

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 TUESDAY, 9 JUNE 2020 AT 6.30PM

PRESENT

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

1. OPENING MEETING

The Lord Mayor, Councillor Bob Dwyer, opened the meeting at 6.28PM.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL LAND OWNERS

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

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

4. OTHER RECORDING OF MEETING ANNOUNCEMENT

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

5. CONFIRMATION OF MINUTES

SUBJECT: Minutes of the Council Meeting held on 11 May 2020

RECOMMENDATION: (Tyrrell/Esber)

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

SUBJECT: Minutes of the Extraordinary Council Meeting held on 27 May 2020

RECOMMENDATION: Bradley/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

Clr Issa absence
Tyrrell/Esber

7. DECLARATIONS OF INTEREST

Councillor Zaiter declared a non-pecuniary but significant interest in Item 18.5 being Post Exhibition: Planning Proposal, draft Development Control Plan and Draft Planning Agreement at 23-27 Harold Street, Parramatta (Deferred Item) as a company he is providing accounting services to a client who may have a potential relationship in this matter. He will retire from the meeting prior to debate and voting on the matter.

8. PUBLIC FORUM

10.1 SUBJECT PUBLIC FORUM 1: Item 18.2 - Gateway Request:
Planning Proposal at 8-14 Great Western Highway,
Parramatta
REFERENCE RZ/6/2019
FROM Cheryl Bates

My name is Cheryl Bates and I am the President of the National Trust's Parramatta Regional Branch.

The National Trust supports good, logical, and sensible strategic planning for Parramatta. With the amount of planning proposals being considered by Council, it is difficult to see how this can be achieved when ad hoc decisions are made.

Again, we are seeing developer's spot rezoning tactics in play. This is an extraordinary increase in height and density on this site despite the current Parramatta Local Environmental Plan (2011). The objectives of the plan relating to height requires future buildings to have regard to heritage sites and their settings, and to ensure the preservation of historic views. This spot-rezoning is clearly contrary to those objectives.

There does not appear to be any consideration being given to this site's proximity to two State heritage listed items: Lennox House – circa 1855; and Masonic Centre – circa 1915 that are on the site's northern diagonal boundaries. Both these items are historically, aesthetically and representative of the cultural environment of Parramatta. The National Trust does not fully comprehend how these heritage items can now be marginalised.

The impacts of this excessive height and density will have overbearing and overshadowing implications for these heritage items.

If this amendment to the Parramatta Local Environment Plan 2011 proceeds, then any semblance of proper planning for Parramatta will yet again be lost. Until the Parramatta CBD Planning Proposal is in place and proper, strategic measures can inform the future development of Parramatta, please take this opportunity to vote against this spot-rezoning.

STAFF RESPONSE

The Planning Proposal has undergone a merit assessment and is consistent with the Parramatta CBD Planning Proposal. Its height and density has been considered in the broader strategic work undertaken by Council.

An assessment of the Planning Proposal presented in the Local Planning Panel report (attached to the Council report) considered the proposal's impact on the two heritage items. Council's Heritage Advisor provided key recommendations in relation to mitigating impacts on the items which will be incorporated into a site specific Development Control Plan. These relate to maintaining the integrity of the buildings during construction and an assessment of the architectural response of any building to ensure it minimises adverse visual impacts in relation to the heritage items. Council will be required to consider a draft Development Control Plan for the site prior to any public exhibition of both the Planning Proposal and a draft Development Control Plan.

In response to the issue raised in relation to overshadowing, there will be no overshadowing of the proposal on the heritage items, as the heritage items sit to the north east and north west of the site. A solar analysis is presented in the Urban Design Analysis Report as part of the Planning Proposal documents which demonstrates this.

The Planning Proposal is being considered for the first time by Council in order to seek a Gateway Determination from the Department of Planning, Industry and Environment. If the Department grants Gateway Determination, public exhibition will be carried out of the Planning Proposal together with the draft DCP. Public authorities, including Heritage NSW will be formally consulted during public exhibition and members of the public will also be able to make submissions.

18.2 SUBJECT FOR APPROVAL: Gateway Request: Planning Proposal at 8-14 Great Western Highway, Parramatta

REFERENCE RZ/6/2019 - D07392259

REPORT OF Student Project Officer

RECOMMENDATION (Tyrrell/Esber)

- (a) **That** Council endorse the Planning Proposal at **Attachment 2** for the purpose of requesting a Gateway Determination for land at 8-14 Great Western Highway, Parramatta, which seeks to amend *Parramatta Local Environment Plan 2011* (PLEP 2011) by way of:
- i. Increasing the height of building control from 28 metres to

- 211 metres;
- ii. Amending the controls so that the FSR which is to apply to the site is composed of mapped components and bonuses as follows:
 - a. Mapped FSR increased from 3.5:1 to 10:1 of which a minimum of 1:1 FSR must be commercial uses;
 - b. Design Excellence bonus (15% - 1.5:1);
 - c. High Performing Buildings bonus (5% - 0.5:1);
 - d. Opportunity Sites bonus (3:1);
 - e. Unlimited commercial FSR above the 1:1 requirement; and
 - iii. Insert a site-specific provision applying maximum car parking rates per the Parramatta CBD Strategic Transport Study.
- (b) **That** the Planning Proposal be forwarded to the Department of Planning, Industry and Environment to request a Gateway Determination be issued.
- (c) **That** should a Gateway Determination be issued that structures the floor space ratio (FSR) and site specific clauses in an alternative way, that the Chief Executive Officer is authorised to make the necessary amendments to the Planning Proposal for the purposes of public exhibition, only where the total proposed FSR is unchanged.
- (d) **That** should a Gateway Determination be issued, a site-specific Development Control Plan be prepared in accordance with the design principles contained within this report.
- (e) **That** should a Gateway Determination be issued, the Chief Executive Officer be authorised to negotiate a Planning Agreement in accordance with Council's Planning Agreements Policy.
- (f) **That** the draft site-specific Development Control Plan and draft Planning Agreement be reported to Council for endorsement prior to being publicly exhibited concurrently with the Planning Proposal.
- (g) **That** Council request the Department of Planning, Industry and Environment to issue Council's Chief Executive Officer plan-making delegations for this Planning Proposal.
- (h) **That** Council authorise the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.
- (i) **Further, that** Council note that the Parramatta Local Planning Panel's advice to Council (**Attachment 1**) is consistent with the recommendations of this report.

AMENDMENT (Barrak/Bradley)

That Council defers the current motion until Council review's its policies

with a view to examining the efficacy of expanding its CBD core in order to preserve its function as a major NSW CBD.

Division:

For: Wilson, Bradley, Barrak, Pandey, Prociv, Davis, Wearne (7)

Against: Tyrrell, Esber, Garrard, Zaiter, Jefferies, Dwyer (6)

The amendment is carried.

The amendment becomes the motion

For: Bradely, Pandey, Prociv, Davis, Barrak, Wilson , Wearne

Against: Esber, Garrard, Tyrrell, Jefferies, Dwyer, Zaiter.

The motion is carried.

REPORT TO COUNCIL

INNOVATIVE

ITEM NUMBER	18.2
SUBJECT	FOR APPROVAL: Gateway Request: Planning Proposal at 8-14 Great Western Highway, Parramatta
REFERENCE	RZ/6/2019 - D07392259
REPORT OF	Student Project Officer
LANDOWNER	JM Malouf Investments Pty Ltd and The Owners Strata Plan 8700
APPLICANT	GLN Planning Pty Ltd

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL - NIL

PURPOSE:

To seek Council's endorsement of a Planning Proposal which amends *Parramatta Local Environment Plan 2011* by way of:

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

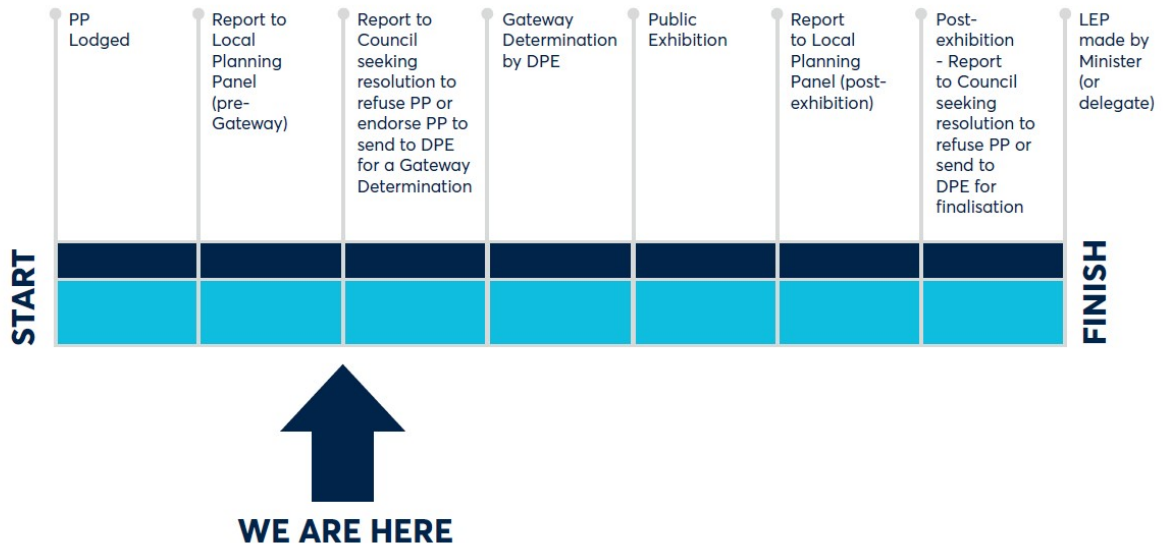
for the purposes of requesting a Gateway Determination from the Department of Planning, Industry and Environment.

RECOMMENDATION

- (a) **That** Council endorse the Planning Proposal at **Attachment 2** for the purpose of requesting a Gateway Determination for land at 8-14 Great Western Highway, Parramatta, which seeks to amend *Parramatta Local Environment Plan 2011* (PLEP 2011) by way of:
- Increasing the height of building control from 28 metres to 211 metres;

- ii. Amending the controls so that the FSR which is to apply to the site is composed of mapped components and bonuses as follows:
 - a. Mapped FSR increased from 3.5:1 to 10:1 of which a minimum of 1:1 FSR must be commercial uses;
 - b. Design Excellence bonus (15% - 1.5:1);
 - c. High Performing Buildings bonus (5% - 0.5:1);
 - d. Opportunity Sites bonus (3:1);
 - e. Unlimited commercial FSR above the 1:1 requirement; and
 - iii. Insert a site-specific provision applying maximum car parking rates per the Parramatta CBD Strategic Transport Study.
- (b) **That** the Planning Proposal be forwarded to the Department of Planning, Industry and Environment to request a Gateway Determination be issued.
- (c) **That** should a Gateway Determination be issued that structures the floor space ratio (FSR) and site specific clauses in an alternative way, that the Chief Executive Officer is authorised to make the necessary amendments to the Planning Proposal for the purposes of public exhibition, only where the total proposed FSR is unchanged.
- (d) **That** should a Gateway Determination be issued, a site-specific Development Control Plan be prepared in accordance with the design principles contained within this report.
- (e) **That** should a Gateway Determination be issued, the Chief Executive Officer be authorised to negotiate a Planning Agreement in accordance with Council's Planning Agreements Policy.
- (f) **That** the draft site-specific Development Control Plan and draft Planning Agreement be reported to Council for endorsement prior to being publicly exhibited concurrently with the Planning Proposal.
- (g) **That** Council request the Department of Planning, Industry and Environment to issue Council's Chief Executive Officer plan-making delegations for this Planning Proposal.
- (h) **That** Council authorise the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.
- (i) **Further, that** Council note that the Parramatta Local Planning Panel's advice to Council (**Attachment 1**) is consistent with the recommendations of this report.

PLANNING PROPOSAL TIMELINE



SITE DESCRIPTION

1. The subject site is 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**).
2. The subject site is located immediately adjacent to the site of 87 Church Street and 6 Great Western Highway (refer **Figure 1**) for which a Planning Proposal has been endorsed and is currently with the Department of Planning, Industry and Environment for finalisation.
3. There are also two State listed Heritage Items near the subject site shown in green in **Figure 1** below. Item 00751 relates to 'Lennox House' and Item 648 relates to 'Masonic Centre'.



Figure 1: An aerial image of the site and surrounds (subject site outlined in red, adjacent planning proposal at 87 Church Street & 6 Great Western Highway outlined in orange, state heritage items in green).

CURRENT CONTROLS

4. Under the *Parramatta Local Environment Plan 2011*, the site is subject to the following controls:
 - a. Land Use Zoning is B4 Mixed Use;
 - b. The maximum Height of Buildings is 28 metres;
 - c. The maximum Floor Space Ratio is 3.5:1;
 - d. The site is located within proximity of identified State Heritage Items (refer **Figure 1** above); and
 - e. The site is not flood prone.
5. Pages 5 to 6 of **Attachment 1** contain further detail on the existing controls.

PLANNING PROPOSAL SUMMARY

6. The Planning Proposal (refer to **Attachment 2**) seeks to amend the *Parramatta Local Environmental Plan 2011* by:
 - Increasing the height of building control from 28 metres to 211 metres;
 - Amending the controls so that the FSR which is to apply to the site is composed of mapped components and bonuses as follows:
 - a. Mapped FSR increased from 3.5:1 to 10:1 of which a minimum of 1:1 FSR must be commercial uses;
 - b. Design Excellence bonus (15% - 1.5:1);
 - c. High Performing Buildings bonus (5% - 0.5:1);
 - d. Opportunity Sites bonus (3:1); and

- e. Unlimited additional commercial FSR (applicant's Urban Design Report indicates that at least 1.42:1 will be provided).
- Insert a site-specific provision applying maximum car parking rates per the Parramatta CBD Strategic Transport Study.
7. A detailed explanation of the proposed amendments is provided in the Planning Proposal at **Attachment 2**.
8. The reference design submitted by the applicant (refer **Attachment 3** Urban Design report) indicates the proposed controls would facilitate the construction of a mixed use development comprising of approximately 399 dwellings and 5,766 square metres of commercial gross floor area (GFA).

KEY ASSESSMENT ISSUES

9. The Planning Proposal is consistent with the Parramatta CBD Planning Proposal as outlined in **Table 1** below.

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

Site Area 2,386sqm	Existing (Parramatta LEP 2011)	Parramatta CBD Planning Proposal	Site-specific Planning Proposal
Zoning	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
Height of Buildings	28m (8 storeys)	211m (65 storeys)	211m (exclusive of Design Excellence bonus – 65 storeys) - see further comments below
Floor Space Ratio	3.5:1	15:1 FSR (including the following). <ul style="list-style-type: none"> • 10:1 Mapped Incentive FSR (inclusive of 1:1 commercial FSR) • 1.5:1 Design Excellence FSR • 0.5:1 High Performing Building FSR • 3:1 Opportunity Site FSR • With the potential for unlimited additional commercial FSR* 	15:1 FSR (including the following): <ul style="list-style-type: none"> • 10:1 Mapped Maximum FSR (inclusive of 1:1 commercial FSR) • 1.5:1 Design Excellence FSR • 0.5:1 High Performing Building FSR • 3:1 Opportunity Site FSR • Unlimited additional commercial floor space¹. Total FSR of at least: 16.42:1
Parking	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
Development²	104 residential units ³ with some commercial GFA at ground level	417 residential units ³ and minimum of 2,386m ² plus unlimited additional commercial GFA permitted within height control	399 residential units ⁴ and minimum of 2,386m ² 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 80m²
 4. Based on Reference Design submitted by applicant
10. A more detailed assessment of the Planning Proposal is provided at pages 8 to 16 at **Attachment 1**. Key aspects of the assessment are:
- Whilst the application sought a height of 170 metres and additional commercial floor space of 1.42:1, Council Officers are recommending that the controls be aligned with the Parramatta CBD Planning Proposal and so a height of 211m (65 storeys), (243 metres (75 storeys) with design excellence) and unlimited commercial floor space above the minimum 1:1 requirement.
 - The reference design provided allows for a 6m setback which will protect existing trees already located on the site. Preliminary consultation with Transport for NSW and Council Traffic Engineers suggests that potential road widening and/or a vehicle deceleration lane may be required given the sites location on the Great Western Highway. It is proposed that these issues will be investigated in more detail as part of the preparation of a site-specific Development Control Plan and Planning Agreement.
 - The Council's Heritage Advisor raised no objection to the Planning Proposal, subject to more details regarding structural stability and design being submitted with the subsequent design competition and development application.

ALTERNATIVE STRUCTURE OF FSR BONUSES

11. The subject Planning Proposal, like two site-specific Planning Proposals within the Parramatta CBD at 2 O'Connell Street and 12 Hassall Street, is utilising the site specific FSR bonuses (including 'opportunity site' bonus) proposed under the Parramatta CBD Planning Proposal.
12. The two site-specific Planning Proposals (2 O'Connell and 12 Hassall Streets) were drafted so that the design excellence and opportunity sites bonuses were included in the mapped FSR, rather than separate site-specific clauses. The reason for this is because the Department of Planning, Industry and Environment (DPIE) advised that Planning Proposals must be formatted so as not to pre-empt the outcomes of the Parramatta CBD Planning Proposal Gateway Determination, and to be structured more like the Parramatta LEP 2011.
13. Now that the Parramatta CBD Planning Proposal is substantially more progressed and has received Gateway Determination (on 13 December 2018), Council Officers consider that the site-specific bonuses relating to FSR should be structured like the proposed FSR controls in the Parramatta CBD Planning Proposal. This will be achieved by inserting site specific clauses that apply to the subject site which apply the policy framework proposed for the CBD. This will ensure the bonuses are being applied more transparently and ensures that they can be better assessed on merit at Development Application stage.
14. However, in the event that the DPIE requests that the floorspace be structured in an alternative way, Council may consider that the Chief Executive Officer be authorised to make any required amendments to the Planning Proposal for the purposes of public exhibition, as long as the total FSR amount (of at least 16.42:1) remains unchanged. Granting this delegation will ensure that if the

Department requires a different structure for the Planning Proposal that this can be dealt with efficiently and without the need for a further report to Council.

DRAFT DEVELOPMENT CONTROL PLAN

15. Should a Gateway Determination be issued, a site-specific Development Control Plan (DCP) will be prepared for the site and reported to Council prior to public exhibition. Principles to be addressed in the site-specific DCP are to include, but are not limited to, built form, building separation and setbacks, heritage interface, vehicle access points and deceleration lane requirements and landscaping.

PARRAMATTA LOCAL PLANNING PANEL

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

PLAN-MAKING DELEGATIONS

18. New delegations were announced by the then-Minister for Planning and Infrastructure in October 2012, allowing councils to make LEP amendments of local significance. On 26 November 2012, Council resolved to accept the delegation for plan-making functions and that these functions be delegated to the Chief Executive Officer.
19. Should Council resolve to proceed with the subject Planning Proposal, it is recommended that Council issue a request to the Department that it be able to exercise its plan-making delegations for the Planning Proposal. If the Department agrees to this request, this means that once the Planning Proposal has been to Gateway, undergone public exhibition and been adopted by Council, Council Officers will liaise directly with the Parliamentary Counsel Office on the legal drafting and mapping of the LEP amendment. The LEP amendment would then be signed by Council's Chief Executive Officer before being notified on the NSW Legislation website.

CONCLUSION AND NEXT STEPS

20. The Planning Proposal is consistent with the Parramatta CBD Planning Proposal and has planning merit to be endorsed for the purposes of seeking a Gateway Determination, consistent with the Local Planning Panel's advice as of 19 May 2020 (refer **Attachment 1**). If Council resolves to proceed with the Planning Proposal, it will be forwarded to the Department of Planning, Industry and Environment requesting a Gateway Determination.

21. Should a Gateway Determination be issued, the Chief Executive Officer will commence negotiations of a Planning Agreement in accordance with Council's Planning Agreements Policy.
22. Should a Gateway Determination be issued, a site-specific Development Control Plan (DCP) will be prepared for the site, addressing the principles of built form, building separation and setbacks, heritage interface, vehicle access points and landscaping, and reported to Council prior to public exhibition.
23. Should a Gateway Determination be issued, the Planning Proposal will be placed on public exhibition concurrently with the site-specific Development Control Plan and Planning Agreement for a minimum for 28 days. 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 Development Control Plan and Planning Agreement.

FINANCIAL IMPLICATION FOR COUNCIL

24. The applicant has indicated their willingness to enter into a Planning Agreement in accordance with Council policy and the endorsed Council rates as of April 2017. A draft Planning Agreement will be negotiated should a Gateway Determination be issued. Based on the maximum development potential currently proposed under this Planning Proposal and Council's endorsed community infrastructure rates the amount payable would be \$5,010,600. However, when negotiating the Planning Agreement a clause will be sought that requires the applicant to pay the community infrastructure contribution rate at the time of payment. If this is agreed and the contribution rate is increased Council would be paid the higher amount applicable at that time.

Grace Haydon
Student Project Officer

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

Alistair Cochrane
Chief Financial Officer

Jennifer Concato
Executive Director City Strategy & Development

Brett Newman
Chief Executive Officer

ATTACHMENTS:

- | | | |
|----------|---|----------|
| 1 | Local Planning Panel Report and Minute | 19 Pages |
| 2 | Planning Proposal - 8-14 Great Western Highway Parramatta | 34 Pages |
| 3 | Urban Design Report - 8-14 Great Western Highway Parramatta | 33 Pages |

REFERENCE MATERIAL