or any other entity, any amount paid to it under this agreement or for any other purpose.

## 10 Dispute Resolution

### 10.1 Reference to Dispute

If a dispute arises between the parties in relation to this agreement, the parties must not commence any court proceedings relating to the dispute unless the parties have complied with this clause, except where a party seeks urgent interlocutory relief.

### 10.2 Notice of Dispute

The party wishing to commence the dispute resolution process must give written notice (**Notice of Dispute**) to the other parties of:

- (a) The nature of the dispute,
- (b) The alleged basis of the dispute, and
- (c) The position which the party issuing the Notice of Dispute believes is correct.



### 10.3 *Representatives of Parties to Meet*

- (a) The representatives of the parties must promptly (and in any event within 20 Business Days of the Notice of Dispute) meet in good faith to attempt to resolve the notified dispute.
- (b) The parties may, without limitation:
  - (i) resolve the dispute during the course of that meeting,
  - (ii) agree that further material or expert determination in accordance with clause 10.6 about a particular issue or consideration is needed to effectively resolve the dispute (in which event the parties will, in good faith, agree to a timetable for resolution); or
  - (iii) agree that the parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

### 10.4 *Further Notice if Not Settled*

If the dispute is not resolved within 10 Business Days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (**Determination Notice**) by mediation under clause 10.5 or by expert determination under clause 10.6.

### 10.5 *Mediation*

If a party gives a Determination Notice calling for the dispute to be mediated:

- (a) The parties must agree to the terms of reference of the mediation within 15 Business Days of the receipt of the Determination Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (b) The mediator will be agreed between the parties, or failing agreement within 15 Business Days of receipt of the Determination Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (c) The mediator appointed pursuant to this clause 10.5 must:
  - (i) Have reasonable qualifications and practical experience in the area of the dispute; and
  - (ii) Have no interest or duty which conflicts or may conflict with his or her function as a mediator he or she being required to fully disclose any such interest or duty before his or her appointment;
- (d) The mediator shall be required to undertake to keep confidential all matters coming to his or her knowledge by reason of his or her appointment and performance of his or her duties;
- (e) The parties must within 15 Business Days of receipt of the Determination Notice notify each other of their representatives who will be involved in the mediation (except if a resolution of the Council is required to appoint a representative, the Council must advise of the representative within 5 Business Days of the resolution);

- (f) The parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement; and
- (g) In relation to costs and expenses:
  - (i) Each party will bear its own professional and expert costs incurred in connection with the mediation; and
  - (ii) The costs of the mediator will be shared equally by the parties unless the mediator determines that a party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full costs of the mediation to be borne by that party.

#### 10.6 Expert determination

If the dispute is not resolved under clause 10.3 or clause 10.5, or the parties otherwise agree that the dispute may be resolved by expert determination, the parties may refer the dispute to an expert, in which event:

- (a) The dispute must be determined by an independent expert in the relevant field:
  - (i) Agreed upon and appointed jointly by the parties; and
  - (ii) In the event that no agreement is reached or no appointment is made within 20 Business Days of the agreement to refer the dispute to an expert, appointed on application of a party by the then President of the Law Society of New South Wales;
- (b) The expert must be appointed in writing and the terms of the appointment must not be inconsistent with this clause;
- (c) The determination of the dispute by such an expert will be made as an expert and not as an arbitrator and will be in writing and contain the reasons for the determination;
- (d) The expert will determine the rules for the conduct of the process but must conduct the process in accordance with the rules of natural justice;
- (e) Each party will bear its own costs in connection with the process and the determination by the expert and will share equally the expert's fees and costs; and
- (f) Any determination made by an expert pursuant to this clause is final and binding upon the parties except unless:
  - (i) Within 20 Business Days of receiving the determination, a party gives written notice to the other party that it does not agree with the determination and commences litigation; or
  - (ii) The determination is in respect of, or relates to, termination or purported termination of this agreement by any party, in which event the expert is deemed to be giving a non-binding appraisal.

#### 10.7 Litigation

If the dispute is not *finally* resolved in accordance with this clause 10, then either party is at liberty to litigate the dispute.

### 10.8 No suspension of contractual obligations

Subject to any interlocutory order obtained under clause 10.1, the referral to or undertaking of a dispute resolution process under this clause 10 does not suspend the parties' obligations under this agreement.

## 11 Enforcement

### 11.1 Default

- (a) In the event a party considers another party has failed to perform and fulfil an obligation under this agreement, it may give notice in writing to the other party (**Default Notice**) giving all particulars of the matters in respect of which it considers default has occurred and by such notice require the default to be remedied within a reasonable time not being less than 21 days.
- (b) In determining a reasonable time, regard must be had to both the nature of the default and the work or other action required to remedy it and whether or not the continuation of the default constitutes a public nuisance or raises other circumstances of urgency or emergency.
- (c) If a party disputes the Default Notice it may refer the dispute to dispute resolution under clause 10 of this agreement.

### 11.2 Bank Guarantee

- (a) If the Developer Parties elect to provide a Bank Guarantee instead of paying the first instalment of the Monetary Contribution as set out in clause 6.1(b), the Developer Parties must provide to the Council a Bank Guarantee in an amount equivalent to 75% of the Monetary Contribution prior to the issue of a Construction Certificate for the Development.
- (b) The Council may reject any Bank Guarantee that contains errors, or if it has received the Bank Guarantee, require at any time the Developer Parties to obtain a replacement Bank Guarantee that rectifies any such errors or otherwise obtain rectification of the errors. The Developer Parties must provide the replacement Bank Guarantee, or otherwise obtain rectification of the errors, within 5 Business Days of receiving the Council's request.
- (c) The Council may call on a Bank Guarantee provided under this clause if:
  - (i) the Developer Parties are in material or substantial breach of this agreement and has failed to rectify the breach within a reasonable period of time after having been given reasonable notice (which must not be less than 21 Business Days) in writing to do so in accordance with clause 11.1 of this agreement; or
  - (ii) Sept Fortis or 8GWH becomes Insolvent.
- (d) Within 20 Business Days of each anniversary of a Bank Guarantee provided under clause (a), the Developer Parties must provide Council with one or more replacement Bank Guarantees (**Replacement Bank Guarantee**) in an amount calculated in accordance with the following:

$$A = \frac{B \times D}{C}$$

Where:

A is the amount of the Replacement Bank Guarantee,

B is the amount of the Bank Guarantee to be replaced,

C is the CPI for the quarter ending immediately before the date of the Bank Guarantee to be replaced,

D is the CPI for the quarter ending immediately before the date of the Replacement Bank Guarantee,

provided A is greater than B.

- (e) On receipt of a Replacement Bank Guarantee provided under clause 11.2(d), the Council must release and return to the Developer Parties, as directed, the Bank Guarantee that has been replaced as soon as reasonably practicable.
- (f) At any time following the provision of a Bank Guarantee under this clause, the Developer Parties may provide the Council with one or more replacement Bank Guarantees totalling the amount of all Bank Guarantees required to be provided under this clause for the time being. On receipt of such replacement Bank Guarantee, the Council must release and return to the Developer Parties, as directed, the Bank Guarantee(s) which it holds that have been replaced as soon as reasonably practicable.
- (g) Subject to clause 11.2(c), the Council may apply the proceeds of a Bank Guarantee in satisfaction of:
  - (i) any obligation of the Developer Parties under this agreement that is secured by the Bank Guarantee; and
  - (ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer Parties to comply with this agreement.
- (h) Nothing in this clause 11.2 prevents or restricts the Council from taking any enforcement action in relation to:
  - (i) any obligation of the Developer Parties under this agreement; or
  - (ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer Parties to comply with this agreement,

that is not or cannot be satisfied by calling on a Bank Guarantee.

### 11.3 *Restriction on the issue of Certificates*

- (a) In accordance with section 6.8 of the Act and clause 146A of the Regulation the obligation to pay the first instalment of the Monetary Contribution under clause 6.1(b)(i) or instead provide a Bank Guarantee under clause 11.2 must be satisfied prior to the issue of a Construction Certificate for the Development or any part of the Development.
- (b) In accordance with section 6.10 of the Act and clause 154E of the Regulation the obligation to pay the Monetary Contribution in full must be satisfied prior to the

issue of an Occupation Certificate for the Development or any part of the Development.

#### 11.4 General Enforcement

- (a) Without limiting any other remedies available to the parties, this agreement may be enforced by any party in any Court of competent jurisdiction.
- (b) Nothing in this agreement prevents:
  - (i) a party from bringing proceedings in the Land and Environment Court to enforce any aspect of this agreement or any matter to which this agreement relates; and
  - (ii) the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this agreement or any matter to which this agreement relates.

### 12 Assignment and Dealings

#### 12.1 Assignment

- (a) A party must not assign or deal with any right under this agreement without the prior written consent of the other parties.
- (b) Any change of ownership or control (as defined in section 50AA of the *Commonwealth Corporations Act 2001*) of a party (excluding the Council) shall be deemed to be an assignment of this agreement for the purposes of this clause.
- (c) Any purported dealing in breach of this clause is of no effect.

#### 12.2 Arrangements with Mortgagee

- (a) The Developer Parties agree with the Council that if the Developer Parties mortgage the Land after this agreement is entered into they must use all reasonable efforts at that time to arrange a multiple party deed of agreement between the Council, the Developer Parties, and the mortgagee who will be providing finance for the Works so that the mortgagee accepts that the responsibilities set out in this agreement are binding upon the mortgagee in the event that the Developer Parties default on the mortgage and the mortgagee takes possession of the Land.
- (b) The terms of the adoption of the obligations of the Developer Parties by the mortgagee shall be as reasonably required by the Council. The agreement shall be prepared at the cost of the Developer Parties.

#### 12.3 Transfer of Rights and Exercise of Option

- (a) 8GWH may not transfer, assign or dispose of the whole or any part of its right, title or interest under the Option or the Development to another person (**Transferee**) and must not nominate another entity to exercise or receive the benefit of the Option (**Nominee**) unless before it sells, transfers or disposes of that right, title or interest or exercises any right to nominate under the Option:
  - (i) the Development Parties have registered this agreement against the title to the Land;

- (ii) 8GWH satisfies the Council that the proposed Transferee or Nominee is financially capable of complying with the Developer Parties' obligations under this agreement;
  - (iii) 8GWH satisfies the Council that the rights of the Council will not be diminished or fettered in any way;
  - (iv) the Transferee or Nominee delivers to the Council a novation deed signed by the Transferee or Nominee in a form and of such substance as is acceptable to the Council containing provisions under which the Transferee or Nominee agrees to comply with all the outstanding obligations of the Developer Parties under this agreement;
  - (v) the Transferee or Nominee delivers to the Council replacement Bank Guarantees as required by this agreement;
  - (vi) any default under any provisions of this agreement has been remedied or waived by the Council, on such conditions as the Council may determine, and
  - (vii) the Developer Parties and the Transferee or Nominee pay the Council's reasonable costs in relation to the assignment.
- (b) For the avoidance of doubt, any novation deed entered into under clause 12.3(iv) may, if agreed between the parties, provide for the release of 8GWH and Sept Fortis from this agreement.

### 13 Approvals and consents

Except as otherwise set out in this agreement, and subject to any statutory obligations, a party may give or withhold an approval or consent to be given under this agreement in that party's absolute discretion and subject to any conditions determined by the party. A party is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions.

### 14 No fetter

#### 14.1 Discretion

This agreement is not intended to operate to fetter, in any manner, the exercise of any statutory power or discretion of the Council, including, but not limited to, any statutory power or discretion of the Council relating to the Development Application or any other application for Development Consent (all referred to in this agreement as a "**Discretion**").

#### 14.2 No fetter

No provision of this agreement is intended to constitute any fetter on the exercise of any Discretion. If, contrary to the operation of this clause, any provision of this agreement is held by a court of competent jurisdiction to constitute a fetter on any Discretion, the parties agree:

- (a) they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause is substantially satisfied,
- (b) in the event that (a) cannot be achieved without giving rise to a fetter on the exercise of a Discretion, the relevant provision is to be severed and the remainder of this agreement has full force and effect, and

- (c) to endeavour to satisfy the common objectives of the parties in relation to the provision of this agreement which is to be held to be a fetter on the extent that is possible having regard to the relevant court judgment.

#### 14.3 *Planning Certificates*

The Developer Parties acknowledge that Council may, at its discretion, include advice on any planning certificate issued under section 10.7 of the Act that this agreement affects the Land.

### 15 *Notices*

#### 15.1 *Notices*

Any notice given under or in connection with this agreement (**Notice**):

- (a) must be in writing and signed by a person duly authorised by the sender;
- (b) must be addressed as follows and delivered to the intended recipient by hand, by prepaid post or by email or fax at the address or fax number below, or at the address or fax number last notified by the intended recipient to the sender after the date of this agreement:
  - (i) to City of Parramatta Council: PO Box 32, Parramatta, NSW 2124  
Fax: 02 9806 5917  
Email: [council@cityofparramatta.nsw.gov.au](mailto:council@cityofparramatta.nsw.gov.au)  
Attention: Manager, Land Use Planning
  - (ii) to Sept Fortis and 8GWH: 1705/101 Grafton St, Bondi Junction, NSW 2022  
Email: [team@septfortispropertygroup.com.au](mailto:team@septfortispropertygroup.com.au)  
Attention: Daniel De Gregorio
- (c) is taken to be given or made:
  - (i) in the case of hand delivery, when delivered;
  - (ii) in the case of delivery by post, three Business Days after the date of posting (if posted to an address in the same country) or seven Business Days after the date of posting (if posted to an address in another country); and
  - (iii) in the case of a fax, on production of a transmission report by the machine from which the fax was sent that indicates the fax was sent in its entirety to the recipient's fax number; and
- (d) if under clause (c) a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 4.00 pm (local time), it is taken to have been given or made at the start of business on the next Business Day in that place.

#### 15.2 *Notices sent by email:*

- (a) A party may serve a Notice by email if the Notice:
  - (i) includes a signature block specifying:
    - (A) the name of the person sending the Notice; and
    - (B) the sender's position within the relevant party;

- (ii) states in the body of the message or the subject field that it is sent as a Notice under this agreement;
- (iii) contains an express statement that the person sending the Notice has the authority to serve a Notice under this agreement;
- (iv) is sent to the email address below or the email address last notified by the intended recipient to the sender:

(A) to City of Parramatta Council:      Attention: Manager, Land Use Planning  
[council@cityofparramatta.nsw.gov.au](mailto:council@cityofparramatta.nsw.gov.au)

(B) to Sept Fortis and 8GWH      Attention: Daniel De Gregorio  
[team@septfortispropertygroup.com.au](mailto:team@septfortispropertygroup.com.au)

- (b) The recipient of a Notice served under this clause 15.2 must:
  - (i) promptly acknowledge receipt of the Notice; and
  - (ii) keep an electronic copy of the Notice,
- (c) Failure to comply with clause 15.2 does not invalidate service of a Notice under this clause.

### 15.3 *Receipt of Notices sent by email*

- (a) A Notice sent under clause 15.2 is taken to be given or made:
  - (i) when the sender receives an email acknowledgement from the recipient's information system showing the Notice has been delivered to the email address stated above;
  - (ii) when the Notice enters an information system controlled by the recipient; or
  - (iii) when the Notice is first opened or read by the recipient,
 whichever occurs first.
- (b) If under clause 15.3 a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 4.00 pm (local time), it will be taken to have been given or made at the start of business on the next Business Day in that place.

## 16 General

### 16.1 *Relationship between parties*

- (a) Nothing in this agreement:
  - (i) constitutes a partnership between the parties; or
  - (ii) except as expressly provided, makes a party an agent of another party for any purpose.
- (b) A party cannot in any way or for any purpose:
  - (i) bind another party; or
  - (ii) contract in the name of another party.



- (c) If a party must fulfil an obligation and that party is dependent on another party, then that other party must do each thing reasonably within its power to assist the other in the performance of that obligation.

**16.2 Time for doing acts**

- (a) If the time for doing any act or thing required to be done or a notice period specified in this agreement expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.
- (b) If any act or thing required to be done is done after 5.00 pm on the specified day, it is taken to have been done on the following Business Day.

**16.3 Further assurances**

Each party must promptly execute all documents and do all other things reasonably necessary or desirable to give effect to the arrangements recorded in this agreement.

**16.4 Joint and individual liability and benefits**

Except as otherwise set out in this agreement, any agreement, covenant, representation or warranty under this agreement by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

**16.5 Variations and Amendments**

A provision of this agreement can only be varied by a later written document executed by or on behalf of all parties and in accordance with the provisions of the Act.

**16.6 Counterparts**

This agreement may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

**16.7 Legal expenses and stamp duty**

- (a) The Developer Parties must pay the Council's legal costs and disbursements in connection with the negotiation, preparation, execution, carrying into effect, enforcement and release and discharge of this agreement, including the reasonable costs of obtaining any legal advice in connection with this agreement, no later than 10 Business Days after receiving a demand from the Council to pay such costs.
- (b) The Developer Parties agree to pay or reimburse the costs and expenses incurred by Council in connection with the advertising and exhibition of this agreement in accordance with the Act.
- (c) The Developer Parties agrees to pay Council any administrative fees as required by Council, acting reasonably, in connection with the administration of this agreement.

**16.8 Entire agreement**

The contents of this agreement constitute the entire agreement between the parties and supersede any prior negotiations, representations, understandings or arrangements made between the parties regarding the subject matter of this agreement, whether orally or in writing.

**16.9 Representations and warranties**

The parties represent and warrant that they have the power and authority to enter into this agreement and comply with their obligations under the agreement and that entry into this agreement will not result in the breach of any law.

**16.10 Severability**

If a clause or part of a clause of this agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this agreement, but the rest of this agreement is not affected.

**16.11 Invalidity**

- (a) A word or provision must be read down if:
  - (i) this agreement is void, voidable, or unenforceable if it is not read down;
  - (ii) this agreement will not be void, voidable or unenforceable if it is read down; and
  - (iii) the provision is capable of being read down.
- (b) A word or provision must be severed if:
  - (i) despite the operation of clause (a), the provision is void, voidable or unenforceable if it is not severed; and
  - (ii) this agreement will be void, voidable or unenforceable if it is not severed.
- (c) The remainder of this agreement has full effect even if clause 16.11(b) applies.

**16.12 Waiver**

- (a) A right or remedy created by this agreement cannot be waived except in writing signed by the party entitled to that right. Delay by a party in exercising a right or remedy does not constitute a waiver of that right or remedy, nor does a waiver (either wholly or in part) by a party of a right operate as a subsequent waiver of the same right or of any other right of that party.
- (b) The fact that a party fails to do, or delays in doing, something the party is entitled to do under this agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another party. A waiver by a party is only effective if it is in writing. A written waiver by a party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

**16.13 GST**

- (a) Words and expressions which are not defined in this agreement but which have a defined meaning in GST Law have the same meaning as in the GST Law.
- (b) Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this agreement are exclusive of GST.
- (c) If GST is imposed on any supply made under or in accordance with this agreement, the Developer Parties must pay the GST or pay to the Council an

amount equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances.

- (d) If the Council is obliged to pay any GST on any supply made under or in accordance with this agreement, the Developer Parties indemnify the Council for the amount of any such payment is required to make.

**16.14 Governing law and jurisdiction**

- (a) The laws applicable in New South Wales govern this agreement.
- (b) The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts competent to hear appeals from those courts.

**16.15 Guarantee**

- (a) Sept Fortis unconditionally and irrevocably guarantees to Council the punctual performance and observance by 8GWH of the Guaranteed Obligations.
- (b) If 8GWH does not perform or observe the Guaranteed Obligations on time and/or in accordance with the provisions of the Guaranteed Obligations, Sept Fortis agrees to perform and observe the Guaranteed Obligations for the benefit of Council on demand from Council.
- (c) Council may make a demand on Sept Fortis under clause 16.15(b) at any time if Council has first:
  - (i) notified Sept Fortis of the particular non-performance of the relevant Guaranteed Obligation by 8GWH; and
  - (ii) given Sept Fortis the same grace period (if any) as 8GWH has to remedy the particular matter of concern to Council.

**16.16 Indemnity**

- (a) Sept Fortis unconditionally and irrevocably indemnifies Council for all losses, Costs, damages and liabilities which it incurs or suffers because 8GWH fails to punctually perform and observe the Guaranteed Obligations.
- (b) The indemnity in this clause will be reduced proportionally to the extent only that a negligent act or omission of 8GWH or a breach of its obligations under this agreement has contributed to the loss, Costs, damages or liability which it incurs or suffers.

## Schedule 1 Summary of requirements (section 7.4)

Subject and subsection of the Act	Planning Agreement
<b>Planning instrument and/or Development Application – Section 7.4(1)</b>  The Developer has: <ul style="list-style-type: none"> <li>(a) Sought a change to an environmental planning instrument <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>(b) Made, or propose to make a Development Application <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>(c) Entered into an agreement with, or are otherwise associated with, a person to whom paragraph (a) or (b) applies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> </ul>	
<b>Description of the land to which the planning Agreement applies – Section 7.4(3)(a)</b>	Lot 10 DP 1097949 and SP8700 at 8-14 Great Western Highway, Parramatta
<b>Description of the application – Section 7.4(3)(b)</b>	See the definition of Planning Proposal.
<b>The scope, timing and manner of delivery of contribution required by the Planning Agreement – Section 7.4(3)(c)</b>	See clause 6.
<b>Applicability of section 7.11 of the Act – Section 7.4(3)(d)</b>	This section is not excluded by this agreement. See clause 7.
<b>Applicability of section 7.12 of the Act – Section 7.4(3)(d)</b>	This section is not excluded by this agreement. See clause 7.
<b>Applicability of section 7.24 of the Act – Section 7.4(3)(d)</b>	This section is not excluded by this agreement. See clause 7.
<b>Mechanism for dispute resolution – Section 7.4(3)(f)</b>	See clause 10
<b>Enforcement of the Planning Agreement – Section 7.4(3)(g)</b>	See clause 11
<b>Registration of the Planning Agreement – Section 7.6</b>	See clause 8.2
<b>No obligation to grant consent or exercise functions – Section 7.4(9)</b>	See clause 14.

## Executed as an agreement

Signed on behalf of **City of Parramatta Council** (ABN 49 907 174 773) by its authorised delegate pursuant to section 377 of the *Local Government Act* 1993 in the presence of:

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Signature of authorised delegate

\_\_\_\_\_  
Name of witness

\_\_\_\_\_  
Name of authorised delegate

\_\_\_\_\_  
Address of witness

\_\_\_\_\_  
Position of authorised delegate

**Executed by Sept Fortis Property Group Pty Ltd** ACN 624 098 326 in accordance with section 127 of the *Corporations Act* 2001 (Cth) by: )  
)  
)  
)  
)  
)

.....  
Signature of Director

.....  
Signature of Director/Secretary

.....  
Print name of Director

.....  
Print name of Director/Secretary

**Executed by 8GWH Pty Ltd** ACN 632 )  
377 863 in accordance with section 127 of )  
the *Corporations Act 2001* (Cth) by: )  
 )  
 )

.....  
Signature of Director

.....  
Signature of Director/Secretary

.....  
Print name of Director

.....  
Print name of Director/Secretary

**Executed by J M Malouf Investments** )  
**Pty Ltd** ACN 001 172 603 in accordance )  
with section 127 of the *Corporations Act* )  
2001 (Cth) by: )  
 )  
 )

.....  
Signature of Director

.....  
Signature of Director/Secretary

.....  
Print name of Director

.....  
Print name of Director/Secretary

**Attestation**

The seal of The Owners - Strata Plan No 8700 was affixed on ^ ... in the presence of the following person(s) authorised by section 273 *Strata Schemes Management Act 2015* to attest the affixing of the seal.

Signature: ..... Name: ..... Authority:

.....

Signature: ..... Name: ..... Authority:

.....

^ Insert appropriate date

Annexure A Plan showing Land





# 8-14 GREAT WESTERN HIGHWAY

MIXED USE DEVELOPMENT

## PLANNING PROPOSAL

NO:20385

DATE:01/05/2020



**INTRODUCTION**

Plus Architecture is delighted to put forward a strategy in support of the Planning Proposal for this site. This proposal relies on a strong contextual response and analysis of the constraints of the site. The proposal anticipates the future vision for this part of Parramatta and draws from the character and opportunities which will be the future public domain of Parramatta. It presents an opportunity to create a strong urban statement, to cater for high quality living over an active and vibrant public domain. Our aim is to create a place where people can live well and be supported by great amenity both within their apartments as well as on the ground plane. We aim to contribute to the public domain for the benefit of the community, to help realise Council's vision for Parramatta while creating the basis for a commercially viable and strong urban design outcome.

**Mixed Use Development  
8-14 Great Western Highway, Parramatta NSW 2150  
Planning Proposal**

Client: Sept Fortis Property Group  
Architect: Plus Architecture

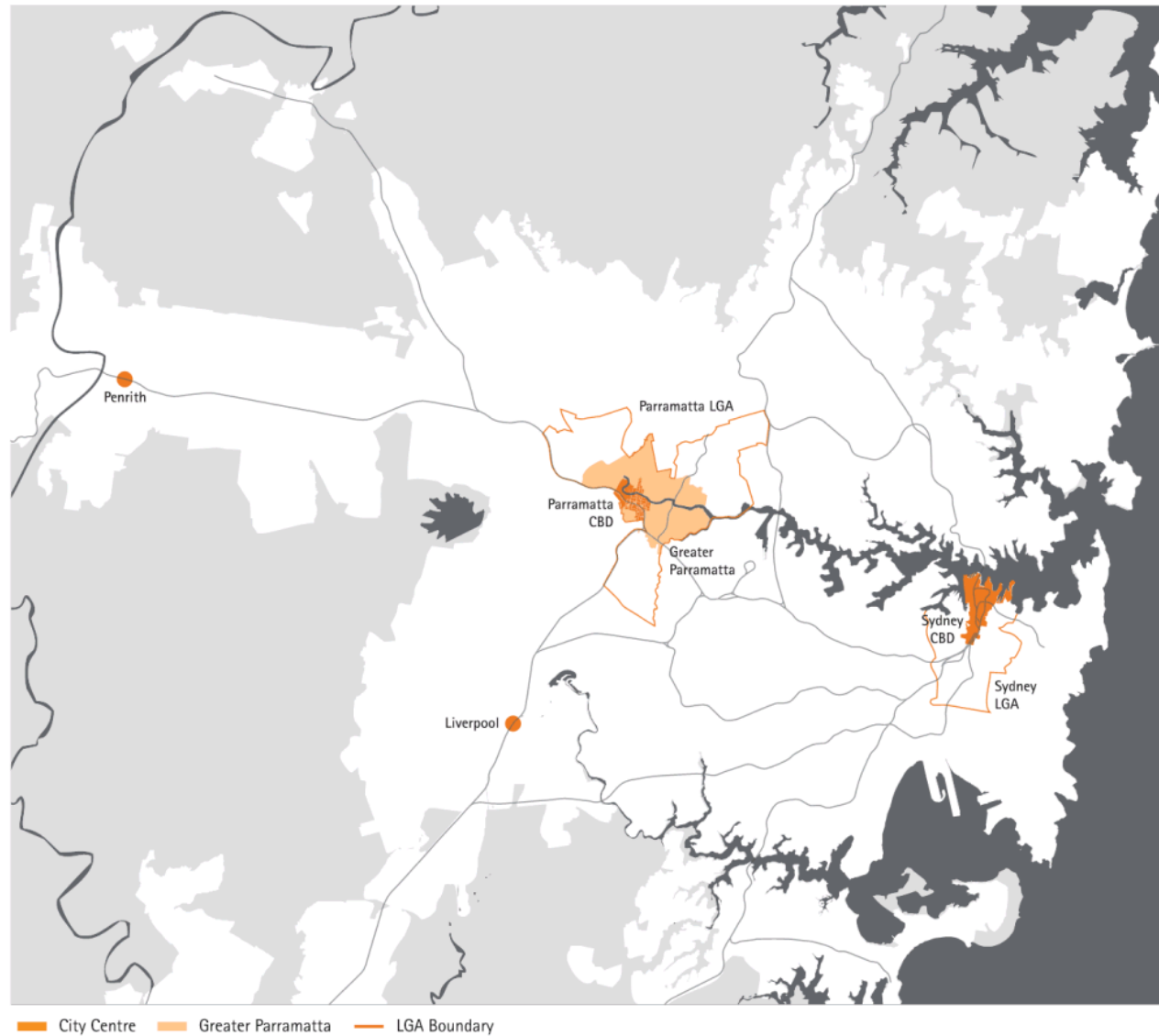
Date: 01 May 2020

**8-14 GREAT WESTERN HIGHWAY**  
PLANNING PROPOSAL

JOB NO.	20385
DATE	01/05/2020
SCALE	NTS

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## CONTEXT AND HISTORY

Parramatta is located some 23 kilometres west of Sydney CBD with the subject site on the northern perimeter of the Parramatta CBD. Now the sixth largest CBD in Australia, Parramatta has emerged as an economic and cultural hub of Western Sydney.

From the colonial settlements in the late 1700s to the mid-1850s, there has been more than 150 years of modern history in which Parramatta's population and community identity has developed into a vibrant economic and cultural hub. Sydney Metropolitan Area and NSW are expecting great increases in population. The strategic location of some existing town centres positioned around infrastructure and train stations are key to the development of these to accommodate the future demographic changes. A vision included in the Parramatta 2038 Strategy has been drafted for what is already established as a Primary Regional City.

Parramatta City will become the next CBD in NSW with a range of tall tower forms which will act as a catalyst for the coming communities and work commuters. The new buildings will help to generate marker within the new proposed public domain guiding people from the key transport nodes to the active zones along the river among which this site is located.

Source: Parramatta City Centre Urban Design Analysis 2012

## 8-14 GREAT WESTERN HIGHWAY

PLANNING PROPOSAL

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## CONTEXT CONDITIONS

Source: Parramatta Civic Link Framework Plan 2017 (Edited)

- ① Civic Link: A green, pedestrianised public space and cultural spine which connects Parramatta CBD's two primary civic and riverfront spaces
- ② Church Street: Main 'Eat Street' activated by extensive retail, hospitality and outdoor dining
- ③ Parramatta Square: Proposed pre-eminent and world class civic and ceremonial space
- ④ Centenary Square: Present Civic centre of the CBD, catering for large community events and gatherings
- ⑤ River Square and Foreshore Precinct: Proposed premier riverside, arts, entertainment and recreational public space
- ⑥ Lancer Barracks: Heritage buildings and open space
- ⑦ George Street: Historically significant street
- ⑧ Parramatta Park: Historic park and lungs of the city. Includes Old Government House heritage building
- ⑨ Western Sydney Stadium
- ⑩ Prince Alfred Square
- ⑪ City River Foreshore: proposed revitalisation of the foreshore celebrating Parramatta's identity as a River City
- ⑫ Parramatta Quay: proposed precinct upgrade anchored by world class ferry terminal

## 8-14 GREAT WESTERN HIGHWAY

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## CONTEXT CONDITIONS

Source: Parramatta Civic Link Framework Plan 2017 (Edited)

- Subject Sites
- Urban Markers
- Key Buildings

## 8-14 GREAT WESTERN HIGHWAY

PLANNING PROPOSAL

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## CONTEXT CONDITIONS

Source: Parramatta Civic Link Framework Plan 2017 (Edited)

- Subject Sites
- Urban Markers

## 8-14 GREAT WESTERN HIGHWAY

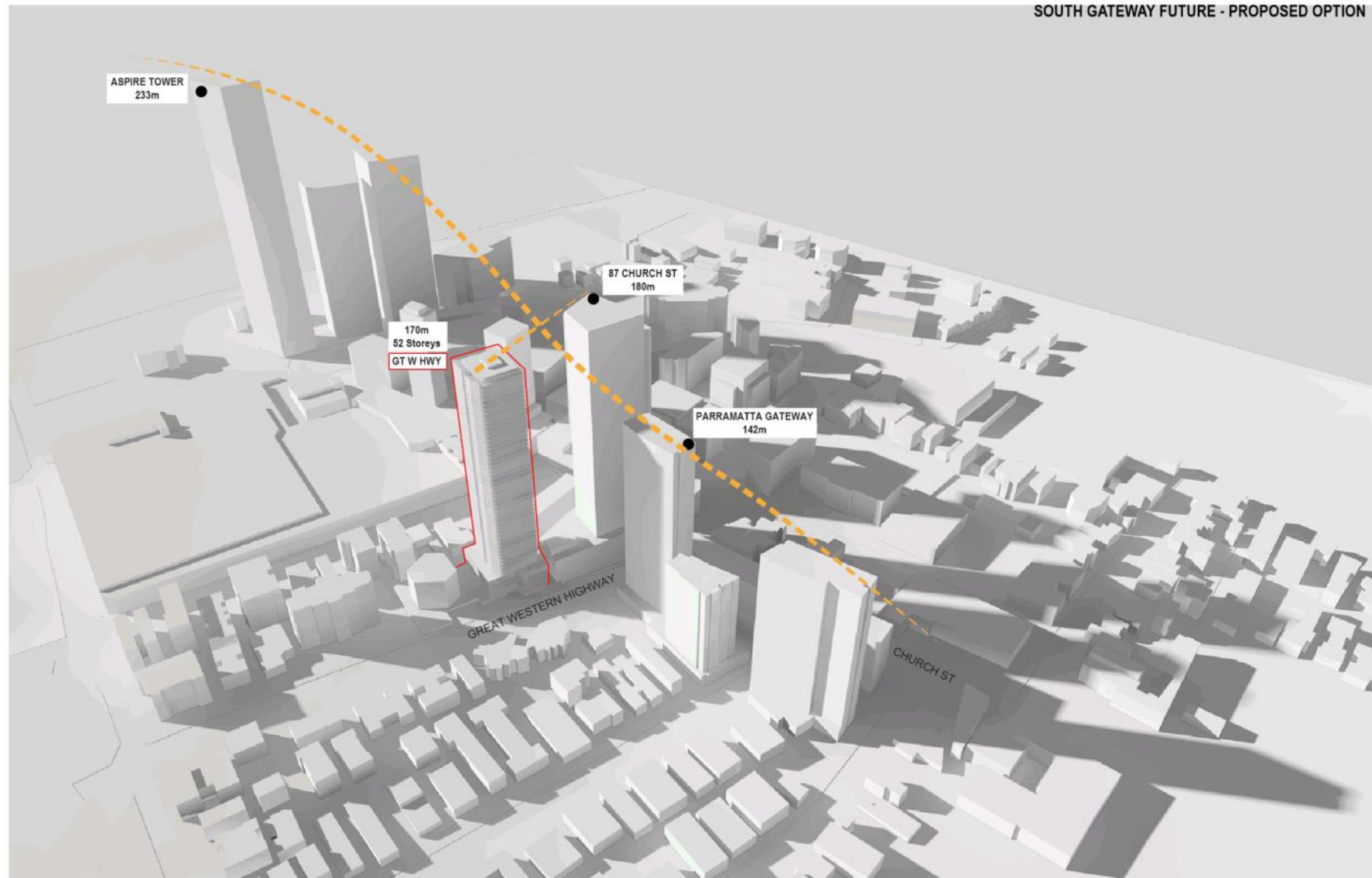
PLANNING PROPOSAL

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## 8-14 GREAT WESTERN HIGHWAY

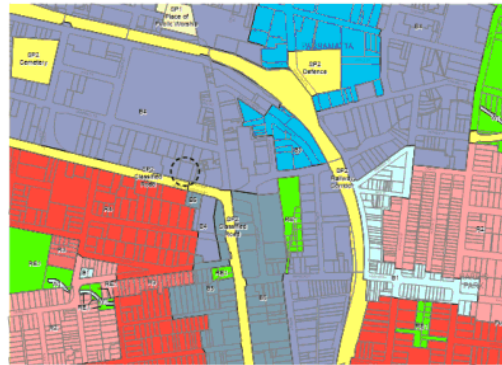
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Land Zoning B4 - Mixed



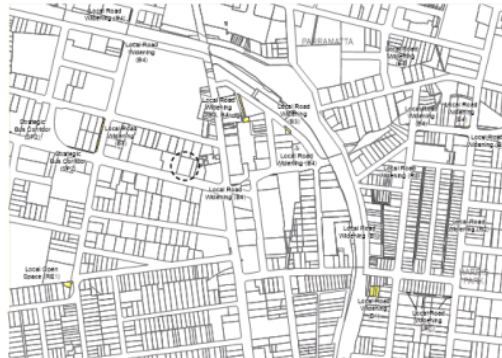
Min Lot Size - 1800sqm as part of Parramatta Centre Planning Control



Height of Building - 28m



Heritage Map - Non-conservation Area



Land Reservation Acquisition - None



FSR - 3.5:1

PARRAMATTA LEP 2011

**8-14 GREAT WESTERN HIGHWAY**  
PLANNING PROPOSAL

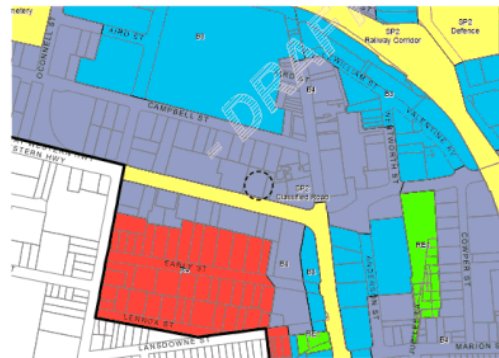
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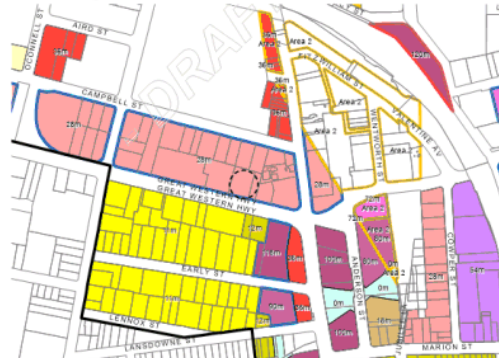
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Land Zoning - B4 Mixed Use



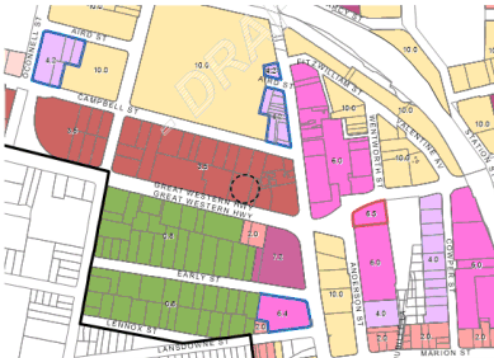
Max Height of Building - 28m



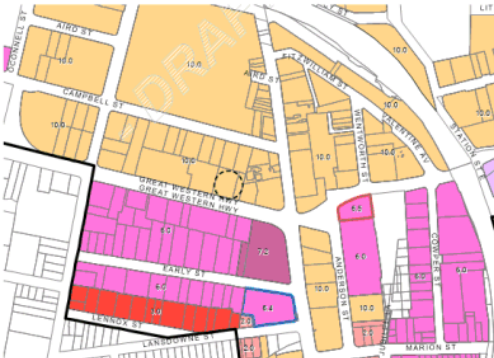
Max Incentive Height of Building - None



Paramatta City Centre



Max FSR - 3.5:1



Max Incentive FSR - 10.0:1

## DRAFT PARRAMATTA LEP 2016

The incentive from the CBD Planning Proposal forwarded to the Department for Gateway Determination has FSR provisions to 10:1 (require community infrastructure to be provided.)

There are then additional FSR for opportunity sites of which the Great Western Highway is of up to 3:1.

The Design Excellence Clause allows up to 15%

The high performance building clause allows for 0.5:1 additional

Therefore, the total allowable FSR is 15:1

## 8-14 GREAT WESTERN HIGHWAY

PLANNING PROPOSAL

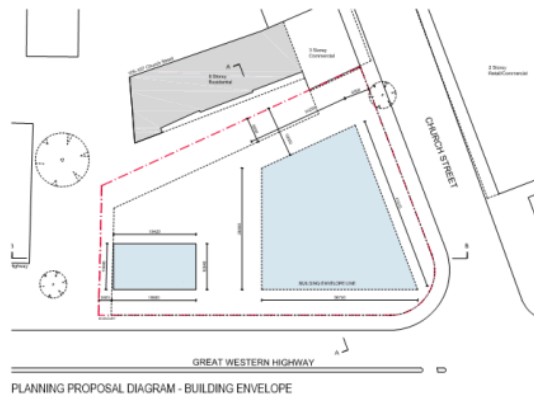
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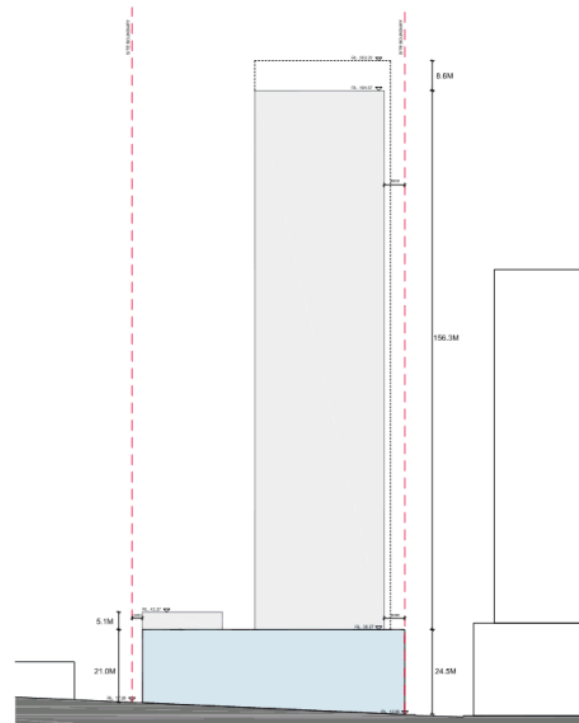
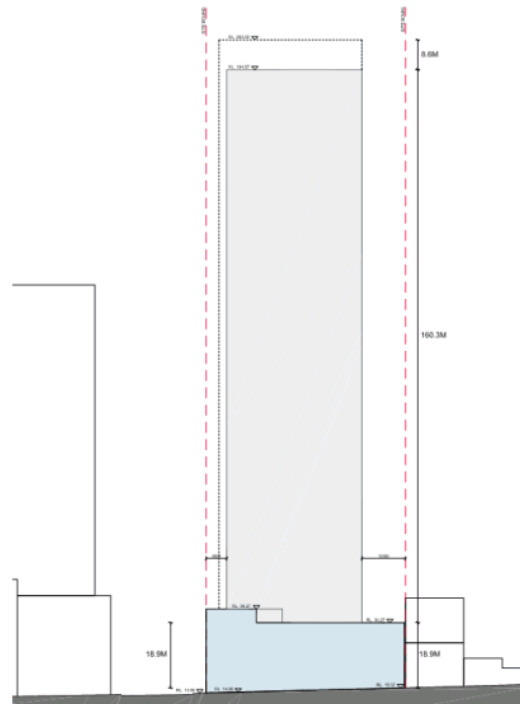
3m front setback is required based on the Parramatta DCP 2011.  
However, existing mature trees along the Great Western Highway boundary should be considered to define an appropriate front setback for the development.



## 87 CHURCH ST PLANNING PROPOSAL

The Planning Proposal produced by Bates Smart dated June 2016  
(S11925\_87ChurchSt\_Parramatta\_AmendedPCD\_Rev2\_20160603)

The planning proposal provides reliable guidance towards setbacks, scale and height for the proposed development



## 8-14 GREAT WESTERN HIGHWAY PLANNING PROPOSAL

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THE SITE

# **8-14 GREAT WESTERN HIGHWAY**

PLANNING PROPOSAL

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## COUNCIL URBAN DESIGN PANEL ADVISE

- The tower is to sit on a podium
- The podium set-back to the eastern boundary can have a 3m or nil set-back depending on access conditions along this boundary. The DA for the site to the east has a 6m wide driveway adjacent to the boundary and with the three upper levels of the podium overhanging the driveway. These are set-back 3m from the boundary. There will be a 12m wide access driveway from both properties to the GWH. The level of the podium is approximately 4 storeys on the western end of the site and taller to the east to approximately align with the podium on the development to the east.
- The front set back is to be deep soil and to have canopy planting
- The basement can extend over the rest of the site but 1500mm of deep soil is required above the basement slab on the rear set-back for larger scale planting.
- The GFA is to be calculated on the basis of 75% of GBA for residential and 80% GBA for commercial. Ground floor is site specific

## 8-14 GREAT WESTERN HIGHWAY

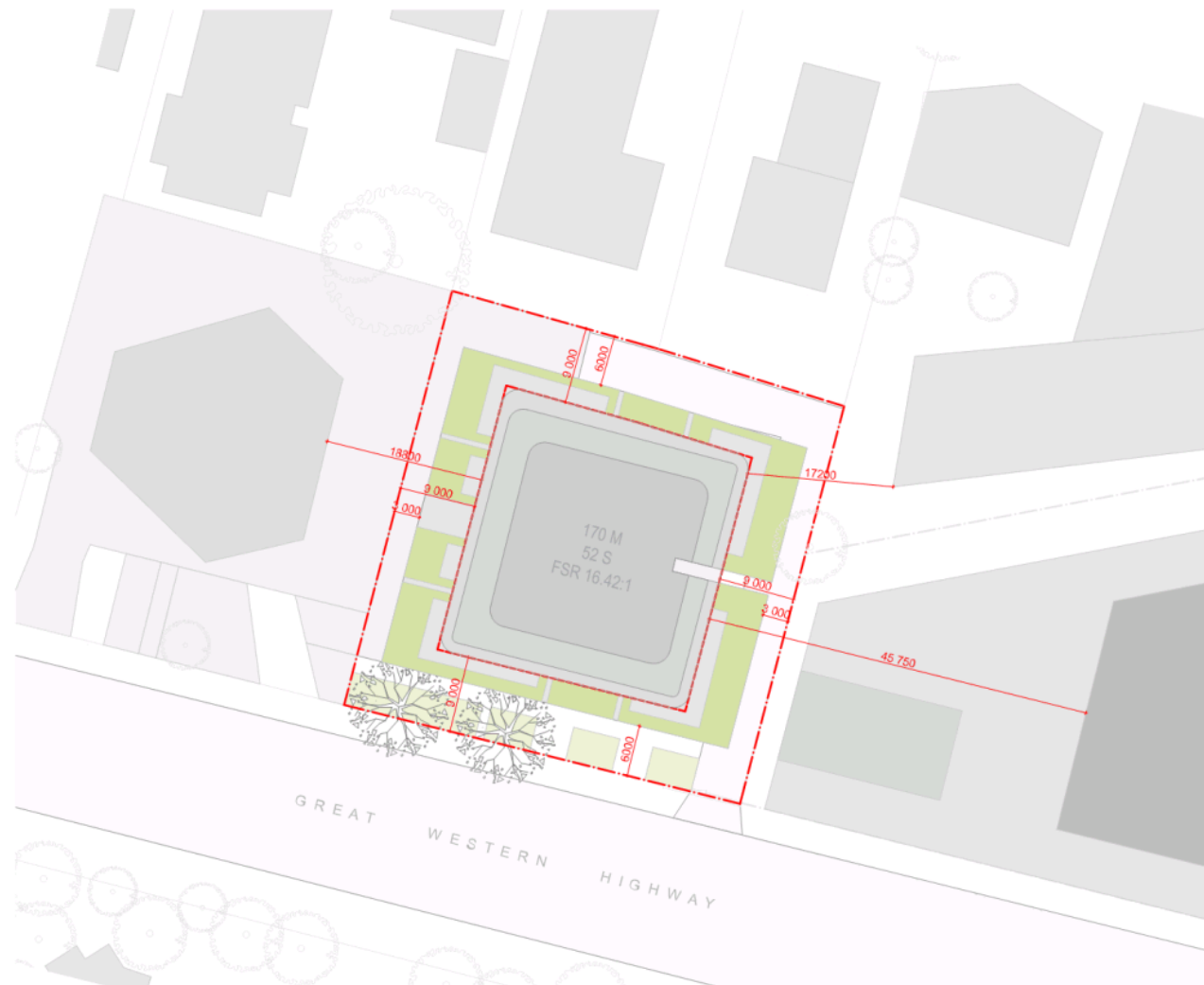
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SITE PLAN - PROPOSED SCHEME



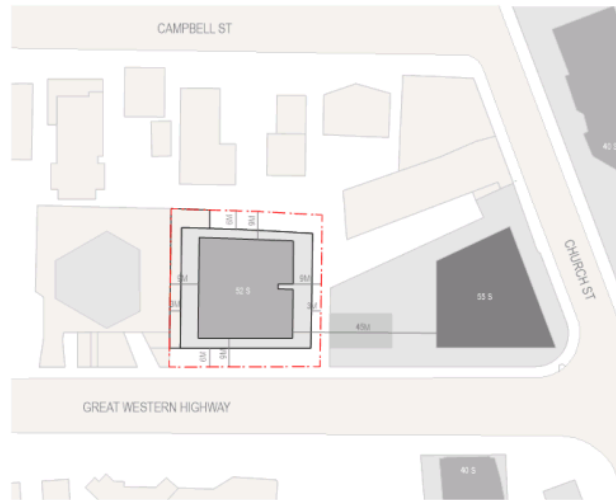
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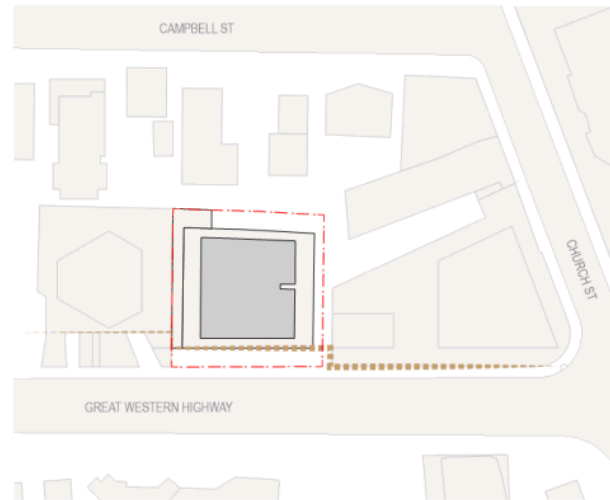


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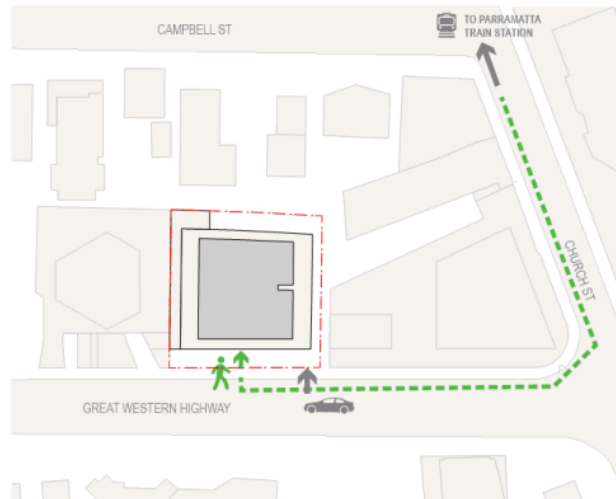
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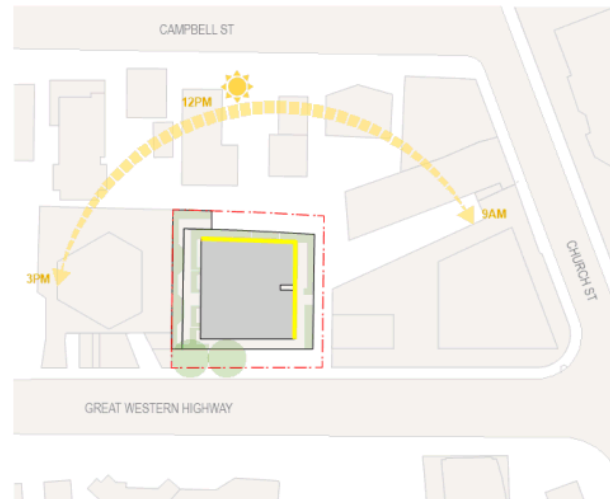
Built Form



Podium alignment



Circulation



Solar

## SITE ANALYSIS

## 8-14 GREAT WESTERN HIGHWAY

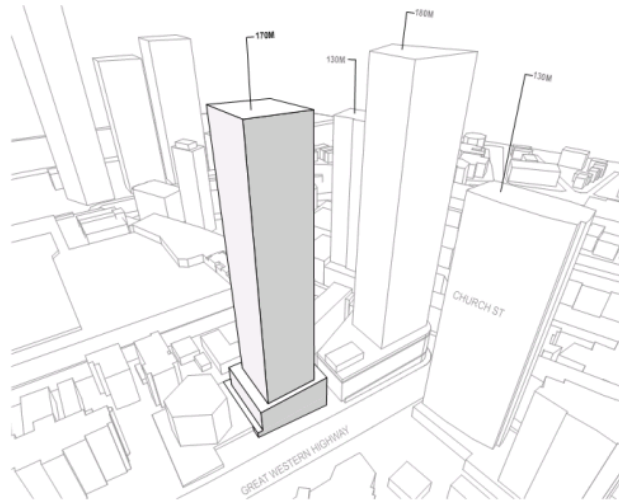
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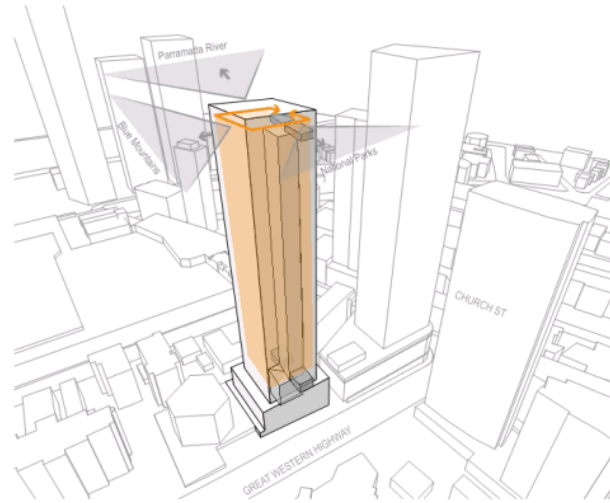
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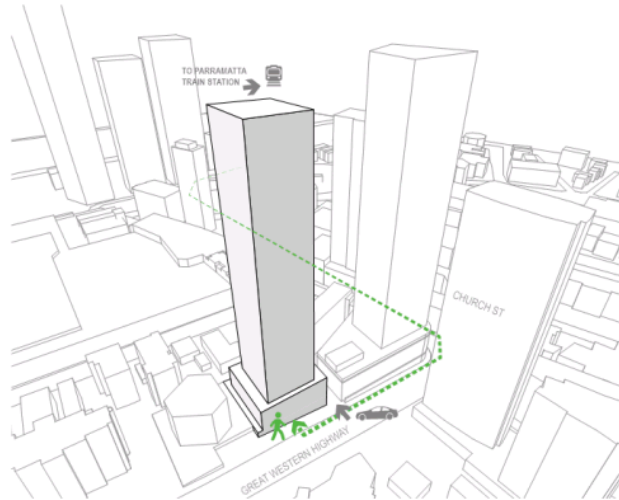




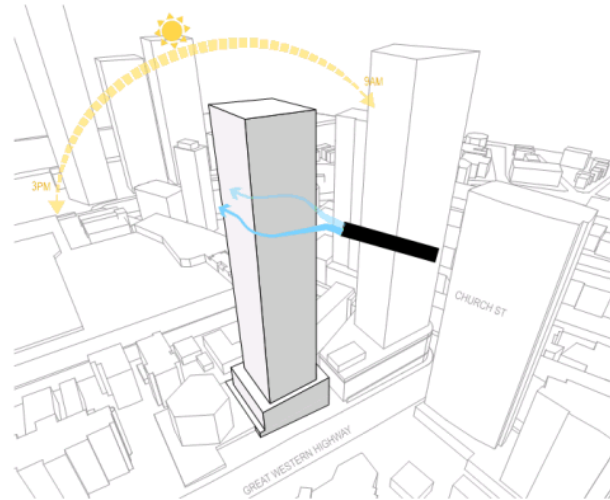
Built Form



Core and Apartment Configuration



Circulation



Solar and Wind

## SITE ANALYSIS

## 8-14 GREAT WESTERN HIGHWAY

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VISION



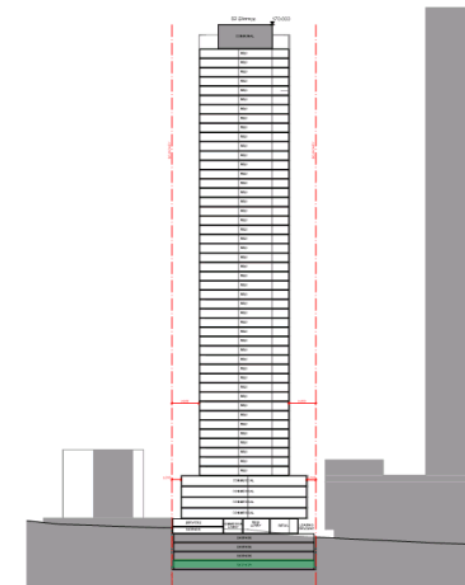
**8-14 GREAT WESTERN HIGHWAY**  
PLANNING PROPOSAL

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BASEMENT 4



**8-14 GREAT WESTERN HIGHWAY**  
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SCALE 1:500 @A3

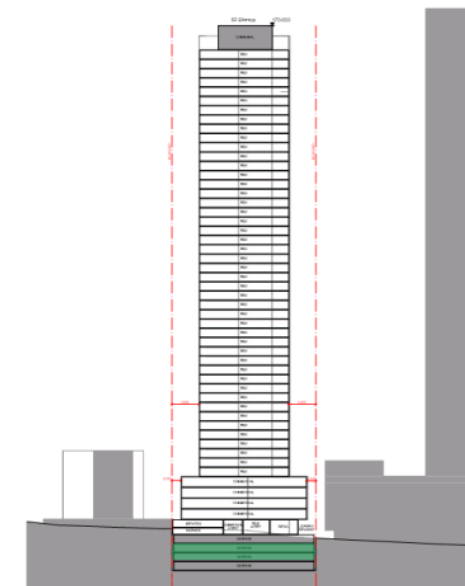
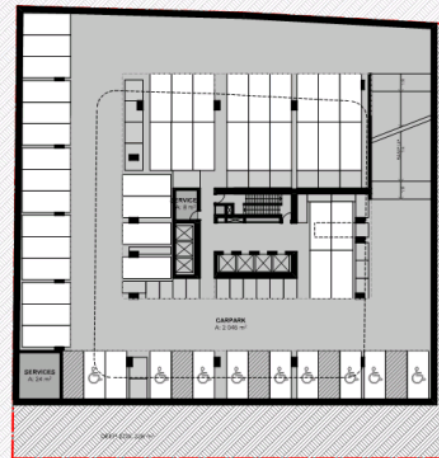


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BASEMENT 2-3



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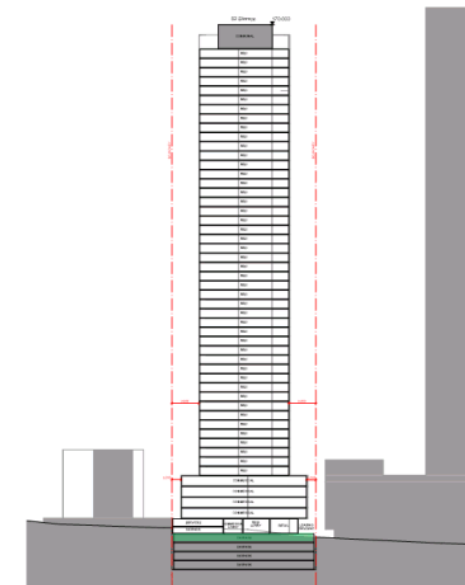
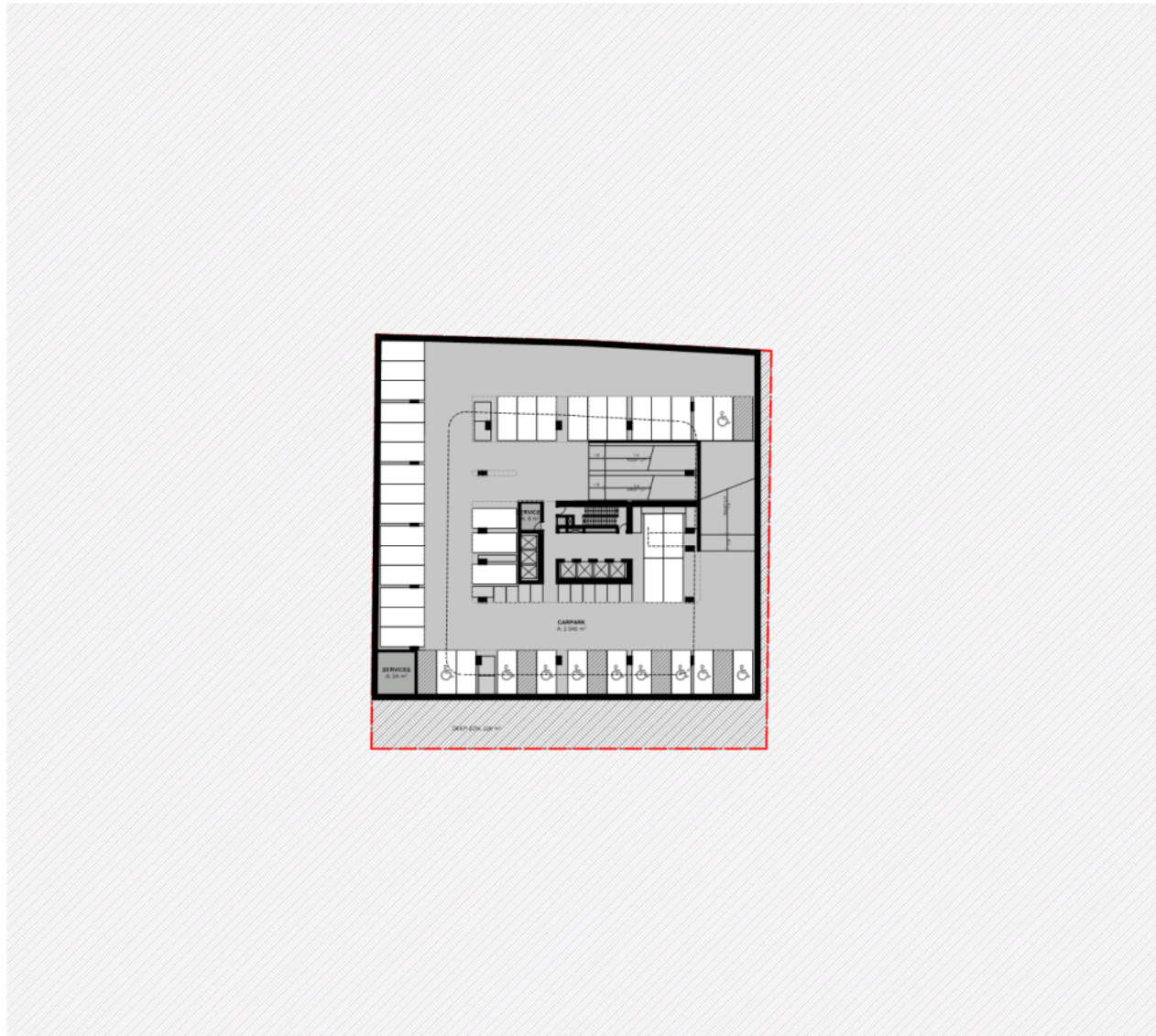


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BASEMENT 1



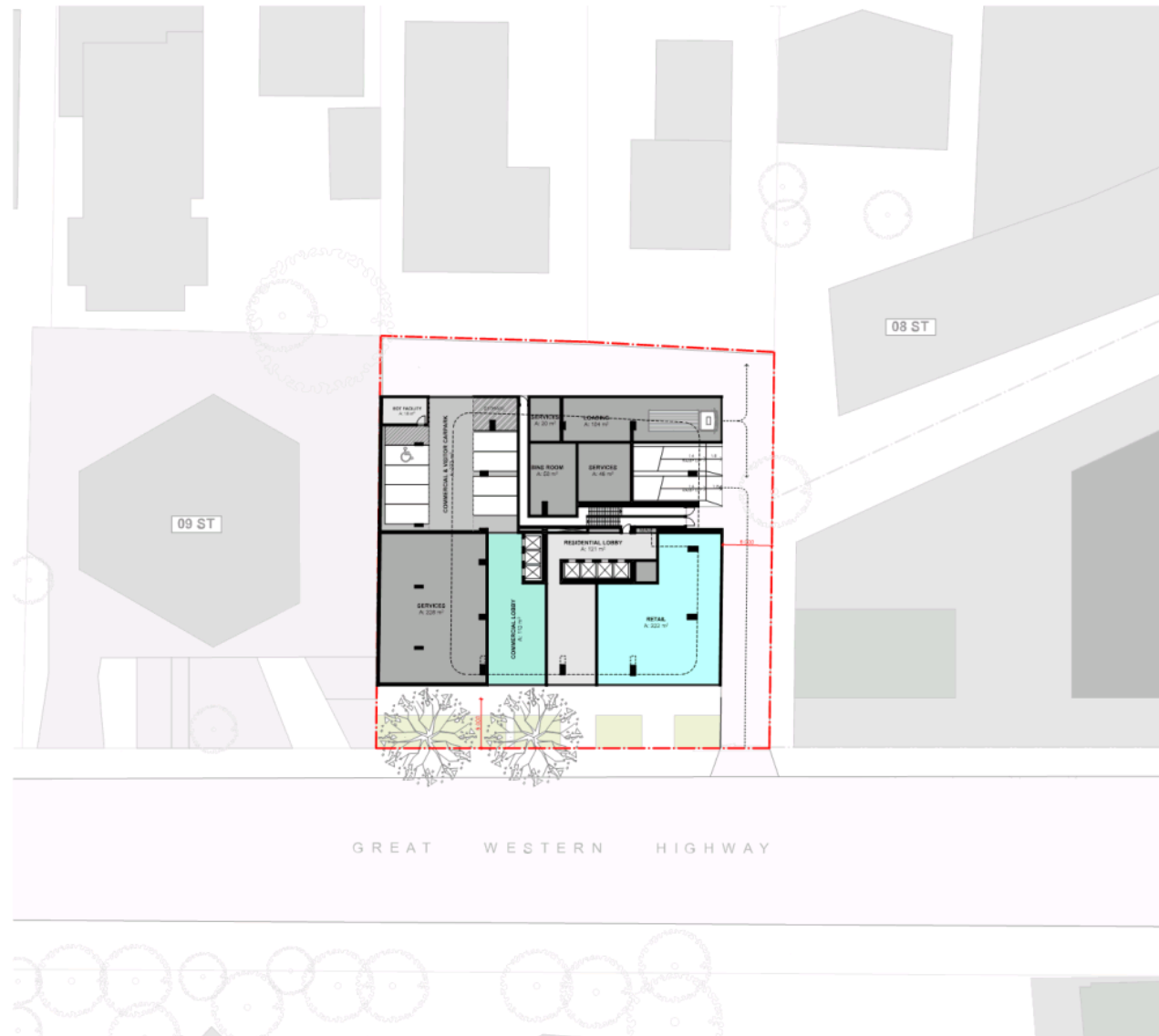
**8-14 GREAT WESTERN HIGHWAY**  
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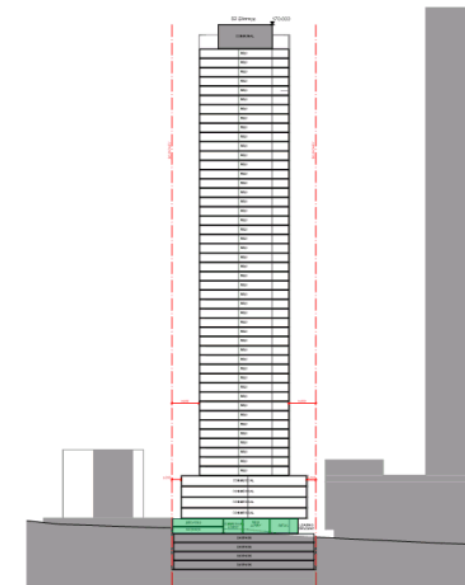


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GROUND



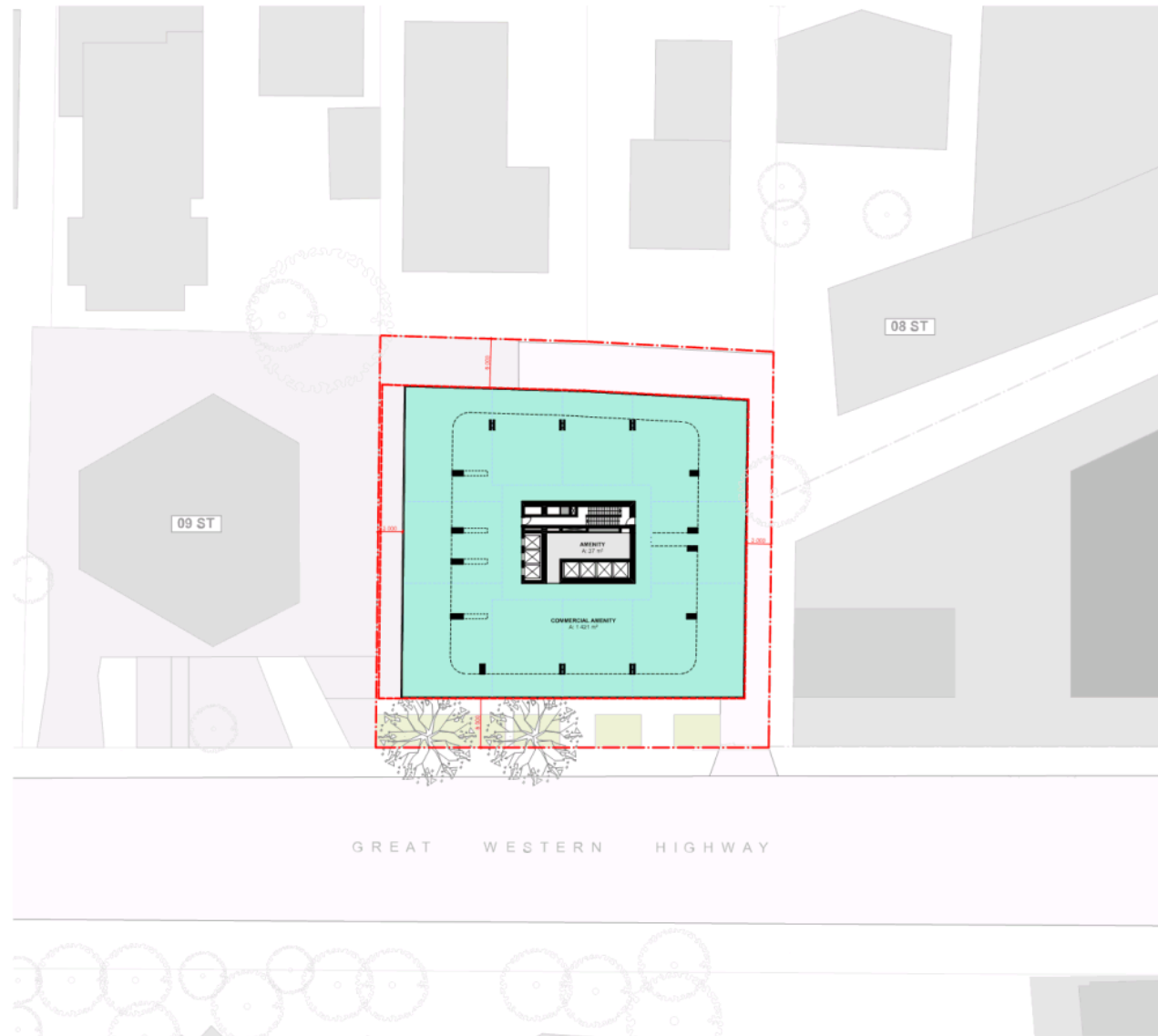
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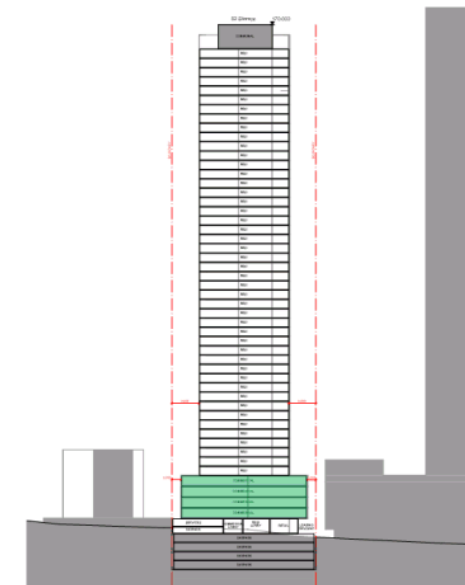


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LEVEL 01-04 TYPICAL



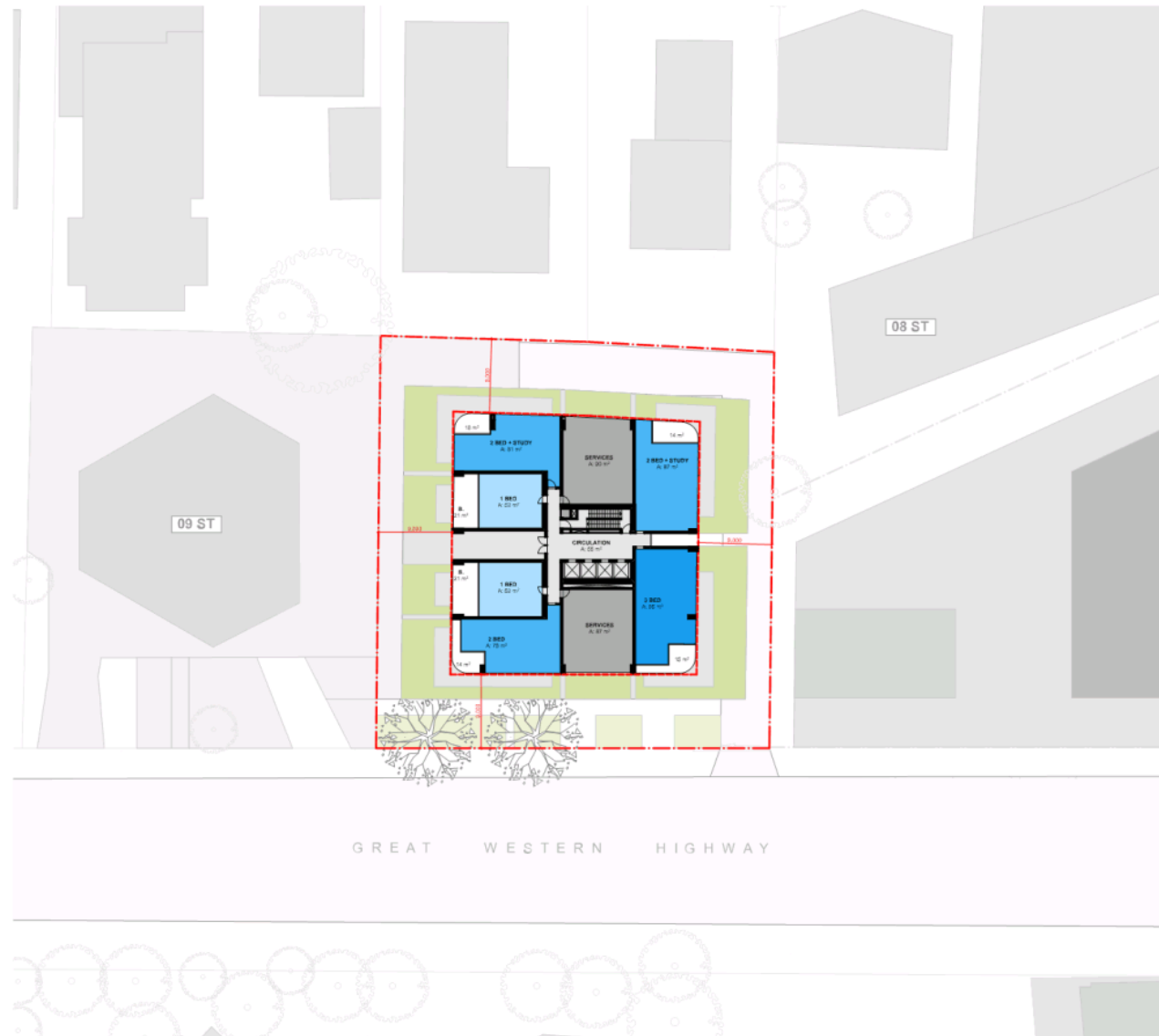
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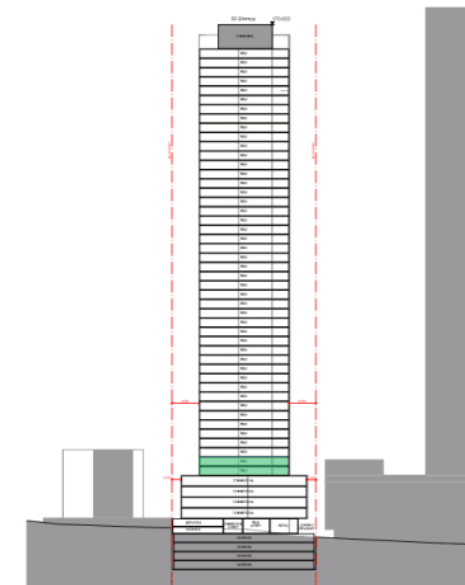


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LEVEL 05-06 TYPICAL



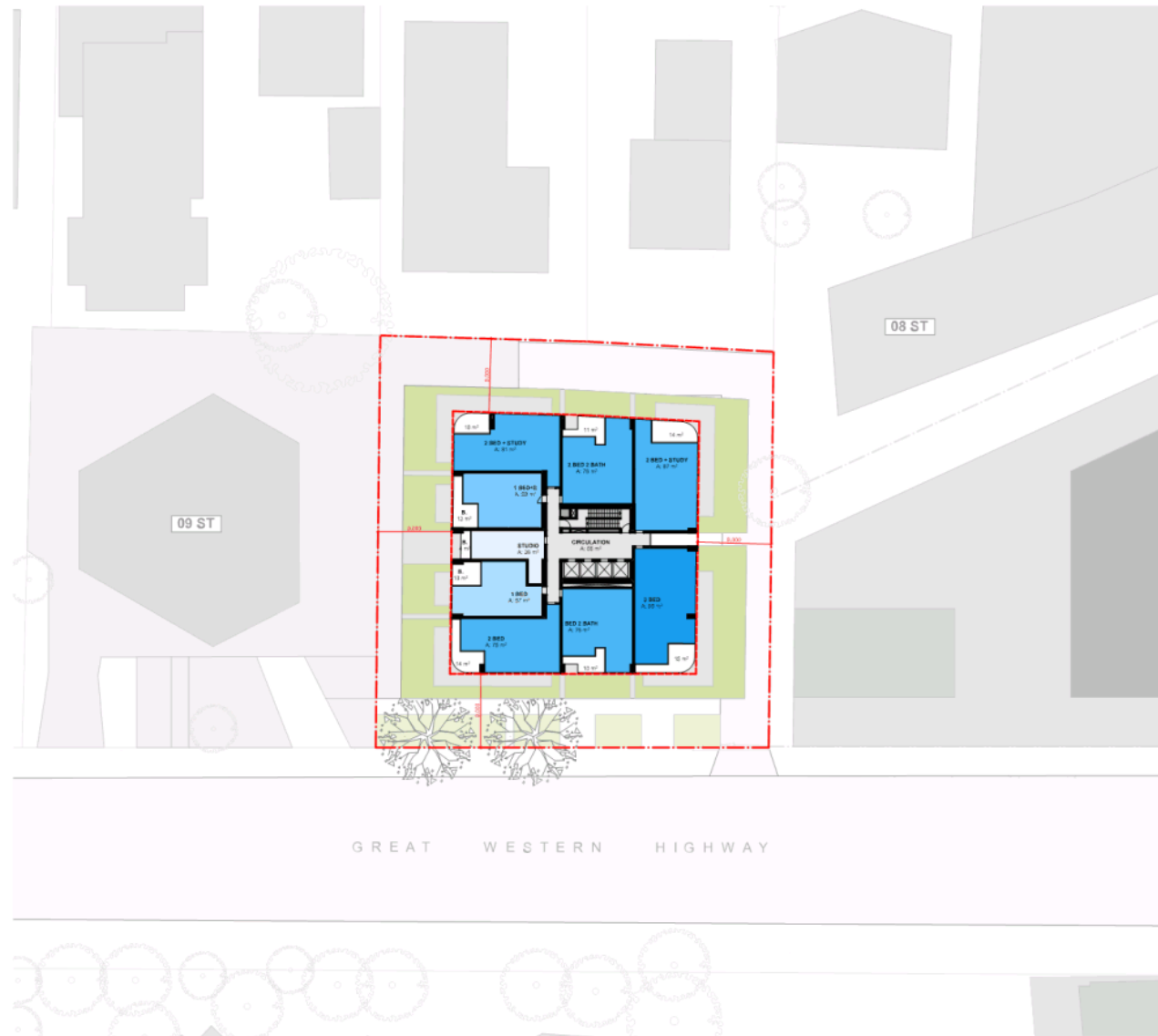
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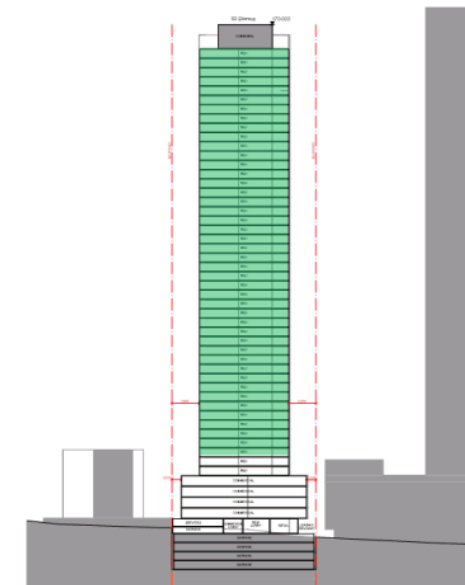


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LEVEL 07-50 TYPICAL



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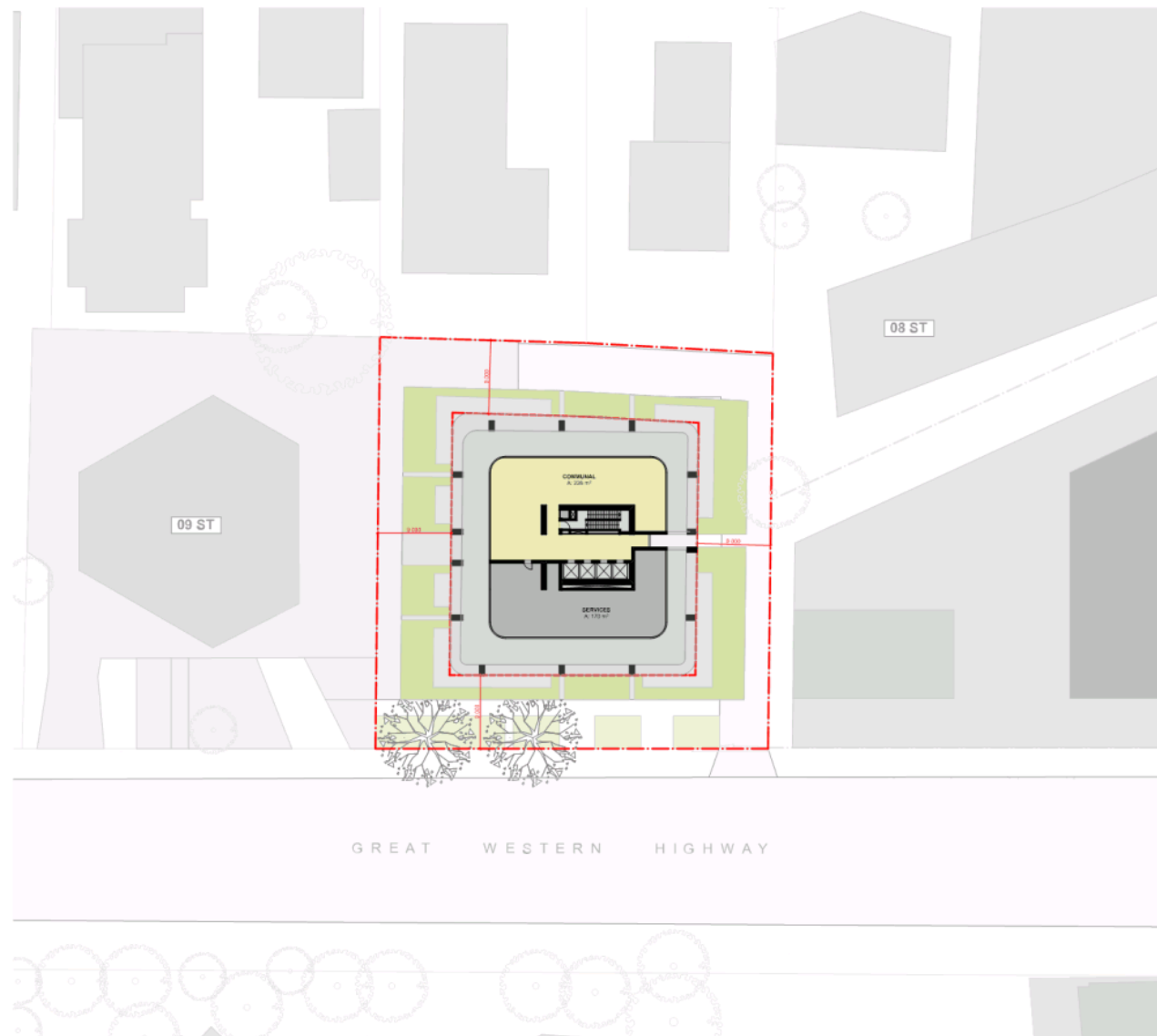
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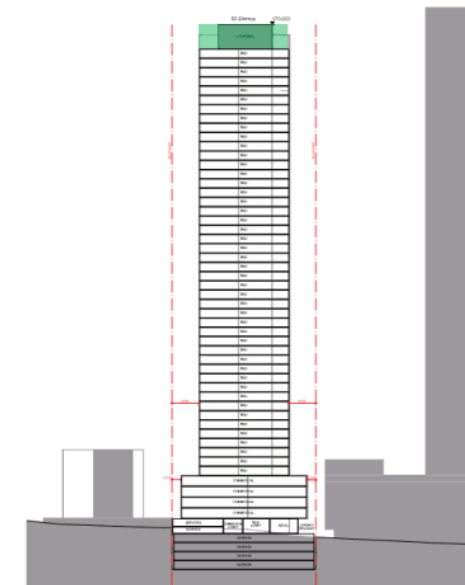
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LEVEL 51



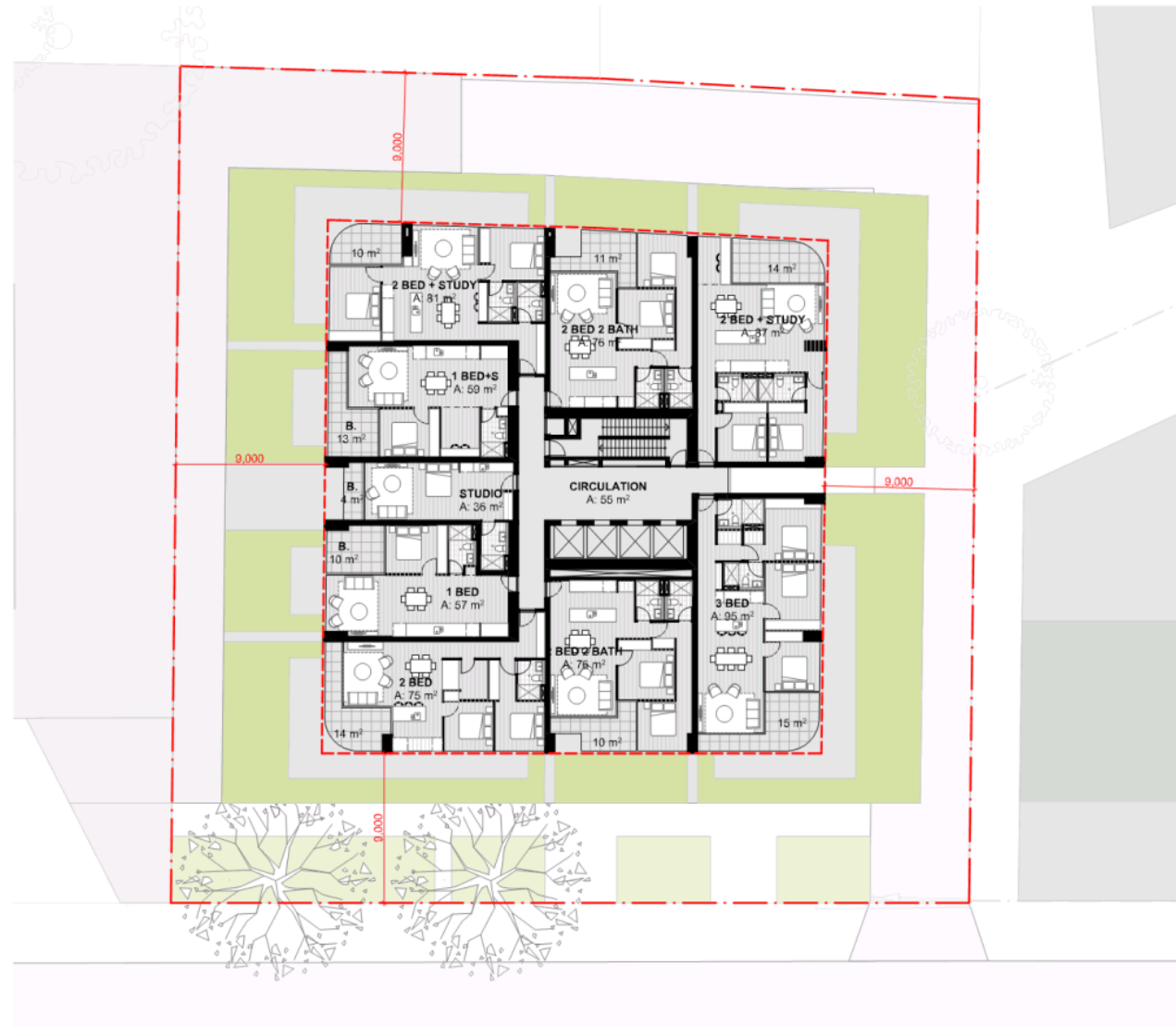
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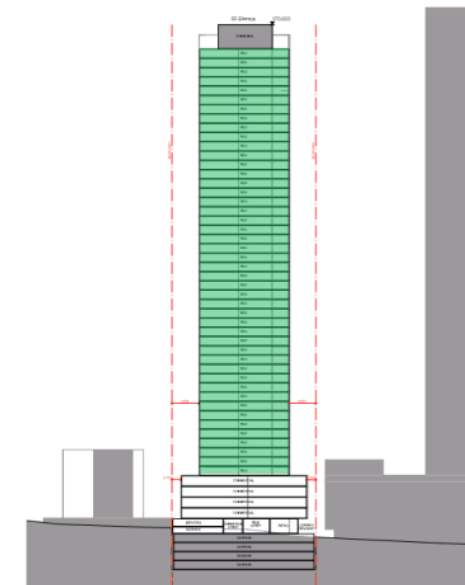


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TYPICAL LAYOUTS



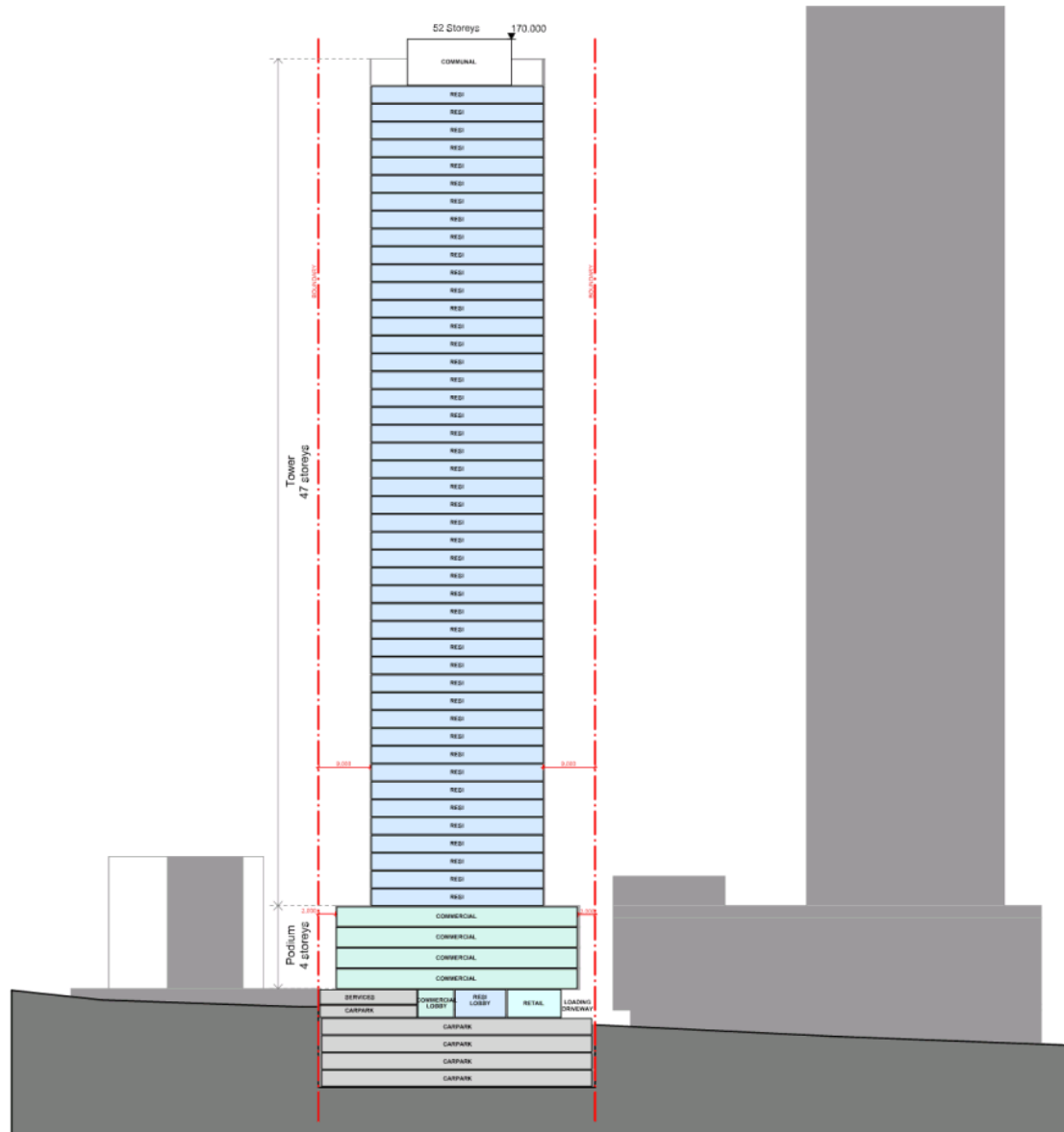
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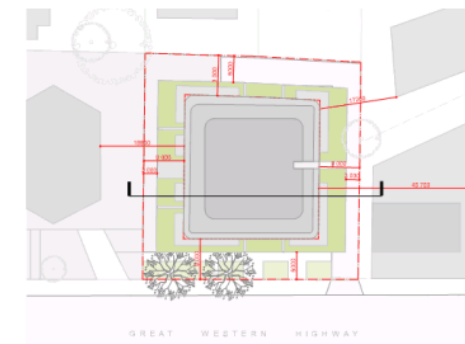


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DIAGRAMATIC SECTION



## 8-14 GREAT WESTERN HIGHWAY

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WINTER SHADOW 09:00 - 12:00



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WINTER SHADOW 13:00 - 15:00



# **8-14 GREAT WESTERN HIGHWAY**

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SUN-EYE VIEW ANALYSIS 09:00 - 11:30



09:00



09:30



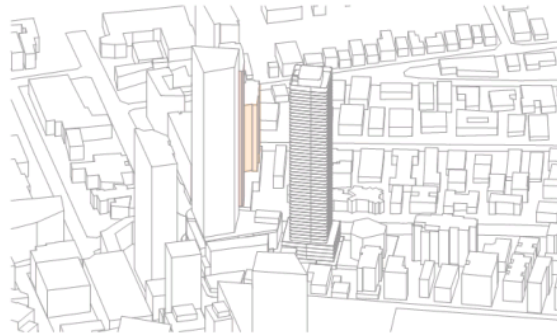
10:00



10:30



11:00



11:30

Facade to receive solar access in winter

- Tower 1
- Tower 2

**8-14 GREAT WESTERN HIGHWAY**  
PLANNING PROPOSAL

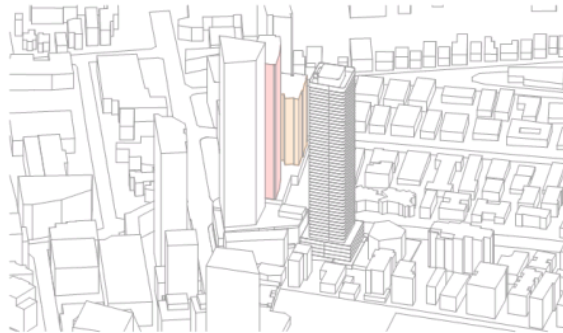
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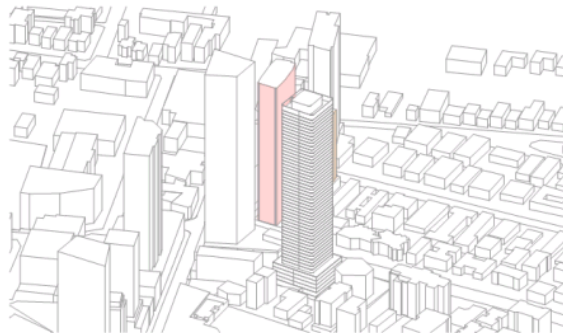
SUN-EYE VIEW ANALYSIS 12:00 - 15:00



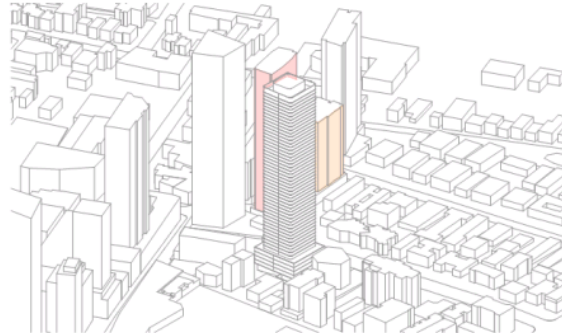
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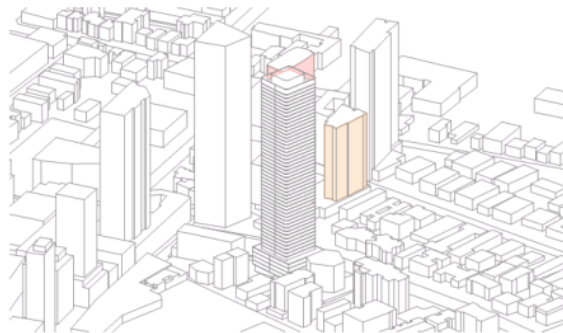
12:30



13:00



13:30



14:00



14:30



15:00

Facade to receive solar access in winter

- Tower 1
- Tower 2

**8-14 GREAT WESTERN HIGHWAY**  
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$N = (C - A) \div (G - T)$   
where  
 $N$  is the maximum number of parking spaces.  
 $C$  is the gross floor area of all non-residential premises in the building in square metres.  
 $A$  is the site area in square metres.  
 $T$  is the total gross floor area of all buildings on the site in square metres.

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**NOTICES OF MOTION**

**11 APRIL 2022**

14.1	Bridging the Gap at Parramatta Train Station .....	288
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**NOTICE OF MOTION**

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**ITEM NUMBER** 14.1  
**SUBJECT** Bridging the Gap at Parramatta Train Station  
**REFERENCE** F2022/00105 - D08470338  
**FROM** Deputy Lord Mayor, Councillor Sameer Pandey

**MOTION**

- (a) **That** Council note:
1. The gap between train and platform at the Parramatta Train Station and the risk it poses to commuters to and from Parramatta.
  2. In an average week, five people, mostly children or elderly commuters, fall into the gap between the train and the platform on the Sydney Trains network.
- (b) **Further, that** the Lord Mayor write to the Minister for Transport advocating for urgent measures to be taken to fill the gaps between the train and platform, similar to those implemented in other train stations in Sydney.

**BACKGROUND**

1. No background information was provided.

Sameer Pandey  
**Deputy Lord Mayor**

**CHIEF OF STAFF RESPONSE**

2. A written staff response will be included in a supplementary agenda and distributed to Councillors prior to the Council Meeting.

**FINANCIAL AND RESOURCE IMPLICATIONS**

3. A written staff response will be included in a supplementary agenda and distributed to Councillors prior to the Council Meeting.

Sameer Pandey  
**Deputy Lord Mayor**

Justin Mulder  
**Chief of Staff**

Brett Newman  
**Chief Executive Officer**

**ATTACHMENTS:**

There are no attachments for this report.

## **QUESTIONS WITH NOTICE**

**11 APRIL 2022**

15.1	Questions Taken on Notice from Extraordinary Council Meeting - 21 March 2022 .....	290
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## QUESTIONS WITH NOTICE

<b>ITEM NUMBER</b>	15.1
<b>SUBJECT</b>	Questions Taken on Notice from Extraordinary Council Meeting - 21 March 2022
<b>REFERENCE</b>	F2022/00105 - D08461115
<b>FROM</b>	Governance Manager

## QUESTIONS TAKEN ON NOTICE FROM THE EXTRAORDINARY COUNCIL MEETING OF 21 MARCH 2022

Item	Subject	Councillor	Question
11.1	Investment Report for February 2022	Bradley	<p>1. In relation to the investment funds and credit ratings to the various investments and organisations, why do some companies with higher credit ratings have much lower investment?</p> <p>2. In relation to fossil fuels investments, why does Council invest so much in AMP Bank and Bank of Queensland, and not in other organisations with better credit ratings?</p>

## BACKGROUND

- Paragraph 9.23 of Council's Code of Meeting Practice states:

*"Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council."*

## STAFF RESPONSE

### Item 11.1 – Investment Report for February 2022

#### *Question from Councillor Bradley*

During discussion on the motion moved by Councillor Pandey, Councillor Bradley asked the following questions:

- In relation to the investment funds and credit ratings to the various investments and organisations (page 14 of the February Investment Report), why do some companies with higher credit ratings than AMP Bank have much lower investment?*
- In relation to fossil fuels investments, why does Council invest so much in AMP Bank and Bank of Queensland, and not in other organisations with better credit ratings?*

#### *Acting Chief Finance and Information Officer Response*

*A written staff response will be included in a supplementary agenda and*



*distributed to Councillors prior to the Council Meeting.*

Patricia Krzeminski  
**Governance Manager**

John Angilley  
**Chief Finance and Information Officer**

Brett Newman  
**Chief Executive Officer**

**ATTACHMENTS:**