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**EXTRACT FROM.....**

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, 7 DECEMBER 2020 AT 6.30PM

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**PRESENT**

The Lord Mayor, Councillor Bob Dwyer and Councillors Benjamin Barrak (6:36pm), Phil Bradley (6:32pm), Donna Davis, Pierre Esber, Michelle Garrard (Deputy Lord Mayor), Steven Issa, Andrew Jefferies (6:33pm), Sameer Pandey, Dr Patricia Prociv, Bill Tyrrell, Andrew Wilson, Lorraine Wearne and Martin Zaiter.

**1. OPENING MEETING**

The Deputy Lord Mayor, Councillor Michelle Garrard, opened the meeting at 6.30pm.

**2. ACKNOWLEDGEMENT OF THE TRADITIONAL LAND OWNERS**

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

**3. WEBCASTING ANNOUNCEMENT**

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

**4. OTHER RECORDING OF MEETING ANNOUNCEMENT**

No other announcements were made.

**5. CONFIRMATION OF MINUTES**

SUBJECT: Minutes of the Council Meeting held on 30 November 2020

3018 RESOLVED (Issa/Tyrrell)

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

**6. APOLOGIES/REQUESTS FOR LEAVE OF ABSENCE**

There were no apologies/requests for leave of absence made at this meeting.

**7. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at this meeting.

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17.2 SUBJECT FOR APPROVAL: Public Exhibition - Draft Development Control Plan and draft Planning Agreement at 8-14 Great Western Highway, Parramatta

REFERENCE RZ/6/2019 - D07670441

REPORT OF Project Officer, Land Use Planning

3019 RESOLVED (Tyrrell/Esber)

- (a) **That** Council endorse the draft site-specific Development Control Plan for the land at 8-14 Great Western Highway Street, Parramatta, as provided at Attachment 1, for the purpose of public exhibition.
- (b) **That** Council authorise the Chief Executive Officer to commence the legal drafting of a Planning Agreement in accordance with the terms outlined in this report and to finalise the draft agreement on behalf of Council for the purpose of public exhibition.
- (c) **That** the draft site-specific Development Control Plan and draft Planning Agreement be placed on public exhibition concurrently with the Planning Proposal for land at 8-14 Great Western Highway Street, Parramatta, for a minimum period of 28 days, and the outcome of the public exhibition be reported back to Council.
- (d) **Further, that** Council delegate authority to the Chief Executive Officer to correct any minor inconsistencies or anomalies of an administrative nature relating to the draft site-specific Development Control Plan and draft Planning Agreement documentation that may arise during the drafting and exhibition processes.

DIVISION A division was called, the result being:-

AYES: Councillors Dwyer, Esber, Garrard, Issa, Jefferies, Pandey, Prociv, Tyrrell and Zaiter

NOES: Councillors Barrak, Bradley, Davis, Wearne and Wilson

## REPORT TO COUNCIL

### INNOVATIVE

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**ITEM NUMBER** 17.2

**SUBJECT** FOR APPROVAL: Public Exhibition - Draft Development Control Plan and draft Planning Agreement at 8-14 Great Western Highway, Parramatta

**REFERENCE** RZ/6/2019 - D07670441

**REPORT OF** Project Officer, Land Use Planning

**APPLICANT** GLN Planning

**LANDOWNER** JM Malouf Investments Pty Ltd and The Owners Strata Plan  
8700

**DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY  
PLANNING PANEL - Nil**

**PURPOSE:**

To seek Council's endorsement to publicly exhibit a draft site-specific Development Control Plan and draft Planning Agreement for land at 8-14 Great Western Highway, Parramatta, in conjunction with the Planning Proposal previously endorsed by Council.

**RECOMMENDATION**

- (a) **That** Council endorse the draft site-specific Development Control Plan for the land at 8-14 Great Western Highway Street, Parramatta, as provided at **Attachment 1**, for the purpose of public exhibition.
- (b) **That** Council authorise the Chief Executive Officer to commence the legal drafting of a Planning Agreement in accordance with the terms outlined in this report and to finalise the draft agreement on behalf of Council for the purpose of public exhibition.
- (c) **That** the draft site-specific Development Control Plan and draft Planning Agreement be placed on public exhibition concurrently with the Planning Proposal for land at 8-14 Great Western Highway Street, Parramatta, for a minimum period of 28 days, and the outcome of the public exhibition be reported back to Council.
- (d) **Further, that** Council delegate authority to the Chief Executive Officer to correct any minor inconsistencies or anomalies of an administrative nature relating to the draft site-specific Development Control Plan and draft Planning Agreement documentation that may arise during the drafting and exhibition processes.

