

MINUTES OF THE MEETING OF CITY OF PARRAMATTA COUNCIL HELD IN THE COUNCIL CHAMBER AT 5 PARRAMATTA SQUARE, PARRAMATTA ON MONDAY, 28 NOVEMBER 2022 AT 6:30PM

PRESENT

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

1. OPENING MEETING

The Lord Mayor, Councillor Donna Davis, opened the meeting at 6:34PM.

2. ACKNOWLEDGEMENT TO TRADITIONAL OWNERS OF LAND

The Lord Mayor, acknowledged the Burramattagal people of The Darug 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 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. GENERAL 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. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

Note: All Councillors were in attendance at this meeting.

6. CONFIRMATION OF MINUTES

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

4081 RESOLVED (Esber/Maclean)

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

7. DISCLOSURES OF INTEREST

Councillor Green declared a pecuniary interest in Item 11.1 - Notice of Motion of Recission: Item 11.1 - Outcome of Public Exhibition and Impact of the Department of Planning decisions of Draft Parramatta City Centre DCP as being an owner of a property in the CBD 16 Macquarie St, Parramatta. He retired from the meeting prior to consideration of the matter.

8. MINUTES OF THE LORD MAYOR

8.1 SUBJECT 2022 Minister's Awards for Women in Local Government

REFERENCE F2022/00105 - D08783915

REPORT OF Lord Mayor, Councillor Donna Davis

4082 RESOLVED (Davis/Garrard)

That Council congratulate Jennifer Concato, Executive Director, and Grace Haydon, Senior Project Officer, from the City of Parramatta's City Planning & Design Team, who have received the Minister's Awards for Women in Local Government.

8.2 SUBJECT 2022 Lord Mayor's Christmas Celebration Charity Partners

REFERENCE F2022/00105 - D08783931

REPORT OF Lord Mayor, Councillor Donna Davis

4083 RESOLVED (Davis/Bradley)

(a) **That** Council note the Lord Mayor's annual Christmas Celebration will take place on Friday 2 December at CommBank Stadium; and

(b) **Further, that** Council donates \$5,000 to the Cumberland Women's Health Centre and \$5,000 to the Children's Medical Research Institute as the chosen event Charity Partners in recognition of their work in our City.

8.3 SUBJECT International Day of People with Disability

REFERENCE F2022/00105 - D08783938

REPORT OF Lord Mayor, Councillor Donna Davis

4084 RESOLVED (Davis/Humphries)

(a) **That** Council note the program of activities and communications celebrating International Day of People with Disability on 3 December; and

- (b) **Further, that** Council donate \$1000 to the Western Sydney Wanderers Foundation Christmas Appeal to support their All Abilities initiatives, encouraging participation and inclusion in football for people with physical or intellectual disability.

Note: In August 2022, Council has adopted the Disability Inclusion Action Plan.

9. PUBLIC FORUM

9.1 SUBJECT PUBLIC FORUM 1: for Item 11.1 - Notice of Motion of Recission: Item 11.1 - Outcome of Public Exhibition and Impact of the Department of Planning decisions of Draft Parramatta City Centre

REFERENCE F2022/00105 - D08780924

FROM Luke Magee – President of the Parramatta Chamber of Commerce – *Written Submission*

Dear Councillor,

The Parramatta Chamber of Commerce performs an important function of representing the business community within the LGA. One of the key factors being that all desire a city that creates an environment whereby workers and equally customers, clients, tourists and visitors find it appealing to visit Parramatta.

We note that building height restrictions have been relaxed, which in theory allows for taller and thinner buildings that can provide several benefits which are well-documented worldwide.

Given the above, we urge the Council to reflect on the current LEP and DCPs and ensure that decisions made now set the foundations for Parramatta to become the world-class city it has the potential to be. Importantly this requires a City Centre that attracts businesses and workers by providing world-class amenities and focussing on liveability.

This requires best-practice design decisions, which you are currently considering. The decisions made now will affect the city for generations to come.

Thus, we encourage the City of Parramatta Council to consider long-term liveability as major factor in getting people back to the city and creating a thriving environment, that will benefit businesses and residents alike.

So once again we recommend you make solid decisions now with an eye on the long-term consequences and benefits for our city.

Yours sincerely

Luke Magee

STAFF RESPONSE

No staff response provided.

9.2 **SUBJECT** PUBLIC FORUM 2: for Item 11.2 - Rescission Motion - Notice of Motion of Rescission: Item 13.1 Post-exhibition - Planning Proposal, draft Development Control Plan and draft Planning Agreement for 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (St John's Anglican Church)

REFERENCE F2022/00105 - D08778731

FROM Cheryl Bates OAM - Chair, National Trust (NSW) Parramatta Regional Branch

Thank you, Lord Mayor, and Councillors for the opportunity to speak again.

My name is Cheryl Bates and I represent over 1,000 members of the National Trust Parramatta Branch.

This is the sixth time we have spoken to oppose this proposal. The Branch continues to voice their opposition to the magnitude of rezonings leading to random planning decisions in Parramatta. We have followed the proposal and are extremely disappointed by Council's nonadherence to their guiding principles for the treatment of heritage particularly in the CBD.

This contentious rezoning has never been supported by a genuine Councillor consensus in the past and we implore you not to approve this rezoning that will be viewed by future generations as an appalling planning decision. Your decision tonight will be on public record in perpetuity.

The developer has from the outset suggested a 45 and 42 storey tower, but a 211-metre building height will allow up to 70 storeys to be built on this site.

The Branch has followed this rezoning since 2018 and has witnessed the developer's unwillingness to negotiate any changes to "their vision" a vision that will destroy the setting of the nationally significant Cathedral, the Parish Hall, and the highly significant Centenary Square.

We put to you several points to support our opposition. Let us stress to you as individually elected Councillors, this is a planning decision not a political decision.

1. The developer championed the construction of two tower buildings to better present the Cathedral. We believe that greater respect would be shown to the Cathedral if its curtilage was not used as a parking lot by the developer.

2. Council has deemed, after a lengthy process of community consultation for the CBD Plan, that a maximum 36 metres height is appropriate.
3. The developer misrepresents the offer of 50% more accessible community space through a Voluntary Planning Agreement, and this square will discriminate against LGBTQ members of the community.
4. A speaker supporting the proposal at the planning panel stated that the high-rise tower will allow breastfeeding and nappy changing facilities to be built. Could this not be easily achieved through a low-rise building on this expansive site?
5. The proposed towers will introduce unacceptable impacts on the landmark qualities of the Cathedral and its setting.
6. The amenity of Centenary Square, a gathering place for over 230 years will be compromised by towers that are too high and overbearing.

In 2018 a Sydney Morning Herald headline described Parramatta as “Disneyland for Developers”. Sadly, we feel this headline has now come to fruition and the community are being taken on a rollercoaster ride of developer led planning decisions that will destroy our heritage city.

STAFF RESPONSE

No staff response was provided.

9.3 **SUBJECT** PUBLIC FORUM 3: for Item 11.2 - Rescission Motion - Notice of Motion of Rescission: Item 13.1 Post-exhibition - Planning Proposal, draft Development Control Plan and draft Planning Agreement for 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (St John's Anglican Church)

REFERENCE F2022/00105 - D08780925

FROM Reverend Bruce Morrison

Lord Mayor and Councillors. I acknowledge the Burramatta People. Thank you for your support. Lord Mayor, thank you for ensuring we have this opportunity to clarify misconceptions.

Misconception: The church is ‘just another developer’.

I should like to ask: Are you aware of any developer who has owned their land for 220 years, contributed to the life and community of the city since its inception, has a membership of 1000 people across the LGA, opened their grounds to the public for 80 years, and who will remain here for the next 220 years?

We are a 'not-for-profit' organisation. Everything goes back into churches, and the community. I am senior minister. I've been working on this project for over a decade. I will not get a bonus on completion, just my usual stipend.

Misconception: Our proposal undermines the CBD planning process.

We have followed due process for 6 years. We have the support of two elected councils and two planning panels, and gateway approval from the Department of Planning. Council officers have made their recommendation. We have made changes in the face of backflips and reversals. And here we are again. If this is planning on the run, then I'd hate to see it on a stroll.

The ink is barely dry on the CBD Planning Proposal because our PP was developed in tandem with it, each being drawn up in consideration of the other. There are many more site specific proposals that will come to this chamber. I'm sure that their proponents are watching with some anxiety, given the capital that we, and they, have expended.

Misconception: We have not compromised at all. Let me list some:

- There are no 'Twin Towers'! The south building at 45 Hunter St. will be developed within the new CBD PP at 6:1 FSR.
- The floorplate is greatly reduced to create a 'slender tower'. It will certainly appear slender in comparison to Parramatta Square.
- The FSR is reduced from unlimited to 17.5:1.
- The VPA includes financial concessions, responsibility to create and maintain the public space, and provision of access to Queensland arcade through St. John's property.

Further concessions run the risk of making it uneconomic.

Misconception: Department of Planning stopped us from delisting the Hall. Incorrect. They simply changed the procedure. The proper process is in place to deal with the hall on a merit based assessment.

Misconception: There is no advantage in the Public Domain access in the VPA

The present agreement is for access across the paved areas only. Presently no activity is permitted without St. John's approval. It expires in 19 years. 19 years flies by pretty quickly. What would a developer do? Perhaps build a fence and turn it into a car park. Is that my intention? No! But I won't be around. Is there value in a VPA that ensures access in perpetuity? Absolutely.

Misconception: We should wait for the SEPP 2 Report.

St. John's is not in the SEPP 2 area. It is south of Macquarie St., aligned East to West with Parramatta Square, which we are seeking to extend. It belongs to the CBD not the Western Fringe.

Thank you, councillors, for your attention and support.

STAFF RESPONSE

No staff response provided.

9.4 SUBJECT PUBLIC FORUM 4: Item 11.2 - Notice of Motion of Rescission: Item 13.1 Post-exhibition - Planning Proposal, draft Development Control Plan and draft Planning Agreement for 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (St John's Anglican Church)

REFERENCE F2022/00105 - D08780928

FROM Helen Westwood

Good evening Lord Mayor and Councillors, my name is Helen Westwood. I am a resident and ratepayer of Parramatta City Council. I wish to speak tonight in relation to item 11.2 of tonight's meeting.

My Public Forum is in relation to the Planning Agreement of the development proposal by St John's Parramatta Endowment Fund which provides for community benefits including licencing in perpetuity for public access to the open space surrounding the Cathedral to create a civic space.

The social covenant applied to the use of this open civic space by the developer St John's will exclude the use and activities by some members of our Parramatta community.

While some of these exclusions would apply to most if not all public open space in Parramatta such as the manufacture or sale of armament or weapons of war, others do not. This social covenant will prohibit:

- The practice or advocacy of other faiths or spiritualities which are inconsistent with the doctrines, tenets and beliefs of the Anglican Church of Australia in the Diocese of Sydney;
- the celebration or blessings of same sex weddings or relationships;
- the provision of services in connection with, or advocacy for, gender re-assignment;
- the referral for or advocacy for abortions and abortion like contraceptives or stem cell research;
- and the provision of services in connection with, or advocacy for euthanasia.

All of these activities and services are legal in the state of New South Wales and occur every day across our state and city.

For decades this open civic space has been used for a wide range of community events including rallies, information days, celebrations and vigils. Events such as International Women's Day with stalls from women's health centres with information about reproductive health including abortion and the 'morning after pill'; Human rights rallies and vigils including the human rights of same sex couples and trans people.

The report to Councillors on this development is silent on the social or legal implications of agreeing to a licence that excludes some of our community from equal access to this open civic space. Silent on this very important issue of exclusion and discrimination.

The developer is paying Council \$3.5million to recognise Council's risk from accepting limitations outlined in the Church's social covenant, because Council could be the subject of legal action under anti-discrimination laws.

The developer is dictating which members of our community can benefit from the infrastructure provided through the VPA based on the developer's prejudicial beliefs about minority groups?

Council's website states:

'The City of Parramatta is home and destination for diverse communities.

LGBTQIA+ communities are equally valued and welcomed in the Parramatta area. In support of thriving and resilient communities, Council works with local partners to improve community inclusion and reduce discrimination for all.'

Young people who are struggling or realising their identity can be very vulnerable when they feel excluded and isolated.

It is important that as community leaders you let them know they belong to the Parramatta community, they are valued by Council for the contribution they make to our community and are welcome to call Parramatta home

STAFF RESPONSE

No staff response provided.

9.5 **SUBJECT** PUBLIC FORUM 5: for Item 13.2 - Refusal of the Planning Proposal for land at 361-365 North Rocks Road, North Rocks

REFERENCE F2022/00105 - D08780927

FROM Declan Murphy

Lord Mayor.

I'll keep it short. I oppose the development plan in its current form for several reasons.

I moved to North Rocks in 1971. Known locally as the Deaf & Blind School, I've a long history with the site as for me it was always there. When I was a kid I played soccer with the kids who had come in from places like Dubbo for the residential programs, and often joined the North Rocks Scouts & Guides. We explored the local creeks together, long before there was a motorway.

The first is that it is inconsistent with the existing human environment & character of the suburb. There are no tower blocks, nor the infrastructure required. Some but not many townhouses exist on the northern side of North Rocks Road. On the southern side, the Lake Parramatta catchment side, there are none at all. From Speers Road to Pennant Hills Road, all residential buildings are R2. Most are stand alone, and single storey.

Secondly, there is the problem of transport. No heavy rail or mass transit. Bus services are sporadic. The traffic lights will need to be reconfigured, causing more backups for cars and trucks accessing or exiting the shops or using busy Barclay Road. There is already a problem of cars doing rat runs along New North Rocks Road, to avoid the existing pedestrian traffic light, the lights at the Barclay Road intersection, and lights at the northern end of the Lawndale Avenue intersection. These rat runs result in frequent accidents and damage to safety rails & signage (repaired at council expense) and there have been injuries & fatalities in the past. New North Rocks Road is already difficult to access and cross, and there is only one pedestrian crossing along the entire route, at the bottom of Pembury Avenue.

Thirdly it will have a negative impact on the existing natural environment. The larger footprint of hardened rooves and surfaces will increase the runoff into Blue Gum and Darling Mills creeks, and even if an additional Flood Retardation Basin similar to the existing one near Loyalty Road is constructed, the development will still add to the problem of flood risk in the Parramatta CBD.

The site has old growth trees, and is a haven for nesting birdlife that require tree hollows, especially the quiet area near Baden Powell Place where there are no residents. If a council objective is to increase the tree canopy of the CBD, it makes no sense to deplete that of the suburbs.

I request the council to vote against the proposal.

STAFF RESPONSE

No staff response provided.

9.6	SUBJECT	PUBLIC FORUM 6: for Item 13.2 - Refusal of the Planning Proposal for land at 361-365 North Rocks Road, North Rocks
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FROM Sharon Stewart

I speak to support Council Staff recommendation to refuse the planning proposal at 361-365 North Rocks Road North Rocks.

Residences of North Rocks live in a peaceful, leafy tree lined suburb of spotted gum and blackbutt trees. There are approximately 127 different types of bird species that breed in the local reserves, this includes the powerful owl, cockatoos, rainbow lorikeets and kookaburras.

Over 90% of homeowners of North Rocks are middle income earners, who live in private separate dwellings, this demographic does not align with the proposed development being mid-rise 4-7 storey residential flat buildings which is incompatible with the local context.

The reasons to refuse the RIDBE Planning Proposal for Land includes but not limited to Urban Design, Traffic, Bushfire risk, natural areas, open space, tree canopy and community facilities to name a few. We expanded on our concerns as follows:

1. Adverse impact to traffic conditions – current infrastructure is not adequate to cope with influx of proposed 2000 cars.
2. Inconsistent with the local context and strategic intent of the suburb which is to maintain R2/R3 zoning - low to medium housing.
3. Over populating area – adverse impact to amenities; not enough facilities to meet the demands of potentially 3000 to 4000 residents. Schools already at capacity, not enough teachers available? Shopping Centres – not enough retail/hospitality staff, unable to abide by the COVID rules to keep 1.5 meters apart. Child Care centres – will have to go on a waiting list for vacancies, medical centres – waiting periods to see your local doctor?
4. Overshadowing/privacy – High rise apartments would have a substantial impact on residents' privacy, this can create mental health issues e.g. anxiety and stress.
5. Land – designated bush fire prone area – BAL40 – high rise apartments propose a higher risk to residence.
6. No access via Duncan Place North Rocks – this is a cul-de-sac not a thoroughfare for proposed 2000 cars.
7. When purchasing property at the back of a business – residence never suspected proposed development of 1056 homes on their back doorstep.

8. We are supportive of the current zoning – strongly oppose any development that would change the zoning at North Rocks.

We agree with council officers report which states;

- a. the proposed increases in height (between 9m to 25m) and density (overall site FSR of 1.35:1), and site layout leads to built form and public domain outcomes that are incompatible with the local context;
- b. the predominance of mid-rise 4-7 storey residential flat buildings is incompatible with the local context and detracts from the strategic intent to promote medium density typologies of 2-3 storeys;
- c. inadequate provision of affordable housing;
- d. the lack of sufficient documentation to demonstrate no adverse traffic impacts, and the proposed measures to improve public transport access are not considered feasible;
- e. poor strategic merit in relation to access, topographical, environmental and amenity considerations; and
- f. inadequate open space provision considering the requirements of Council's.

Community Infrastructure Strategy.

We as residents we have support of the councillors opposing this development and the proposed planning proposal.

STAFF RESPONSE

No staff response provided.

9.7 **SUBJECT** PUBLIC FORUM 7: for Item 13.2 - Refusal of the Planning Proposal for land at 361-365 North Rocks Road, North Rocks

REFERENCE F2022/00105 - D08783471

FROM Michael Easson AM FRICS, Executive Chair, EG Funds Management – *Written Submission*

EG is a fund manager backed by some of the largest super funds in Australia. Funds who want to make a difference to well-planned communities and affordable housing.

Yet in the past 18-months, since we submitted our planning proposal, the largest private landowner in the suburbs of Parramatta LGA, the

near-13ha Next Sense North Rocks location, a site already zoned residential, we find it impossible to meet with the Head of Planning.

We complain of procedural unfairness and apprehended bias.

On the latter, look at the title of tonight's agenda item. 13.2 Refusal of the Planning Proposal for land at 361-365 North Rocks Road, North Rocks.

Next item is objectively titled. Our item begins with "Refusal".

How did we get this outcome?

When EG was in due diligence to acquire the site, Council Officers told us to aim for nothing more than 1:5:1 FSR on site.

We engaged extensively with the community. Met sporting associations. Pledged to Rotary that their markets would be protected and enhanced. We door knocked adjoining residents.

Council Officers formally wrote to EG on 8 March 2019 on design guidelines saying no more than 8-storeys.

We volunteered that anything next to existing residential would be houses and townhouses.

The RMS, Transport for NSW, wrote to EG advising the proposal had merit and would work. Even so, EG proposed a 10-15-year connector bus funded by EG.

We have a giant oval. A Library. A community Centre. Six pocket parks. And, also, a Village Square – infrastructure that would benefit all North Rocks residents.

Note please, that North Rocks is currently designated a Local Centre; but currently it is without anything that lives up to that name. North Rocks Village creates wonderful amenities, including key worker housing, affordable housing, seniors' living.

We are proposing \$70m in a VPA. To Council.

We formally submitted our rezoning application to Council in May 2021.

We received no response from Council until 10 months later – when it issued a Request for Further Information on 2 March 2022. This did not prescribe any preferred building heights or FSR.

Ten months we had to wait for this. The Department expects Gateway rezoning applications to be done in 90 days.

We got pre-eminent senior experts to respond.

We revisited every assumption with Gabrielle Morrish, Tim Williams, Ken Maher, Prof. Nicole Gurran.

The Western Sydney Business Chamber endorsed our ideas as did numerous community groups.

Quality is what is presented.

No wonder the Council's local Planning Panel referred this matter back to Council in October, as is grudgingly acknowledged in tonight's Council Report.

Yet tonight we get an absolute rejection.

Instead of meeting, discussing, engaging, we get stonewalled, with zero engagement.

If raised eyebrows can tell a story, the Parramatta Planning Panel were astonished that a key document was left out of their brief. As it is this evening, Councillors, from yours.

Why was Council's July 2022 proposed Master Plan, de-zoning the site, contrary to NSW planning law on residential, left out of your brief? This Council document proposed mostly residential apartments but mysteriously capped at 2 and 3 storeys only.

There is no mention in your papers – as with the Planning Panel – that EG had an ultimatum to respond in only two weeks last July. This was the first time we were told of Council's new positions on height and density. Three years after we first met with Council Officers.

It is unbelievable and unprofessional we are in this position.

EG is renowned for community engagement, caring and curating the communities we are honoured to have a presence in.

I ask any fair-minded person, what choice do we have from here? Is this an example of best practice with so many recent zig-zags and changes to Council thinking?

STAFF RESPONSE

No staff response provided.

9.8 SUBJECT PUBLIC FORUM 8: for Item 14.1 - Notice of Motion - ParraMatch 2022

REFERENCE F2022/00105 - D08780059

FROM Kathryn Hammond – *Written Submission*

Dear Lord Mayor and Councillors

I wish to speak before you this even in relation to item number 14.1 for consideration at tonight's meeting.

Dundas Area Neighbourhood Centre (DANC) is a small not-for-profit community organisation based in Telopea. DANC has been operating for over 45 years covering the suburbs of Telopea, Dundas, Dundas Valley, Ermington, Rydalmere and Melrose Park.

We run various programs and activities to support the community including activities for socially isolated families, programs for children and young people as well as providing information, referral, and support to our residents.

Our main funding comes from Dept. of Communities & Justice to provided Targeted Early Intervention (TEI) Programs. The TEI program focuses on ensuring better short, medium, and long-term outcomes for children, young people, families and communities who are experiencing or are at risk of vulnerability.

DANC also applies for other grants and funds to enable us to run other programs for the community.

In relation to the Parramatch funding campaign which was raised by Cllr Kellie Darley at last months meeting, I would like to note that Dundas Area Neighbourhood Centre spent considerable number of worker hours to undertake training, attend meetings, develop the idea and campaign, create promotional materials and promote to our community.

We were well on track to meet our goal and through no fault of our own, were not able to meet this goal due to the issues with the funding platform.

The information on our program is attached, and while our total amount we hoped to raise was \$6000, this was to cover the cost of 4 programs. If Council agrees to commit the \$1500 as originally planned, we will be able to run at least 1 of the planned programs for our community.

Thank you for your time.

STAFF RESPONSE

No staff response provided.

10. PETITIONS

10.1	SUBJECT	Petition to Stop R4 Zoning at 361-365 North Rocks Road North Rocks
	REFERENCE	D08733114
	FROM	Georgina Valjak
		Petition from North Rocks residents to refuse the RIBDC Planning Proposal.

“We as residents support the City of Parramatta Recommendation to refuse the RIBDC Planning Proposal for Land at 361-365 North Rocks Road North Rocks and oppose to R4 Zoning for the land (R4 Zoning would allow high rise apartments to be build).

The RIDBC Planning Proposal includes around 1000 new dwellings, it would increase North Rock’s dwellings by approximately one-third.

Why is this important?

The reasons to refuse the RIBDC Planning Proposal for Land includes but not limited to the followings:

- 1) Adverse impact to the traffic conditions on North Rocks Road and Barclay Road which already suffer from heavy traffic
- 2) Being inconsistent with the local context and strategic intent of the suburb which is to maintain and promote low to medium density housing
- 3) Over population will result in adverse impact to amenities (e.g. North Rocks Shopping Centre will not be able to accommodate another 1000 households, North Rocks Public School is already at full capacity etc.)
- 4) Raise privacy concerns for all properties surrounding the site.

Note: As a matter of practice, the petition will be referred to the relevant Council officer/s, and a copy of the petition distributed to all Councillors, upon receipt of the petition from the Councillor.

PROCEDURAL MOTION

4085 RESOLVED (Esber/Maclean)

That Items 12.2, 13.3, 13.5, 13.6 be resolved enbloc.

Note: Having previously declared a conflict of interest Item 11.1 - Notice of Motion of Recission: Item 11.1 - Outcome of Public Exhibition and Impact of the Department of Planning decisions of Draft Parramatta City Centre DCP as being an owner of a property in the CBD 16 Macquarie St, Parramatta, Councillor Green left the meeting at 7:37 prior to consideration of the matter.

11. RESCISSION MOTIONS

11.1 SUBJECT Notice of Motion of Recission: Item 11.1 - Outcome of Public Exhibition and Impact of the Department of Planning decisions of Draft Parramatta City Centre DCP

REFERENCE F2022/00105 - D08757711

REPORT OF Councillor

MOTION (Bradley/Maclean)

That the resolution of the Council held on 31 October 2022 in relation to Item 11.1 – Notice of Motion of Rescission: Item 13.2 - Outcome of Public Exhibition and impact of Department of Planning decisions on Draft Parramatta City Centre DCP, namely:

- (a) **That** Council notes the submissions (as summarised in **Attachment 2**) received in response to the exhibition of the Parramatta City Centre Development Control Plan (DCP) controls.
- (b) **That** Council approves the DCP controls at **Attachments 4 and 5** including the amendments detailed in this report in **Attachment 6** subject to the endorsed DCP being amended to remove any reference to an 18 metre tower separation (i.e. building separation above street wall) requirement for commercial buildings seeking unlimited FSR. Instead the tower separation in these cases remain at 12 metres as per the exhibited version of the DCP.
- (c) **Further, that** Council delegate authority to the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan finalisation process relating to the DCP controls.

be and is hereby rescinded.

In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

The rescission motion moved by Councillor Bradley and seconded by Councillor Maclean on being put was declared CARRIED.

DIVISION A division was called, the result being:-

AYES: Councillors Bradley, Darley, Davis, Esber, Humphries, Maclean, Noack, Pandey and Procv

NOES: Councillors Garrard, Siviero, Valjak, Wang and Wearne

MOTION (Esber/Humphries)

- (a) **That** Council notes the submissions (as summarised in **Attachment 2**) received in response to the exhibition of the Parramatta City Centre Development Control Plan (DCP) controls.
- (b) **That** Council approves the DCP controls at Attachments 4 and 5 including the amendments detailed in this report in Attachment 6 subject to the endorsed DCP being amended to remove any reference to an 18 metre tower separation (i.e. building separation

above street wall) requirement for commercial buildings seeking unlimited FSR. Instead the tower separation be amended to 15m.

- (c) **Further, that** Council delegate authority to the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan finalisation process relating to the DCP controls.

In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

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

DIVISION *A division was called, the result being:-*

AYES: Councillors Bradley, Darley, Davis, Esber, Garrard, Humphries, Maclean, Noack, Pandey, Prociv, Siviero, Valjak, Wang and Wearne

4086 **RESOLVED** (Esber/Humphries)

- (a) **That** Council notes the submissions (as summarised in **Attachment 2**) received in response to the exhibition of the Parramatta City Centre Development Control Plan (DCP) controls.
- (b) **That** Council approves the DCP controls at Attachments 4 and 5 including the amendments detailed in this report in Attachment 6 subject to the endorsed DCP being amended to remove any reference to an 18 metre tower separation (i.e. building separation above street wall) requirement for commercial buildings seeking unlimited FSR. Instead the tower separation be amended to 15m.
- (c) **Further, that** Council delegate authority to the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan finalisation process relating to the DCP controls.

Note: Councillor Green returned to the chamber at 7:56pm.

11.2 **SUBJECT** Notice of Motion of Rescission: Item 13.1 Post-exhibition - Planning Proposal, draft Development Control Plan and draft Planning Agreement for 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (St John's Anglican Church)

REFERENCE F2022/00105 - D08768302

REPORT OF Councillor Kellie Darley

4087 **RESOLVED** (Darley/Prociv)

That the resolution of the Council held on 14 November 2022 in relation to Item 13.1 – Post-exhibition - Planning Proposal, draft Development Control Plan and draft Planning Agreement for 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (St John's Anglican Church), namely:

- (a) **That** Council note the submissions received in response to the exhibition of the Planning Proposal, Development Control Plan (DCP) amendment and Planning Agreement as summarised in **Attachment 4** for the St John's Anglican Church Site.
- (b) **That** Council note the Department of Planning and Environment's (the DPE) preliminary findings for the 'SEPP 2 work' as outlined in their letter dated 17 October 2022 at **Attachment 5** and advise the DPE that the additional commercial floor space sought by the subject Planning Proposal, for the portion of the subject site proposed to be zoned B3 Commercial Core, has been assessed in regard to the findings and recommendations for the Western Edge Precinct outlined in the DPE's advice with the conclusion that a tall, slender tower with an appropriate street wall consistent with the site specific DCP (as amended) is consistent with the principles outlined in the DPE's letter.
- (c) **That** Council approve the finalisation of the Planning Proposal (at **Attachment 1**) for land at 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta as follows:
 - a. For the northern development site:
 - i. Rezone from B4 - Mixed Use and SP1 – Special Activities (Place of Public Worship) to part B3 - Commercial Core and part SP1 - Special Activities (Place of Public Worship);
 - ii. A maximum Height of Building Control of 211 RL; and
 - iii. A maximum FSR of 17.5:1 (or 16:1 exclusive of Design Excellence bonus), made up of a mapped FSR of 10:1 (plus 1.5:1 design excellence bonus) and a site-specific clause permitting a maximum FSR of 6:1 for office uses.
 - b. For the southern development site:
 - i. Include on the Land Reservation Acquisition (LRA) map at 41-45 Hunter Street a 6m wide accessway along the boundary to the rail line;
 - ii. Application of the FSR sliding scale; and
 - iii. Allow **basement** car parking on small portion of SP1-zoned land.
 - c. The following amendments:
 - i. For the northern development site:
 - 1. Amendments to include site specific local provisions that address:
 - a. Conversion of the exhibited provision relating to Unlimited Commercial Floor Space to an equivalent nominated FSR control for office uses of 6:1;

- b. Limiting the height to 211 RL inclusive of a design excellence bonus; and
 - c. A requirement for a site specific DCP to be prepared that provides for identified matters to be satisfied including the outcome for St John's Parish Hall.
 - ii. For the southern development site:
 - 1. Removal of the following provisions as they are consistent with the finalised Parramatta Local Environment Plan (LEP) 2011 (Amendment No. 56) and are no longer required:
 - a. A maximum Height of Building Control of 211 RL; and
 - b. A maximum FSR of 10:1.
 - iii. For both development sites:
 - 1. Removal of the following provisions as they are consistent with the finalised Parramatta LEP 2011 (Amendment No. 56) and are no longer required:
 - a. Parramatta Square solar access,
 - b. Aerospace investigations, and
 - c. Car parking.
 - 2. Amendments to address the following two minor Gateway compliance issues discussed in this report:
 - a. Addressing the Direction on Remediation of Contaminated Land in the Planning Proposal document; and
 - b. Raising the State infrastructure needs generated by the proposal when consulting State Agencies.
 - 3. Noting the following unresolved matters raised by State Agencies **are to be referred to the DPE for their consideration:**
 - a. