

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 July 2022 at 6:30pm.

Brett Newman
CHIEF EXECUTIVE OFFICER



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"> a) At any time during which the matter is being considered or discussed, or b) At any time during which the Council is voting on any question in relation to the matter.
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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16 CONFIDENTIAL MATTERS

- 16.1 Sydney Metro West Western Tunnelling Package Interface Agreement
This report is confidential in accordance with section 10A (2) (g) of the Local Government Act 1993 as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- 16.2 Proposed Road Closure of Lane between Rawson Street and Beecroft Road, Epping
This report is confidential in accordance with section 10A (2) (c) (d) of the Local Government Act 1993 as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.
- 16.3 Update on WestInvest Business Case at Wentworth Point
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**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, 27 JUNE 2022 AT 6:30PM

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 6:35PM.

2. ACKNOWLEDGEMENT TO TRADITIONAL OWNERS OF LAND

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

3. WEBCASTING ANNOUNCEMENT

The Lord Mayor advised 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 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 June 2022

3846 RESOLVED (Noack/Darley)

That the minutes be taken as read and be accepted as a true record of the Meeting, noting the following minor amendments:

- Item 14.2 – removal of the “11 July 2022” Council meeting date from recommendation point (a), and replacing it with “a Council Meeting deemed suitable”;
- Item 13.9 – amendment to the division, being insertion of a notation, in brackets, that Councillor Bradley did not vote on the item.

6. APOLOGIES/REQUESTS FOR LEAVE OF ABSENCE

3847 RESOLVED (Garrard/Bradley)

That the request to attend the Ordinary Council Meeting dated 27 June 2022 via remote means submitted by the following Councillors due to personal reasons, be accepted:

- Councillor Humphries;
- Councillor Wang;
- Councillor Wearne.

7. DECLARATIONS OF INTEREST

Councillor Garrard declared a less than significant non-pecuniary interest in item 13.10 – Facade Improvement Grant Application as she knows one of the owners of the property, being the applicant. She remained in the Chamber during consideration of this matter.

8. MINUTES OF THE LORD MAYOR

8.1 SUBJECT 60th Anniversary of Epping Rotary Club

REFERENCE F2021/02779 - D08578351

REPORT OF Lord Mayor, Councillor Donna Davis

3848 RESOLVED (Davis/Maclean)

(a) **That** Council note that 24 June 2022 marks the 60th Anniversary of the Rotary Club of Epping.

(b) **Further, that** Council write to and congratulate the Rotary Club of Epping on this milestone, thanking the Club and its members for their contributions to the City.

8.2 SUBJECT Congratulations Parramatta City Band

REFERENCE F2022/00105 - D08585400

REPORT OF Lord Mayor, Councillor Donna Davis

3849 RESOLVED (Davis/Prociv)

- (a) **That** Council congratulate members of the Parramatta City Band who won the Division 1 contest and the Division 1 entertainment section of the East Coast Championships, held in June.
- (b) **Further, that** the Lord Mayor write to Parramatta City Band to congratulate them on the fantastic result.

Note: Councillor Humphries left the meeting at 6:45pm and was not present during voting on this matter. She returned at 6:48pm after the item had been considered.

8.3 SUBJECT Acknowledging Suellen Fitzgerald's service

REFERENCE F2022/00105 - D08585384

REPORT OF Lord Mayor, Councillor Donna Davis

3850 RESOLVED (Davis/Darley)

- (a) **That** Council note Suellen Fitzgerald will step down from her role as Chief Executive Officer of the Greater Sydney Parklands (GSP) on 30 June this year, after 20 years of service across various leadership roles in the state government; and
- (b) **Further, that** Council write to and thank Suellen for her exemplary leadership and contributions to the City of Parramatta in her work for the GSP, as well as in her former role of CEO of Parramatta Park and as a board member of the Parramatta Park Trust.

8.4 SUBJECT Aboriginal Flag in the Parramatta CBD

REFERENCE F2021/02779 - D08585009

REPORT OF Lord Mayor, Councillor Donna Davis

3851 RESOLVED (Davis/Garrard)

- (a) **That** Council note the concerns raised by the former Aboriginal and Torres Strait Islander Advisory Committee and members of the community on the absence of the Aboriginal Flag being flown by Council on an ongoing basis.
- (b) **That** Council fly the Aboriginal Flag alongside the Australian National Flag at Council's flagpole on the Parramatta River foreshore on an ongoing basis, out of respect for our First Nations community.
- (c) **Further, that** Council officers provide advice on the future location to fly both the Aboriginal and Torres Strait Islander flags on an ongoing basis, noting the Centenary Square flag poles are currently unavailable due to the refurbishment of Parramatta Town Hall.

9. PUBLIC FORUM

There were no public forums submitted for this meeting.

10. PETITIONS

10.1 SUBJECT Support the Shamrocks Find a Permanent Home in 2023
FROM Cr Pierre Esber

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

Dundas Shamrocks are seeking local support to supply to City of Parramatta Council, in a request to utilise the Old Sale-Yards Reserve (or equivalent) as training fields and home-game grounds in a permanent capacity from the 2023 season onwards. Additionally, the club is seeking to use the Old Sale-Yards Reserve (or equivalent) as home-game grounds for matches on Sundays for the remainder of 2022 season.

Dundas Shamrocks are a local junior rugby league club with over 200 registered players. The club has previously used privately-owned sporting fields for training and home games. Due to unprecedented weather conditions, these fields have been un-useable in the 2022 season and are not fit-for-purpose grounds that accommodate wet weather.

To provide permanency and stability to the club and children, Dundas Shamrocks are aiming to approach local council for a permanent placement from the 2023 season onwards and as home-game grounds for the remainder of the 2022 season. An important step in this process is providing evidence of local support from:

- *Club members;*
- *Players; and*
- *Supporters*

As well as support from our broader communities:

- *Rugby league community;*
- *Parramatta region; and*
- *Surrounding areas.*

Please support the Dundas Shamrocks by signing this petition. In doing so, you will be providing support to a local juniors rugby league club and enabling local rugby league to the next generation of players.

3852 RESOLVED (Esber/Garrard)

That the petition be received and referred to the relevant Council Officer and a copy of the petition be circulated to all Councillors.

11. RESCISSION MOTIONS

Nil

12. FOR NOTATION

12.1 SUBJECT Minutes of Audit Risk and Improvement Committee Meeting held on 24 February 2022.

REFERENCE F2022/00105 - D08549927

REPORT OF Coordinator Internal Audit

3853 RESOLVED (Esber/Noack)

That Council note the minutes of the Audit Risk and Improvement Committee meetings as provided at **Attachment 1**.

12.2 SUBJECT Investment Report for May 2022

REFERENCE F2022/00105 - D08557427

REPORT OF Tax and Treasury Accountant

3854 RESOLVED (Esber/Noack)

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

13. FOR COUNCIL DECISION

13.1 SUBJECT Write Off of Rates and Charges - 65 Kleins Road, Northmead

REFERENCE F2022/00105 - D08435097

REPORT OF Business Improvement Manager

3855 RESOLVED (Esber/Noack)

That Council approve the write-off of the outstanding rates and charges for the property at 65 Kleins Road, Northmead in accordance with section 131 of the *Local Government (General) Regulations 2021*, as follows:

- (a) ME & BD Pty Ltd in the amount of \$17,696.17, and
- (b) State of New South Wales in the amount of \$104,663.31.

13.2	SUBJECT	Write Off of Rates and Charges - Sydney Metro Properties
	REFERENCE	F2022/00105 - D08546945
	REPORT OF	Business Improvement Manager
3856	RESOLVED	(Esber/Noack)
	(a)	That Council approve the write-off of the outstanding rates and charges for the properties identified in Attachment 1 in accordance with section 131 of the <i>Local Government (General) Regulation 2021</i> , which as at the end of the financial year 2021-22 have accumulated to a total amount of \$1,736,441.
	(b)	Further, that Council note Sydney Metro is a statutory body representing the Crown, and as such, the properties owned by Sydney Metro are exempt from rates under section 555(1)(a) of the <i>Local Government Act 1993</i> unless the land is leased for private purposes.
13.3	SUBJECT	Post-Exhibition: Adoption of Code of Meeting Practice
	REFERENCE	F2022/00105 - D08385407
	REPORT OF	Governance Projects Officer
3857	RESOLVED	(Esber/Noack)
	(a)	That Council receive and note the submissions received following public exhibition of the draft Code of Meeting Practice.
	(b)	Further, that Council adopt the draft Code of Meeting Practice as attached to this report.
13.4	SUBJECT	Councillor Remuneration 2022/23
	REFERENCE	F2021/02778 - D08561341
	REPORT OF	Executive Officer
3858	RESOLVED	(Esber/Noack)
	(a)	That Council confirm the setting of the Lord Mayor and Councillor annual fees for the period 1 July 2022 to 30 June 2023 at the maximum permissible levels, being \$114,770 and \$35,520 respectively.
	(b)	Further, that Council confirm for the Lord Mayor and Councillors to receive superannuation contribution payments from 1 July 2022, in accordance with Section 254B of the <i>Local Government Act 1993</i> .

13.5 SUBJECT Local Government NSW Board Vacancy

REFERENCE F2021/02778 - D08560310

REPORT OF Executive Officer

3859 RESOLVED (Esber/Noack)

- (a) **That** Council nominate the Lord Mayor, Councillor Donna Davis, the Deputy Lord Mayor, Councillor Sameer Pandey and Councillors Paul Noack, Patricia Prociv, Ange Humphries, Pierre Esber, Phil Bradley, Michelle Garrard, Dan Siviero and Cameron Maclean as Council's voting delegates for the Local Government NSW Board Election to fill the Metropolitan/Urban Director vacancy.

13.6 SUBJECT Major Projects Advisory Committee (MPAC)
Membership

REFERENCE F2022/00105 - D08556361

REPORT OF Governance Manager

3860 RESOLVED (Garrard/Esber)

- (a) **That** Council approve the extension of Charles Fortin to the Major Projects Advisory Committee (MPAC) for a further three (3) years to 1 August 2025.
- (b) **Further, that** Council delegate authority to the Chief Executive Officer to sign all agreements confirming the appointment of the above member to MPAC.

Note: Councillor Garrard left the Chamber at 7:20pm and returned at 7:22pm during the consideration of Item 13.6.

13.7 SUBJECT Post-exhibition: Endorsement of the amended
Community Strategic Plan 2018-38

REFERENCE F2022/00105 - D08561915

REPORT OF Corporate Strategy Manager

3861 RESOLVED (Prociv/Darley)

- (a) **That** Council endorse the amended Community Strategic Plan 2018-38 ('CSP'), subject to the following changes:
- i. An alteration to page 47 of the CSP to amend the target under Green, G.3. to include the upgraded 2030 and 2038 targets as per the 9 May 2022 Council

resolution, minute number 3768.

- ii. The inclusion of an additional target under Green G.4. being, tree canopy cover of a minimum of 40%.
- (b) **That** Council note the attached Engagement Outcomes Report and summary of submissions received via the public exhibition process from 10 May – 7 June 2022.
- (c) **Further, that** Council delegate authority to the Chief Executive Officer to make administrative proofing adjustments such as formatting, design or typographical errors as required in the CSP before print and publication.

13.8 SUBJECT Minutes of the Traffic Engineering Advisory Group meeting held on 25 May 2022

REFERENCE F2021/00521 - D08386229

REPORT OF Traffic and Transport Manager

3862 RESOLVED (Noack/Green)

- (a) **That** Council note the minutes of the Traffic Engineering Advisory Group meeting held on 25 May 2022, as provided at **Attachment 1**.
- (b) **Further, that** Council approve the recommendations of the Traffic Engineering Advisory Group meeting held on 25 May 2022 as provided at **Attachment 1** and in this report, noting the following financial implications of each item.

**i. ITEM 2205 B1 – HILL ROAD, WENTWORTH POINT –
UPDATE ON THE PROPOSED IMPROVEMENTS ON HILL
ROAD**

This report provides an update on the proposed traffic improvements and other proposed works on Hill Road and Bennelong Parkway, Wentworth Point and Sydney Olympic Park. Therefore, this matter has no financial impact upon Council's budget.

**ii. ITEM 2205 B2 – BENNELONG BRIDGE, WENTWORTH
POINT – PROPOSAL TO ADDRESS CONFLICT BETWEEN
PEDESTRIANS AND CYCLISTS USING SHARED PATH**

This report requests Transport for NSW to consider the options proposed to address conflict between pedestrians and cyclists using the shared path on Bennelong Bridge, Wentworth Point. Therefore, this matter has no financial impact upon Council's budget.

iii. ITEM 2205 B3 – PROJECTS RECENTLY COMPLETED, PROJECTS CURRENTLY FUNDED AND PROJECTS LISTS FOR CONSIDERATION OF FUTURE FUNDING

There is no financial implication to Council as a result of this recommendation.

iv. ITEM 2205 B4 – ON-STREET PARKING IN THE PARRAMATTA CBD

There is no financial implication to Council as a result of this recommendation.

13.9 SUBJECT Minutes of the Parramatta Traffic Committee meeting held on 25 May 2022

REFERENCE F2021/00521 - D08386235

REPORT OF Traffic and Transport Manager

3863 RESOLVED (Noack/Green)

(a) **That** Council note the minutes of the Parramatta Traffic Committee held on 25 May 2022, provided at **Attachment 1**.

(b) **Further, that** Council approve the recommendations of the Parramatta Traffic Committee held on 25 May 2022 provided at **Attachment 1** and in this report, noting the following financial implications for each item.

I. ITEM 2205 A1 PARK PARADE, PARRAMATTA – PROPOSED PART TIME ‘NO RIGHT TURN 7AM-10AM MONDAY TO FRIDAY’ RESTRICTION INTO PARRAMATTA AQUATIC CENTRE

The proposed part time ‘No Right Turn’ restriction and all associated works are to be funded as part of the new Parramatta Aquatic Centre

II. ITEM 2205 A2 PARK PARADE, PARRAMATTA – PROPOSED PEDESTRIAN REFUGE ISLAND WITH FOOTPATH WIDENING AND PEDESTRIAN FENCE IN PARK PARADE, PARRAMATTA

The estimated cost for constructing a new pedestrian refuge island with kerb and gutter re-alignment, lighting, and required drainage upgrade in Park Parade at the pedestrian tunnel is \$500,000. This project has received funding of \$37,500 from Council’s Active Transport Program (through the Development Contributions Fund) to undertake detailed design in 2021/22. There is currently no funding available for construction of this project. Consideration will be given to

fund construction of this project in 2022/23. Possible sources of funding could be through NSW Government's Active Transport Program or Council's Pedestrian and Traffic Program in 2022/23 (sourced from the Development Contributions Plan).

III. ITEM 2205 A3 GRANVILLE, HARRIS PARK, NORTH PARRAMATTA, PARRAMATTA AND WENTWORTH POINT - PROPOSED CAR SHARE PARKING SPACES

According to 2021/22 Fees and Charges schedule, an initial application fee of \$408.91 and annual renewal application fee of \$163.77 will apply for the installation of each dedicated car share parking spaces in the Parramatta LGA outside the Parramatta CBD Core. These fees include the costs of installation, maintenance and removal of car share spaces.

IV. ITEM 2205 A4 REMBRANDT STREET, CARLINGFORD – REPLACE THE EXISTING NON-COMPLIANT PEDESTRIAN ISLAND WITH A RAISED PEDESTRIAN CROSSING

That this item be deferred to the next meeting for further consultation with Transport for NSW.

13.10 SUBJECT Facade Improvement Grant Application

REFERENCE F2022/00105 - D08519819

REPORT OF Project Officer

3864 RESOLVED (Prociv/Maclean)

- (a) **That** Council approve \$7,778.10 from the Façade Improvement Grant to co-fund façade improvement works by Circa Espresso (19-21 Wentworth Street, Parramatta) and implement a funding agreement to that purpose.
- (b) **Further, that** a report be brought back to Council after these works are carried out summarising the results of the work.

Note: Councillor Garrard previously declared a less than significant non-pecuniary interest in item 13.10 – Facade Improvement Grant Application as she know one of the owners of the applicant. She remained in the Chamber during consideration of this matter.

13.11 SUBJECT West Epping Park Dog Off-Leash Area

REFERENCE F2022/00105 - D08498806

REPORT OF Manager Open Space and Natural Resources

3865 RESOLVED (Maclean/Esber)

- (a) **That** Council receive and note the submissions made during the public exhibition of the proposed West Epping Park dog off-leash area.
- (b) **That** Council declare the grassed area located adjacent to Grant Close identified in the West Epping Park Masterplan as a dog off-leash area under Section 13(6) of the *Companion Animals Act 1998*.
- (c) **That** the West Epping Park dog off-leash area be securely fenced to separate dogs from other park users.
- (d) **That** Council note the funding application submitted under the WestInvest Community Projects Grants program for the West Epping Park dog off-leash area.
- (e) **That**, should the WestInvest funding application be unsuccessful, Council will allocate an additional \$115,000 under the 2022/23 Parks Improvement Program (100110) from S7.11 funds for the implementation of the West Epping Park dog off-leash area concept plan as exhibited.
- (f) **That** the West Epping Park dog off-leash area be furnished with appropriate disposal facilities for dog faeces as required under Section 20(2) of the *Companion Animals Act 1998*.
- (g) **Further, that** the West Epping Park dog off-leash area be adequately signposted to notify dog owners that they must clean-up after their dog/s and keep them under effective control at all times as required under the Sections 13(1) and 20(1) of the *Companion Animals Act 1998*.

13.12 SUBJECT Submission on proposed Parramatta Light Rail Stage 2 alignment and stop locations

REFERENCE F2017/01361 - D08513959

REPORT OF Group Manager Infrastructure Planning & Design

3866 RESOLVED (Noack/Prociv)

- (a) **That** Council approve the submission (**Attachment 1**) to Transport for NSW (TfNSW), noting that the submission strongly supports the delivery of Parramatta Light Rail (PLR) Stage 2 (the Project) and includes the following key matters:
 - i. Council supports the TfNSW A9 alignment, but only if it runs south of Antoine Street and not through the foreshore park. An A9 alignment that runs within the foreshore park must result in compensatory land to Council and/or open space embellishment.
 - ii. Council supports the alternate light rail alignment to the

south of the Sekisui site, but only if the light rail stop adjacent the ferry wharf is retained, per the base case.

- iii. Council notes the PLR alignment at Camellia should be consistent with the Draft Camellia-Rosehill Place Strategy – with the light rail stop centred within the potential development site and more convenient to the future school in that Strategy.
- iv. Council has no objection to the remaining stop locations, noting that TfNSW may receive community feedback from consultation.
- v. In order to partly offset the impact of the Project on Ken Newman Park, Council request TfNSW to develop and fund, in consultation with Council, a specific design plan and works to Ken Newman Park, with the aim of minimising the light rail isolating the upper and lower portions of the park, and embellishing the upper portion to make it more useable for the community.
- vi. In accordance with the Secretary's Environmental Assessment Requirements for PLR Stage 2 the bridge structures in the Project should be design-led, and not form part of the main infrastructure design and construct process. This should be reflected in the Stage 2 Environmental Impact Statement (EIS). Preferred bridge designs should be determined, in consultation with stakeholders via agreed design principles and cost estimates, in a process separate to and before the main infrastructure design and construct contract, and included as a requirement for eventual main construction tenderers.
- vii. Council requests TfNSW to provide green track, permeable paving and wire-free running in green space and business areas as detailed in the submission.
- viii. The Project should place significant design-led emphasis on mitigating the impacts of site cut and fill, to ensure that the community retains convenient crossing points over and across the light rail line, and that prominent views and property privacy are maintained.
- ix. The EIS and Project should carry out a detailed cut and fill balance and scenario testing against best practice public domain outcomes, to provide a realistic assessment of likely spoil retention, with any spoil retention targets within the EIS being subordinate to or at the very least equal to strict peer reviewed requirements for best practice public domain outcomes.
- x. TfNSW should create a community reference group which includes representation from residents and businesses in

suburbs along the alignment, the purpose of that reference group being in part to advise TfNSW and contractors of construction impacts, and to respond to TfNSW with recommendations to any contractor request for night work and/or noise intensive work.

- xi. Council recommends that the protection of residential amenity during light rail operation be a strong focus of the EIS, employing world class practices to minimise ground-borne vibration, ground-borne noise and airborne noise from rail operation.
- xii. TfNSW develop within PLR Stage 2 a suitable track insert to assist the Project to provide seamless, coherent, visible, and safe pedestrian and cycle access throughout and adjacent to the PLR corridor.
- xiii. The Project not worsen existing flood impacts along the alignment, and stormwater upgrade works, including at Hill Road, be the subject of close engagement between TfNSW and Council, to avoid duplication of work and unnecessary cost.
- xiv. TfNSW develop a comprehensive public art and interpretation strategy for the whole alignment, using a consistent consultant scope, engaging closely with Council, and requiring coordination between TfNSW, contractors and stakeholders to provide an integrated approach.
- xv. The Project Urban Design Requirements (Blue Book) provide for the creation of accessible paths with clear 'paths of travel' and shorelines that are unencumbered by incidental electrical and traffic signal cabinets.
- xvi. The Blue Book require cabinet positions in the footpath that are neatly aligned, out of the way and plumb, cabinet positioning meets AS1428 standard requirements, and particularly that designs are carefully considered so as to minimise any potential claim on Council under the Disability Discrimination Act (Comm).

- (b) **Further, that** Council note the response by TfNSW (**Attachment 2**) to a series of questions posed by Councillors at the workshop on 30 May 2022.

Note:

- 1. Councillor Humphries left the meeting at 7:29pm and returned at 7:30pm during the consideration of item 13.12.**
- 2. Councillor Esber left the Chamber at 7:32pm and returned at 7:34pm during consideration of item 13.12.**

13.13 SUBJECT 6 & 8 Parramatta Square - Classification of Operational Land

REFERENCE F2022/00105 - D08563051

REPORT OF Development Manager

3867 RESOLVED (Garrard/Valjak)

That, in accordance with section 31(2) of the *Local Government Act 1993*, Council classify as 'Operational Land' the following parcels of land:

- i. Lot 80 in DP 1271742 – 6 & 8 Parramatta Square 'Council Public Domain Lot'; and
- ii. (ii) Lot 81 in DP 1271742 – 6 & 8 Parramatta Square 'Council Basement Lot'.

14. NOTICES OF MOTION

14.1 SUBJECT Feedback for Strategic Planning Documents

REFERENCE F2022/00105 - D08564167

FROM Deputy Lord Mayor, Councillor Sameer Pandey

3868 RESOLVED (Pandey/Garrard)

- (a) **That** a report be presented to a Councillor workshop, prior to final endorsement by Council, outlining how Council can:
- (i) Improve the process for Councillor and community feedback into strategic planning documents including but not limited to masterplans, planning proposals, strategy documents, budgets, major projects, submissions or other documents requiring public exhibition; and
 - (ii) Ensure the improved process must clearly identify opportunity for Council consultation and feedback in a timely manner and outlined when and how Councillors will be consulted.

Note: Councillor Maclean left the Chamber at 7:46pm pm and returned at 7:48pm during the consideration of Item 14.1.

14.2 SUBJECT Parramatta Light Rail Stage 2 - Announcement to fund \$600 million

REFERENCE F2022/00105 - D08565049

FROM Councillor Paul Noack

3869 RESOLVED (Noack/Prociv)

- (a) **That** the City of Parramatta welcome this announcement but express concern that this does not fully commit to the entire project. Accordingly, we call on the NSW State Government to fully commit and fully fund the Parramatta Light Rail Stage 2 project.
- (b) **Further, that** the Lord Mayor, Councillor Donna Davis write to: Dominic Perrottet, Premier of New South Wales; David Elliot, Minister for Transport for NSW; Chris Minns, Leader of the Opposition; Jo Haylen, Shadow Minister for Transport; the Hon. Dr. Geoff Lee, State Member for Parramatta; Lynda Voltz Member of Parliament for Auburn, calling on the NSW State Government to fully commit and fully fund the Parramatta Light Rail Stage 2 project.

14.3 SUBJECT Subsidised Rates for Car Parks

REFERENCE F2022/00105 - D08568635

FROM Deputy Lord Mayor, Councillor Sameer Pandey

MOTION (Pandey/ Garrard)

- (a) **That** Council, on a trial basis for Aug and Sep 2022 promote Parramatta Station Car Park at a 50% subsidized rate on Monday to Friday evenings and all day on Saturdays and Sundays, and that a report be brought back to Council outlining the results of this trial.
- (b) **Further that** Council work with local businesses and encourage them to promote those Car Parks that are not well utilised and those that have an EV charging station, including that Council promote at the entry and exit of the Eat Street carpark that there is \$5 parking at Parramatta Station (Wentworth Street) Car Park.

3870 RESOLVED (Pandey/Noack)

- (a) **That** Council, on a trial basis for August and September 2022 promote Parramatta Station (Wentworth Street) Car Park at a 50% subsidized rate on Monday to Friday evenings from 6pm, and all day Saturday and Sunday.
- (b) **That** a report be brought back to Council after the conclusion of the trial period outlining the results of the subsidized parking trial.
- (c) **Further, that** Council work with local businesses and encourage them to promote those Car Parks that are not well utilised and those that have an EV charging station, and that Council promote the subsidised parking at Parramatta Station (Wentworth Street) carpark at the entry and exit of the Eat Street carpark.

Note:

1. **Councillor Garrard left the Chamber at 8:34pm and returned at 8:36pm.**

2. Councillor Garrard left the Chamber at 8:37pm and she did not return to the meeting. Therefore there was no seconder of the Motion. The Lord Mayor called for a seconder and Councillor Noack accepted.
3. Councillor Esber left the Chamber at 8:42pm and returned at 8:44pm.
4. Councillor Wang left the meeting and returned at 8:46pm/

15. QUESTIONS WITH NOTICE

15.1 SUBJECT Questions Taken on Notice - 14 June 2022 Council Meeting

REFERENCE F2022/00105 - D08569708

FROM Governance Manager

Item 15.1 (23 May 2022 Agenda) – Questions Taken on Notice from Council Meeting – 23 May 2022

Question from Councillor Noack

Further questions were raised by Councillor Noack regarding the responses provided to the Questions Taken on Notice from the Council Meeting of 23 May 2022:

*In the last meeting, it was noted Council is currently obtaining approvals from TfNSW and Ausgrid and it is anticipated the process will be completed by the end of June.
Is there an expectation that this will indeed be finished by June?*

Regarding the round-about and street crossing on the corner of Hill Road and Burroway Road, how is the meeting with the developer going in terms of the design works? When do we expect work to start on the round-about? And is there a reason why we can't start work on the street crossing now?

Executive Director, City Planning and Design Response in relation to the first paragraph of questions

Regarding the intersection of Hill Road and Bennelong Parkway, an update was provided to Councillor Noack and the Lord Mayor on 7 June 2022 advising Council is now targeting July 2022 for completion of the approvals. On 22 June 2022, TfNSW provided advice from its 7 internal referrals regarding Council's most recent version of the design plans. The comments are for minor changes and drafting issues. Council will respond to TfNSW in the week commencing 27 June 2022. Council also met with TfNSW on 21 June 2022 and was advised to expect further correspondence related to conditions that would apply to the approval of the plans (once this has been obtained). Based on these discussions Council is now targeting July 2022 for the approval of the design. This approval will give Council the confidence to advertise the tender. Note that the change of TfNSW approval date from June to July 2022 has not

impacted Council's ability to commence the preparation of the tender, which is scheduled to commence in July 2022. There are no outstanding issues with Ausgrid.

Executive Director, City Planning and Design Response in relation to the second paragraph of questions

Regarding the works at the north end of Hill Road, these works are to be completed prior to occupancy of the second stage of the development. The scheduling of the commencement of the construction works is a matter for the developer. Council staff will meet with the developer at any time they have questions regarding the design requirements. The 'street crossing' is part of the package of the works to be done by the developer. It may be possible to start construction of the pedestrian facilities earlier than the roundabout works, however, it is too early in the process to know if this is possible. Note there is an existing alternative route for pedestrians, avoiding Hill Road, that involves crossing roads with much lower vehicle volumes and speeds. Although construction of stage 1 of this development is complete, it was not necessary on traffic grounds for these Hill Road works to be completed prior to the occupation of this stage.

3. Item 12.1 – Completed Works on Private Land – Bungaree Road Shops, Toongabbie

Question from Councillor Garrard

During discussion on the motion moved by Councillor Pandey, Councillor Garrard asked the following question:

How often is the cleansing team attending the site referenced in item 12.1?

Executive Director, City Assets and Operations Response

Litter picking is done on a daily basis and the bins are emptied Monday, Wednesday and Friday.

4. Item 12.1 – Completed Works on Private Land – Bungaree Road Shops, Toongabbie

Question from Councillor Green

During discussion on the motion moved by Councillor Pandey, Councillor Green asked the following question:

Can staff please provide advice as to whether a smart bin or an alternative bin or alternative cleaning arrangements can be provided at Bungaree Road Shops?

Executive Director, City Assets and Operations Response

The area has been monitored by our cleansing staff and believe that a smart bin is not warranted. It seems at times one of the shop owners take advantage of one of the bins provided. The area is serviced daily and the two (2) bins in place service the area.

5. Item 13.1 – Quarterly Budget Review – March 2022

Question from Councillor Bradley

During discussion on the motion moved by Councillor Esber, Councillor Bradley asked the following question:

Can staff clarify the details of the savings in relation to employee costs, as noted in point 4. (ii) of the Council report, and any impact that may have occurred with relation to staff workload or service performance as a result?

Chief Finance and Information Officer Response

The quarter-on-quarter variance in Employee Costs are due to a combination of normal vacancies across the organisation, the timing of recruitment related to finalising organisational redesign programs, and a delay in seeking staff for PHIVE as a result of the rescheduled opening date. Overall, the teams have managed the workload and service levels by multi-tasking and prioritising critical activities and projects

6. Item 13.4 – Local Heritage Grant Applications

Question from Councillor Garrard

During discussion on the motion moved by herself, Councillor Garrard asked the following question:

How many applications for heritage grants were refused in the financial year?

Executive Director, City Planning and Design Response

No applications for heritage grants were refused in the financial year. All eight applications lodged for heritage grants were approved, although two were deferred from Council's meeting of 21 February 2022 they were approved on 14 June 2022.

7. Item 13.11 – Gateway Request: Planning Proposal for 19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington (Melrose Park North Precinct)

Question from Councillor Darley

During discussion on the motion moved by Councillor Noack, Councillor Darley asked the following question:

What are the heights of the powerlines? And why is the planning proposal looking to build up next to the powerlines when the rest of the North Precinct sets back from the powerlines?

Executive Director, City Planning and Design Response

Height of the transmission line

The powerline in question is identified as a stanchion transmission line and is owned by Ausgrid. The height from existing ground level to the lowest cable ranges between approximately 17.2m – 21m, depending upon the ground level.

Setbacks to transmission line

The transmission line is located within a 30.5m-wide easement that runs the length of the transmission line. This easement is set by Ausgrid and restricts any buildings or significant structures being built within the easement. There is no restriction on development in relation to the transmission lines outside of this easement.

The site-specific Development Control Plan (DCP) for Melrose Park North adopted by Council on 11 October 2021 includes a road reserve along the eastern side of the Melrose Park North Precinct (north of the subject site) that is 20m wide that abuts the overhead transmission lines and that is partially within the transmission line easement. Buildings adjacent to the transmission lines are required to have a further 3m setback from the road reserve and thus will be setback 23m from the transmission lines.

Amendments are now required to be prepared for the DCP to include controls relating to the subject site and these will include specific provisions that address setbacks from all boundaries (including to the transmission lines). The proposed amendments will be reported back to Council for endorsement to place on exhibition with the adopted Planning Proposal. The amendments will include provisions to ensure there are appropriate setbacks and screening to the transmission line.

8. Item 14.5 – Acknowledgement of all Faith (Deferred Item)

Question from Councillor Bradley

During discussion on the motion moved by Councillor Pandey, Councillor Bradley asked the following question:

With relation to Council's current prayer practices for Council Meetings, have we had any examples where there have been Prayers or acknowledgements for the other faiths instead of a Christian Prayer?

Chief Finance and Information Officer Response

Following the December 2012 Council resolution to implement a prayer before Council Meetings, prayers have been undertaken utilising Ministers from Christian-based Churches.

9. Item 14.7 – Relocation of Willow Grove

Question from Councillor Garrard

During discussion on the motion moved by Councillor Pandey, Councillor Garrard asked the following question:

What is an approximate timeframe for the combining of the videos?

Executive Director, Community Services Response

Work is currently underway to combine the videos and this process is expected to be completed by the 31st of July 2022.

16. CLOSED SESSION

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.

3871 RESOLVED (Esber/Noack)

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:-

- 1 Legal Status Report as at 31 May 2022. (D08536525) - *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.*
- 2 Write Off of Sundry Debtor Accounts - Bad Debts. (D08546953) - *This report is confidential in accordance with section 10A (2) (b) of the Local Government Act 1993 as the report contains a discussion in relation to the personal hardship of a resident or ratepayer.*

16.1 SUBJECT Legal Status Report as at 31 May 2022

REFERENCE F2022/00105 - D08536525

REPORT OF Group Manager Legal Services

3872 RESOLVED (Maclean/Esber)

That Council note the Legal Status Report as at 31 May 2022.

16.2 SUBJECT Write Off of Sundry Debtor Accounts - Bad Debts

REFERENCE F2022/00105 - D08546953

REPORT OF Business Improvement Manager

MOTION (Maclean/ Esber)

- (a) **That** Council approve the write-off of the outstanding bad debts for various Sundry Debtor accounts identified in Attachment 1, in accordance with section 213 of the *Local Government (General) Regulation 2021*, which as at the end of the financial year 2021-22 have an aggregated total amount of \$103,097.78.
- (b) **That** Council note that the current outstanding doubtful debts for various Sundry Debtor accounts identified in Attachment 2, have an aggregated total amount of \$139,461.57.
- (c) **That** Council also note that a program is underway to regularly review the list of doubtful debts, attempt debt recovery and to collect both the original debt and associated recovery costs.
- (d) **Further, that** the results of the debt recovery efforts be reported back to the Finance Committee in September 2022, and thereafter on a quarterly basis.

During debate on the Motion, the Motion was withdrawn. A new Motion was moved by Councillors Maclean and Esber, and when put was declared CARRIED.

3873 RESOLVED (Maclean/Esber)

That Council defer the matter to the next Finance Committee meeting, and a more detailed report be brought back to Council after this meeting providing the specific details for each of the Sundry Debtor Accounts listed in Attachment 2 of the report.

PROCEDURAL MOTION

3874 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 and 16.2.

18. CONCLUSION OF MEETING

The meeting terminated at 9:07pm.

THIS PAGE AND THE PRECEDING 21 PAGES ARE THE MINUTES OF THE
ORDINARY COUNCIL MEETING HELD ON Monday, 27 June 2022 AND
CONFIRMED ON Monday, 11 July 2022.

Chairperson

REPORTS TO COUNCIL - FOR COUNCIL DECISION

11 JULY 2022

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FOR COUNCIL DECISION

ITEM NUMBER	13.1
SUBJECT	Expression of Interest - Selection of Independent Members for Smart City Advisory Committee
REFERENCE	F2022/00105 - D08575558
REPORT OF	Senior Project Officer

CSP THEME: INNOVATIVE

WORKSHOP/BRIEFING DATE: Nil

PURPOSE:

This report seeks Council approval of the proposed independent members for the Smart City Advisory Committee.

RECOMMENDATION

- (a) **That** Council appoint Meredith Hodgman, Peter Runcie, Sarah Barns, Scott Thomson and Ian Opperman to the Smart City Advisory Committee for the period of this Council term.
- (b) **Further, that** Council thank all unsuccessful applicants who expressed interest in joining the Smart City Advisory Committee.

BACKGROUND

1. On 23 May 2022, Council resolved to establish the Terms of Reference for the Smart City Advisory Committee 'SCAC' (Minute No. 3790). This committee contains a maximum of 5 independent members under the Terms of Reference.
2. The function of SCAC is to provide a trusted sounding board and independent advice to Council, to guide innovation and to ensure the development of the City of Parramatta as a Smart City and an innovative Council. The first involvement of the Committee is to provide insight during the preparation of the new Smart City Strategy. The Committee has no delegated authority and minutes of each quarterly meeting will be reported to Council.
3. Council has a proud history as a leading 'Smart City' Council, having been awarded the 2020 Leadership City from the Smart Cities Council. City of Parramatta has been implementing Australia's first Smart City Masterplan since 2015 and a new Smart City Strategy is currently under development, scheduled to be brought to Council later this year. SCAC initially began with a "ParraConnect" committee first established in August 2010, making it the first specific governance structure of Council's Smart City development. As part of the 2015 Smart City Masterplan, this Committee was re-established as the Smart City Advisory Committee, and the first members endorsed by Council in February 2017.

4. Remuneration of Members will be \$5000 per annum, as per Council resolution (refer minute number 16) dated 23 May 2016.
5. The EOI process for SCAC was separated from the other advisory committees, to enable the earlier establishment of the committee. This will enable engagement with SCAC in the preparation of the Smart City Strategy that is by Council resolution to be brought to Council in Q1 22/23 FY.
6. EOIs were released for a two-week period and closed on 13 June 2022. They were advertised widely through the community on social media and the website, as well as some direct targeted messages to a range of diverse experts in Smart City or well-connected within the community. 33 (32 eligible under the criteria) applications were received through Council's e-recruit system, with a significant number of very high-quality applicants. No members of the previous Smart City Advisory Committee submitted an application, however they recommended their replacement.
7. Nine (9) applicants were selected for interview based on the selection criteria:
 - a. demonstrate skills and capacity to contribute to the Committee; and
 - b. live, work, study or have a strong commitment to the City of Parramatta LGA; and
 - c. 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.
8. The shortlisted applicants and a short description of their background is provided below. A panel of three staff from the City Strategy and Finance and Information directorates conducted interviews with each of the shortlisted applicants. The panel have all signed forms confirming they have no declarations of interest.
9. The panel selected the recommended members in this report based on these interviews. It is ultimately the decision of Council to appoint members to the SCAC. Under the Terms of Reference any applications that meet the criteria but are not appointed as members, will be retained on an eligibility list for a period of twelve (12) months following any expression of interest process undertaken to appoint members. The eligibility list will expire twelve (12) months from the date Council appoints its members.
10. The recommended applicants are as follows:

a. Sarah Barns

Sarah is an experienced place innovation strategist who has a long work history in the Parramatta and Western Sydney Region. Recently, she received the 2022 Asia Pacific Place Leaders Digital Placemaking Commendation Award for STORYBOX Parramatta. Sarah is a specialist in the design and delivery of public investment programs linking technology, people and place.

Sarah was a research fellow specialising in smart cities and platform urbanism at Western Sydney University, leading numerous award-winning pilot programs and initiatives with the City of Parramatta, including a pilot urban liveability

dashboard (2018). In addition, Sarah has led engagement programs with the City of Parramatta, such as the Waves of People report collaboration between Western Sydney University and the City of Parramatta.

b. Scott Thomson

Scott is the Cyber-Security Executive Director for the Department of Education and is a long time resident of Wentworth Point. He has established local businesses Thomo Tech and Cyber Thomson. Scott was accountable for the technology design, installation, and commissioning of the technology in 105 Phillip Street to provide a modern flexible working environment to support more than 3,000 staff relocating from offices outside of the Parramatta LGA. This then provided a foundation for the technology and infrastructure for Parramatta Square space occupied by NSW Government. Scott's leadership of the NSW IT COMPRAC also saw several professional development events held in Parramatta making them available to more members from across greater Sydney.

Scott led the technology design and implementation for Arthur Phillip High School and Parramatta Public School and delivered a future-focused learning environment that incorporated the principles of scalability and flexible future use as core concepts.

c. Ian Opperman

Ian is the Chief Data Scientist for NSW and is a thought leader in the area of data, AI and the digital economy. He has an MBA from the University of London and a PhD in Mobile Telecommunications from Sydney University.

Ian's career has focused on understanding the challenges of data sharing, to focus on outcomes and help organisations improve their data sharing capability. Ian worked to help at the data level to create and adopt standards and to create repeatable patterns of use to for data sharing, essential to the reporting of health data during the pandemic. He led work with Data61 to develop provable models of information management and engaged with the commonwealth on how we might reconsider aspects of data sharing and use. Ian has an extensive CV in academia and is a Fellow of the Institute of Engineers Australia, the IEEE, the Australian Academy of Technological Sciences and Engineering (ATSE), the Royal Society NSW (FRSN), and the Australian Computer Society (ACS). He is National Committee President of the International Electrotechnical Commission (IEC) and the JTC-1 Strategic Advisory Committee, a joint activity with the IEC and the ISO (International Standards Organisation).

d. Meredith Hodgman

Meredith has worked in all levels of Government and is a global strategic advisor specialised in smart infrastructure. She has designed several programs for place based commercial activations between digital technology and the built environment. She has worked extensively with the NSW Smart Places Programs and has analysed Parramatta's Smart City Masterplan as part of her role in the Smart Cities Council. Meredith is an advisor to the NSW Minister for Customer Services, on the Smart Places Acceleration Fund. Meredith has been the Jury Chair for the Smart Cities Council Australia & New Zealand Annual Awards for 6 years.

Meredith is the Chair of the Internet of things Alliance Australia, she sits on the WEF/G20 Smart Cities Alliance Taskforce for Public Private Partnerships

Meredith has a background in trade and investment, law, sustainable transport, and digital transition, and has delivered work internationally.

e. Peter Runcie

Peter has significant experience in research, development, product strategy and technology commercialization. He has led significant innovation initiatives at GIO Australia, Woolworths, Bell Laboratories, Avaya Inc, National ICT Australia, CSIRO, the NSW Smart Sensing Network in a consultative and board capacity. Peter is currently working with Air Quality Monitoring across NSW and has a focus on how Parramatta and central Sydney manage data.

Peter has facilitated and assisted senior management teams with development of growth and technology strategies. Peter has experience with many technologies including Smart Cities, IoT, intelligent transportation systems, smart infrastructure management, digital engineering, energy storage management, environmental sensing, data quality, data analytics, machine learning, data privacy and cyber security.

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
30 May-13 June	Community	EOIs released and 33 responses received (32 eligible)	EOIs were assessed per paragraphs 5-9.	City Strategy

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. There are no Legal Implications associated with this report.

FINANCIAL IMPLICATIONS FOR COUNCIL

14. If Council resolves to approve this report in accordance with the proposed resolution, there are no unbudgeted financial implications for Council's budget
15. The financial remuneration of Members is \$5000 per annum per minute number 16 on 23 May 2016. This payment is contained in existing operational budget lines for City Strategy.
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
Revenue				
Internal Revenue				
External Revenue				
Total Revenue				
Funding Source	Nil	Nil	Nil	Nil
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	Nil	Nil	Nil	Nil
Funding Source				
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	Nil	Nil	Nil	Nil

Josh Jongma
Senior Project Officer

Matt Austin
Strategy Manager

Nicole Carnegie
Group Manager, City Strategy

John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:

There are no attachments for this report.

REFERENCE MATERIAL

FOR COUNCIL DECISION

ITEM NUMBER 13.2
SUBJECT Viability of Employing a Grants Officer
REFERENCE F2022/00105 - D08570855
REPORT OF Student Project Officer

CSP THEME: FAIR

WORKSHOP/BRIEFING DATE: NIL

PURPOSE:

To outline the viability and financial implications of the employment of a Grants Officer, in response to a Notice of Motion resolved at the 23 May 2022 Council meeting.

RECOMMENDATION

- (a) **That** Council employ a permanent Strategic Grants Officer within City Strategy to coordinate Council's external grant applications, to align with our city and corporate objectives with a strategic and proactive approach.
- (b) **That** the Strategic Grants Officer position be funded through grants awarded to Council where the grant funding agreements permit.

BACKGROUND

1. At the 23 May 2022 Council Meeting, by way of a Notice of Motion, Council resolved:

That, a report detailing the viability and financial implications associated with the employment of a Grants Officer, who would coordinate the management and delivery of the City's grants applications with both internal and external stakeholders, be presented to Council on or before the meeting of 11 July 2022.

ISSUES/OPTIONS/CONSEQUENCESCurrent state

2. As of 12 June 2022, Council has received a total of \$53,781,000 in capital and operating grants funding in the 2021/22 financial year.
3. Council's current model for the management, application, and acquittal of grants received is decentralised, with teams responsible for seeking out and applying for grants which relate to their respective portfolio or service.
4. With staff often undertaking this work on an ad hoc basis, and in addition to their substantive delivery functions, the capacity to explore opportunities for securing grants is limited and often reactive.

5. Council's current approach also does not involve a broader cross-Council strategic alignment or prioritisation process. For example, projects submitted for grants are not generally reviewed or prioritised against each other in line with strategic priorities, and do not always weigh upfront capital expenditure against ongoing operational costs in Asset Management Plans. This approach does not always generate the greatest return on investment or value for money for Council.

Viability of a Grants Officer

6. Several other large NSW councils currently operate with a dedicated and centralised Grants Officer or function, including City of Sydney Council, Canterbury-Bankstown Council, and Liverpool Council.
7. Council has experienced some recent success with a centralised grants operating model, with a temporary function set up in the City Strategy team to strategically coordinate prioritisation and applications for the NSW Government's WestInvest program.
8. By coordinating the approach of grant applications and management through the employment of a dedicated Grants Officer, Council can reduce resource expenditure, source additional funding opportunities, centralise stakeholder engagement and decision-making (e.g. Councillors and Executive Team), and deliver improved strategic alignment with Council's strategies and Asset Management Plans.
9. It is estimated a Grants Officer with such responsibilities would be classified at Grade 12 in Council's salary structure, with full time cost implications between \$117,490 - \$129,381 per annum (based on the 2021/22 salary structure plus superannuation).
10. Not all grants will allow for administration cost recovery, however it is reasonable to assume a substantial portion of the grants received by Council will include a recoverable administration fee.
11. The employment of a Grants Officer and centralisation of the grant coordination and management process offers potential to increase opportunities to secure additional funding, improve value for money, and could reduce operational costs incurred elsewhere under the current model.

CONSULTATION & TIMING

Stakeholder Consultation

12. No stakeholder consultation has been undertaken in relation to this matter.

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
N/a	N/a	N/a	N/a	N/a

Councillor Consultation

13. No Councillor consultation has been undertaken in relation to this matter.

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
N/a	N/a	N/a	N/a	N/a

LEGAL IMPLICATIONS FOR COUNCIL

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

FINANCIAL IMPLICATIONS FOR COUNCIL

15. If Council resolves to approve this report in accordance with the proposed resolution, the financial impact on the budget is set out in the table below.

16. The financial impacts to the budget, as set out in this section, will be included in the draft 2022/23 Financial Year Budget for endorsement by Council.

17. The table below summarises the financial impact on the budget arising from approval of this report. The operating result is based on the 2021/2022 Grade 12 Award (Performance) salary, plus estimated 2.5% annual award increases and relevant increases to Superannuation Guarantee rates, and is based upon nil recovery of funding via grants revenues.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Revenue				
Internal Revenue				
External Revenue				
Total Revenue				
Funding Source				
Operating Result				
External Costs				
Internal Costs	N/A	\$133,218.58	\$137,166.92	\$141,229.40
Depreciation				
Other				
Total Operating Result	N/A	\$133,218.58	\$137,166.92	\$141,229.40
Funding Source				
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX				

Angelina Gu

Student Project Officer

Dayne Glinkowski
Corporate Strategy Manager

John Angilley
Chief Financial and Information Officer

Nicole Carnegie
Group Manager, City Strategy

Brett Newman
Chief Executive Officer

ATTACHMENTS:

There are no attachments for this report.

REFERENCE MATERIAL

FOR COUNCIL DECISION

ITEM NUMBER	13.3
SUBJECT	Recommendation on the Naming of Parramatta's New Aquatic Facility (Deferred Item)
REFERENCE	F2022/00105 - D08521533
REPORT OF	Strategic Communication Specialist

CSP THEME: **FAIR**

WORKSHOP/BRIEFING DATE: Monday 4 April 2022
 Wednesday 22 June 2022

NOTE: This matter was deferred from the Council Meeting of 9 May 2022 for actions arising out of the Councillor Workshop to be completed.

PURPOSE:

To endorse a name for the new Parramatta aquatic facility, the 50m pool, and the next stage of consultation for naming the constituent elements within the facility.

RECOMMENDATION

- (a) **That** Council endorse one of the names set out in paragraph 8 as the name for the new aquatic centre in Parramatta.
- (b) **That** Council note the resolution of 28 September 2020 in relation to the grandstand seating by the 50m outdoor pool within the new facility to be known as the Kevin Hession Stand after the late member of the Parramatta Memorial Swimming Club.
- (c) **That** Council endorse 'Memorial Pool' as the name of the 50-metre outdoor pool.
- (d) **That** Council endorse another stage of public engagement to vote on naming suggestions for the elements (rooms, facilities) within the facility that follow Dharug/English dual naming principles and be based around the theme of local fauna naming suggestions from the broader community and Dharug representatives.
- (e) **That** Council note the public engagement process will garner feedback on a common theme to be applied to the naming of the elements.
- (f) **Further, that** reports be returned to Council by September 2022 to consider the outcomes of the second stage of public engagement process.

BACKGROUND

1. The new aquatic and wellness facility being built in the Mays Hill Precinct replaces the Parramatta War Memorial Swimming Centre (PWMSC), which was opened in 1959 and closed in 2017 as part of the expansion of what is now CommBank Stadium. The new larger stadium required a greater surrounding

radius, including circulation zones for pedestrian and emergency vehicle access.

2. In the 1950s and 1960s, inspired by the hosting of the Melbourne Olympics and the memory of World War II, war memorial pools were established by communities across New South Wales. Pools in Blacktown, Camden, Lismore, Baulkham Hills, Kogarah, Bega and Moruya are some of those that were created as part of this movement. Over time, a number of these facilities have changed their names, such as in Blacktown and Baulkham Hills, having chosen other ways to commemorate the fallen through commemorative gardens or other memorial sites.
3. The new facility in the Mays Hill Precinct, designed by Andrew Burges Architects, Grimshaw Architects and McGregor Coxall Landscape Architects as the result of an international Design Excellence Competition, exceeds in scope and aspiration what existed at the former PWMSC. It has a 50m outdoor pool and landscaped leisure area, 25m indoor pool, programming pool, water play area, spa, steam and sauna. It also includes a large café, and a full-sized wellness centre, with gym floor and program rooms.
4. The new facility delivers a heritage and interpretation suite of elements throughout the building that tells the story of the First Nations history of the site, in line with requirements from the Heritage Council of NSW, and the long social history of swimming in Parramatta, including the community campaigns to both establish PWMSC and protest its closure. The development of this suite has involved detailed engagement with Dharug community representatives and cultural knowledge holders and Councillors.
5. The project to build the new facility has been known as the Aquatic and Leisure Centre for Parramatta project. This name has been used for the project whilst awaiting confirmation of an endorsed name by Council.
6. At its meeting of 28 September 2020, Council resolved the grandstand seating in the new facility should be named after Kevin Hession, who was closely associated with PWMSC over many years. The former grandstand bleachers at PWMSC were named after Mr Hession.

ISSUES/OPTIONS/CONSEQUENCES

7. It is recommended a simple, functional name be confirmed for the facility – a name that provides the most flexibility for branding and the best chance of becoming part of the local vernacular. After a Council workshop on 22 June 2022, Councillors have decided to consider the following options:
 - a. *Parramatta Aquatic Centre*. This name option offers a simple and flexible description of what the facility is.
 - b. *Parramatta Pool*
This name option continues the simplicity of form and the vernacular legacy of the former facility.
 - c. *Parramatta Pool, Barramada Badu Ngurra*
This dual name option links a simple description with a First Nations translation.

8. It is important to note if option c) is selected, at times it may present challenges when it is communicated and presented across a range of signage sizes, digital mediums and in print. In situations where there are space limitations (such as staff name badges or small format print) the facility name will default to the English version for simplicity and efficiency.
9. The existing construction contract does include the delivery of signage across the facility. The finalisation of name and brand identity is required by September 2022 to inform the final design, fabrication and delivery of signage elements.
10. To mark and honour the legacy of the former PWMSC, it is proposed the 50m outdoor pool be named the 'Memorial Pool'. The Parramatta RSL Sub-branch and the Parramatta Memorial Swimming Club have been consulted. Despite their preference for 'War Memorial Pool', they would, however, support the 'Memorial Pool' option.
11. For the naming of elements within the facility, a public engagement process (stage one) was undertaken to seek suggestions from the community against a set of criteria. Simultaneously, Council engaged with local Dharug community representatives for suggested name options against the same criteria.
12. As part of stage two public engagement, a shortlist of publicly submitted names will be presented back to the community, together with the submissions from Dharug representatives. The community will be invited to vote on a preferred set of names that will then be allocated to the elements as deemed most appropriate.
13. Where possible, the naming of the elements will follow a theme. The naming suggestions for these elements, for public consultation, will include Dharug/English dual naming principles and will primarily be based around the theme of local fauna.

CONSULTATION & TIMING

14. A second stage of community engagement will take place over a two-week period in July 2022, where the community will have the opportunity to vote for their favoured names from those that were submitted during stage one consultation. Potential elements to be named will form part of the engagement materials and communication.
15. A report will be provided to Council by September 2022 providing the results of this process and recommendations for names to be allocated to selected elements within the facility.

Stakeholder Consultation

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

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
March – April 2022	Internal stakeholders	Views sought for the process to be followed in selecting a name for the facility and elements within it.	Feedback has helped guide the proposals within this report	Community Services / City Engagement and Experience
June 2022	Dharug community representatives	Views sought on potential Dharug names for the facility and suggestions of Dharug names for elements within the facility.	Feedback has helped guide the proposals within this report	Community Services / City Engagement and Experience
June 2022	Parramatta RSL Sub-branch	Views sought on potential names for the facility and suggestions of naming the 50m pool, the 'Memorial Pool'.	Feedback has helped guide the proposals within this report	Community Services / City Engagement and Experience

Councillor Consultation

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

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
4 April 2022	Councillor Workshop	Context, timeframe and options for processes presented.	Preferred process to be further defined for consideration by a follow-up workshop.	Community Services / City Engagement and Experience
20 April 2022	Councillor Workshop	Name options discussed and refined. Process discussed.	Refined options and process to be presented for	Community Services / City Engagement

			Council's consideration.	and Experience
22 June 2022	Councillor Workshop	Market testing and due diligence results presented for the facility name. Results of stage one public consultation shared.	Three options for the facility name to be presented for Council's consideration. Preferred element name options for stage two consultation to be explored.	Community Services / City Engagement and Experience

LEGAL IMPLICATIONS FOR COUNCIL

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

FINANCIAL IMPLICATIONS FOR COUNCIL

19. If Council resolves to approve the recommendation of this report in accordance with the proposed resolution, there are no unbudgeted financial implications for Council's budget.
20. An estimated \$1,000 has been allocated from the 2022/23 ALCP Business Support budget to support stage two public consultation.
21. 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				
Internal Revenue				
External Revenue				
Total Revenue				
Funding Source	Nil	Nil	Nil	Nil
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	Nil	Nil	Nil	Nil
Funding Source				
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	Nil	Nil	Nil	Nil

Julie-Ann Wigham
Strategic Communication Specialist

Carly Rogowski
Executive Director, City Engagement & Experience

John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:

REFERENCE MATERIAL

FOR COUNCIL DECISION

ITEM NUMBER	13.4
SUBJECT	Application to seek Minister's consent to grant a lease over community land at 358Z North Rocks Road Carlingford
REFERENCE	F2016/07550 - D08560927
REPORT OF	Asset Manager

CSP THEME: THRIVING

WORKSHOP/BRIEFING DATE: Nil

PURPOSE:

For Council to consider making an application to the Minister for Local Government seeking consent to grant a proposed lease over community land.

RECOMMENDATION

That Council make an application to the Minister for Local Government seeking consent to grant the proposed lease with Vodafone:

- 1 Over the community land described as Lot 26 in Deposited Plan 230685 and located at 358Z North Rocks Road, Carlingford (also known as North Rocks Park);
- 2 On commercial terms approved at the Council meeting of 22 November 2021; and
- 3 Pursuant to section 46(1)(b)(i) of the *Local Government Act 1993* (NSW).

BACKGROUND

1. At its meeting on 22 November 2021, Council resolved:
 - (a) *That Council approve the commercial terms, as set out in paragraph 3 of this report, of a proposed lease with Vodafone, for the operation of a telecommunications facility situated at 358Z North Rocks Road, Carlingford ('Carlingford site').*
 - (b) *That Council approve an exemption from tender for the Carlingford site, pursuant to section 55(3)(i) of the Local Government Act 1993 (NSW), due to the unavailability of competitive tenderers.*
 - (c) *That Council approve the commercial terms, as set out in paragraph 4 of this report, of a proposed agreement with Vodafone, for payment of compensation to Council for the operation of a telecommunications facility situated at 6A Reilleys Road, Winston Hills.*
 - (d) *Further, that Council delegate authority to the Chief Executive Officer to negotiate all other terms and conditions and execute all necessary documents associated with these matters.*

2. Council officers subsequently notified the community of these proposals, in accordance with section 47 of the *Local Government Act 1993* (NSW) ('**Act**').
3. Following this notification process, Council officers received objections to the proposed lease with Vodafone, for the Carlingford site (Refer to **Attachment 1**).
4. Council officers forwarded the community's objections to Colliers International, the managing agents for Vodafone, for consideration. Colliers subsequently provided Council with a formal response, on Vodafone's behalf, to the community's objections (Refer to **Attachments 2 & 3**), which Council officers then forwarded to the community, for consideration.
5. Despite Colliers comprehensively addressing the objections, the community objectors informed Council officers they would not withdraw their objections.

ISSUES/OPTIONS/CONSEQUENCES

6. Due to Council receiving these objections, Council is required to make an application to the Minister for Local Government seeking the Minister's consent to the grant of lease proceeding.
7. Council officers are of the opinion that the community's objections, which relate to site safety and property values, were sufficiently addressed by Colliers' formal response and believe Council should adopt the position taken by Colliers, with respect to their responses to the objections.
8. This is because Vodafone have the expertise and experience to respond to these particular areas of concern, having operated a significant number of telecommunications facilities throughout Australia.
9. Council officers are further of the opinion that the public interest would not be affected by the granting of the proposed lease, and that the needs of the area with respect to community land would not be adversely affected by the granting of the proposed lease for the following reasons:
 - a. The Hills Shire Council previously entered into a 10-year lease with Vodafone for this site which commenced on 1 July 2011 and terminated on 30 June 2021. City of Parramatta became the lessor under this lease, following the Council amalgamations in 2016. The intention is to enter into a new lease, under fresh commercial terms, to continue to allow for City of Parramatta to be compensated, as land owner, for Vodafone's occupation of Council land.
 - b. The compensation Council receives will be utilised for the embellishment of the reserve in which the facility is located, in accordance with the Hills Generic Parkland Plan of Management 2012 (which governs the Carlingford site).
 - c. Vodafone has been operating its telecommunications facility at the Carlingford Site for approximately 20 years. Therefore this isn't a new facility that has been brought to the community's attention.

- d. If Council did not seek the Minister's consent to the grant of lease, Vodafone could rely on its rights under the *Telecommunications Act 1997* (Cth) to continue to operate its facility within North Rocks Park, and the only outcome would be that Council would not be receiving compensation under the lease for Vodafone occupying Council's land.

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
N/A				

Councillor Consultation

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

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
N/A				

LEGAL IMPLICATIONS FOR COUNCIL

12. Pursuant to section 377(1)(s) of the Act, the making of an application to the Minister is a non-delegable function of the Council.
13. If Council does not resolve to make the application, Council will not be able to enter into a lease with Vodafone for the Carlingford site. This would be detrimental to Council with respect to having certainty over the compensation Council would receive, as well as the rights Council would have, and the obligations that would be imposed upon Vodafone under the lease. By contrast, Vodafone could still rely on its rights under the *Telecommunications Act 1997* (Cth) to continue to operate its facility within North Rocks Park.
14. If Council does resolve to make the application, the Minister will consider whether to give consent to the grant of lease.
15. If consent is provided, Council officers will engage and instruct a legal representative to act on Council's behalf in preparing and finalising the lease for the Carlingford site. The document will be executed on behalf of Council in accordance with the appropriate Council delegations.

FINANCIAL IMPLICATIONS FOR COUNCIL

16. All previous commercial terms of the lease were approved on 22 November 2021, and no budgetary changes will occur as a result of approval of the recommendation of this report.

17. 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				
Internal Revenue				
External Revenue				
Total Revenue	Nil	Nil	Nil	Nil
Funding Source	Nil	Nil	Nil	Nil
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	Nil	Nil	Nil	Nil
Funding Source	Nil	Nil	Nil	Nil
CAPEX				
CAPEX	Nil	Nil	Nil	Nil
External				
Internal				
Other				
Total CAPEX	Nil	Nil	Nil	Nil

Daniel Kirkby-Jones

Asset Manager

Robert Ramsbottom

Group Manager Property Assets, Services and Securities

John Angilley

Chief Financial and Information Officer

Ian Woodward

Group Manager Legal Services

Bryan Hynes

Executive Director Property & Place

Brett Newman

Chief Executive Officer

ATTACHMENTS:

- | | | |
|----------|---|-------|
| 1 | Attachment 1 - Community objections | 3 |
| | | Pages |
| 2 | Attachment 2 - Colliers response to community objections | 3 |
| | | Pages |
| 3 | Attachment 3 - Environmental Electromagnetic Energy Report for Carlingford site | 2 |
| | | Pages |

REFERENCE MATERIAL

Robert Ramsbottom
Group Manager
Property, Security, Assets & Services

And

Daniel Kirkby-Jones
Property Services Officer

Dear Robert and Daniel

I, presenting a group of my neighbours from Lanceley Avenue, to write this email regarding file reference F2016/07550.

We strongly object this proposed lease, based on below facts that how our interests are affected:

1. Resident's health and well-being could be damaged by electromagnetic radiation. More than half of the residents around the facility are either young kids or senior person. There are research and statistic reports showing positive correlation between disease and living distance to voltage transmission lines. We don't want and cannot afford these risks.
2. Property value has been affected significantly by this facility. This can be easily proved by property market records or agency reports. And as far as I know, there is no clear compensation from either council or Vodafone for our loss. Furthermore, our borrowing capacities are also affected by this facility. Besides, there are property restrictions on our home amenities and modifications.
3. Safety risks. The location of transmission lines are beside a carpark, between our backyard and the edge of park. The residents and park user have activities under these dangerous facilities every day.

We understand that these facilities are already existing, and we could not avoid above disadvantages. However, refer to the letter, in the proposed lease, council grant the availability to Vodafone for constructing, upgrading in next 10 years, and the red shading looks bigger than current. Which means, the power of radiation, the size of facility can be increased. And then the above listed situation will become worse, and this is definitely not acceptable by us. Therefore, we strongly object this proposed lease renew. And we kindly ask council to consider to terminate the contract and remove all these dangerous facilities.

Parramatta council has always put people first, which as council members we have been proud of. I hope in the case, our group voice can be heard and our interest health and well-being will be cared.

Below is my contact details, please keep us informed on the progress of this case.

Thank you and regards,

[Redacted signature block]

22/02/22



Our Reference	F2016/07550
Contact	Daniel Kirkby-Jones
Telephone	02 9806 5050
Email	council@cityofparramatta.nsw.gov.au

02 February 2022

Dear Sir/Madam

RE: Proposed grant of lease over community land known as North Rocks Park – *Local Government Act 1993* (NSW)

Pursuant to section 47 of the *Local Government Act 1993* (NSW) ('Act'), notice is hereby given of the following proposed grant of lease over community land, to the person listed below:

Address of community land: 358Z North Rocks Road, Carlingford NSW 2118

Purpose of proposed lease: Constructing, maintaining, operating, and upgrading a telecommunications network and telecommunications service

Term of proposed lease: 10 years

Person to whom it is proposed to grant the lease: Vodafone Network Pty Limited

Note: This is a pre-existing telecommunications facility, to which Council and Vodafone are seeking to document a new agreement between the parties.

The location of the proposed leased area is shown in red shading below:



Contact us:
 council@cityofparramatta.nsw.gov.au | 02 9806 5050
 @cityofparramatta | PO Box 32, Parramatta, NSW 2124
 ABN 49 907 174 773 | cityofparramatta.nsw.gov.au



In accordance with section 47 of the Act, written submissions may be made by any person to City of Parramatta Council, via:

1. mail, to:
PO Box 32
Parramatta NSW 2124; or
2. email, to council@cityofparramatta.nsw.gov.au.

Submissions should quote file reference F2016/07550 and be received by Council no later than 02 March 2022.

A submission by way of objection must specify the grounds of the objection and how the interests of the person making the objection are affected.

For further information, please contact Daniel Kirkby-Jones, Property Services Officer, on 02 9806 5050.

Yours Faithfully

A handwritten signature in dark ink, appearing to read "Robert Ramsbottom".

Robert Ramsbottom
Group Manager
Property, Security, Assets & Services

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8th of April 2022

City of Parramatta
Attention: Daniel Kirkby-Jones
126 Church Street,
Parramatta NSW 2124

Dear Daniel,

Vodafone Network Pty Limited ("Vodafone") lease from City of Parramatta
Full Address: North Rocks Road, Carlingford NSW 2118
Vodafone Site Code: 1751
Re: Community Consultation regarding Vodafone Installation

We act as managing agents on behalf of Vodafone for network property matters in Australia

We refer to the letter dated 22nd of February 2022, with regards to the Vodafone installation at the above site received from Parramatta Council on 1st of March 2022.

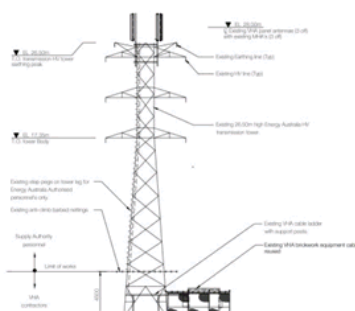
In reference to that correspondence, I respond accordingly.

(1). Tower ownership and residents' health & safety

It is important to clarify at the outset that the high voltage tower (lines) are not owned by Vodafone but are established power pylons whose key purpose is to provide power to the local community.

Vodafone's antennas are attached to the top of the power pylon as depicted below and we confirm that these antenna and equipment have been operating at this location for 20 years.

However, for the purpose of this transaction for the lease renewal, the high voltage tower is not the issue of consideration as Vodafone is only seeking to enter into a lease with Council for the shelter at the base of the High Voltage Tower. See below as circled in red.



Quality
ISO 9001
Colliers International (NSW) Pty Limited | ABN 65 001 401 681



Vodafone comply with all relevant health and safety legislation. Vodafone also ensure that our base station comply with internationally recognised guidelines on radio frequency field levels. These guidelines, which have wide safety margins designed to protect the community, including children and the elderly, 24 hours a day. They are recommended to us by the Australian Government, and they have the formal backing of the World Health Organization. If you have more questions on the Australian Standard for Radio Protection safety, please contact the Federal Department of Health ARPANSA or the Australian Communications and Media Authority (ACMA). Please refer to the <http://www.arpana.gov.au> or <http://www.acma.gov.au>

Prior to installation, Vodafone engaged an assessor to produce a report of the Environmental EME levels. This report calculates the worst-case cumulative EME levels as a percentage of the Australian Standard and considers any existing and proposed mobile services. The Environmental report, the template, methodology and underlying assumptions, are strictly defined by the authority on EME-the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The current EME report for this installation shows a maximum EME level on the ground of 0.63% (with the limited being 100%) which is well below the limit set by ARANSA for the general public.

A copy of this report is attached.

2. Property Value

We do know that there are over 10,000 base stations across the country in all types of locations from city buildings, sporting ovals, hospitals, and parks, throughout CBD, suburban and rural environments. We are not aware of any reputable study indicating the proximity of base stations negatively impacting property values. In contrast, telecommunications infrastructure is key in order to provide an essential service.

We can confirm that there is no upgrade programme planned at present. However, upgrades by the Carriers to provide the local community with increased data capacity and the ability to access new generations of mobile technology are common. Any such changes in the future would be undertaken in accordance with the Telecommunications (Low Impact Facilities) Determination 1997 and notifications would be undertaken with the Deployment Code 2020. Additionally, the changes would be required to comply with all relevant health and safety legislation.

If the community have further interest in the site and wish to be notified of any potential future changes to the equipment at this location (by either Vodafone or Optus) they can subscribe to a site or postcode on the rfnsa.com.au to get email updates of changes to existing and new site proposals in your area.





We trust that the information we have provided will assist with your query, however, please do not hesitate to contact the undersigned if you have any queries.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Heidi Mason", with a long, sweeping underline.

Heidi Mason

Associate Director – Leasing | Occupier Services



Environmental EME Report

Location	NORTH ROCKS RD, CARLINGFORD NSW 2118		
Date	28/03/2019	RFNSA No.	2151015

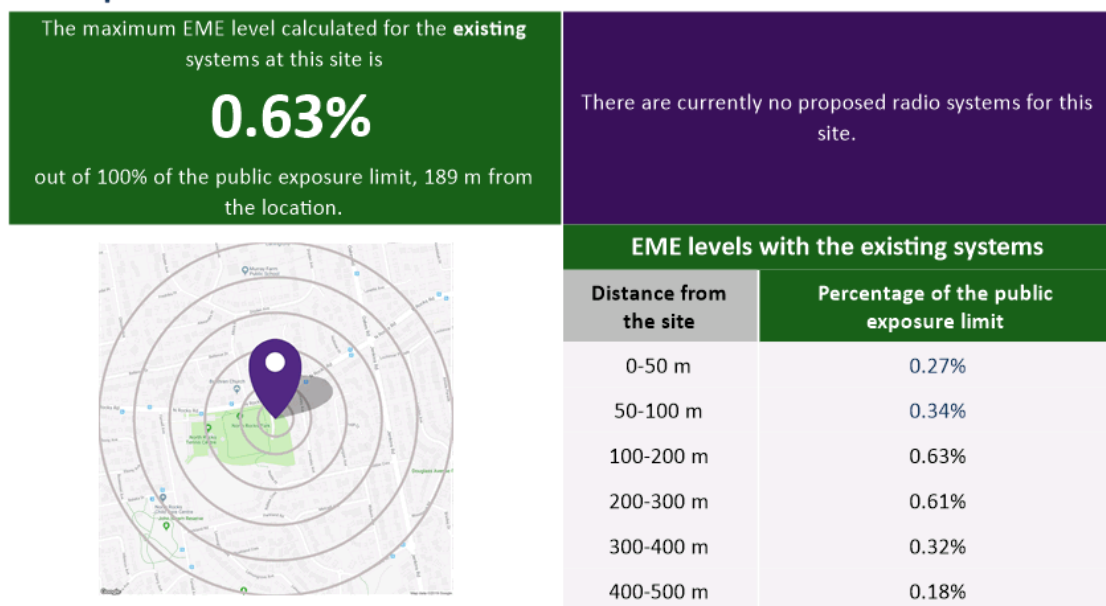
How does this report work?

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at NORTH ROCKS RD, CARLINGFORD NSW 2118. These levels have been calculated by Huawei using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

A document describing how to interpret this report is available at ARPANSA's website:

[A Guide to the Environmental Report.](#)

A snapshot of calculated EME levels at this site



For additional information please refer to the EME ARPANSA Report annexure for this site which can be found at <http://www.rfnsa.com.au/2151015>.

Radio systems at the site

This base station currently has equipment for transmitting the services listed under the existing configuration. The proposal would modify the base station to include all the services listed under the proposed configuration.

Carrier	Existing		Proposed	
	Systems	Configuration	Systems	Configuration
Vodafone	3G, 4G	WCDMA900, LTE850, LTE2100, NB-IOT900		
Optus	3G, 4G	WCDMA900, WCDMA2100, LTE2100		

An in-depth look at calculated EME levels at this site

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined. All EME levels are relative to 1.5 m above ground and all distances from the site are in 360° circular bands.

Distance from the site	Existing configuration			Proposed configuration		
	Electric field (V/m)	Power density (mW/m ²)	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m ²)	Percentage of the public exposure limit
0-50m	2.96	23.3	0.27%			
50-100m	2.84	21.36	0.34%			
100-200m	4.013	42.73	0.63%			
200-300m	4.0	42.38	0.61%			
300-400m	2.92	22.64	0.32%			
400-500m	2.19	12.74	0.18%			

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest, identified through consultation requirements of the [Communications Alliance Ltd Deployment Code C564:2011](#) or other means. Calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Maximum cumulative EME level for the proposed configuration

Location	Height range	Electric field (V/m)	Power density (mW/m ²)	Percentage of the public exposure limit
Community Centre	0-6 m	2.97	23.43	0.33%

FOR COUNCIL DECISION

ITEM NUMBER	13.5
SUBJECT	Compulsory Acquisition of 1C-1D Unwin Street Rosehill by Sydney West Metro
REFERENCE	F2022/00105 - D08564181
REPORT OF	Development Manager Property Development

CSP THEME: THRIVING

WORKSHOP/BRIEFING DATE: NIL

PURPOSE:

To report on the negotiations with Sydney West Metro (**Metro**) and the subsequent determination by the Valuer General to arrive at compensation for Council.

RECOMMENDATION

- (a) **That** Council approve the sale by Compulsory Acquisition of 1C-1D Unwin Street Rosehill being Lots 22, 23, 24 in DP17742 and Lots 102,103 in DP734615.
- (b) **That** Council accept the Valuer General determination of compensation for Market Value and Disturbance (if any), as detailed in item 6 of this report.
- (c) **Further, that** Council delegate authority to the CEO to execute all documents required to complete the transaction in a timely manner.

BACKGROUND

1. On 17 January 2020, Metro issued Council an email advising of their interest to acquire several parcels of Council-owned land, including those described in the recommendation above, being 1C-1D Unwin Street, Rosehill.
2. On 27 October 2020, Metro issued a Letter of Offer to Council for an amount of \$36,000, comprising \$26,000 in Market Value and \$10,000 in Disturbance under s55 of the *Land Acquisition (Just Terms Compensation) Act 1991* for these parcels.
3. This offer was based on a valuation by conducted by Lunney and Associates and was assessed against several “comparable” sales. The valuer assessed a per square metre rate of \$10psm for the total land holding of 2,583.7m² for a total market value for compensation of \$25,837 rounded up to \$26,000.
4. The subject lands all form part of the Duck Creek corridor, which are identified as flood liable land, and as such have little development potential. 1C-1D Unwin Street, Rosehill adjoins land acquired, or to be acquired, by Metro for Holding and Stabling Yards for the benefit of the Sydney West Metro line. The subject land is zoned as W1-Waterways in the Parramatta LEP2011. The purpose of the acquisition is to consolidate all the land adjoining the previously acquired land by Metro in this location.

5. On 23 August 2021, Council appointed Colliers to conduct a valuation which would provide an independent market value assessment of the land. The Colliers valuation, provided at **Attachment 3**, assessed a per square metre rate of \$43.74, resulting in a total value for the land holding of 2,583.7m² at \$113,000. Disturbance is to be assessed at a later date.
6. As there was no agreement between Council and Metro as to market value of the land, the determination of compensation was referred to the Valuer General (**VG**), who is legislated under the *Land Acquisition (Just Terms Compensation) Act 1991* to determine compensation in these circumstances. The VG determined Market Value compensation to be \$67,000, No determination was made on Disturbance.

ISSUES/OPTIONS/CONSEQUENCES

7. As the acquired/dispossessed party, Council has a legal right under the *Land Acquisition (Just Terms Compensation) Act 1991* to challenge this decision at the Land and Environment Court (**LEC**), while Metro has no right to challenge and therefore must accept the VG determination.
8. There is little potential benefit of a challenge to the LEC given the difference between the Council valuation and the VG determination is an amount of \$46,000 and the legal costs to be incurred will be significantly higher without any certainty of success. According to Maddocks Legal challenges to the LEC are taking over a year to reach Court due to the Covid backlog.
9. The differences between the three valuations, \$26,000 by Metro, \$113,000 by Council and \$67,000 by the VG relate to the comparable sales that each valuer has relied upon which is a subjective assessment by the valuers. The differences do not relate to methodology used or errors in fact or law and as the VG determination was middle ground it is unlikely the Court would take Council's view in a subjective assessment of value.

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
August 2021	Colliers Valuations	Provided valuation	Officer accepted valuation and provided to Metro	PDG
June 2022	Maddocks Legal	Provided advice	Advice acknowledged	PDG

Councillor Consultation

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

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
02/05/2022	Various	No specific questions or actions relating to the acquisition of the land raised.	The acquisition of the address specified in this report was addressed within another briefing on the Sydney Metro West Interface Agreement report on upcoming Council agenda	Property Development
15/06/2022	Various	No specific questions or actions relating to the acquisition of the land raised.	The acquisition of the address specified in this report was addressed in the Property & Place Bi-Monthly Project Update	Property Development

LEGAL IMPLICATIONS FOR COUNCIL

12. The acquisition of the land parcels at 1C-1D Unwin Street, Rosehill was published in the Government Gazette on 21 October 2021. On this date effective ownership of the acquired properties was transferred to Metro.
13. At present, only the amount of compensation is at issue and according to Maddocks Legal there are no legal avenues for Council with regard to the ownership of the land.

FINANCIAL IMPLICATIONS FOR COUNCIL

14. The Valuer General determined Market Value compensation to be \$67,000, based upon the VG valuation, provided at **Attachment 2**.
15. If Council resolves to approve this report in accordance with the proposed resolution, there are no unbudgeted financial implications for Council's budget other than the land asset will be converted to cash in the balance sheet upon receiving the cash from Metro.
16. The financial impacts to the budget, as set out in this section, will be included in the next Quarterly Budget Review for endorsement by Council.
17. 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				
Internal Revenue				
External Revenue		\$67,000		
Total Revenue		\$67,000		
Funding Source		Property Reserve		
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result				
Funding Source				
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX				

Graeme Bleus
Development Manager Property Development

Bryan Hynes
Executive Director Property & Place

John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:

- 1 VG Determination Letter 3 Pages
- 2 VG Valuation Report 25 Pages
- 3 Colliers Valuation 54 Pages

REFERENCE MATERIAL



Valuer
General

Compensation & Special Valuations
PO Box 745
Bathurst NSW 2795
Tel: 1300 136 226
www.valuergeneral.nsw.gov.au
ABN: 20 770 707 468
DPE Valuer General NSW

CITY OF PARRAMATTA
C/- MICHAEL GHOBRIAL – DEVELOPMENT MANAGER
PO BOX 32
PARRAMATTA NSW 2124

Our Ref: VVGC.JT03965

Dear Michael,

VALUER GENERAL'S DETERMINATION OF COMPENSATION

1C – 1D UNWIN ST, ROSEHILL, 2142

The Valuer General is an independent officer appointed by the Governor of NSW and is required by the *Land Acquisition (Just Terms Compensation) Act 1991* (the Act) to determine the amount of compensation to be paid to you by Sydney Metro.

The Valuer General is responsible for ensuring you are fairly compensated. Your compensation has been determined through a rigorous valuation approach, open exchange of information and the opportunity to raise concerns throughout the determination of the compensation process.

The determination of compensation, valuation report and issues response are attached. This information has also been provided to Sydney Metro.

Making the determination

Information sharing:

All information considered in the determination of compensation has been shared with you and the Sydney Metro.

Preliminary report:

Before we finalised the determination of compensation, we wrote to you and Sydney Metro to provide you both with the opportunity to consider the preliminary valuation report.

All errors of fact identified by you in the preliminary report have been considered in the final determination report.

Quality assurance

Your valuation report was prepared by a qualified, experienced valuer.

Completion of the Valuer General's role

The determination of compensation and valuation report issued to you and the acquiring authority is the final part of the Valuer General's formal role in the determination of the compensation process.

You will soon receive a survey from the Valuer General about the service you have received during the determination of compensation process. You are encouraged to provide feedback to help the Valuer General monitor the quality of service and make improvements.

Next Steps*Compensation Notice:*

Sydney Metro will now issue you with a compensation notice.

If you are not satisfied with the amount of compensation determined by the Valuer General and offered to you by Sydney Metro, you can lodge an objection with the Land and Environment Court. Court proceedings involving claims for compensation are between you and Sydney Metro.

Objections to the Land & Environment Court

Objections need to be lodged within 90 days of receiving the compensation notice. If an objection is not lodged within 90 days, the offer of compensation is deemed accepted.

For more information about the Land and Environment Court, visit their website at www.lec.justice.nsw.gov.au. The court can be contacted at:

Level 4, Windeyer Chambers
225 Macquarie Street
Sydney NSW 2000
02 9113 8200

Online information

You can find out more about compulsory acquisition by visiting the Valuer General's website at http://www.valuergeneral.nsw.gov.au/compulsory_acquisitions and the NSW Property Acquisition website at <http://www.propertyacquisition.nsw.gov.au/>.

Questions or concerns?

Your coordinator, Antonio Saveski, is available to help you with any questions or concerns you have.

You can contact Antonio on:

☎ 9240 8841 or
Valuer General NSW: 1300 136 226

@ Antonio.saveski@property.nsw.gov.au or
Valuer General NSW: Just_Terms@property.nsw.gov.au

If you need an interpreter, please call TIS National on 131 450 and ask them to contact VGNSW on the numbers listed above.

Yours sincerely



Jane Murgatroyd
Business Support Officer
Compensation and Special Valuations
Valuer General NSW

6 May 2022



VALUATION REPORT

FREEHOLD ACQUISITION OF LAND

1C-1D Unwin Street Rosehill	22/817742
	23/817742
	24/817742
	102/734615
	103/734615

DATE OF GAZETTAL: 21 OCTOBER 2021

REFERENCE: VVGC.JT03965

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EXECUTIVE SUMMARY

Purpose of report: To recommend the compensation payable for the compulsory acquisition of interests in land by Sydney Metro, as at the date of gazette under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

Acquiring Authority: Sydney Metro.

Former owner: City of Parramatta Council

Acquired property: Lot 22, 23 and 24 in Deposited Plan 817742 and Lots 102 and 103 DP734615

Date of Gazettal: 21 October 2021

Zoning: W1 – Natural Waterways

Land area: 2,583.7 m².

Valuation Issues: Flood liable land.

Highest and Best use: Existing use being creek buffer land.

Valuation approach: Direct Comparison Approach.

Valuation:

Section 55(A) – Market Value:	\$67,000
Section 55(B) – Special Value:	Not applicable
Section 55(C) – Loss Attributable to Severance:	Not applicable.
Section 55(D) – Loss Attributable to Disturbance:	\$Nil (no invoices supplied)
Section 55(E) – Disadvantage resulting from relocation:	Not applicable.
Section 55(F) – increase/decrease in value of other land:	Not applicable.
Total compensation	\$67,000

The Former Owner is registered for GST. Any liability for GST is a factor in the market for property and is therefore embedded in the lands Market value as defined in Section 56 of LAJTC Act. The policy of the NSW Valuer General is that all disturbance amounts are to be determined GST inclusive, unless the Former Owner is registered for GST. If the Former Owner is registered for GST disturbance amounts are determined GST exclusive, as an input tax credit may be claimed.

PURPOSE OF REPORT:

To recommend the compensation payable for the compulsory acquisition of interests in land by Sydney Metro, as at the date of gazette under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

ACQUIRING AUTHORITY:

Sydney Metro.

FORMER OWNER:

City of Parramatta Council.

PURPOSE OF ACQUISITION:

Sydney Metro West project.

DATE OF GAZETTAL:

21 October 2021.

BASIS OF VALUTION:

This valuation for compensation is to consider all heads of compensation detailed by Section 55 of the Land Acquisition (Just Terms Compensation) Act, 1991. Section 55 is comprised of:

Section 55 (a) – Market Value
Section 55 (b) – Special Value
Section 55 (c) – Severance
Section 55 (d) – Disturbance
Section 55 (e) – Disadvantage resulting from relocation
Section 55 (f) – Increase/decrease in value of other land.

LEGAL DESCRIPTION:

The acquired land is legally described as Lots 22, 23 & 24 DP817742 and Lots 102 and 103 DP734615, also known as 1C and 1D Unwin Street, and situated at Rosehill within the Local Government Area of the City of Parramatta, Parish of St John and the County of Cumberland.

Lot 22, 23 and 24 in Deposited Plan 817742 are subject to a caveat (K200000P). The effect of this restriction limits the property owner, in this case the Council, from freely entering into any dealing associated with the land.

Lot 103 has a right of carriageway (R22581) and a fencing covenant (L475880). These appear to be remnants from the previous subdivision.

The notifications on the titles outlined above have been considered in my valuation report and are not considered to adversely affect the market value of the Acquisition Land.

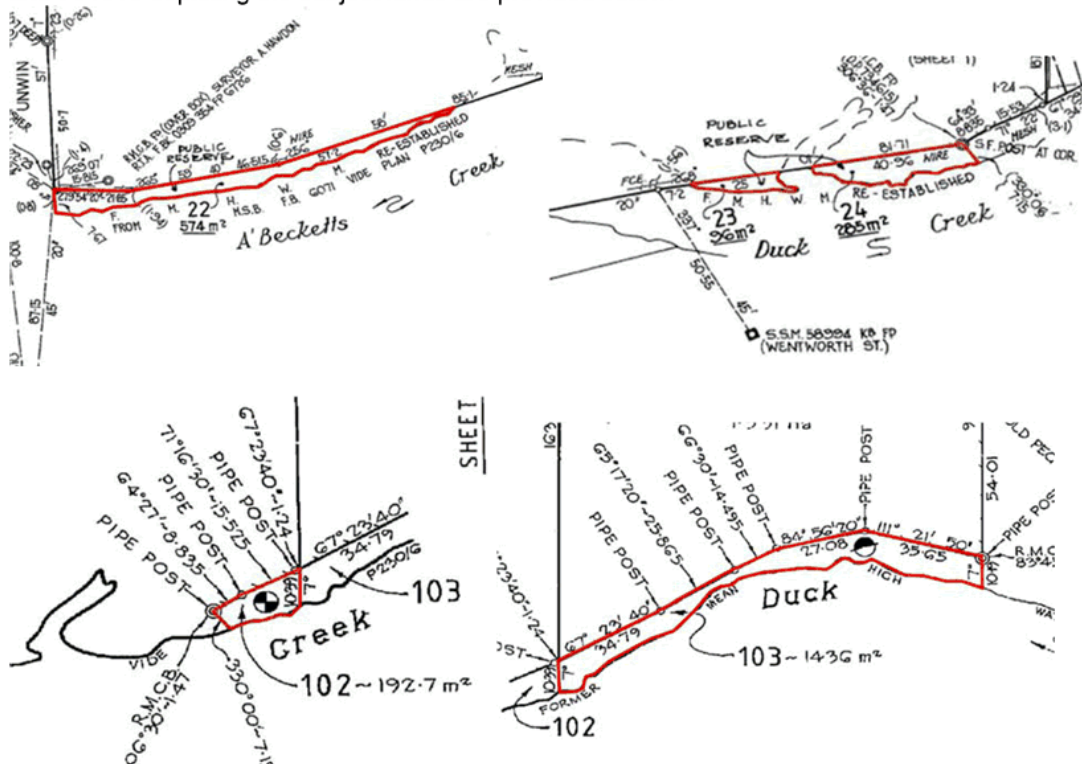
LOCATION:

The subject lands are located along the northern banks of A'Becketts Creek/Duck Creek, situated to the east of Unwin Street, and north of Kay Street.

The Parramatta CBD, approximately 4.4 kilometres north west of the subject Lands and 22 kilometres north west of the Sydney GPO.



The subject land comprises 5 varying size irregular shaped lots. The lots are located along the northern banks of A'Becketts Creek/Duck Creek (low lying from neighbouring land)). The banks of A'Becketts Creek/Duck Creek at this location is steep in topography. The boundaries of the subject lands that adjoin the industrial land to its north and is fenced. Deposited Plans 817742 and 734615 depicting the subject lands are provided below:



Compensation Valuation: Gazettal 21/10/2021

REFERENCE: VVGC.J103965

Page 6 of 14 pages

1C Unwin Street, Rosehill	Area m²
Lot 22 DP817742	574.00
Lot 23 DP817742	96.00
Lot 24 DP817742	285.00
1D Unwin Street, Rosehill	
Lot 102 DP734615	192.70
Lot 103 DP734615	1,436.00
Total Land Area	2,583.70



View from Unwin Street.



View from adjoining land 1A Unwin Street.



View from Unwin Street bridge looking down towards the creek.

FPV Consultants

ZONING:

The subject lands area zoned "W1 – Natural Waterways" under Parramatta Local Environmental Plan 2011. The surrounding land zone is IN1 General Industrial.

The objectives and land use table of the "W1" zone are as follows:

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.

- To provide for sustainable fishing industries and recreational fishing.

- To provide for cultural and scientific study of natural waterways.

- To enable works associated with the rehabilitation of land towards its natural state.

2 Permitted without consent: Environmental protection works; Flood mitigation works

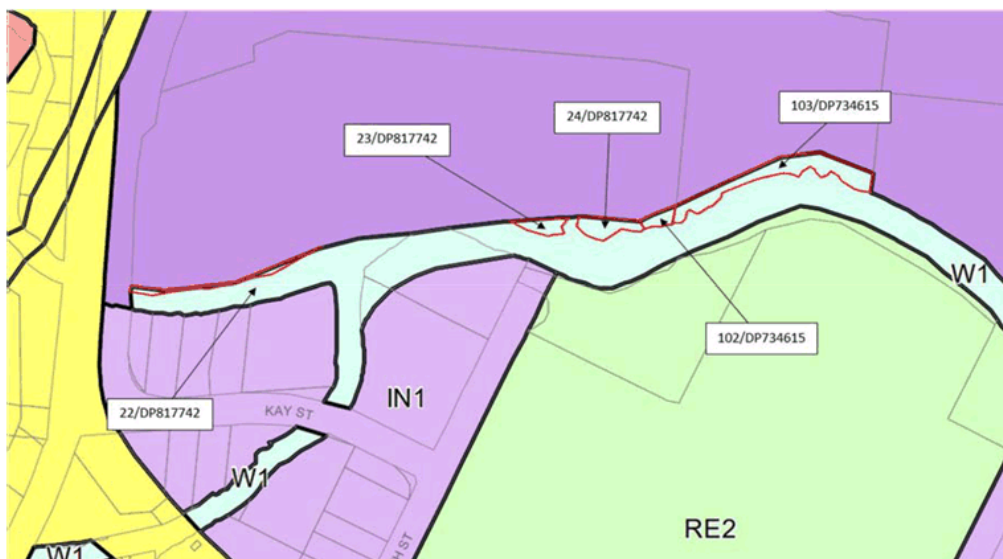
3 Permitted with consent: Aquaculture; Environmental facilities; Roads

4 Prohibited: Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

The Acquisition Land is also subject to the following controls pursuant to the LEP:

Heritage - Wetland significance (local significance).

Parramatta Development Control Plan 2011. The LEP and DCP must be read together when considering the development potential of land within the Parramatta Council area.



There is no height limit or FSR fixed to the subject lands.

ENVIRONMENTAL ISSUES:


The Parramatta Council flood studies indicate that the land is subject to flooding.

A report was prepared by Golder Association for NSW Department of Planning dated 18 September 2015 identifies Lot 22, 23 and 24 in DP817742, may be contaminated.

IMPROVEMENTS:


Vacant land.

SALES ANALYSIS:


Sale 1	Address:	2297 Illaroo Road, Hoxton Park		Land Area:	16,800 m ² .
Sale Price:	\$285,000	Contract Date	6/3/2020	Analysed Land Value	\$285,000 equating to \$16.96/m ² per site area
		Settlement date	22/05/2020		
Vendor: Madden, Haenschke & Radecki			Purchaser: Liverpool City Council		
Zoning: E2 - Environmental Conservation			Legal description: Lot 297 DP752060		
Brief Comment:	An irregular shaped vacant parcel of land zoned "E2" and part "SP2". The property is located on the eastern side of the M7 Motorway at Hoxton Park. The site has a high-tension transmission line easement on the land area. The property is also entirely bushfire prone and identified as environmentally sensitive land. No market adjustment has been made, as the sale value rate represents the market today.				
					
Comparison to subject:	Similar type land, larger site and inferior location.				

Sale 2	Address:	250 Fourteenth Ave, Austral		Land Area:	20,230 m ² .
Sale Price:	\$2,750,000	Contract Date	14/07/2020	Analysed Land Value	\$2,750,000 equating to \$136/m ² per site area
		Settlement date	14/10/2020		
Vendor: Sant			Purchaser: Anthony Hadchiti		
Zoning: R2 - Low Density Residential 46.1%. RE1 - Public Recreation 30.7% SP2 - Infrastructure 23.1%			Legal description: Lot 118 DP575004		
Brief Comment:	The land is an irregular shaped lot. The site is generally level across the plane, with an overall fall of 3.5 metres from the north-east corner of the site to the south-west. This represents an overall fall across the site just over 1.5%. Some isolated fill material exists near the centre of the site which has been the subject of environmental investigation. It has a 165 metre frontage and is located on the southern side of Fourteenth Avenue. Liverpool is 12 kilometres to the east. The future Western Sydney Airport and Aerotropolis is 5 kilometres to the west. It is also approximately 3 kilometres north of Bringelly Road, the Leppington Train Station and planned future Leppington Town Centre. DA-199/2021- Development Application - Demolition of existing structures Construction of one storey dwelling with inground swimming pool and front fence with Earthworks. Lodged: 15/03/2021. Determined: 01/07/2021. The site is affected by the 100-year ARI and Probable Maximum Flood levels. To accommodate sufficient freeboard to the finished floor level of the new dwelling and access an area of approximately 2,500m ² is proposed to be filled between 1-1.3 metres				

		
Comparison to subject:	Superior land with a building entitlement.	

Sale 3	Address:	16 Mason Road, Box Hill		Land area:	3,506 m ²
Sale Price:	\$385,660	Contract Date	13/11/2020	Analysed Land Value	\$385,660 equating to \$110/m ² of site area
		Settlement Date	23/12/2020		
Vendor: Mason Road Land Pty Limited			Purchaser: The Hills Shire Council		
Zone: SP2 – Infrastructure (Local Drainage)			Legal description: 32/1235129, 22/1235130		
Brief Comment:		<p>The adjoining land is zoned R4 High Density Residential. Purchased by Council for stormwater management. The site is located within the Box Hill Precinct of the Northwest Growth Area. At this time new planning controls were introduced to enable urban development including the inclusion of a Precinct Plan to facilitate residential development.</p> <p>No market adjustment has been made, as the sale value rate represents the market today.</p>			
					
Comparison to subject:		Superior land.			

Sale 4	Address:	36 Lyn Parade, Prestons		Land area:	10,069 m ²
Sale Price:	\$700,000	Contract Date	18/07/2020	Analysed Land Value	\$700,000 equating to \$69.52/m ² of site area
		Settlement Date	04/09/2020		
Vendor: Panella			Purchaser: Crawford		
Zone: C2 Environmental Conservation			Legal description: 10/1003837		
Brief Comment:	Rectangular shaped, level site located on the eastern side of Lyn Parade (70 metre frontage) and approximately 80 metres south of its Jedda Road intersection. The site is located within Prestons Industrial Estate and is mostly				

	<p>surrounded by industrial bulky goods warehouses. Prestons is approximately 24 kilometres southwest of the Sydney CBD.</p> <p>The land is entirely timbered and is identified as an environmental significant land as it contains indigenous trees, endangered ecological communities and threatened species. Additionally, the land is subject to a conservation management plan with restrictions on the use of land, where subdivision and development is prohibited. The statutory restrictions on the use of land, is to be sterilised of development and serve to afford a great level of environmental protection to the endangered ecological communities and threatened species present on the land.</p> <p>DA-1250/2016 lodged 21/12/2016 and refused on 19/06/2017 for the Clearing of vegetation, Site Levelling and Earthworks for a Warehouse. The land was zoned IN3 Heavy industrial at the time. Since then, the site was rezoned to C2 Environmental Conservation (Amendment Number 71 gazetted 5/11/2021).</p> <p><i>Council assessment notes: The site is identified as containing an endangered ecological community listed under the Threatened Species Conservation Act 1995 and is protected by Clause 7.6 of the LLEP (Environmentally Significant Land) and Liverpool Development Control Plan 2008 (LLDCP) Part 1.1 (Section 4 Bushland and Fauna Habitat Preservation). The site is also burdened by a Section 88B restriction upon the deposited plan of the property (Lot 10 DP 1003837), which states that the land is subject to a conservation management plan and that development of the site is prohibited in perpetuity. The 88B instrument was created over the property title to offset the vegetation lost during the development of the industrial area and was a requirement of DA-780/1998 and the concurrence from the Director General of the National Parks and Wildlife Service. The varying or removal of that restriction is not supported by Council. In establishing the veracity of the proposal in light of these significant restrictions, Council referred the application to both the Australian Government Department of the Environment and the NSW Office of Environment and Heritage (OEH), and both departments raised concerns with the proposal and the documentation supporting the vegetation removal.</i></p> <p>No market adjustment has been made, as the sale value rate represents the market today.</p> 
Comparison to subject:	Zoned IN3 Heavy Industrial under Liverpool Local Environmental Plan 2008 at the date of sale. Superior land when compared to the subject

VALUATION RATIONALE:

In assessing compensation, I have had regard to the provision of the Land Acquisition (Just Terms Compensation) Act 1991.

Heads of compensation detailed by Section 55 comprise:

- (a) The market value of the land on the date of its acquisition;
- (b) Any special value of the land to the person on the date of its acquisition;
- (c) Any loss attributable to severance;
- (d) Any loss attributable to disturbance;
- (e) Disadvantage resulting from relocation
- (f) Any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of the public purpose for which the land was acquired.

(a) The market value of the land on the date of its acquisition:

Market value of land at any time means the amount that would have been paid for the land if it had been sold at that time by a willing but not anxious seller to a willing but not anxious buyer, disregarding (for the purpose of determining the amount that would have been paid):

- (1)(a) Any increase or decrease in the value of the land caused by the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired, and
 - (b) Any increase in the value of the land caused by the carrying out by the authority of the State, before the land is acquired, of improvements for the public purpose for which the land is to be acquired, and
 - (c) Any increase in the value of the land caused by its use in a manner or for a purpose contrary to law.
- (2) When assessing the market value of land for the purpose of paying compensation to a number of former owners of the land, the sum of the market values of each interest in the land must not (except with the approval of the Minister responsible for the authority of the State) exceed the market value of the land at the date of acquisition.

Section 55 (A) & 56 Market Value:**56 Market value**

(1) In this Act —

Market value of land at any time means the amount that would have been paid for the land if it had been sold at that time by a willing but not anxious seller to a willing but not anxious buyer, disregarding (for the purpose of determining the amount that would have been paid)—

- (a) any increase or decrease in the value of the land caused by the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired, and
- (b) any increase in the value of the land caused by the carrying out by the authority of the State, before the land is acquired, of improvements for the public purpose for which the land is to be acquired, and
- (c) any increase in the value of the land caused by its use in a manner or for a purpose contrary to law.

The principal method of valuation is the comparison of rates from sales evidence of comparable properties. Then adjustments for the inherent characteristics of the sales compared to the subject site have to be made. Also, economies of scale will dictate that the smaller the area the higher the value rate, all things being equal.

The physical and environmental characteristics of the subject land together with the restrictive "W1" zoning, have a significant impact on its development potential, and market value.

I have considered the following factors in assessing market value:

The land forms part of the banks of A'Becketts Creek/Duck Creek;

Any potential use to the adjoining owner is stifled by the subject's steep topography.

The vegetation is dense and swampy in nature.

The development potential of the subject lands is extremely limited under the Zone W1 Natural Waterways zoning. The only uses permitted without consent are Environmental Protection Works

and Flood Mitigation Works. Further, uses permitted with consent are limited to Environmental Facilities and Roads.

Due to the limited permitted uses within this zone, it is considered that the land would have extremely limited market appeal. Also, the topography and location, the land is physically constrained due to probable flood issues being creek land. Therefore, the only likely purchaser of these properties would be viewed as the adjoining owner.

The adjoining owner will not pay full price knowing he has no competition. The concept being the vendor would know that, unless the subject land could be sold to the adjoining owner, it had no value, while adjoining owner would know that the vendor could not sell it to anyone else.

The subject lands, do not appear to have any benefits to any adjoining industrial land owners, however the owner of the creek corridor could utilise the land as a landscape buffer.

There is very limited directly comparable sales evidence available, and a value judgement has been made in this instance.

I have analysed sales that have environmental issues and is summarized as follows:

No	Address	Sale price	Site area m ²	Value rate per Site area \$/m ²	Comment
1	2297 Illaroo Road, Hoxton Park	\$285,000	16,800	\$16.96	Similar type land, larger site and inferior location.
2	250 Fourteenth Ave, Austral	\$2,750,000	20,230	\$135.94	Better land, larger site and inferior location.
3	16 Mason Road, Box Hill	\$385,600	3,506	\$109.98	Similar size, better land and inferior location.
4	36 Lyn Parade, Prestons	\$700,000	10,069	\$69.52	Better land, larger site and inferior location.

Accordingly, when taking into account the inherent features of the subject lands and with the appropriate adjustments in respect to the available market evidence, I have concluded that the market value rate would be as follows:

	2297 Illaroo Road, Hoxton Park	250 Fourteenth Ave, Austral	16 Mason Road, Box Hill	36 Lyn Parade, Prestons
Analysed Rate per site area \$/m ²	\$16.96	\$135.94	\$109.98	\$69.52
Land Size m ²	16,800	20,230	3,506	10,069
Adjustments				
Size	25%	25%	0%	20%
Shape	0%	-35%	-33%	-33%
Topography	0%	-35%	-33%	-33%
Zoning	0%	-50%	-33%	-33%
Environment issues	0%	0%	0%	0%
Location	20%	15%	20%	20%
Total adjustments	45%	-80%	-79%	-59%
Adjusted rate for application on the subject \$/m ²	\$24.60	\$27.19	\$23.10	\$28.50

Reconciling market value:

The sales as adjusted indicate a rate for the subject between \$23.10 - \$28.50/m². Taking everything into consideration I will adopt a midpoint \$25.85/m² (superior to sale 1 & inferior to sales 2-4) applied to 2,583.7 m² (site area) suggesting \$66,788.65, Rounded up \$67,000.

Section 55 (b) & 57 Any special value of the land to the person on the date of its acquisition.

Special value of land means the financial value of any advantage, in addition to market value, to the person entitled to compensation, which is incidental to the person's use of the land.

Special Value is not considered to be applicable in this valuation.

Section 55 (c) & 58 Any loss attributable to severance;

Loss attributable to severance of land means the amount of any reduction in the market value of any other land of the person entitled to compensation which is caused by that other land being severed from other land of that person. **Severance is not considered to be applicable in this valuation.**

Section 55 (d) & 59 Any loss attributable to disturbance.

Loss attributable to disturbance of land means any of the following:

(a) Legal costs reasonably incurred by the persons entitled to compensation in connection with the compulsory acquisition of the land.

No itemised invoice has been received for legal costs and allowance: NIL.

(b) Valuation fees reasonably incurred by those persons in connection with the compulsory acquisition of the land. **No itemised invoice has been received for valuation fees: NIL.**

(c) Financial costs reasonably incurred in connection with the relocation of those persons (including legal costs but not including stamp duty or mortgage costs). **Not applicable.**

(d) Stamp duty costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the purchase of land for relocation (but not exceeding the amount that would be incurred for the purchase of land of equivalent value to the land compulsorily acquired). **Not applicable as this land are not envisaged to be replaced.**

(e) Financial costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the discharge of a mortgage and the execution of a new mortgage resulting from the relocation (but not exceeding the amount that would be incurred if the new mortgage secured the repayment of the balance owing in respect of the discharged mortgage). **Not applicable.**

(f) Any other financial costs reasonably incurred (or that might reasonably be incurred), relating to the actual use of the land, as a direct and natural consequence of the acquisition. **Not applicable.**

Total Disturbance costs \$Nil.

Section 55 (e) & 60 Disadvantage resulting from relocation:

Means compensation to a person for non-financial disadvantage resulting from the necessity of the person to relocate his or her principal place of residence as a result of the acquisition. **Not applicable in this acquisition.**

Section 55 (f) Any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of the public purpose for which the land was acquired. Not applicable in this acquisition.

Valuation:

The valuation of compensation for the acquired interest of City of Parramatta Council for the acquisition listed in this report subject to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 as at the date of gazettal being, 21 October 2021 is considered to be:

Section 55(A) – Market Value:	\$67,000
Section 55(B) – Special Value:	Not applicable
Section 55(C) – Loss Attributable to Severance:	Not applicable.
Section 55(D) – Loss Attributable to Disturbance:	\$Nil (no invoices supplied)
Section 55(E) – Disadvantage resulting from relocation:	Not applicable.
Section 55(F) – increase/decrease in value of other land:	Not applicable.
Total Compensation as	
	\$67,000

- The Former Owner is registered for GST. Any liability for GST is a factor in the market for property and is therefore embedded in the lands Market value as defined in Section 56 of LAJTC Act. The policy of the NSW Valuer General is that all disturbance amounts are to be determined GST inclusive, unless the Former Owner is registered for GST. If the Former Owner is registered for GST disturbance amounts are determined GST exclusive, as an input tax credit may be claimed.



Errol Ferdinands AAPI CPV
Certified Practising Valuer
Australian Property Institute (API) Member Number: 68023
Member since 11 Dec 1985.

3 May 2022

QUALIFICATIONS AND DISCLAIMERS:

1. I have no pecuniary interest or conflict of interests in the said property past, present or prospective, and the opinion expressed is free of any bias in this regard. The Valuation has been made in conformity with the Code of Professional Ethics and Conduct laid down by the Australian Property Institute.

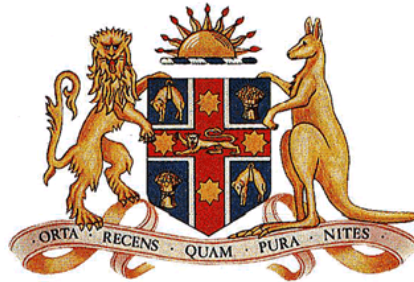
2. This report has been prepared for the private and confidential use of The Valuer-General for the purpose of assessing compensation only. It should not be reproduced in whole or in part or relied upon by any other party for any purpose. The warning registered here, is that any party, other than those specifically named in this paragraph, should obtain their own valuation before acting in any way in respect of the subject property.

3. I am a Certified Practicing Valuer, pursuant to the provisions of the Australian Property Institute. I have over 35 years of experience in providing valuations for all types of property within the greater metropolitan area.

4. This report may have been prepared, in part, in reliance of information and/or material supplied of the relevant land the subject of this report. The Valuer-General is entitled to accept that any relevant material provided by the former lessee is factually correct. Notwithstanding, if information/material relied upon for this report is identified as false, incorrect or misleading, the Valuer-General reserves any entitlement to review or amend a prior determination or re-asertain a valuation.

5. Market Uncertainty -The market is being impacted by the uncertainty caused by the COVID-19 pandemic. As at the date of valuation we consider that there is market uncertainty resulting in significant valuation uncertainty. This valuation is therefore reported on the basis of 'significant valuation uncertainty'. As a result, less certainty exists than normal and a higher degree of caution should be attached to our valuation than normally would be the case.

6. This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period of time (including as a result of factors that the valuer could not reasonably have been aware of as at the date of valuation). We do not accept responsibility or liability for any losses arising from such subsequent changes in value.



Government Gazette

of the State of
New South Wales

Number 536—Compulsory Acquisitions
Thursday, 21 October 2021

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

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To submit a notice for gazettal, see the Gazette page.

ISSN 2201-7534

By Authority
Government Printer

NSW Government Gazette No 536 of 21 October 2021

TRANSPORT ADMINISTRATION ACT 1988**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991****Notice of Compulsory Acquisition of Land in the Local Government Area of City of Parramatta**

Sydney Metro by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* as authorised by section 38C and clause 11 of Schedule 1 of the *Transport Administration Act 1988* for the purposes of the *Transport Administration Act 1988*.

Peter Regan
Chief Executive
Sydney Metro

SCHEDULE

1. All that piece of land situated in the Local Government Area of City of Parramatta, Parish of St John and County of Cumberland, comprising Lot 1 in DP1276739, being part of Lot 5 in Deposited Plan 229762 comprised within Volume 9796 Folio 248, said to be in the ownership of City of Parramatta Council ABN 49 907 174 773 (formerly known as The Council of the City of Parramatta).
2. All that piece of land situated in the Local Government Area of City of Parramatta, Parish of St John and County of Cumberland, comprising Lot 2 in DP1276740, being part of Lot 1 in Deposited Plan 442837 comprised within Folio Identifier 1/442837, said to be in the ownership of City of Parramatta Council ABN 49 907 174 773 (formerly known as The Council of the City of Parramatta), **but excluding from the acquisition:**
 - (a) Dealing 322264 – Right of Way affecting part of the land as shown in DP920340; and
 - (b) Dealing 322265 – Right of way appurtenant to the land affecting the land shown in DP920341.
3. All that piece of land situated in the Local Government Area of City of Parramatta, Parish of St John and County of Cumberland, comprising Lot 22 in DP817742, being the whole of land in Certificate of Title Folio Identifier 22/817742, said to be in the ownership of City of Parramatta Council ABN 49 907 174 773 (formerly known as The Council of the City of Parramatta).
4. All that piece of land situated in the Local Government Area of City of Parramatta, Parish of St John and County of Cumberland, comprising Lot 23 in DP817742, being the whole of land in Certificate of Title Folio Identifier 23/817742, said to be in the ownership of City of

Parramatta Council ABN 49 907 174 773 (formerly known as The Council of the City of Parramatta).

5. All that piece of land situated in the Local Government Area of City of Parramatta, Parish of St John and County of Cumberland, comprising Lot 24 in DP817742, being the whole of land in Certificate of Title Folio Identifier 24/817742, said to be in the ownership of City of Parramatta Council ABN 49 907 174 773 (formerly known as The Council of the City of Parramatta).
6. All that piece of land situated in the Local Government Area of City of Parramatta, Parish of St John and County of Cumberland, comprising Lot 102 in DP734615, being the whole of land in Certificate of Title Folio Identifier 102/734615, said to be in the ownership of City of Parramatta Council ABN 49 907 174 773 (formerly known as Parramatta City Council).
7. All that piece of land situated in the Local Government Area of City of Parramatta, Parish of St John and County of Cumberland, comprising Lot 103 in DP734615, being the whole of land in Certificate of Title Folio Identifier 103/734615, said to be in the ownership of City of Parramatta Council ABN 49 907 174 773 (formerly known as Parramatta City Council), **but excluding from the acquisition:**
 - (a) Dealing L475880 – Covenant; and
 - (b) Dealing R22581 – Right of Carriageway 10.665 and Variable appurtenant to the land.

(Sydney Metro Document Number: SM-21-001188; XCO21/00103)



Order number: 70112404
Your Reference: VW7009 PC
01/09/21 23:11



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 22/817742

SEARCH DATE	TIME	EDITION NO	DATE
1/9/2021	11:11 PM	1	7/7/1992

LAND

LOT 22 IN DEPOSITED PLAN 817742
AT ROSEHILL
LOCAL GOVERNMENT AREA CITY OF PARRAMATTA
PARISH OF ST JOHN COUNTY OF CUMBERLAND
TITLE DIAGRAM DP817742

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF PARRAMATTA

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING
UNAUTHORISED DEALINGS WITH PUBLIC RESERVES

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 1/9/2021

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.



Order number: 70112404
Your Reference: VW7009 PC
01/09/21 23:11



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 23/817742

SEARCH DATE	TIME	EDITION NO	DATE
1/9/2021	11:11 PM	1	7/7/1992

LAND

LOT 23 IN DEPOSITED PLAN 817742
AT ROSEHILL
LOCAL GOVERNMENT AREA CITY OF PARRAMATTA
PARISH OF ST JOHN COUNTY OF CUMBERLAND
TITLE DIAGRAM DP817742

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF PARRAMATTA

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING
UNAUTHORISED DEALINGS WITH PUBLIC RESERVES

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Order number: 70112404
Your Reference: VW7009 PC
01/09/21 23:12



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 24/817742

SEARCH DATE	TIME	EDITION NO	DATE
1/9/2021	11:12 PM	1	7/7/1992

LAND

LOT 24 IN DEPOSITED PLAN 817742
AT ROSEHILL
LOCAL GOVERNMENT AREA CITY OF PARRAMATTA
PARISH OF ST JOHN COUNTY OF CUMBERLAND
TITLE DIAGRAM DP817742

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF PARRAMATTA

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING
UNAUTHORISED DEALINGS WITH PUBLIC RESERVES

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 1/9/2021

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Order number: 70112404
Your Reference: VW7009 PC
01/09/21 23:12



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 102/734615

SEARCH DATE	TIME	EDITION NO	DATE
1/9/2021	11:12 PM	2	23/11/1994

LAND

LOT 102 IN DEPOSITED PLAN 734615
AT ROSEHILL
LOCAL GOVERNMENT AREA CITY OF PARRAMATTA
PARISH OF ST JOHN COUNTY OF CUMBERLAND
TITLE DIAGRAM DP734615

FIRST SCHEDULE

PARRAMATTA CITY COUNCIL

(T U812024)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

U50527 NOTE: PLACED UNDER CONTROL OF THE COUNCIL GAZ 4-2-94 FOL 551

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 1/9/2021

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.



Order number: 70112404
Your Reference: VW7009 PC
01/09/21 23:12



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 103/734615

SEARCH DATE	TIME	EDITION NO	DATE
1/9/2021	11:12 PM	2	23/11/1994

LAND

LOT 103 IN DEPOSITED PLAN 734615
AT ROSEHILL
LOCAL GOVERNMENT AREA CITY OF PARRAMATTA
PARISH OF ST JOHN COUNTY OF CUMBERLAND
TITLE DIAGRAM DP734615

FIRST SCHEDULE

PARRAMATTA CITY COUNCIL

(T U812024)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 L475880 COVENANT
- 3 R22581 RIGHT OF CARRIAGEWAY 10.665 AND VARIABLE APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

U50527 NOTE: PLACED UNDER CONTROL OF THE COUNCIL GAZ 4-2-94 FOL 551

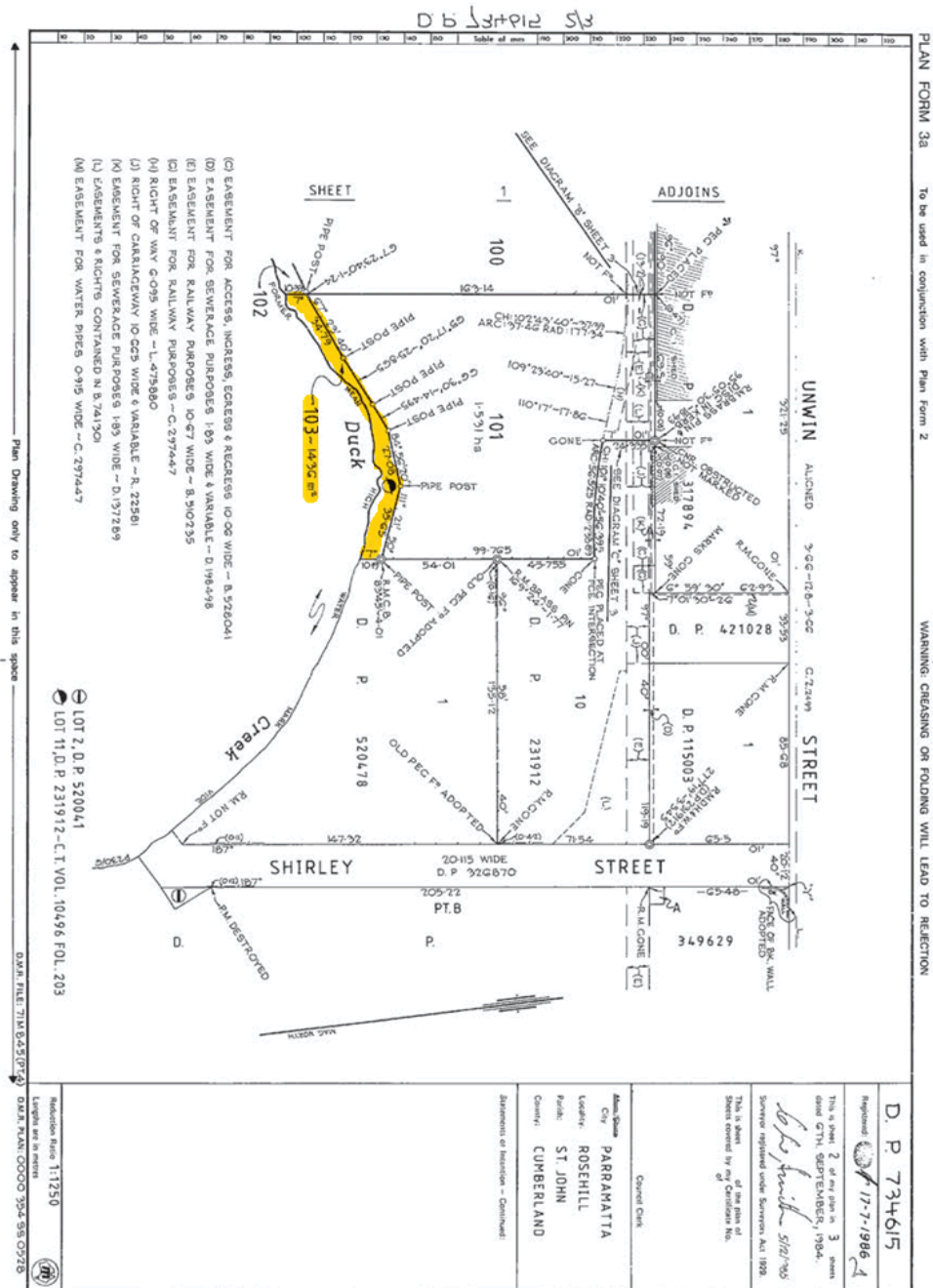
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 1/9/2021

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

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Desktop Valuation Report

1C & 1D Unwin Street,
Rosehill, NSW

City of Parramatta Council

9 September 2021

CIVAS Ref: VW7009



1C & 1D Unwin Street, Rosehill NSW



Executive Summary

Valuation Details

Instructing Party

Mr Michael Ghobrial
Development Manager
City of Parramatta Council
PO Box 32,
Parramatta NSW 2124

Reliant Party

City of Parramatta Council

Registered Proprietor

City of Parramatta Council

Purpose of Report

Acquisition purposes – in accordance with the *Land Acquisition (Just Terms Compensation) Act, 1991*

Interest Valued

100% Freehold Interest

Date of Desktop Valuation

9 September 2021

Date of Inspection

N/A

Property Overview

The subject properties comprise five (5) individual lots situated adjacent to 'Duck Creek' at Rosehill. The properties feature a combined land area of 2,583.70 square metres, as outlined below in red. Our desktop analysis of the subject indicates the lots are currently unimproved with natural vegetation evident.

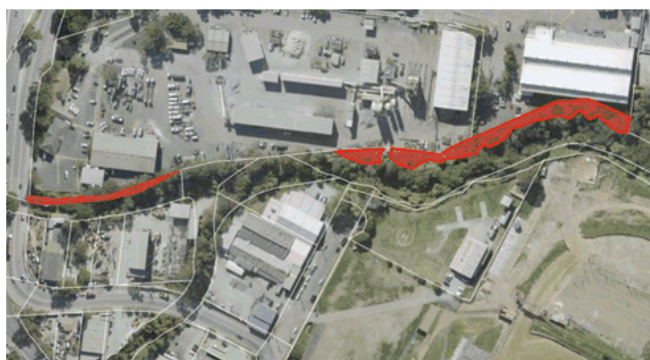
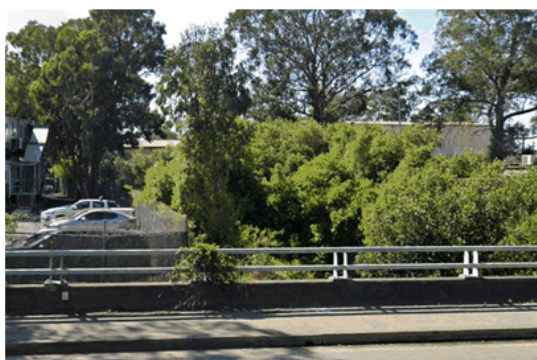
The land is proposed to be acquired by Sydney Metro for the purpose of the Sydney West Metro train line stabling facility. Pursuant to the Parramatta LEP 2011, the subject property is currently zoned W1: Natural Watercourse and noted as public reserve on the respective deposited plans.

Valuation Methodology

We have considered the effects of the acquisition under the appropriate heads of compensation of the *NSW Land Acquisition (Just Terms Compensation) Act 1991*, Section 55, and by reference to relevant case law. The Sections that are considered relevant in this matter include:

- Section 55 (a) *Market Value of the land on the date of its acquisition;*
- Section 55 (d) *Any loss attributed to Disturbance.*

Our chosen methodology is the Direct Comparison method on a rate per square metre of site area, having consideration to similar restricted recreation site sales within the metropolitan Sydney.



1C & 1D Unwin Street, Rosehill NSW



Compensation Summary

Section 55(a) – Market Value	\$113,000
Section 55(b) – Special Value	\$Nil
Section 55 (c) – Severance	\$Nil
Section 55(d) – Disturbance	To be assessed
Section 55(e) – Relocation	\$Nil
Section 55(f) – Increase or Decrease in Value	\$Nil

Compensation Valuation

Adopted Value (100% Freehold Interest)	\$113,000 (GST Exclusive)* *with applicable Disturbance payable in addition.
--	---

Valuation completed by: Phillip Cartisano, AAPI MRICS - Associate Director e: phillip.cartisano@colliers.com ph: + 61 2 9840 0237

NOTE: This Executive Summary must be read in conjunction with the attached report and the details contained therein.

Liability Limited by a scheme approved under Professional Standards Legislation.

1C & 1D Unwin Street, Rosehill NSW



Key Assumptions & Important Comments

- » The outbreak of the Novel Coronavirus (COVID-19), declared by the World Health Organisation as a "Global Pandemic" on 11 March 2020, has impacted global financial markets. Travel restrictions have been implemented by many countries.

Market activity is being impacted in many sectors. As at the assessment date, we consider that we can attach less weight to previous market evidence for comparison purposes to inform opinions of value. Indeed, the current response to COVID-19 means that we are faced with an unprecedented set of circumstances on which to base a judgement.

Additionally, given the unknown future impact that COVID-19 might have on the real estate market, we recommend that you keep the valuation of the property under frequent review.

- » New South Wales is currently in 'lockdown' as the State Government tries to contain the spread of COVID-19. A physical inspection of the property is therefore not possible until these restrictions are lifted.

This valuation has therefore been completed in accordance with the Australian Property Institute's Valuation Protocol – Guidelines For API Declared Time Of Crisis And / Or State Of Emergency Impacting Physical Inspections Of Real Property dated 29 March 2020.

If an inspection becomes possible within 90 days from the Date of Valuation then this Protocol dictates that our findings should be confirmed with a full inspection and we recommend that you instruct us to do so when possible.



Valuations undertaken without a physical inspection are inherently less reliable than those with a full inspection and this valuation has been undertaken on the assumption that there is nothing that would be discovered upon inspection that would have an adverse effect upon our opinion of value. Consequently, whilst we have undertaken our due diligence carefully and professionally, less certainty – and a higher degree of caution – should be attached to our valuation than would normally be the case.

Given potential changes to the market and the property, this valuation represents our opinion as at the date of valuation only. We do not accept any liability for losses arising from such subsequent changes in value.

1C & 1D Unwin Street, Rosehill NSW



Key Assumptions & Important Comments continued...

- 
- »» Given the purpose of this report and in accordance with the *Just Terms Act*, we have disregarded the perceived potential future impact of the Sydney Metro West project in assessing the Market Value of the subject.
 - »» We have relied upon planning mapping provided by The NSW Department of Planning & Environment that denotes the land is not flood affected, however we note that studies undertaken by Parramatta Council indicate this to be incorrect. Given the property backs onto Duck Creek and in line with Parramatta Council flood reporting, we have made the assumption the property is fully flood affected. Should a formal survey reveal material differences, our assessment will require amendment.
 - »» Our inquiries with City of Parramatta Council were unable to confirm landslip is an issue with the subject property without formal written application. For the purposes of this valuation, we have assumed that the subject property is not within a landslip designated area.
 - »» We assume all information provided by the Instructing Party is correct and current.
 - »» We assume there are no GST or arrears liabilities over the subject property unless identified.
 - »» We assume there are no other encumbrances or notations except those shown on Title or noted within this valuation report.
 - »» Our valuation will require amendment should there be any difference to our above key assumptions and important comments.
- 



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Appendix A Proposed Acquisition Letter

Appendix B Current Title Particulars

Appendix C Letter of Instruction

Appendix D CIVAS Standard Terms of Business

1C & 1D Unwin Street, Rosehill NSW



1 Instructions

1.1 Purpose of Valuation

We have received written instructions from Ms Michael Ghobrial, Development Manager of City of Parramatta Council, dated 23 August 2021, to determine the compensation value for the compulsory acquisition of **1C & 1D Unwin Street, Rosehill NSW**.

Purpose of Valuation	Reliant Party
Proposed Acquisition - pursuant to the <i>Land Acquisition (Just Terms Compensation) Act, 1991</i>	City of Parramatta Council

We have assumed that the instructions and all subsequently supplied material is a full and frank disclosure of all relevant information.

This valuation has been prepared in accordance with our standard Terms & Conditions as provided to you and appended to this report.

Our valuation has been prepared in accordance with the Australian Property Institute's (API) Australia and New Zealand Valuation and Property Standards and the Royal Institute of Chartered Surveyors (RICS) Valuation – Global Standards (Red Book) and the provisions of the *Land Acquisition (Just Terms Compensation) Act, 1991* (the Act).

A copy of the Letter of Instruction is attached to the rear of this report.

Pecuniary Interest

We confirm that the Primary Valuer who has undertaken this valuation:

- a) *is suitably qualified to carry out such valuations and has at least five years appropriate experience;*
- b) *is authorised under the law of the state or territory where the valuation takes place to practice as a Valuer; and*
- c) *has no pecuniary interest that could reasonably be regarded as being capable of affecting that person's ability to give an unbiased opinion of the value or that could conflict with a proper valuation of the property.*

Conflict of Interest

We also confirm that the Valuer has no conflict of interest that could reasonably be regarded as being capable of affecting that person's ability to give an unbiased opinion of the value or that could conflict with a proper valuation of the property.

1.2 Date of Valuation

9 September 2021 based upon our Desktop assessment of the same date.

1C & 1D Unwin Street, Rosehill NSW



1.3 Sources of Information

Our valuation conclusions have been reached after reviewing information provided by the client. The information reviewed and supplied includes, although is not limited to, the following:

- Letter from Sydney Metro with compensation offer;
- Other relevant information.

We have requested but not been provided with the following:

- Site description, plans and photos;
- Town planning advice; and
- Environmental/contamination reports.

We caution that the absence of the above information increases the risk to the reliant party.

1.4 Basis of Valuation

The valuation has been completed under the provisions of the *Land Acquisition (Just Terms Compensation) Act, 1991*.

In particular we have had regard to the compensation payable under the *Act* in respect to Section 55 which itemises the points of compensation. These include:

- (a) *market value of the land at its date of acquisition;*
- (b) *any special value of the land to the owner at its date of acquisition;*
- (c) *any loss attributable to severance;*
- (d) *any loss attributable to disturbance;*
- (e) *disadvantage resulting from relocation; and*
- (f) *any increase or decrease in the value of any other land owned by the owner at the date of acquisition, which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.*

These are further defined in 'The Act' as follows:

Market Value

Market Value

Section 56 of the *Act* defines *Market Value* as:

"... the amount that would have been paid for the land if it had been sold at that time by a willing but not anxious seller to a willing but not anxious buyer, disregarding (for the purpose of determining the amount that would have been paid):"

- (a) *any increase or decrease in the value of land caused by the carrying out of, or the proposal to carrying out, the public purpose for which the land was acquired; and*
- (b) *any increase in the value of land caused by the carrying out by the authority of the State, before the land is acquired, of the improvements for the public purpose for which the land is to be acquired; and*
- (c) *any increase in the value of land caused by its use in a manner or for a purpose contrary to law."*

While the concept of market value is further defined by the International Valuations Standard Council (IVSC) and endorsed by the Australian Property Institute (API), we have predominantly had regard to the provisions of the *Act* as identified above.

1C & 1D Unwin Street, Rosehill NSW



Special Value

Special Value

Section 57 of the Act defines *Special Value* as:

"...the financial value of any advantage, in addition to market value, to the person entitled to compensation which is incidental to the person's use of the land"

Loss Attributable to Severance

Severance

Section 58 of the Act defines *Loss attributable to severance* as:

"...the amount of any reduction in the market value of any other land of the person entitled to compensation which is caused by that other land being severed from other land of that person."

Loss Attributable to Disturbance

Disturbance

Under Section 59 of the Act:

"loss attributable to disturbance" of land means any of the following:

- (a) Legal costs reasonably incurred by the persons entitled to compensation in connection with the compulsory acquisition of the land;
- (b) Valuation fees reasonably incurred by those persons in connection with the compulsory acquisition of the land;
- (c) Financial costs reasonably incurred in connection with the relocation of those persons (including legal costs but not including stamp duty or mortgage costs);
- (d) Stamp duty costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the purchase of land for relocation (but not exceeding the amount that would be incurred for the purchase of land of equivalent value to the land compulsorily acquired);
- (e) Financial costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the discharge of a mortgage and the execution of a new mortgage resulting from the relocation (but not exceeding the amount that would be incurred if the new mortgage secured the repayment of the balance owing in respect of the discharged mortgage); and
- (f) Any other financial costs reasonably incurred (or that might reasonably be incurred), relating to the actual use of the land, as a direct and natural consequence of the acquisition."

Disadvantage resulting from Relocation

Disadvantage resulting from relocation

Under Section 60 of the Act this is defined as:

"(1) In this Act:

Disadvantage resulting from relocation means non-financial disadvantage resulting from the necessity of the person entitled to compensation to relocate the person's principal place of residence as a result of the acquisition.

(2) The maximum amount of compensation in respect of the disadvantage resulting from relocation is \$79,413.

Note. Schedule 1A provides for the amendment of this section to enable the maximum amount of compensation to be increased by regulation and for the automatic indexation of the maximum amount in line with inflation.

(3) In assessing the amount of compensation in respect of the disadvantage resulting from relocation, all relevant circumstances are to be taken into account, including:

- (a) the interest in the land of the person entitled to compensation, and
- (b) the length of time the person has resided on the land (and in particular whether the person is residing on the land temporarily or indefinitely), and
- (c) the inconvenience likely to be suffered by the person because of his or her removal from the land, and
- (d) the period after the acquisition of the land during which the person has been (or will be) allowed to remain in possession of the land.

(4) Compensation is payable in respect of the disadvantage resulting from relocation if the whole of the land is acquired or if any part of the land on which the residence is situated is acquired.

(5) Only one payment of compensation in respect of the disadvantage resulting from relocation is payable for land in separate occupation.

(6) However, if more than one family resides on the same land, a separate payment may be made in respect of each family if:

- (a) the family resides in a separate dwelling-house, or
- (b) the Minister responsible for the authority of the State approves of the payment.

(7) If separate payments of compensation are made, the maximum amount under subsection (2) applies to each payment, and not to the total payments."

1C & 1D Unwin Street, Rosehill NSW



Increase or Decrease in Value

**Increase or
Decrease in Value**

Section 55f of the Act defines *Increase or Decrease in Value* as:

"...any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.."

1C & 1D Unwin Street, Rosehill NSW



2 Sydney Metro West – Greater Parramatta to Sydney CBD

2.1 Project Overview

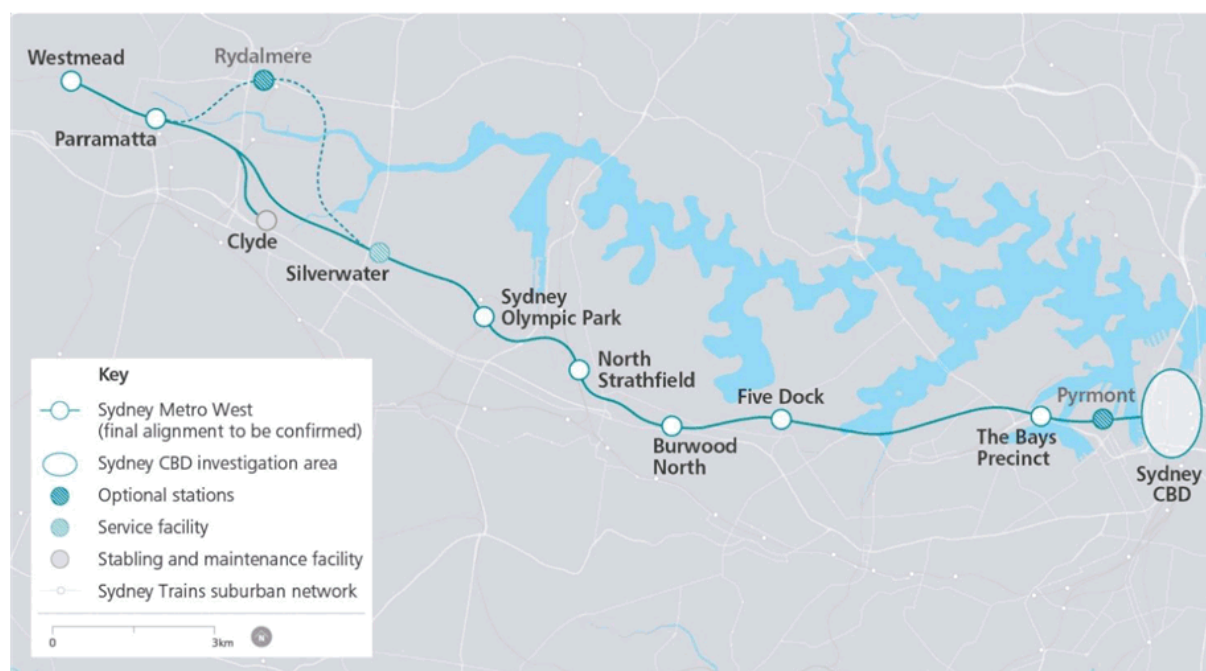
We have been advised by the instructing party that the entire property is proposed to be acquired by Sydney Metro Authority to facilitate a metro train stabling and maintenance area, under the Sydney Metro West project.

In summary, Metro West is a twin 24-kilometre underground metro railway project which was announced in late 2019. This project aims to provide a continuous transport link between Greater Parramatta and the Sydney CBD, with a target travel time of 20 minutes between these city centres.

The project highlights eight Metro West stations which are:

- Westmead
- Parramatta
- Sydney Olympic Park
- North Strathfield
- Burwood North
- Five Dock
- The Bays Precinct
- Sydney CBD

These stations are further illustrated by location on the map below:

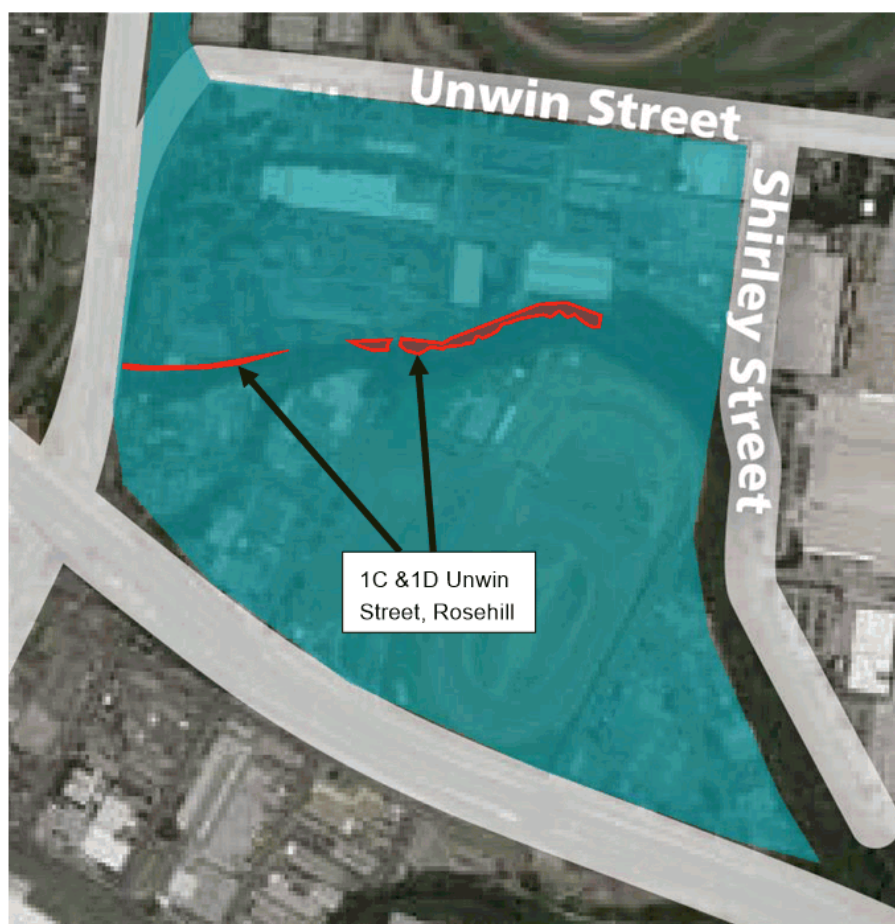


Source: Sydney Metro West Overview 2019

1C & 1D Unwin Street, Rosehill NSW



Below is an excerpt of Proposed Plan of Acquisition per the Metro West Project Overview, with the subject property highlighted in red:



Source: Sydney Metro West Overview 2019

1C & 1D Unwin Street, Rosehill NSW

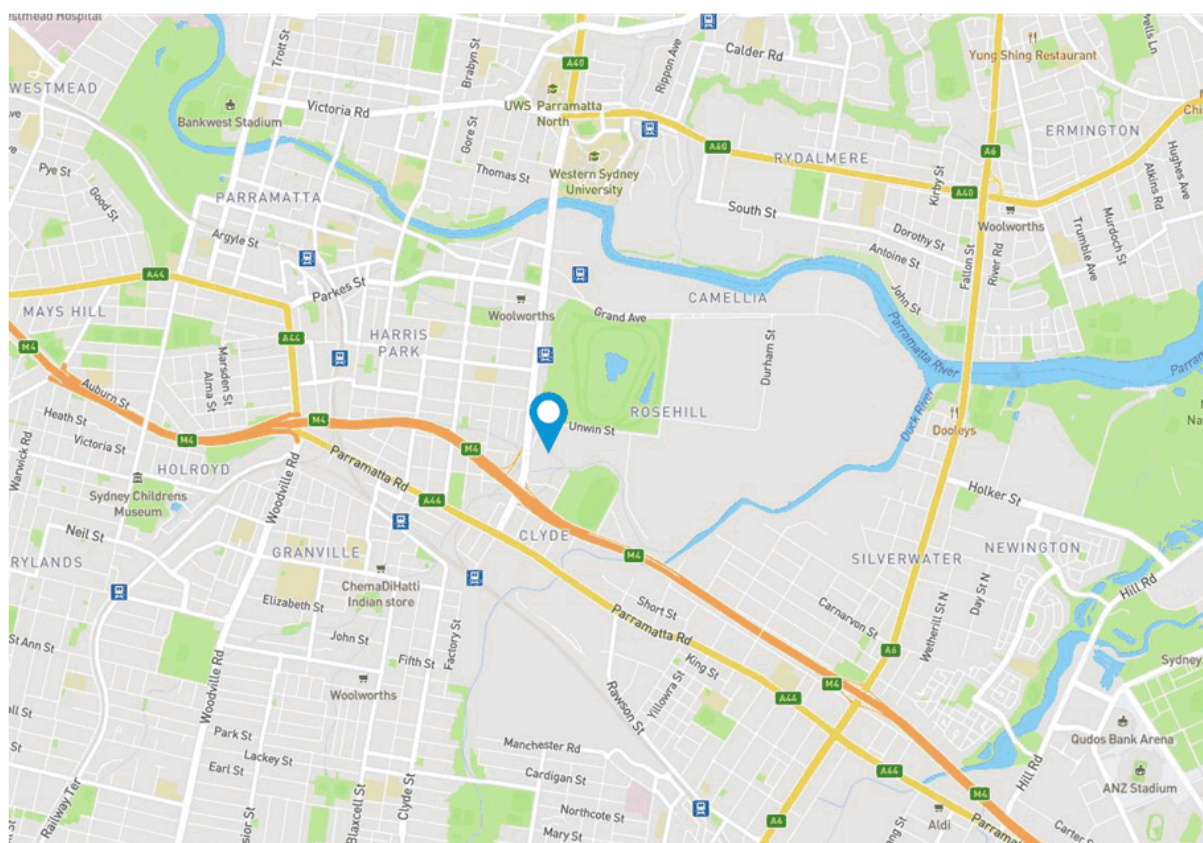


3 Location

The locational attributes of the subject property are summarised as follows:

Precinct	Rosehill
Position	The parent property is situated on the southern alignment of Unwin Street with limited access given the position behind industrial zoned factories and alongside Duck Creek.
Surrounding Development	Immediately surrounding the subject property the watercourse known as Duck Creek and various industrial developments. Directly across Duck Creek is the former Parramatta Speedway.
Positive Attributes	Situated within proximity to Parramatta CBD and adjacent to the M4 Motorway.
Negative Attributes	Adjacent to a local creek with limited access.
Distance from CBD	The parent parcel is approximately 18 kilometres north-west of the Sydney GPO.

A location map is provided below:



Source: MetroMap

1C & 1D Unwin Street, Rosehill NSW



4 Title Particulars

4.1 Title Reference

The subject property comprises five (5) separate titles which described as follows:

Lots 22, 23 & 24 in Deposited Plan 817742

Search Date	Sep 2021	Parish	St John
Local Government Area	Parramatta	County	Cumberland
Legal Descriptions	Folio Identifier	Registered Proprietor	
Lot 22/DP817742	22/817742	The Council of the City of Parramatta	
Lot 23/DP817742	23/817742		
Lot 24/DP817742	24/817742		

Encumbrances

The Second Schedule of the registered title indicates the property is subject to the following notifications:

Notification & Dealing Number	Description
1.	Reservations and conditions in the Crown Grant(s)
2. K200000P	Caveat by The Registrar General forbidding unauthorised dealings with Public Reserves

Notations:

Note: The Certificates of Title for this folio of the register does not include security features included on computerised Certificates of Title issued from 4th January 2004. It is recommended that stringent processes are adopted in verifying the identity of the person(s) claiming a right to deal with the land comprised in this folio.

Unregistered dealings: Nil

Item 1 is considered typical and non-onerous.

Item 2 pertains to a caveat dated 31 December 1965 by the Registrar General forbidding unauthorised dealings with Public Reserves. This is considered non-onerous.

Lot 102 in Deposited Plan 734615

Search Date	Sep 2021	Parish	St John
Local Government Area	Parramatta	County	Cumberland
Legal Description	Folio Identifier	Registered Proprietor	
Lot 102/DP734615	102/734615	Parramatta City Council	

1C & 1D Unwin Street, Rosehill NSW



Encumbrances

The Second Schedule of the registered title indicates the property is subject to the following notifications:

Notification & Dealing Number	Description
1.	Reservations and conditions in the Crown Grant(s)

Notations:

Note: The Certificates of Title for this folio of the register does not include security features included on computerised Certificates of Title issued from 4th January 2004. It is recommended that stringent processes are adopted in verifying the identity of the person(s) claiming a right to deal with the land comprised in this folio.

Unregistered dealings: Nil

Item 1 is considered typical and non-onerous.

Lot 103 in Deposited Plan 734615

Search Date	Sep 2021	Parish	St John
Local Government Area	Parramatta	County	Cumberland
Legal Description	Folio Identifier	Registered Proprietor	
Lot 102/DP734615	102/734615	Parramatta City Council	

Encumbrances

The Second Schedule of the registered title indicates the property is subject to the following notifications:

Notification & Dealing Number	Description
1.	Reservations and conditions in the Crown Grant(s)
2. L475880	Covenant
3. R22581	Right of Carriageway 10.665 And Variable Appurtenant to the land above described

Notations:

Note: The Certificates of Title for this folio of the register does not include security features included on computerised Certificates of Title issued from 4th January 2004. It is recommended that stringent processes are adopted in verifying the identity of the person(s) claiming a right to deal with the land comprised in this folio.

U50527 Note: Placed under control of the Council Gaz 4-2-94 fol 551.

Unregistered dealings: Nil

Item 1 is considered typical and non-onerous.

Items 2 & 3 pertains to a Memorandum of Transfer dated 19 July 1967 and a proposed right of way appurtenant to the subject property.

1C & 1D Unwin Street, Rosehill NSW



We have reviewed the various notifications on Title and do not consider that they have any adverse effect on the value of the subject property. Expert legal advice would be required to confirm our opinion.

A full copy of the Title search is attached to the rear of this report.

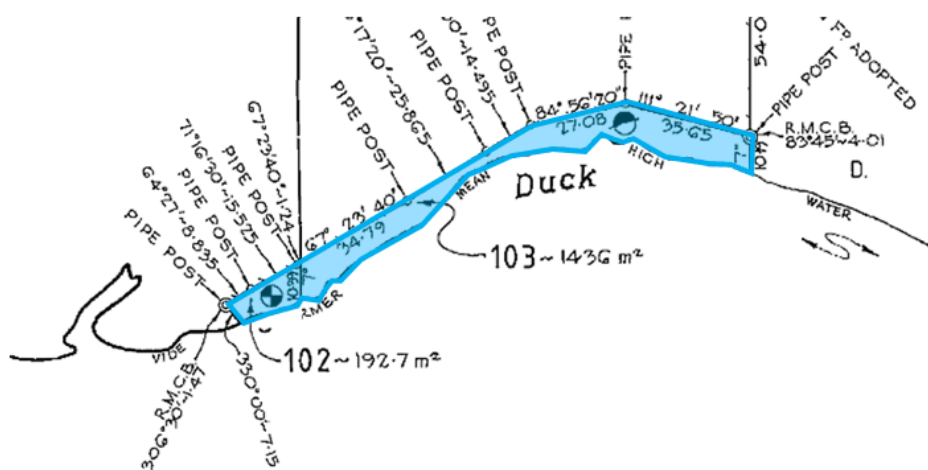
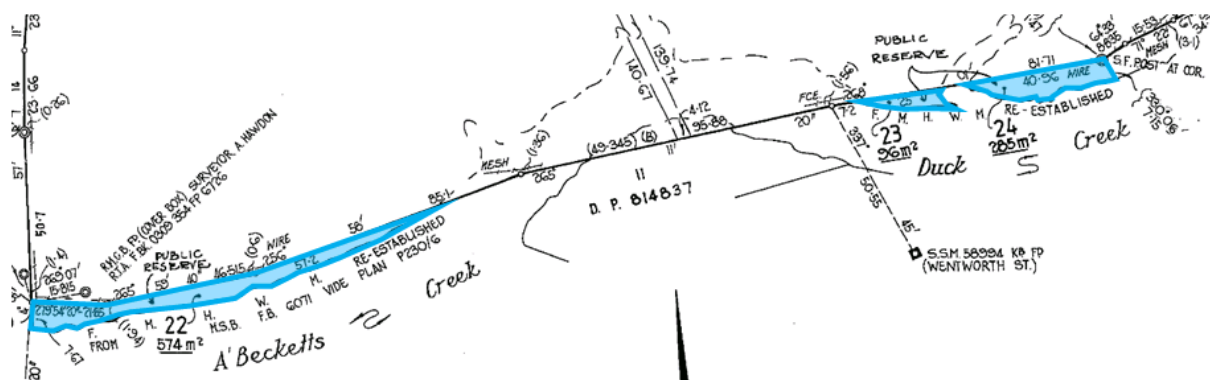
1C & 1D Unwin Street, Rosehill NSW



5 Site Particulars

5.1 Dimensions and Area

The subject property comprises amalgamated land held over 5 Folio Identifiers, with a total land area of 4,426 square metres. An extract of the Deposited Plans for the subject lots is depicted below:



	Folio Identifier	Area
Land to be Acquired	22/817742	574.00 square metres
	23/817742	96.00 square metres
	24/817742	285.00 square metres
	102/734615	192.70 square metres
	103/734615	1,436.00 square metres
Total Site Area		2,583.70 square metres

We have not been provided with a survey however should such a survey detect any discrepancies or encroachments, the details of that survey should be provided to us for comment and amendment where required.

1C & 1D Unwin Street, Rosehill NSW



5.2 Site Features

Identifying site features and characteristics are noted as follows:

Topography & Drainage

- The subject properties are irregular in shape and are assumed to have a moderate fall in topography being situated adjacent to Duck Creek. Per its existing use, we have assumed drainage for the site is adequate.

Access & Exposure

- Given the location of the subject properties, access and exposure is restricted.

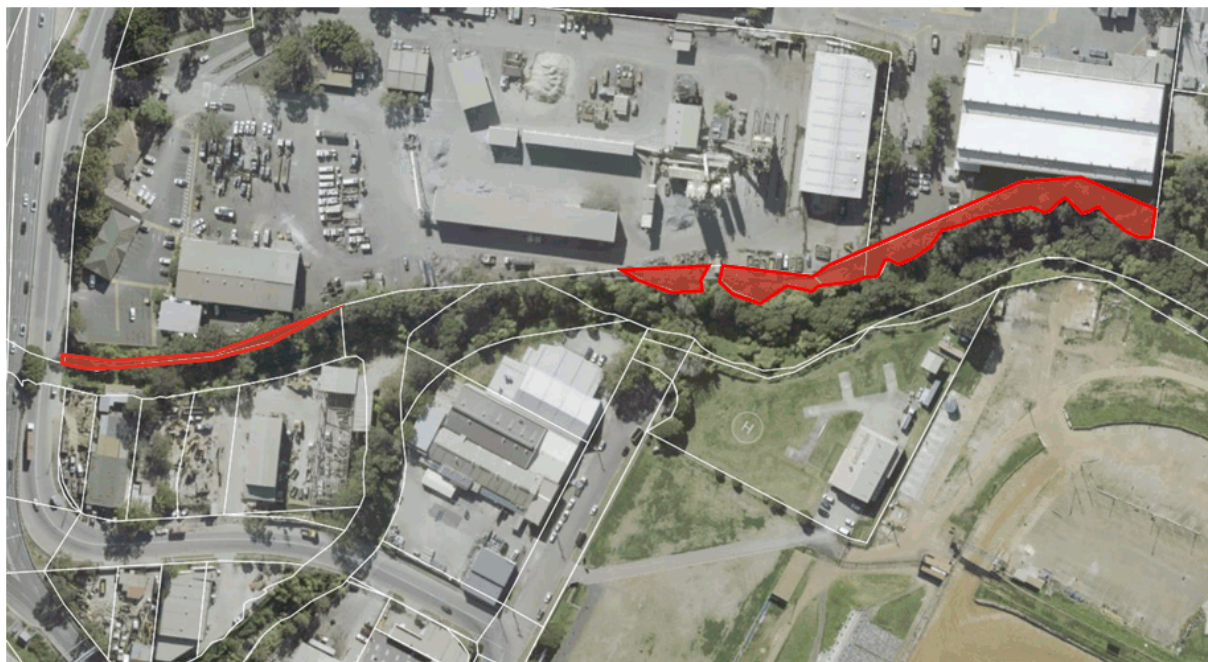
Utilities

- Given the unimproved nature of the subject properties, it is assumed that no utilities are connected however given its metropolitan location, we also assume the property would have access to electricity, town water, sewer and drainage if required.

Site Identification

- The site has been identified by reference to the Deposited Plan and street addresses.
- Given the desktop nature of our assessment, we have not physically identified the boundaries of the subject property. From our aerial analysis, it appears there is not any encroachments, however we are not qualified surveyors and no warranty can be given without a physical inspection and the provision of an identification survey.
- Should such a survey detect any discrepancies or encroachments, we recommend that the details of that survey be provided to us in order that we may consider any potential implications to our assessment and effect amendment to our report, should that be necessary.

An aerial photo of the subject property (outlined in red) and surrounds is shown below:



Source: Metromap

1C & 1D Unwin Street, Rosehill NSW



5.3 Environmental Issues

EPA Search Date	September 2021
Site Contamination	Unlisted N/A
Comments	<ul style="list-style-type: none"> We advise we have not been provided with a current environmental report for the subject property and note that as the subject property is semi-rural residential land, it is our opinion that this would not appear to pose an obvious environmental threat.
Surrounding Environmental Risks	<ul style="list-style-type: none"> We consider that directly north to the subject property is the Downer Waste facility which we note to be a contaminating use per API guidelines. We note however that there is no mention of this facility on the EPA register.
Flooding	<ul style="list-style-type: none"> We have relied upon planning mapping provided by The NSW Department of Planning & Environment that denotes the land is not flood affected, however we note that studies undertaken by Parramatta Council indicate this to be incorrect. Given the property backs onto Duck Creek and in line with Parramatta Council flood reporting, we have made the assumption the property is fully flood affected. Should a formal survey reveal material differences, our assessment will require amendment.
Landslip	<ul style="list-style-type: none"> Our inquiries with Parramatta City Council were unable to confirm if landslip is an issue with the subject property without formal written application. For the purposes of this valuation, we have assumed that the subject property is not within a landslip designated area.

5.4 Environmental Conclusion

Whilst the above comments suggest environmental matters may not be an immediate issue, the recipient of this report is advised that the Valuer is not qualified to detect such substances or forecast potential environmentally based future externalities, nor quantify the impact on values without a comprehensive environmental report.

We have assumed for the purpose of this valuation the property is not contaminated in any way or subject to environmentally based externalities that may impact upon value. If this assumption is found to be incorrect, or if the party on whose instruction this valuation is provided wishes our valuation to be based on a different assumption, then this valuation should be referred back to the Valuer for comment and in appropriate cases, amendment. We have also assumed the use of the property complies with all relevant environmental law.

1C & 1D Unwin Street, Rosehill NSW



6 Planning Controls

6.1 Current Planning Controls

An overview of the main planning related controls over the subject property are outlined as follows:

Local Government Area

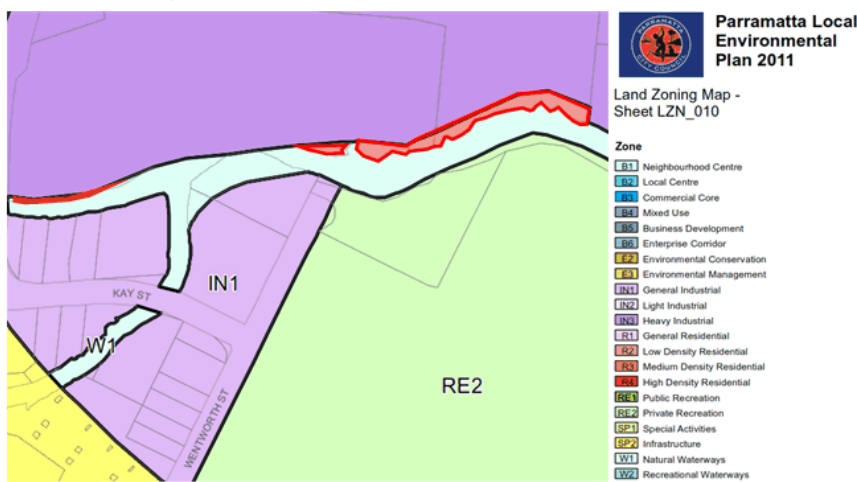
City of Parramatta Council

Planning Scheme

Parramatta Local Environmental Plan 2011

Zoning

W1 Natural Waterways



Permitted Use

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.
- To provide for cultural and scientific study of natural waterways.
- To enable works associated with the rehabilitation of land towards its natural state.

2 Permitted without consent

Environmental protection works; Flood mitigation works

3 Permitted with consent

Aquaculture; Environmental facilities; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Base Floor Space Ratio

Not prescribed

Height Limit

Not prescribed

Minimum Lot Size

Not prescribed

Heritage Listing

Not prescribed

Acid Sulphate

Class 4

Our valuation is based on town planning information sourced from online databases including local and state government websites. The reliant parties could confirm this by obtaining their own Section 10.7 Certificate of the Environmental Planning and Assessment Act 1979 (NSW).

1C & 1D Unwin Street, Rosehill NSW



6.2 Planning and Development Approvals

We have not sighted any planning or building approvals in relation to the construction of the subject property. We have assumed that appropriate permission has been granted by the relevant statutory authority in relation to the existing improvements on site.

Our discussions with Council indicated that there have been no recent development applications or approvals applicable to the subject property.

1C & 1D Unwin Street, Rosehill NSW



7 Statutory Assessment

As at the date of valuation the following statutory land valuations were assessed for the 2021 rating year:

Property Address	Lot & DP	Rating Year	Statutory Land Value
1C Unwin Street, Rosehill	Lots 22-24/DP817742	2021	\$33,600
1D Unwin Street, Rosehill	Lots 102-103/DP734615	2021	\$57,600
Land Value Used for Rating Purposes (3 Yr avg.)			\$91,200

Analysis of the above indicates a blended rate of approx. \$35 per square metre of land area, as prescribed by the NSW Valuer General.

1C & 1D Unwin Street, Rosehill NSW



8 Improvements

8.1 General Summary

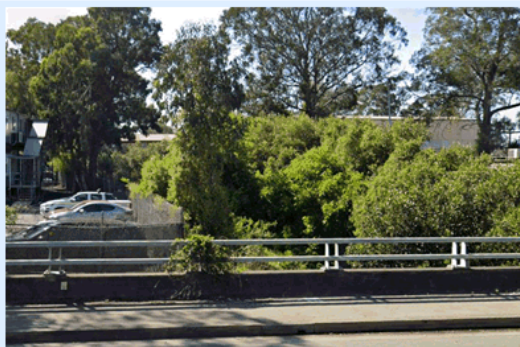
The subject properties comprise five (5) individual lots situated adjacent to 'Duck Creek' at Rosehill. The properties feature a combined land area of 2,583.70 square metres. Our desktop analysis of the subject indicates the lots are currently unimproved with natural vegetation evident.

It is understood that the subject properties are accessed via the neighbouring properties via rights of carriageway noted on title Lot 22 having direct access to Unwin Street.

The land is proposed to be acquired by Sydney Metro for the purpose of the Sydney West Metro train line stabling facility.

Pursuant to the Parramatta LEP 2011, the subject property is currently zoned W1: Natural Watercourse and noted as public reserve on the respective deposited plans.

The subject land is depicted as follows:



Google Street View - Subject Property



Property adjacent to 1C Unwin Street, Rosehill

1C & 1D Unwin Street, Rosehill NSW



9 Valuation Methodology

9.1 Heads of Compensation

We have had regard to the compensation payable under the *Act* in respect to Section 55 which itemises the heads of compensation. These include:

- (a) *market value of the land at its date of acquisition;*
- (b) *any special value of the land to the owner at its date of acquisition;*
- (c) *any loss attributable to severance;*
- (d) *any loss attributable to disturbance;*
- (e) *disadvantage resulting from relocation; and*
- (f) *any increase or decrease in the value of any other land owned by the owner at the date of acquisition, which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.*

9.2 Section 55(a) – Market Value

9.2.1 Basis of Valuation

In determining the current market value of the subject properties, we have examined the available market evidence of restricted land sales within metropolitan Sydney and applied this analysis to the Direct Comparison approach, analysed on a rate per square metre of land area.

9.2.2 Highest and Best Use

Highest and best use is defined as the most probable use of a property which is physically possible, appropriately justified, legally permissible, financially feasible, and which results in the highest value of the property being valued.

We would consider the Highest and Best Use of the land if not for the requirement of Sydney Metro to be a continuance of the exiting use as a somewhat of a buffer between Duck Creek and the adjacent industrial development.

9.2.3 Sales Evidence

We have had regard to the transactions over the following page and utilised these as a guide only. Appropriate adjustments have been made based on our experience and opinion in determining the drivers of market value that have been applied to the subject property.

We note the sales detailed over the following pages are based on Colliers understanding of the transaction and whilst we understand the facts to be generally reliable, we are unable to guarantee their accuracy. As such, the results of our analysis may change should new information come to light.

On this basis, we now provide the following schedule of restricted land evidence which we will utilise to assess the value of the subject lands:

1C & 1D Unwin Street, Rosehill NSW



Property	Sale Date	Sale Price	Site Area	Value of Improv.	Zoning	Flood	DA	Rate \$/m ² Deduced Land Value
85 Newbridge Road, Chipping Norton	Jun-21	\$2,475,000	4,659	\$475,000	RE1	Yes, 100%	No	\$429
2 John Oxley Avenue, Werrington County	Mar-21	\$2,250,000	16,200	Nil	RE1	No	Yes	\$139
250 Fourteenth Ave, Austral	Feb-20	\$2,750,000	20,200	\$250,000	46.1% - R2 23.1% - SP2 30.7% - RE1	Yes 100%	No	\$124
2 Shore Street, Warwick Farm	Nov-19	\$2,050,000	4,041	\$150,000	RE2	Part	No	\$470
335 Thirteenth Avenue, Austral	Jul-19	\$781,000	20,200	Nil	SP2 & E2	Yes 100%	No	\$35
70-76 Marshal Street, Dapto	Nov-18	\$2,710,000	12,730m ²	\$800,000	65% RE2 35% IN1	No	No	\$150
235 Tenth Avenue, Austral	Jul-18	\$1,710,000	18,500m ²	Nil	82% RE1 18% SP2	Yes 100%	No	\$92
2 Racecourse Avenue, Menangle Park	Jul-18	\$870,000	11,940m ²	Nil	RE1	Yes 100%	No	\$73
107 Killarney Drive, Killarney Heights	Dec-17	\$1,500,000	15,306m ²	Nil	RE2	Yes, Part	No	\$98
286 Prince Charles Parade, Kurnell	Oct-17	\$925,000	1,625m ²	Nil	RE2	Yes 100%	No	\$569
225 Sixth Avenue, Austral	Dec-16	\$1,350,000	12,100m ²	Nil	RE1	Yes 95%	No	\$112
22 Adelaide Street, Killarney Vale	Feb-16	\$1,430,000	12,500m ²	\$300,000	RE2	Assumed Yes	No	\$90

9.2.4 Sales Conclusion

The sales evidence above, despite being situated in different growth centres of Western Sydney, produced a relatively consistent range of rate of land values between \$35 and \$569. This in mind, we have adjusted these values in comparison to the subject property, taking into account the following key considerations:

- Location within Sydney;
- Size of the sites (2,583.70 square metres);
- Planning provisions;
- Site utility;
- Significantly smaller site areas in comparison to the majority of our transactional evidence;
- Underlying market fundamentals of the local area; and
- Current market conditions.

We consider the transactions tabled overleaf are spread widely across metropolitan Sydney, a lot of which have emanated from western Sydney's growth precincts.

In determining a fair market value rate for the subject property, we have taken into consideration the restrictive nature of our transactions in comparison to the subjects W1 Natural Watercourse zoning and its position on the bank of Duck Creek.

1C & 1D Unwin Street, Rosehill NSW



If a hypothetical position of a public recreation zoning were to be adopted for the subject properties, we consider a fair market rate to be between \$160 - \$190 per square metre of land area. However, this is not the current zoning and the property is unfortunately is largely restricted with the existing W1 Natural Watercourse zoning.

We are of the opinion that despite the irregular site shape and unimproved nature of the subject properties, they still play a vital role in the local environment acting as a buffer between Duck Creek and the neighbouring Industrial properties. In conclusion, for the purpose of our assessment, we have adopted a discount of approximately 75% to the hypothetical capital value range previously discussed.

9.2.5 Direct Comparison Approach

The Direct Comparison Approach involves the investigation of sales of comparable properties with similar characteristics to the subject. We have analysed the sales evidence and have compared them to the subject property on a rate per square metre of site area.

Direct Comparison Approach	Area (m ²)	Rate (\$ /m ²)	Core Value
		\$160	\$413,392
Site Area	2,584 m ²	\$175	\$452,148
		\$190	\$490,903
Rounded Value			\$452,000

	Market Value
Unrestricted Value	\$452,000
Less Discount	75%
Rounded Value	\$113,000
Reflected \$/m²	\$43.74 /m² of Site Area

Our adopted 100% Freehold value of \$113,000 (GST Exclusive) reflects the following parameters:

Direct Comparison	\$43.74 per square metre of land area
-------------------	---------------------------------------

We consider that the resultant Direct Comparison Rate is reflective of the characteristics of the subject property, the current market fundamentals and comparable evidence considered.

9.2.6 Goods and Services Tax

This valuation has been made GST exclusive, based on the assumption that any GST levied would be treated as an input tax credit and the likely purchaser would be a registered entity and the GST would be therefore recoverable. Our valuation should be reconsidered and possibly amended where this assumption is found to be incorrect or if a reliant party requires a valuation based on a different assumption.

1C & 1D Unwin Street, Rosehill NSW



9.3 Section 55(b) - Special Value

Section 57 of the Land Acquisition (Just Term Compensation) Act 1991 (NSW) defines special value as "the financial value of any advantage, in addition to market value, to the person entitled to compensation which is incidental to the person's use of the land".

We assess that there is no 'special value' as there is no attribute of the premises affording an advantage which is peculiar to the claimant.

9.4 Section 55(c) - Severance

Section 58 of the Land Acquisition (Just Term Compensation) Act 1991 (NSW) describes the loss attributable to severance of land as "the amount of any reduction in the market value of any other land of the person entitled to compensation which is caused by that other land being severed from other land of that person".

The principles of Severance are not considered to arise in this instance therefore a claim under this section is not applicable in this valuation.

9.5 Section 55(d) - Disturbance

Disturbance is the consequential financial loss to the leaseholder due to the acquisition.

Relevant claimable losses attributable to disturbance under Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) include:-

- Section 59 (a) Relevant legal costs
- Section 59 (b) Valuation fees
- Section 59 (c) Financial losses incurred in connection with relocation.
- Section 59 (d) Stamp duty costs reasonably incurred with the purchase of land for relocation- Not Applicable
- Section 59 (e) Financial costs in discharging a mortgage- Not Applicable
- Section 59 (f) Other financial costs reasonably incurred as a direct and natural consequence of the acquisition.
 - Accountants fees
 - Tenant Representative Fees
 - Project Manager
 - Costs for removal of fixtures and business items
 - Loss of Goodwill

We have not been provided with an exhaustive list of losses incurred by the registered proprietor. Furthermore, we have assumed that any structures currently on the land to be acquired are reinstated within the new boundary.

Therefore, Disturbance in accordance with Section 55(d) of the Act is to be assessed **in addition** to the compensation assessed herein.

1C & 1D Unwin Street, Rosehill NSW



9.6 Section 55(e) – Disadvantage resulting from Relocation

Under Section 60 of the Land Acquisition (Just Term Compensation) Act 1991 (NSW), Solatium refers to the “compensation to a person for non-financial disadvantage from the necessity of the person to relocate his or her principal place of residence as a result of the acquisition. The maximum amount of compensation in respect of the disadvantage resulting from relocation is \$79,413.

We assess there is no disadvantage payment payable as the acquired property is not the principal place of residence of the claimant.

9.7 Section 55(f) - Increase or Decrease in Value

This is defined as ‘any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.’

Any increase or decrease in value is not considered to arise in this instance as the properties in their entirety are being acquired. Therefore a claim under this section is not applicable in this valuation.

1C & 1D Unwin Street, Rosehill NSW



10 Compensation Assessment

In accordance with our instructions, we assess the compensation of the subject property as at **9 September 2021**, subject to the provisions of the *Land Acquisition (Just Terms Compensation) Act, 1991* the market value in accordance with Section 56 and associated compensation payable under Section 55(a) and (d) of the Act, based on a fee simple basis and assuming the property is free of encumbrances, restrictions or other impediments of an onerous nature which would affect value.

Assessment for Compensation under *Land Acquisition (Just Terms Compensation) Act, 1991*

Section 55(a) – Sub Lease Market Value	\$113,000
Section 55(b) – Special Value	\$Nil
Section 55 (c) – Severance	\$Nil
Section 55(d) – Disturbance	To Be Assessed
Section 55(e) – Relocation	\$Nil
Section 55(f) – Increase or Decrease in Value	\$Nil

\$113,000 (GST Exclusive)*

(ONE HUNDRED AND THIRTEEN THOUSAND DOLLARS)

* With applicable Disturbance payable in addition

In accordance with our normal practice, we confirm that this report is confidential and provided by CIVAS (NSW) Pty Limited and not by any other company in the Colliers International Group. The valuation has been prepared for the parties and purposes as detailed earlier in this report and should not be relied upon for any other purpose or by any other person. Any reliance on this report by the nominated party must be based on the actual possession or sighting by them of an original signed document.

CIVAS (NSW) Pty Limited

Phillip Cartisano AAPI
Associate Director
Certified Practising Valuer
15 September 2021 (Date of Signing Report)

Direct: + 61 2 9840 0237
Email: phillip.cartisano@colliers.com

Report Verification: Phil Western | National Director

QA ID: 2003704

This valuation and the associated report have undergone verification in accordance with the Colliers Quality Management System (QMS). This QMS has been independently and externally audited and certified in accordance with ISO9001:2015, which confirms the quality of the verification and Quality Assurance process.

**colliers
assure**

Liability Limited by a scheme approved under Professional Standards Legislation

City of Parramatta Council VW7009 9 September 2021

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1C & 1D Unwin Street, Rosehill NSW



11 Report Qualifications

- » CIVAS (NSW) Pty Limited accepts no responsibility for any statements in this report other than for the stated purpose. This report is issued on the basis that the statements expressed in this report are those of CIVAS only. No liability attaches to the companies in the Colliers International Group other than CIVAS (NSW) Pty Limited in relation to any statements contained in this valuation report.
- » No responsibility is accepted for liability to any third party in respect of the opinions expressed in this valuation. Neither the whole of this report, or any part or reference thereto, may be published in any document, statement or circular, nor in any communication with third parties, without our prior written approval of the form and context in which it will appear.
- » In accordance with the Australian Property Institute Valuers Limited (APIV), this valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period of time (including as a result of general market movements or factors specific to the particular property). Liability for losses arising from such subsequent changes in value is excluded as is liability where the valuation is relied upon more than 90 days after the date of valuation.
- » Unless stated elsewhere in this report, we have assumed that the property complies with the appropriate statutory, building and fire safety regulations and we have also assumed that there is no timber infestation, asbestos or other defect and have made no investigations for them, not have we undertaken a structural survey or tested the building services.



Appendix A Proposed Acquisition Letter





SM-20-00100959

27 October 2020

Mr Justin Day
Group Manager
Property Development Group
City of Parramatta Council

By email: j.day@cityofparramatta.nsw.gov.au

Dear Mr Day

Sydney Metro West

Offer of compensation for acquisition of freehold interest in land

Address: 1C Unwin Street (Lots 22, 23 & 24 at DP 817742) and 1D Unwin Street (Lots 102 & 103 in DP 734615), Rosehill (Land)

Owner of interest in Land: City of Parramatta Council (Owner)

Sydney Metro refers to the email of 17 January 2020 and subsequent communications regarding the commencement of the proposed acquisition of the Land.

Lunney Watt have been instructed by Sydney Metro to undertake an independent valuation of the interest in the Land, in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW) (Just Terms Act)*.

The valuation report in respect of the Owner's interest in the Land has now been received by Sydney Metro. Following its consideration of the report and subject to the conditions set out below, Sydney Metro is prepared to offer to the Owner \$36,000 (exclusive of GST) as the total combined compensation amount for the freehold interest in the Land determined in accordance with Section 55 of the Just Terms Act.

The offer of compensation by Sydney Metro to the Owner is made subject to:

1. all Sydney Metro internal financial approvals being sought and given by the appropriate delegated authority;
2. entry into a Contract for Sale in respect of the Land on suitable terms to all parties;
3. there being no unregistered interests in the Land and no other rights of occupation or encumbrances over or in respect of the Land other than those disclosed to Sydney Metro at the date of this offer (and accepted by Sydney Metro to be interests in the Land in accordance with the Just Terms Act); and
4. vacant possession of the Land occupied by the Owner on or before 5pm on 30 June 2021, time being of the essence.

Sydney Metro

Level 43, 680 George Street, Sydney NSW 2000 | PO Box K659, Haymarket NSW 1240
T 02 8265 9400 | sydneymetro.info | ABN 12 354 063 515

SM-20-00100959

Within 21 days from the date of this letter, Sydney Metro will contact you to review your progress towards acceptance of the offer. If the offer is accepted, Sydney Metro's lawyers will commence the preparation of the relevant documentation.

Please note that the relevant documentation will include a warranty by the Owner that the Land is not subject to any lease or other right of occupation to any third party (other than those disclosed to Sydney Metro), and an indemnity by the Owner in favour of Sydney Metro against any claim made against Sydney Metro by any other party arising from or incurred in connection with a breach of this warranty. If any other person/entity has an interest in the Land by or through the Owner, this person/entity will also be required to be a party to the relevant documentation with Sydney Metro and the Owner.

A copy of "ATO Class Ruling 2020/15 Sydney Metro - disturbance payments in respect of the construction of the Sydney Metro West" is available on the ATO Legal Database. It deals with the income tax treatment of disturbance payments paid to certain affected interest holders for Sydney Metro West. You may wish to seek independent accounting advice on the application of this Ruling to your particular circumstances in considering this offer.

Please be aware that any information provided by you during the course of negotiations must be capable of being relied on by Sydney Metro and its expert advisors. In particular, the information must be able to be referenced in reports, submissions to the Valuer-General and any internal documents supporting offers and agreements as to compensation amounts. Sydney Metro must also retain all documents on file including for possible review by the NSW Auditor General.

Sydney Metro invites you to contact Keiran Wallington on 0419 966 606 or at keiran.wallington@transport.nsw.gov.au who can provide assistance in explaining any aspect of the offer presented, along with the options available to you, and to further discuss the next steps.

Yours sincerely



Tim O'Connor
Director Property Acquisitions
Sydney Metro West



Appendix B
Title Particulars





Order number: 70112404
Your Reference: VW7009 PC
01/09/21 23:11



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 22/817742

SEARCH DATE	TIME	EDITION NO	DATE
1/9/2021	11:11 PM	1	7/7/1992

LAND

LOT 22 IN DEPOSITED PLAN 817742
AT ROSEHILL
LOCAL GOVERNMENT AREA CITY OF PARRAMATTA
PARISH OF ST JOHN COUNTY OF CUMBERLAND
TITLE DIAGRAM DP817742

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF PARRAMATTA

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING
UNAUTHORISED DEALINGS WITH PUBLIC RESERVES

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 1/9/2021

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.



Order number: 70112404
Your Reference: VW7009 PC
01/09/21 23:11



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 23/817742

SEARCH DATE	TIME	EDITION NO	DATE
1/9/2021	11:11 PM	1	7/7/1992

LAND

LOT 23 IN DEPOSITED PLAN 817742
AT ROSEHILL
LOCAL GOVERNMENT AREA CITY OF PARRAMATTA
PARISH OF ST JOHN COUNTY OF CUMBERLAND
TITLE DIAGRAM DP817742

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF PARRAMATTA

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING
UNAUTHORISED DEALINGS WITH PUBLIC RESERVES

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Order number: 70112404
Your Reference: VW7009 PC
01/09/21 23:12



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 24/817742

SEARCH DATE	TIME	EDITION NO	DATE
1/9/2021	11:12 PM	1	7/7/1992

LAND

LOT 24 IN DEPOSITED PLAN 817742
AT ROSEHILL
LOCAL GOVERNMENT AREA CITY OF PARRAMATTA
PARISH OF ST JOHN COUNTY OF CUMBERLAND
TITLE DIAGRAM DP817742

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF PARRAMATTA

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING
UNAUTHORISED DEALINGS WITH PUBLIC RESERVES

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 1/9/2021

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Order number: 70112404
Your Reference: VW7009 PC
01/09/21 23:12



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 102/734615

SEARCH DATE	TIME	EDITION NO	DATE
1/9/2021	11:12 PM	2	23/11/1994

LAND

LOT 102 IN DEPOSITED PLAN 734615
AT ROSEHILL
LOCAL GOVERNMENT AREA CITY OF PARRAMATTA
PARISH OF ST JOHN COUNTY OF CUMBERLAND
TITLE DIAGRAM DP734615

FIRST SCHEDULE

PARRAMATTA CITY COUNCIL

(T U812024)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

U50527 NOTE: PLACED UNDER CONTROL OF THE COUNCIL GAZ 4-2-94 FOL 551

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 1/9/2021

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Order number: 70112404
Your Reference: VW7009 PC
01/09/21 23:12



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 103/734615

SEARCH DATE	TIME	EDITION NO	DATE
1/9/2021	11:12 PM	2	23/11/1994

LAND

LOT 103 IN DEPOSITED PLAN 734615
AT ROSEHILL
LOCAL GOVERNMENT AREA CITY OF PARRAMATTA
PARISH OF ST JOHN COUNTY OF CUMBERLAND
TITLE DIAGRAM DP734615

FIRST SCHEDULE

PARRAMATTA CITY COUNCIL

(T U812024)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 L475880 COVENANT
- 3 R22581 RIGHT OF CARRIAGEWAY 10.665 AND VARIABLE APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

U50527 NOTE: PLACED UNDER CONTROL OF THE COUNCIL GAZ 4-2-94 FOL 551

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 1/9/2021

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Appendix C
Letter of Instruction



Professional Service Agreement Valuation & Advisory Services

colliers.com.au



11 August 2021

Mr Michael Ghobrial
Development Manager
City of Parramatta Council
PO Box 32, Parramatta,
NSW 2124

Via email: MGhobrial@cityofparramatta.nsw.gov.au

Dear Sir,

RE: Quote for the Provision of Valuation Services

Thank you for considering Colliers International Valuation & Advisory Services (CIVAS) for the assignment identified in this Professional Service Agreement. Please sign one copy of the agreement and return it to the undersigned, thereby indicating your authorisation for us to proceed with this assignment and your acceptance of this Professional Service Agreement including the attached Terms & Conditions.

PROFESSIONAL SERVICE AGREEMENT ("Agreement")					
CIVAS Quote Ref:	QW6279.				
Property Address:	1C & 1D Unwin Street, Rosehill NSW (Lots 22-24/DP817742 & Lots 102-103/DP734615).				
Parties:	CIVAS (NSW) Pty Limited (Us) and City of Parramatta Council (You).				
Scope / Background:	We have been provided with brief scope of works by Mr Michael Ghobrial of City of Parramatta Council and held subsequent discussions from which we have concluded that we are instructed to provide a Compulsory Acquisition assessment on the subject property following an offer to acquire from Sydney Metro.				
Purpose & Reliant Party:	<table border="0"> <tr> <td>Purpose of Valuation</td><td>Reliant Party</td></tr> <tr> <td>Compulsory Acquisition.</td><td>City of Parramatta Council.</td></tr> </table>	Purpose of Valuation	Reliant Party	Compulsory Acquisition.	City of Parramatta Council.
Purpose of Valuation	Reliant Party				
Compulsory Acquisition.	City of Parramatta Council.				
Purpose:	<p>The valuation is to be prepared for the following purpose only:</p> <ul style="list-style-type: none"> Proposed Compulsory Acquisition pursuant to the terms of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. <p>Our valuation advice must not be relied upon for any purpose other than the purpose nominated above.</p>				
Services:	<p>Per our discussions with we will provide two stages of services:</p> <p>Stage 1: Draft Report.</p> <p>Stage 2: Final Report.</p>				




CIVAS (NSW) Pty Limited | ABN 32 168 282 728
Liability limited by a scheme approved under Professional Standards Legislation.



Professional Service Agreement

Continued

Basis of Valuation:	<p>The valuation will be completed under the provisions of the <i>Land Acquisition (Just Terms Compensation) Act, 1991</i>.</p> <p>In particular we have had regard to the compensation payable under the <i>Act</i> in respect to <i>Section 55</i> which itemises the heads of compensation. These include:</p> <ul style="list-style-type: none"> ▪ <i>market value of the land at its date of acquisition;</i> ▪ <i>any special value of the land to the owner at its date of acquisition;</i> ▪ <i>any loss attributable to severance;</i> ▪ <i>any loss attributable to disturbance;</i> ▪ <i>disadvantage resulting from relocation; and</i> ▪ <i>any increase or decrease in the value of any other land owned by the owner at the date of acquisition, which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.</i>
Date of Valuation:	Date of Desktop Assessment, unless otherwise advised (Subject to NSW Government COVID-19 restrictions).
Completion Date:	10-15 business days from formal appointment subject to the provision of all required information and appropriate inspection access to the subject property.
Professional Fees:	<p>The fee for our services is \$5,000.00 excluding GST and searches (charged at cost).</p> <p>Note – searches referred to above include certificates of title, registered site plans, easement searches and other title notations, which will be charged at cost in addition to the above fees.</p> <p>This quotation is effective for 10 business days from the date of this correspondence.</p> <p>The above fee is solely for the scope of professional services as outlined herein. On the basis that subsequent or further advice is required additional fees will be agreed accordingly on a rate of \$550/hour excluding GST.</p> <p>In executing this Agreement, you acknowledge these Professional Fees are non-refundable and confirm that We are unconditionally entitled to these Fees and to raise a Tax Invoice accordingly. Where a draft report is provided, you agree that We are authorised to invoice the full amount of the agreed fee on delivery of the draft.</p>
Limitation of Liability	<p>Liability limited by a scheme approved under Professional Standards Legislation. Liability further limited in accordance with Clause 19 of the attached Terms & Conditions.</p> <p>Our valuation will be prepared in accordance with Our Terms & Conditions annexed to this PSA.</p>
Required Information:	This Professional Service Agreement is provided on the basis that certain information relating to the subject property is provided to us (where appropriate). This information is detailed in Annexure 1.
Personnel:	Phillip Cartisano, Associate Director will be the main point of contact throughout the assignment (CV attached at Annexure 3).
Standard Conditions:	All advice, reports and opinions of value expressed by the firm or its employees are subject to the "Colliers International Valuation & Advisory Services Terms & Conditions" detailed in Annexure 2 herein.
Quality Assurance:	<p>Using Colliers Assure, our risk management system, an internal verification is conducted on all draft and final calculations and reports in order to confirm accuracy and quality. All calculations and advice are reviewed and verified, and all issues are resolved prior to releasing any advice.</p> <p>Verification is carried out in accordance with the procedures and processes of the Colliers International Quality Assurance Manual underpinned by Colliers Assure. Colliers maintains through external auditing our National Quality Assurance Certification in accordance with Standard ISO9001.</p> <p></p>

Professional Service Agreement

Continued

Please indicate your acceptance of this Professional Service Agreement outlined herein by signing and returning a copy of this letter by email or mail.

Should you have any queries regarding this matter, please do not hesitate to contact the undersigned.
We look forward to your confirmation of instructions.

Yours sincerely
CIVAS (NSW) Pty Limited



Phillip Cartisano
Position: Associate Director
Product Line: Valuation & Advisory Services
Tel: +61 2 9840 0237
Mob: +61 407 667 949
Email: Phillip.Cartisano@colliers.com

Acknowledgment

I have reviewed and hereby accept this Professional Service Agreement and Annexures including "Colliers International Valuation & Advisory Services Terms & Conditions" and nominated fee.

I acknowledge that I/we will be contracting exclusively with CIVAS (NSW) Pty Limited (ABN 32 168 282 728) and not with any other member of the Colliers International Group.

CIVAS quote reference	QW6279
Property Address:	1C & 1D Unwin Street, Rosehill (Lots 22-24/DP817742 & Lots 102-103/DP734615)
Name:	Michael Ghobrial
Position:	Development Manager
Signed:	<i>Michael Ghobrial</i>
Contact Details (phone/email):	mghobrial@cityofparramatta.nsw.gov.au
Dated:	23/08/2021

Entity to be Invoiced:	ABN:	% split:
Address:		

Professional Service Agreement

Continued

REQUIRED INFORMATION

1. Signed acceptance of this Professional Services Agreement including the Colliers International Valuation & Advisory Services Terms & Conditions (i.e. this letter of quotation signed at the Acknowledgement section).
2. Contact names and telephone numbers to arrange property inspection.
3. Site Survey/site plan.
4. Relevant Compulsory Acquisition documentation.
5. Relevant town planning advice.
6. Details of any "non-conforming" improvement/building products.
7. Capital expenditure budget together with detail of recent capital expenditure.
8. Confirmation of whether an environmental audit has been undertaken in relation to the subject site. If such a study has been undertaken, we require a copy of same.
9. Details of any known outstanding orders over the subject (planning, building, health, etc).
10. Any other relevant information.



Appendix D CIVAS Standard Terms of Business



Colliers International Valuation & Advisory Services Terms and Conditions



IT IS AGREED AS FOLLOWS:

1. DEFINITIONS

- (i) 'Confidential information' means information that:
 - (a) Is by its nature confidential;
 - (b) Is designated by Us as confidential;
 - (c) You know or ought to know is confidential;
 - (d) and includes, without limitation:
 - (i) Information comprised in or relating to any of Our intellectual property in the Services or any reports or certificates provided as part of the Services; and
 - (ii) The Quotation annexed hereto.
- (ii) 'Currency Date' means, in relation to any valuation or advisory report, the date as at which our professional opinion is stated to be current.
- (iii) 'Fee' means the amount agreed to be paid for the Services as set out in the Quotation.
- (iv) 'Party' means You or Us and Parties means You and Us.
- (v) 'Quotation' means the written quote provided by Us in relation to the Services.
- (vi) 'Services' means the valuation or advisory services provided pursuant to these Terms & Conditions and the Quotation, and includes any documents, reports or certificates provided by Us in connection with the services.
- (vii) 'Services Validity Period' means the 90 day period following the Currency Date during which Our professional opinion is valid. After this period, Our professional opinion cannot be relied upon or referred to.
- (viii) 'We', 'Us', 'Our' means the entity that You engage with to perform the Services as set out in the Quotation being either CIVAS (NSW) Pty Limited (ABN 32 168 282 728), CIVAS (VIC) Pty Limited (ABN 21168282620), CIVAS (ACT) Pty Limited (ABN 70168282451), CIVAS (SA) Pty Limited (ABN 87168282586) or CIVAS (QLD) Pty Limited (ABN 87168282522).
- (ix) 'You', 'Your' means the entity engaging Us to perform the Services as set out in the Quotation.

2. PERFORMANCE OF SERVICES

- 2.1. We will provide the Services in accordance with:
 - (a) The Terms & Conditions contained herein; and
 - (b) The relevant provisions of the current Australian Property Institute (API) Valuation and Property Standards and/or the current Royal Institution of Chartered Surveyors (RICS) Valuation – Global Standards. If there is any inconsistency, they are to be read in the following order: letter of instruction, standing instructions, API Valuation and Property Standards, RICS Valuation – Global Standards.

3. CONDITION OF THE PROPERTY

- 3.1. In undertaking the Services We will have regard to the apparent state of repair, condition and environmental factors in relation to the property based upon a visual inspection, but We will not (and are not qualified to) carry out a structural, geotechnical or environmental survey. We will not inspect those parts of the property that are unexposed or inaccessible.
- 3.2. We will assume that there is no timber infestation, asbestos or any other defect (unless advised otherwise) and that the property is compliant with all relevant environmental laws. It is Your responsibility to provide reports to Us that are relevant to these issues.
- 3.3. We will not undertake a detailed inspection of any plant and equipment or obtain advice on its condition or suitability.
- 3.4. We recommend that You engage appropriately qualified persons to undertake investigations excluded from the Services.
- 3.5. No responsibility will be accepted either to You or to any third party for loss or damage that may result directly or indirectly from the condition of the property.

4. ENVIRONMENT AND PLANNING

- 4.1. We will obtain only preliminary town planning information. It is Your responsibility to check the accuracy of this information by obtaining a certificate under the appropriate legislation.
- 4.2. State or Federal Laws may require environmental audits to be undertaken before there is a change of land use. You will provide such audits to Us where they are required. We will not advise You whether such audits are required or obtain such audits. If You do not provide Us with such audits We will perform the Services on the assumption that such audits are not required.

5. BUILDING AREAS AND LETTABLE AREAS

- 5.1. Where a survey is provided to Us for consideration, We will assume that information contained in the survey is accurate and has been prepared in accordance with the Property Council of Australia (PCA) Method of Measurement.
- 5.2. If You do not provide Us with a survey, We will estimate building and/or lettable areas based only upon available secondary information (including but not limited to building plans, Deposited Plans, and our own check measurements). Such estimates do not provide the same degree of accuracy or certainty as would be provided by a survey prepared by an appropriately qualified professional in accordance with the Property Council of Australia (PCA) Method of Measurement.
- 5.3. Where such a survey is subsequently produced which differs from the areas estimated then You will refer the valuation or advisory advice back to Us for comment or, where appropriate, amendment.

6. OTHER ASSUMPTIONS

- 6.1. Unless otherwise notified by You, We will assume:
 - (a) there are no easements, mortgages, leases, encumbrances, covenants, caveats, rights of way or encroachments except those shown on the Title; and
 - (b) all licences and permits can be renewed and We will not make any enquiries in this regard.
- 6.2. Where third party expert or specialist information or reports are provided to Us or obtained by Us in connection with the Services (including but not limited to surveys, quantity surveyor reports, environmental audits, structural / dilapidation reports), We will rely upon the apparent expertise of such experts / specialists. We will not verify the accuracy of such information or reports.

7. VALUATION FOR FIRST MORTGAGE SECURITY

- 7.1. Where the Services are provided for mortgage purposes, You agree that You will not use the valuation where the property is used as security other than for first registered mortgage.
- 7.2. Where our services are prepared for first mortgage security purposes our report will be prepared for the Bank on behalf of the Applicant. Accordingly, our extension of reliance is to the Bank only. In no way is reliance extended to the Applicant for any purpose.

8. ASSIGNMENT OF VALUATION

- 8.1. We reserve the right, at Our absolute discretion, to determine whether or not to assign Our valuation to any third party. Without limiting the extent of Our discretion, We may decline a request for assignment where:
 - (a) the proposed assignee is not a major recognised lending institution (such as a major bank);
 - (b) the assignment is sought in excess of 90 days after the date of valuation;
 - (c) We consider that there has been a change in conditions which may have a material impact on the value of the property;
 - (d) the proposed assignee seeks to use the valuation for an inappropriate purpose (including in a manner inconsistent with Your agreement at clause 7.1); or
 - (e) Our Fee has not been paid in full.
- 8.2. Where We decline to provide an assignment on either of the bases at 8.1(b) or (c), We may be prepared to provide an updated valuation on terms to be agreed at that time.

**Colliers International Valuation & Advisory Services
Terms and Conditions**


- 8.3. In the event that You request us to assign Our valuation and We agree to do so, You authorise Us to provide to the assignee a copy of these Terms & Conditions, the Quotation and any other document, including instructions provided by You, relevant to the scope of Our Services.
- 8.4. Any potential reliance on our valuation by an Intending Mortgagee is conditional upon a formal re-assignment from Us and will be subject to all that is contained within 7.1, 7.2, 8.1, 8.2 and 8.3.
- 8.5. Client instructed valuations for first mortgage security purposes where reliance is extended to a specific Bank may contain particular assumptions which are commented upon throughout this report. We note that each Bank has their own standing instructions, and also from time to time require valuations be undertaken having regard to a specific set of assumptions which are generally property specific and in addition to their standard instructions. Our valuation(s) will be prepared in accordance with the nominated Bank's standard instructions. However, we highlight that where we have not been instructed by the Bank to value the property, specific assumptions required by the Bank may not have been incorporated into this valuation. Should the Bank require the valuation to be undertaken using additional or separate assumptions to those adopted in the valuation, these assumptions should be communicated to the Valuer for comment and if appropriate revision of the valuation may be necessary, which may produce a different result to our opinion of value. We strongly recommend that the Bank issue the Valuer with specific instructions to value the property including any appropriate and/or property specific assumptions that may be required in addition to their standing instructions.
- 8.6. Institutional valuations for financial reporting purposes where reliance is extended to specific Bank(s) for First Mortgage Security purposes will be subject to that within 8.5.
- 9. ESTIMATED SELLING PRICE AND ESTIMATED RENTAL RATES**
- 9.1. Where You instruct Us to provide an estimated selling price or estimated rental rates, You agree that:
- (a) The Services are limited to the provision of an opinion based upon Our knowledge of the market and informal enquiries.
 - (b) We are not required to carry out a full inspection of the property; any inspection of comparable properties; a search on Title(s) or other enquiries as to encumbrances, restrictions or impediments on Title(s); or other investigations which would be required for a formal valuation.
 - (c) We will provide an indicative figure only which is not suitable for use for any purpose other than as general information or guide as to sale expectations. It is not suitable to be relied upon for the purpose of entry into any transaction.
- 9.2. No responsibility will be accepted either to You or to any third party for loss or damage that may result from the issue of such an estimated selling price or estimated rental rates.
- 10. CURRENCY OF VALUATION**
- 10.1. Due to possible changes in market forces and circumstances in relation to the subject property the Services can only be regarded as relevant as at the Currency Date.
- 10.2. Where You rely upon Our valuation or advisory report after the Currency Date, You accept the risks associated with market movement between the Currency Date and the date of such reliance.
- 10.3. Without limiting the generality of 10.2, You cannot rely upon Our valuation or advisory report:
- (a) after the expiry of the Services Validity Period;
 - (b) where circumstances have occurred during the Services Validity Period which has a material effect on the value of the property or the assumptions or methodology used in the valuation or advisory report.
- 11. MARKET PROJECTIONS**
- 11.1. Any market projections incorporated within our Services including, but not limited to, income, expenditure, associated growth rates, interest rates, incentives, yields and costs are projections only, and may prove to be inaccurate. Accordingly, such market projections should be interpreted as an indicative assessment of potentialities only, as opposed to certainties.
- 11.2. Where Our Services include market projections such projections require the dependence upon a host of variables that are highly sensitive to varying conditions. Accordingly, variation in any of these conditions may significantly affect these market projections.
- 11.3. Where market projections form part of Our Services, We draw your attention to the fact that there will be a number of variables within acceptable market parameters that could be pertinent to Our Services and the projections adopted are representative of only one of these acceptable parameters.
- 12. INSURANCE REPLACEMENT COST ESTIMATE**
- 12.1. Where our services include an Insurance Replacement Cost Estimate, we highlight that our advice in this regard is an indicative estimate only, based on generic replacement costs provided by industry sources. Furthermore, our Insurance Replacement Cost Estimate should be confirmed by a full valuation conducted in accordance with ANZVTIP4 Valuations for Insurance Purposes in the Australia and New Zealand Valuation and Property Standards or verified by a suitably qualified quantity surveyor and / or building expert. We accept no responsibility for reliance on this figure other than as an indicative estimate for internal purposes.
- 13. DEVELOPMENT VALUATIONS**
- 13.1. Our services will be conducted on the basis that all building works will be completed in a workmanlike manner and in accordance with all authority regulations. Furthermore, our analysis will be prepared on the basis that the property is appropriately certified upon completion to allow registration of a Strata Plan/Units Plan/Linen Plan and individual sale of the various allotments.
- 13.2. The values that will be adopted for residential apartments and associated car parking spaces will be inclusive of GST, while the non-residential/car space allotments will be adopted on a GST exclusive basis.
- 13.3. Where the property was purchased prior to 1 July 2000, we will adopt a Margin Value once appropriately confirmed. Accordingly, we will adopt the margin scheme for the residual calculation with input tax credits returned after the scheduled expenditure.
- 13.4. We will conduct our valuation analysis on the basis that all DA approvals, DA plans and consultant's reports are transferable, being reflected in the adopted valuation.
- 14. INVOICING AND PAYMENT**
- 14.1. Our invoice will be made out and addressed to the entity as per the information you provide within the Acknowledgement section of the Professional Services Agreement. Any alternative entity will be required to agree in writing prior to any advice being readdressed. Further fees may be required. Payment due dates will not change.
- 14.2. Where You request draft advice, You agree that We are authorised to invoice the full amount of the agreed fee on delivery of the draft.
- 14.3. In the event that the Services continue for a period exceeding 30 days, We may choose to issue You with an invoice for 50% of Our Fees.
- 14.4. Where the brief is terminated prior to its conclusion, You will be invoiced for the cost of work completed at \$400 per hour exclusive of disbursements and GST, and reimbursed the difference between any payment up front. A copy of partially completed work will not be provided.
- 14.5. You must pay our Fees within 14 days of the date of a correctly rendered invoice. Fees that remain unpaid for a period of 30 days or more will attract an administration charge of 2% of the total of the invoice calculated per month or part thereof incurred from the date of the invoice.

**Colliers International Valuation & Advisory Services
Terms and Conditions**

15. YOUR OBLIGATIONS

- 15.1. You warrant that the instructions and subsequent information supplied by You contain a full and frank disclosure of all information that is relevant to Our provision of the Services.
- 15.2. You warrant that all third party expert or specialist reports provided to Us by You for the purpose of Us providing the Services are provided with the authority of the authors of those reports.
- 15.3. You authorise and licence us to incorporate Your intellectual property within our report(s).
- 15.4. You will not release any part of Our valuation or advisory report or its substance to any third party without Our written consent. Such consent will be provided at Our absolute discretion and on such conditions as We may require including that a copy of these Terms & Conditions be provided to such third party. This clause shall not apply to persons noted as reliant parties in Your prior instruction to Us or in the Quotation provided that You shall provide any such reliant parties with a copy of these Terms & Conditions.
- 15.5. You must advise reliant parties named in Your instruction to Us of the Services Validity Period.
- 15.6. You will not rely on any preliminary or draft advice. Our advice cannot be relied upon unless it is in Final form.
- 15.7. If You release any part of the valuation or advisory advice or its substance with our written consent, You agree: a) to inform the other person of the terms of our consent; and b) to compensate Us if You do not do so. We have no responsibility to any other person even if that person suffers damage as a result of any other person receiving this valuation or advisory services.
- 15.8. We reserve the right to reconsider or amend the valuation or advisory services, or the Fee set out in our Quotation to You if:
 - (a) Certificates, surveys, leases, side agreements or related documentation that were not provided to Us prior to the provision of the Services are subsequently provided, and contain matters that may affect the value or the advice; or
 - (b) Where subsequent site inspections made in relation to any of the matters raised in clause 3 materially affect or may alter the value of the property the subject of the Services.

16. CONFIDENTIALITY

- 16.1. You must not disclose or make any of the Confidential Information available to another person without Our written consent.
- 16.2. If consent to disclose the Confidential Information is provided by Us, You agree to abide by any additional terms and conditions that We may apply to that disclosure.

17. PRIVACY

- 17.1. We may obtain personal information about You in the course of performing Our Services. We respect Your privacy. The Privacy Act 1998 (Cth) requires Us to advise You that we will only obtain information that is necessary to assist us in the course of performing Our Services. If it is necessary for Us to engage third parties, we will inform these parties that they are not to disclose any personal information about You to any person or organisation other than Us.
A copy of Our Privacy Policy can be obtained by contacting Our Chief Privacy Officer.

18. SUBCONTRACTING

- 18.1. We may subcontract or otherwise arrange for another person to perform any part of the Services or to discharge any of Our obligations under any part of these Terms & Conditions, with Your consent.

19. LIABILITY

- 19.1. You agree to release Us and hold Us harmless from all liability to You for or in respect of any loss, damage, costs and expenses of whatsoever kind which we have or may have or, but for the operation of this Clause, might have had arising from or in any way connected with the Services or the use of the Services or any part of them. This release shall be complete and unconditional except in the case of gross negligence or wilful misconduct by Us in the provision of the Services.
- 19.2. You agree that You will fully indemnify Us for and in respect of all loss, liability, costs and expenses of whatsoever kind which We may suffer or incur arising from or in any way connected with any breach by You of Clause 15 or Clause 16. This indemnity shall include but not be limited to loss, liability, costs and expenses which we may suffer or incur in respect of any claims, actions, proceedings, disputes or allegations made against Us or to which we are a party.
- 19.3. Where the release referred to in Clause 19.1 does not apply, You agree that our liability in any such claim or claims will be limited to \$100,000 or a multiple of five times our Fee, whichever is the lower.
- 19.4. For the avoidance of doubt, the Services are provided by Us and no individual valuer or any other employee of Ours assumes any liability or responsibility for the Services.

20. ENTIRE AGREEMENT

- 20.1. No further agreement, amendment or modification of these Terms & Conditions shall be valid or binding unless made in writing and executed on behalf of the Parties by their duly authorised officers.
- 20.2. If there is an inconsistency between these Terms & Conditions and the Quotation, any letter of instruction from You, or other specific request or information, the other specific request or information shall prevail to the extent of the inconsistency.

21. GOVERNING LAW

- 21.1. These Terms and Conditions are governed by the law of the State in which Our principal place of business which is providing the Services is located.



CIVAS (NSW) Pty Limited offers a range of valuation services in the following specialist areas:

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Parramatta NSW 2150, Australia

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FOR COUNCIL DECISION

ITEM NUMBER	13.6
SUBJECT	NOTE LATE REPORT: Response to the finalisation of the Parramatta CBD Planning Proposal and changes made by the Department of Planning and Environment
REFERENCE	F2022/00105 - D08540213
REPORT OF	Group Manager, Strategic Land Use Planning
CSP THEME:	Innovative

WORKSHOP/BRIEFING DATE: 11, 18 & 30 May, 15 June & 6 July 2022

PURPOSE:

The Department of Planning and Environment ('**Department**') finalised the Parramatta CBD Planning Proposal ('**CBD PP**') on 6 May 2022. In finalising the CBD PP, the Department made several key policy changes to the final version of the CBD PP (as endorsed by Council on 15 June 2021). The purpose of the supplementary report will be to establish Council's response to the key policy changes made by the Department.

RECOMMENDATION

That Council note that a late report will be included in a supplementary agenda and distributed to Councillors prior to the Council Meeting.

REASON FOR SUPPLEMENTARY REPORT

1. A meeting was held between senior executive officers from Council and the Department to discuss the issues that have arisen following the finalisation of the CBD PP. At this meeting Council officers were advised that the Department is reviewing the matter and considering further amendments to the CBD PP.
2. Council officers are considering the matter and the feedback provided by the Department, as well as industry stakeholders, and will provide a recommendation and detailed analysis in a supplementary report to Council. Councillors will be further briefed on the matter on 6 July 2022.
3. There is a level of urgency in relation to this matter. The changes that were made by the Department in the finalisation of the CBD PP has created an uncertain investment market for development in the City for landowners that were expecting the controls endorsed by Council but were not supported by the Department in the finalization of the plan.
4. Council has a significant role in influencing and managing this uncertainty, by providing leadership and sound planning guidance to address the concerns of the Department and the industry holistically and not on a site-by-site basis. It is important that developments that will deliver jobs capacity for the Parramatta CBD are not lost or unnecessarily delayed.

CONSULTATION & TIMING

Stakeholder Consultation

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

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
	Details to be provided in the supplementary report.			

Councillor Consultation

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

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
	Details to be provided in the supplementary report.			

LEGAL IMPLICATIONS FOR COUNCIL

7. There are no legal implications for Council in association with this matter.

FINANCIAL IMPLICATIONS FOR COUNCIL

8. The financial implications will be considered in the supplementary report.

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

Other				
Total CAPEX				

Robert Cologna
Group Manager, Strategic Land Use Planning

Jennifer Concato
Executive Director City Planning and Design

John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:

REFERENCE MATERIAL

NOTICES OF MOTION

11 JULY 2022

14.1 Preservation of Publicly Owned Land at Wentworth Point for Open
 Space and Recreation 150

NOTICE OF MOTION

ITEM NUMBER	14.1
SUBJECT	Preservation of Publicly Owned Land at Wentworth Point for Open Space and Recreation
REFERENCE	F2022/00105 - D08584912
FROM	Councillor Paul Noack

MOTION

- (a) **That** Council approve an advocacy program to the NSW Government to convert that part of the Transport for NSW (TfNSW) site at Wentworth Point which is currently proposed to be redeveloped by TfNSW (with Landcom as the developer) ("**Site**") to public open space purposes.
- (b) **That** Council write to the Minister for Transport, Local Member for Parramatta Geoff Lee, TfNSW, Local Member for Auburn Lynda Voltz and Landcom to:
- Advocate for the Site to be converted to public open space; and
 - Seek meetings with the relevant Ministers, CEO of Landcom and Secretary of TfNSW.
- (c) **Further, that** Council note that converting the TfNSW/Landcom development site east of the High School, currently planned for residential development, to public open space will provide health benefits to residents and the broader community, being that it will:
- Increase the area of public space through expanded access and availability of community and recreational areas in Wentworth Point.
 - Enhance the peninsula's liveability through access to outdoor community sporting facilities and promote community interaction and healthy lifestyles in and around Wentworth Point.
 - Provide a major increase in open space with direct access to the High School and proposed marina and waterfront activity at Wentworth Point.

BACKGROUND

1. The Wentworth Point peninsula is the waterfront gateway to the city of Parramatta LGA and one of the fastest growing suburbs in the LGA, with a current population of almost 15,000, growing to more than 25,000 by 2040. The suburb has no dedicated sporting fields, lacks Parks, in need of childcare (50% of households have children), and has no areas for active recreation.
2. In 2014 the Department of Planning and Environment approved the rezoning of the land in the northern end of the peninsula in the area situated north of Burroway Road (the TfNSW/Landcom development site), as part of the Wentworth Point Priority Precinct. This included plans for housing, a new primary school, marina and a 3.9 hectare Park.
3. In late 2020, the NSW Government announced that a portion of the TfNSW/Landcom development site would be allocated for the new Sydney

Olympic Park High School to accommodate up to 1,500 students, along with more residential development, resulting in a significant reduction in the overall size of the Peninsula Park.

4. Families and children in Wentworth Point are in desperate need of open space, playing fields, child care facilities and recreation PP
5. The Peninsula is part of the Wentworth Point Precinct Development Control Plan 2014.
 - Section 5.3 Ecology on page 32 of the attached 2014 DCP states "Coastal Saltmarsh Threatened Ecological Community on the eastern point of the peninsula park is to be protected and regenerated to increase the diversity and density of the community's indicator species (including *Wilsonia backhousei* species) and weeds are to be eradicated.
 - This site would be only the fourth site for priority management of Coastal Saltmarsh Threatened Ecological Community in metropolitan Sydney. Two of the other three sites are located in close proximity and are also part of the Parramatta River catchment at Duck River and Newington Nature Reserve. These key management sites for this threatened species have been identified by the NSW Government.
 - The 2014 DCP also notes the need to preserve the food supply for endangered Migratory birds that are known to utilise the nearby Newington reserve for food and high-tide roosting. Within the reserve Saltmarsh is the key feeding area of the migratory birds.
 - The 2014 DCP states the importance of the need to "limit the time of construction works to avoid impacts on the White-bellied Sea-eagle". A pair of Sea Eagles successfully breed in Newington Reserve most years and the Eagles are frequently seen in the area and on the Eagle Cam.
 - The Ecological objectives of the DCP are to 'ensure that any development does not impact on the ecological values of the adjoining Newington Nature Reserve and Homebush Bay". An adjoining environmentally sensitive site that was sold by Transport for NSW was the subject of an 82 page environmental impact assessment. The shadowing and construction impacts alone would be catastrophic to sustaining this unique ecosystem.

STAFF RESPONSE

6. A written staff response will be included in a supplementary agenda and distributed to Councillors prior to the Council meeting.

FINANCIAL AND RESOURCE IMPLICATIONS

7. A written staff response will be included in a supplementary agenda and distributed to Councillors prior to the Council meeting.

Paul Noack

Councillor

Jennifer Concato
Executive Director City Planning and Design

Brett Newman
Chief Executive Officer

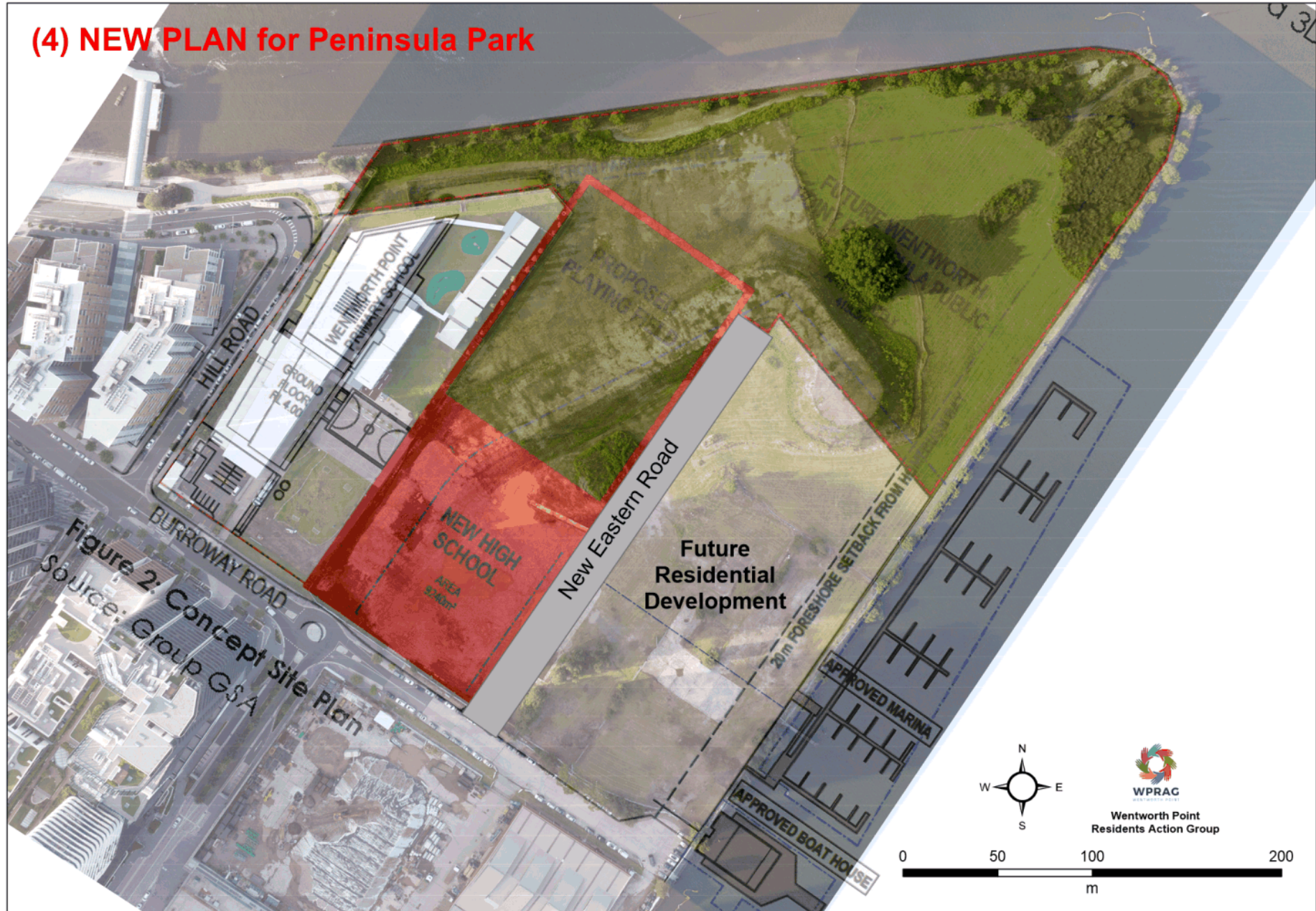
ATTACHMENTS:

1 WPRAG maps 3 Pages

(2) ORIGINAL PLAN for Peninsula Park



(4) NEW PLAN for Peninsula Park



(5) Original Plan overlayed with New Plan



QUESTIONS WITH NOTICE

11 JULY 2022

15.1	Questions Taken on Notice - 27 June 2022 Council Meeting	158
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QUESTIONS WITH NOTICE

ITEM NUMBER	15.1
SUBJECT	Questions Taken on Notice - 27 June 2022 Council Meeting
REFERENCE	F2022/00105 - D08588952
REPORT OF	Governance Manager

QUESTIONS TAKEN ON NOTICE FROM THE COUNCIL MEETING OF 27 JUNE 2022

Item	Subject	Councillor	Question
8.4	Aboriginal Flag in the Parramatta CBD	Garrard	Do we have an indication as to when the building will be completed and the flag will be back up?
13.7	Post-Exhibition: Endorsement of the Amended Community Strategic Plan 2018-38	Prociv	With relation to grasses in G.4., does grasses include playing fields?
13.7	Post-Exhibition: Endorsement of the Amended Community Strategic Plan 2018-38	Prociv	Are the shrub layers height-related? Meaning, is there a height for shrubs, and anything above that counts as a tree?
13.7	Post-Exhibition: Endorsement of the Amended Community Strategic Plan 2018-38	Prociv	In “thriving”, why don’t we have universities and higher education providers as key partners? And then, for “innovative”, is there a reason why TAFE and industry groups are not included as key partners?
13.7	Post-Exhibition: Endorsement of the Amended Community Strategic Plan 2018-38	Pandey	Do we have interim targets? If not, why not? And would we be able to put some interim targets in so that we can measure something in this term of Council? Can staff come back with a plan as to what can be done to include interim targets.
16.2	Write Off of Sundry Debtor Accounts – Bad Debts	Esber	<i>Question asked in closed session. See below note*</i>
16.2	Write Off of Sundry Debtor Accounts – Bad Debts	Pandey	<i>Question asked in closed session. See below note*</i>

16.2	Write Off of Sundry Debtor Accounts – Bad Debts	Prociv	<i>Question asked in closed session. See below note*</i>
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*Please note, for the questions taken on notice with regard to Item 16.2 – Write Off of Sundry Debtor Accounts – Bad Debts, as the questions were raised in closed session, responses to the questions will be provided to Councillors separately.

BACKGROUND

1. 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 8.4 – Aboriginal Flag in the Parramatta CBD

Question from Councillor Garrard

During discussion on the motion moved by Lord Mayor Davis, Councillor Garrard asked the following question:

Do we have an indication as to when the building will be completed and the flag will be back up?

Executive Director, Community Services Response

A written staff response will be included in a supplementary agenda and distributed to Councillors prior to the Council Meeting.

Item 13.7 – Post-Exhibition: Endorsement of the Amended Community Strategic Plan 2018-38

Question from Councillor Prociv

During discussion on the motion moved by herself, Councillor Prociv asked the following question:

With relation to grasses in G.4., does grasses include playing fields?

Group Manager, City Strategy Response

A written staff response will be included in a supplementary agenda and distributed to Councillors prior to the Council Meeting.

Item 13.7 – Post-Exhibition: Endorsement of the Amended Community Strategic Plan 2018-38

Question from Councillor Prociv

During discussion on the motion moved by herself, Councillor Prociv asked the following question:

Are the shrub layers height-related? Meaning, is there a height for shrubs, and anything above that counts as a tree?

Group Manager, City Strategy Response

A written staff response will be included in a supplementary agenda and distributed to Councillors prior to the Council Meeting.

Item 13.7 – Post Exhibition: Endorsement of the Amended Community Strategyc Plan 2018-38

Question from Councillor Prociv

During discussion on the motion moved by herself, Councillor Prociv asked the following question:

In “thriving”, why don’t we have universities and higher education providers as key partners?

And then, for “innovative”, is there a reason why TAFE and industry groups are not included as key partners?

Group Manager City Strategy Response

A written staff response will be included in a supplementary agenda and distributed to Councillors prior to the Council Meeting.

Item 13.7 – Post Exhibition: Endorsement of the Amended Community Strategic Plan 2018-38

Question from Councillor Pandey

During discussion on the motion moved by Councillor Prociv, Councillor Pandey asked the following question:

Do we have interim targets? If not, why not?

And would we be able to put some interim targets in so that we can measure something in this term of Council?

Can staff come back with a plan as to what can be done to include interim targets.

Group Manager City Strategy Response

A written staff response will be included in a supplementary agenda and distributed to Councillors prior to the Council Meeting.

ATTACHMENTS:

There are no attachments for this report.

REFERENCE MATERIAL