**SITE DESCRIPTION**

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



**Figure 1:** An aerial image of the sites (outlined in yellow) and surrounds.

**BACKGROUND**

2. In October 2019, a Planning Proposal was lodged for 8-14 Great Western Highway, Parramatta, which sought to increase the maximum floor space ratio and maximum height of buildings controls in a manner consistent with the Parramatta CBD Planning Proposal.
3. At its meeting on 19 May 2020, Council resolved to endorse the Planning Proposal with a maximum floor space ratio of 15:1 (with provisions for unlimited additional commercial floor space) and a height of buildings control of RL 211 metres (65 storeys) and to prepare a draft Development Control Plan and draft Planning Agreement to be exhibited with the Planning Proposal. A more detailed summary of the Planning Proposal is provided in the following section of this report.
4. On 1 September 2020, the Department of Planning, Industry and Environment issued a Gateway Determination which allowed the Planning Proposal to proceed to public exhibition. The Gateway Determination is provided at **Attachment 2** and requires that the site-specific Planning Proposal be consistent with the Parramatta CBD Planning Proposal prior to being finalised.
5. In accordance with Council’s resolution of 19 May 2020, Council Officers have worked with the applicant to prepare a draft site-specific Development Control Plan and draft Planning Agreement to allow for their concurrent exhibition with the site-specific Planning Proposal.

**PLANNING PROPOSAL SUMMARY**

**Table 1:** Comparison of planning controls sought for the subject site compared to existing controls and the Parramatta CBD Planning Proposal

	<b>Existing (Parramatta LEP 2011)</b>	<b>Parramatta CBD Planning Proposal</b>	<b>Site-specific Planning Proposal</b>
<b>Zoning</b>	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use

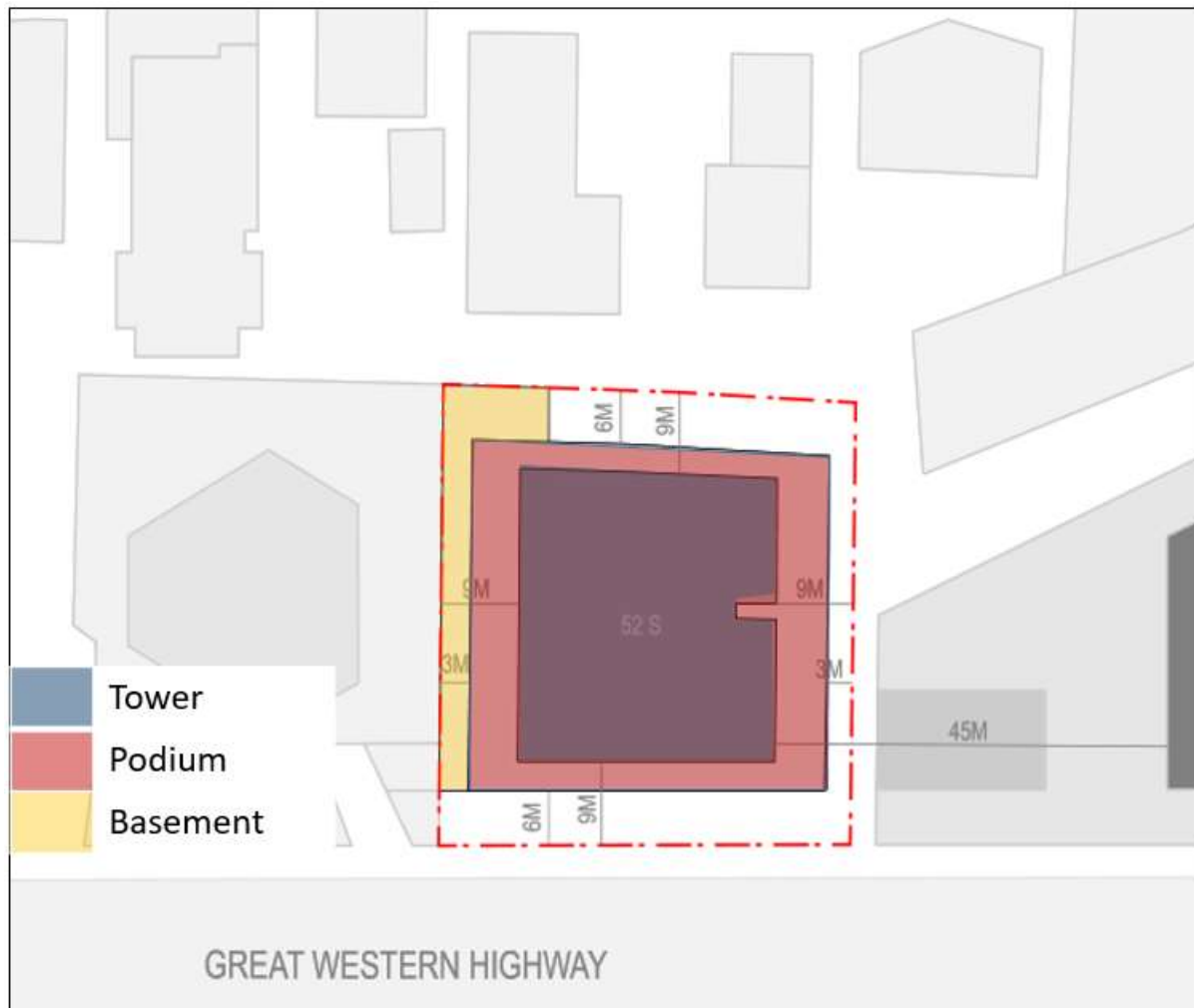
	<b>Existing (Parramatta LEP 2011)</b>	<b>Parramatta CBD Planning Proposal</b>	<b>Site-specific Planning Proposal</b>
<b>Height of Buildings</b>	28m (8 storeys)	211m (65 storeys)	211m (65 storeys)
<b>Floor Space Ratio</b>	3.5:1	<b>15:1 FSR</b> (including the following). <ul style="list-style-type: none"> <li>10:1 Mapped Incentive FSR (inclusive of 1:1 commercial FSR)</li> <li>1.5:1 Design Excellence FSR</li> <li>0.5:1 High Performing Building FSR</li> <li>3:1 Opportunity Site FSR</li> <li><b>With the potential for unlimited additional commercial FSR<sup>1</sup></b></li> </ul>	<b>15:1 FSR</b> (including the following): <ul style="list-style-type: none"> <li>10:1 Mapped Maximum FSR (inclusive of 1:1 commercial FSR)</li> <li>1.5:1 Design Excellence FSR</li> <li>0.5:1 High Performing Building FSR</li> <li>3:1 Opportunity Site FSR</li> <li><b>Unlimited additional commercial floor space<sup>1</sup></b></li> </ul> <b>Total FSR of at least: 16.42:1</b>
<b>Parking</b>	Car Parking rates per <i>Parramatta LEP 2011</i>	Car parking rates as per Parramatta CBD Strategic Transport Study	Car parking rates as per Parramatta CBD Strategic Transport Study
<b>Development<sup>2</sup></b>	104 residential units <sup>3</sup> with some commercial GFA at ground level	417 residential units <sup>3</sup> and minimum of 2,386m <sup>2</sup> plus unlimited additional commercial GFA permitted within height control	399 residential units <sup>4</sup> and minimum of 2,386m <sup>2</sup> plus unlimited additional commercial GFA permitted within height control

1. Above the required 1:1 minimum commercial provision but within the Height of Building control requirement
2. Assumed Mixed Use redevelopment of site not completely commercial building
3. Based on average unit size of 80m<sup>2</sup>
4. Based on Reference Design submitted by applicant

## DRAFT SITE-SPECIFIC DEVELOPMENT CONTROL PLAN

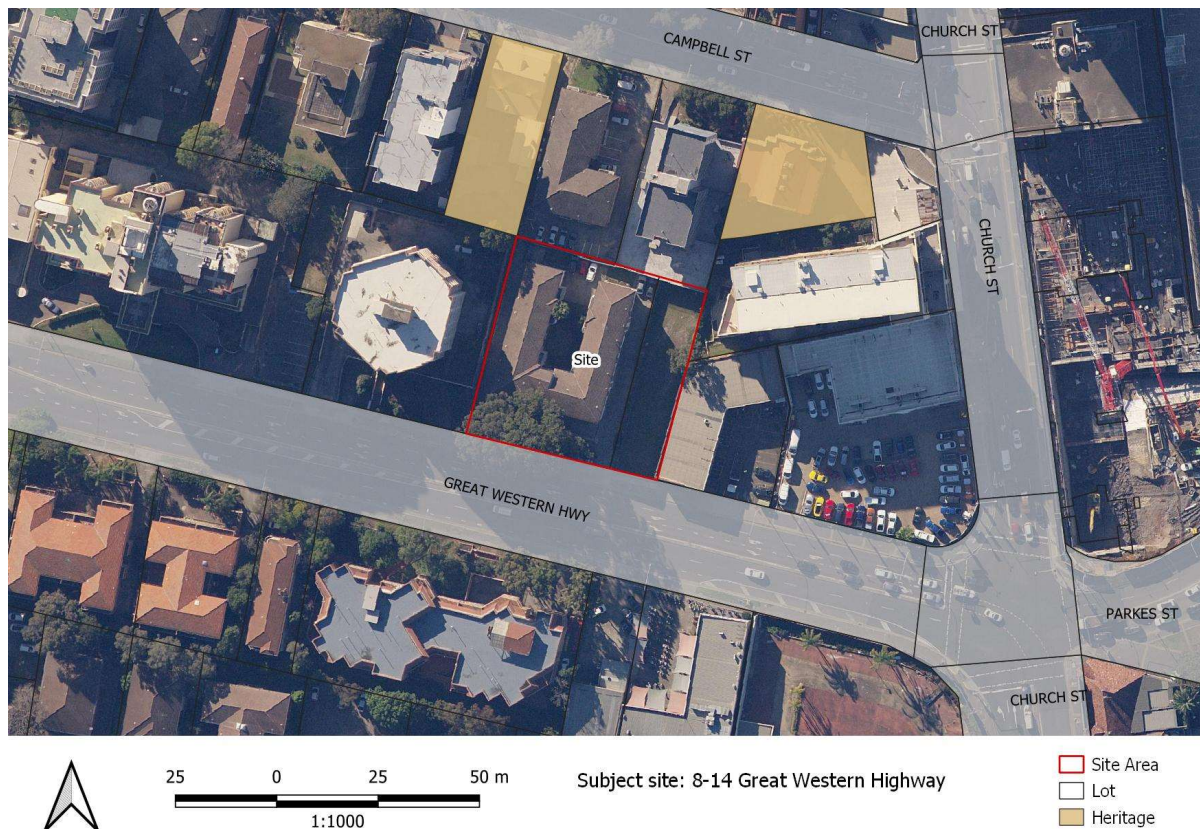
6. The draft site-specific Development Control Plan has been drafted in order to address the comments provided by Council's Urban Design, Traffic and Heritage Officers during the initial assessment of the Planning Proposal. The site-specific Development Control Plan, as provided at **Attachment 1**, seeks to:
  - Achieve a suitable built-form outcome that addresses its contextual surrounds;
  - Ensure that the building design is sympathetic to nearby heritage items and does not detract from their value;
  - Ensure that nearby heritage items are protected during the redevelopment of the subject site from construction or vibration damage;
  - Require that any potential archaeology is managed in accordance with the requirements of Heritage NSW;
  - Provide vehicular access points and circulation that minimises disruptions to the operation of the Great Western Highway;

- Future-proof the site should road widening be required along Great Western Highway; and
  - Provide deep soil zones across the site to allow for adequate landscaping.
7. Proposed 3 metres side, and 6 metres front and rear ground level building setbacks aim to provide deep soil zone. Proposed tower setbacks are 9 metres, which is consistent with residential tower setbacks within the Parramatta CBD. The setbacks controls from the draft DCP are shown in **Figure 2** below.



**Figure 2:** Podium and tower setbacks in the draft site-specific Development Control Plan

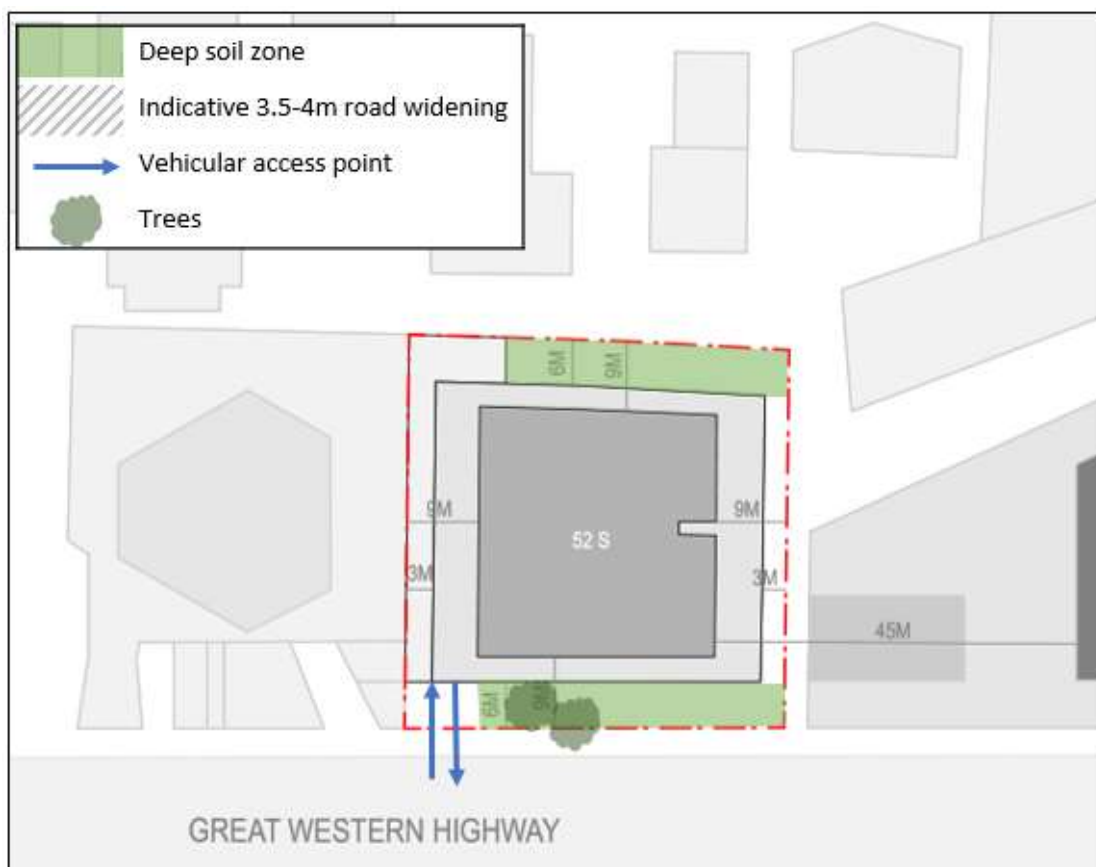
8. The site is in proximity to two State heritage-listed items - Lennox House and Parramatta Masonic Centre, as shown in **Figure 3** overleaf.



**Figure 3:** Location of State heritage items (shown in beige) in relation to the site

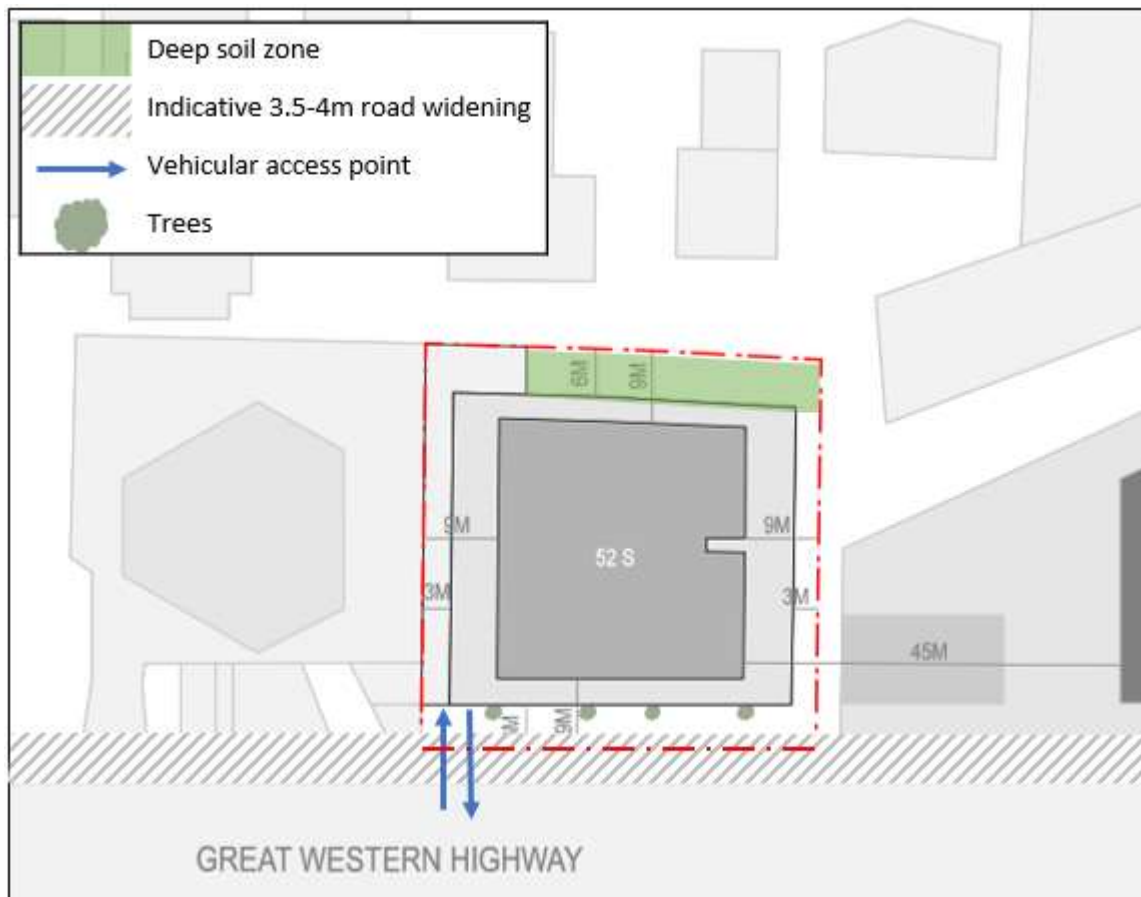
9. The site-specific DCP acknowledges the site's proximity to two heritage-listed items, and has archaeological potential, and in response the following controls have been included in the draft DCP:
  - a) Require that any development on the site must be accompanied with a geotechnical report and a structural engineer's report to ensure that nearby heritage items are not impacted by the development;
  - b) Require that any damages or weakened fabric of the heritage items is repaired to Council's satisfaction of as a result of this development;
  - c) Require that a visual impact analysis to be prepared as part of any development application for this site to ensure the buildings form, proportions, view lines, materials, colours and design are responding to the heritage items; and
  - d) Require that any archaeological requirements be coordinated with Heritage NSW before any development application is determined.
10. It is noted that the Planning Proposal was previously referred to Council's Heritage Advisory Committee which expressed concern over the increase in height and the affect it will have on adjacent heritage items. If endorsed for public exhibition, the draft DCP will be presented to the Heritage Advisory Committee and their comments will be provided in the post exhibition report.
11. Great Western Highway is a classified road, meaning that agreement both at planning proposal and development application stages will be required from Transport for NSW (Roads and Maritime Services) for proposed access arrangements for this site.

12. Council is working with Transport for NSW on an Integrated Transport Plan to support the Parramatta CBD Planning Proposal. This must be completed prior to the Parramatta CBD Planning Proposal being finalised. Consultation with Transport for NSW on the Parramatta CBD Planning Proposal and the site specific Planning Proposal, will confirm whether road widening will be required along this part of the Great Western Highway.
13. The site-specific DCP has been drafted so that if road widening is required, the building setbacks would remain unchanged (that is the building does not need to shift), and any road widening is accommodated in the front setback (as shown in **Figure 4b**). Council Officers acknowledge that this outcome will result in a limited capacity to provide deep-soil landscaping within the front setback, however, the outcome is still deemed acceptable in an urban context as the building will provide an active frontage along the street edge.
14. Furthermore, Council Officers conducted early consultation with Transport for NSW (Roads and Maritime Services), where it was indicated that vehicular ingress and egress into the site would need to be relocated to the western boundary so that the access point is located away from the Great Western Highway and Church Street intersection.
15. Council Officers acknowledge that this requirement is likely to impact upon the existing mature-aged trees located on this portion of the site regardless of the whether road widening is required or not (Refer **Figure 4a & 4b**). Provisions have been included in the site-specific DCP that ensure that the 6 metres front setback can be utilised for the planting of replacement trees.



**Figure 4a:** Treatment of the front setback if road widening is *not* required.

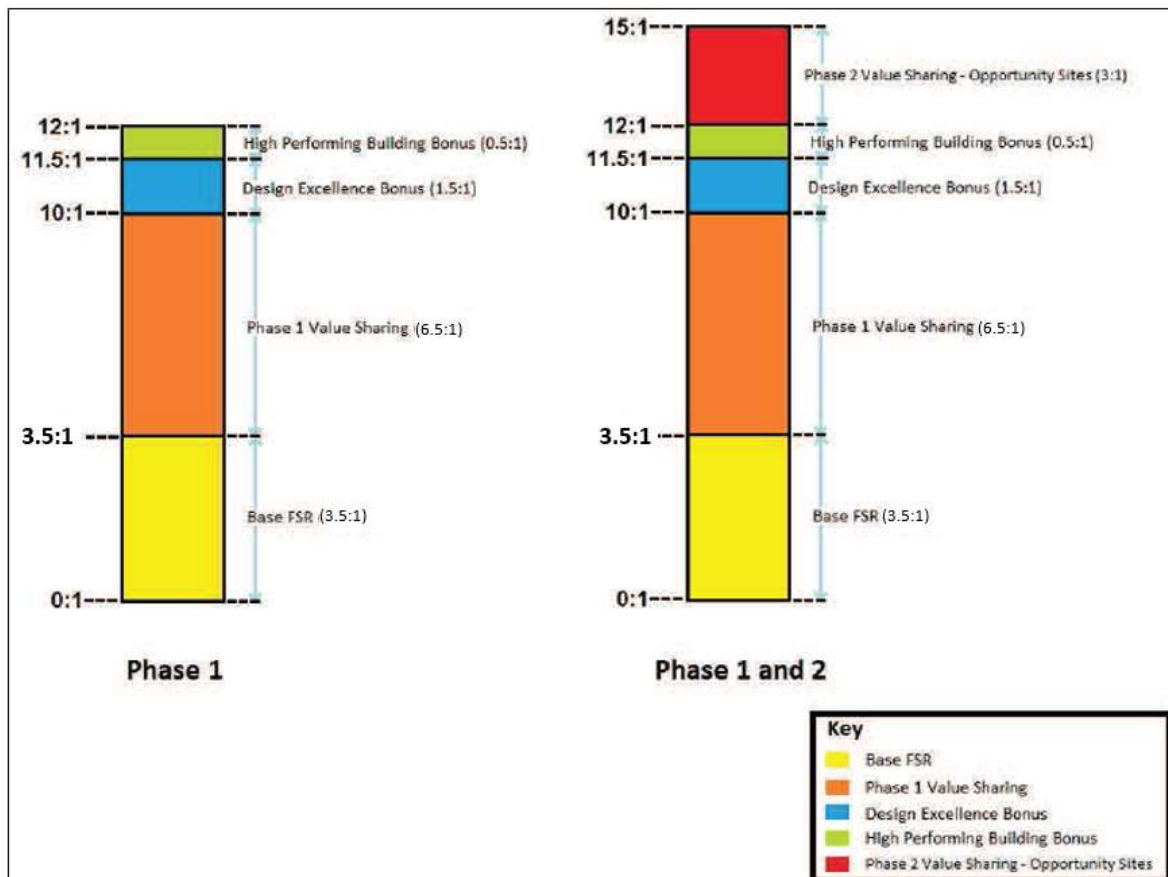




**Figure 4b:** Treatment of the front setback if road widening is required.

### PLANNING AGREEMENT LETTER OF OFFER

16. The applicant has submitted a letter of offer which is provided at **Attachment 3**. In the offer, the applicant has proposed to provide Council with a monetary contribution of \$150 per square metre for additional residential floor space facilitated by the Planning Proposal above that permitted under the current Parramatta LEP 2011 land use controls for residential floor space, exclusive of any additional residential floor space awarded under Design Excellence or High Performing Building bonuses.
17. Based on the residential floor space uplift generated by the Planning Proposal, the Planning Agreement would result in a monetary contribution of \$5,010,600. This amount complies with Council's Planning Agreements Policy which applies a Phase 1 value-sharing amount of \$150 per square metre and a Phase 2 value-sharing amount of \$375 per square metre.
18. The manner in which Phase 1 and Phase 2 value-sharing is applied is shown in **Figure 5**.



**Figure 5:** Diagrammatic representation of the application of Phase 1 and Phase 2 value-sharing

Note – Unlimited commercial Floor Space allowance on this site of 1.42:1 in this Site Specific PP is not reflected in the diagram as no value sharing contribution is required for this use under Council’s CBD Planning Framework

19. Using this methodology, the draft Planning Agreement value for the subject site is based on the following calculations:

**Table 2:** Calculation of the monetary contribution amount

<b>Development parameters</b>	
Site Area	2,386m <sup>2</sup>
Base FSR	3.5:1
Base Gross Floor Area	(3.5 x 2,386m <sup>2</sup> ) = 8,351m <sup>2</sup>
Incentive FSR	10:1
Incentive Gross Floor Area	(10 x 2,386m <sup>2</sup> ) = 23,860m <sup>2</sup>
<b>Phase 1 calculation</b>	
Uplift in Gross Floor Area	(23,860m <sup>2</sup> – 8,351m <sup>2</sup> ) = 15,509m <sup>2</sup>
Increase in residential floor area multiplied by \$150	(15,509m <sup>2</sup> x \$150) = <b>\$2,326,350</b>
<b>Phase 2 calculation</b>	
Opportunity sites bonus	3:1
Opportunity sites Gross Floor Area	(3 x 2,386m <sup>2</sup> ) = 7,158m <sup>2</sup>
Increase in residential floor area multiplied by \$375	(7,158m <sup>2</sup> x \$375) = <b>\$2,684,250</b>
<b>Total</b>	
Phase 1 total	<b>\$2,326,350</b>
Phase 2 total	<b>\$2,684,250</b>
<b>Grand total</b>	<b>(\$2,326,350 + \$2,684,250) = \$5,010,600</b>

20. However, the Gateway Determination for the Parramatta CBD Planning Proposal requires Council to review its community infrastructure framework. Council Officers are currently reviewing this framework and aim to report to Council on the issue in early 2021.
21. The applicant's Letter of Offer has agreed to draft the Planning Agreement in a manner whereby the monetary contribution can be adjusted should Council's policy position on community infrastructure for residential floor space in the Parramatta CBD change. The applicant's Letter of Offer also agrees to draft the Planning Agreement in accordance with standard terms provided in Council's Planning Agreements template.
22. The applicant's offer provides Council security that the contribution payable will be consistent with the contribution required for residential development at the time the development application is granted.
23. The monetary contribution is to be used by Council towards community infrastructure in the Parramatta CBD and is in addition to Section 7.11/12 development contributions payable with respect to any future redevelopment of this site.
24. Should Council accept the Planning Agreement letter of offer, the formal written agreement will be legally drafted and agreed to by both parties prior to public exhibition.

## **CONSULTATION & TIMING**

25. The draft site-specific DCP and draft Planning Agreement will be publicly exhibited concurrently with the Planning Proposal for a minimum of 28 days. Public exhibition will include a notice and exhibition material placed on Council's website, letters to nearby landowners notifying them of the exhibition, and hard-copy exhibition material placed in Council's Customer Contact Centre and Parramatta Library.
26. Following the conclusion of the exhibition period, Council Officers will summarise and assess any submissions received. A report on the outcomes of the public exhibition will be provided to the Local Planning Panel addressing any objections received. If no objections are received, the matter will be reported directly to Council seeking approval to finalise the Planning Proposal and the accompanying site-specific DCP and Planning Agreement.

## **FINANCIAL IMPLICATION FOR COUNCIL**

27. Should the Planning Agreement be drafted in accordance with Council's Planning Agreements Policy and the terms of the applicant's letter of offer, a monetary contribution of \$5,010,600 would be provided to Council for community infrastructure in the Parramatta CBD. However, the Planning Agreement will be drafted in a manner so that the monetary contribution amount can be amended should Council adopt a different value-sharing rate.

## **CONCLUSION**

28. It is recommended that Council:

- Endorse the attached Draft DCP for the purpose of public exhibition; and
- Authorise the Chief Executive Officer to finalise the legal drafting of the draft Planning Agreement on behalf of Council for the purpose of public exhibition.

29. The draft Planning Agreement and draft site-specific Development Control Plan will be publicly exhibited concurrently with the Planning Proposal for 8-14 Great Western Highway, Parramatta. The outcome of the public exhibition will be reported to Council following the public exhibition period.

Marko Rubcic  
**Project Officer, Land Use Planning**

Bianca Lewis  
**Team Leader Land Use Planning**

Robert Cologna  
**Land Use Planning Manager**

David Birds  
**Group Manager, City Planning**

Paul Perrett  
**Chief Financial Officer / Acting Executive Director Corporate Services**

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

Brett Newman  
**Chief Executive Officer**

**ATTACHMENTS:**

- |          |  |         |
|----------|--|---------|
| <b>1</b> | Site-Specific Development Control Plan | 9 Pages |
| <b>2</b> | Gateway Determination                  | 4 Pages |
| <b>3</b> | Planning Agreement Letter of Offer     | 3 Pages |

**REFERENCE MATERIAL**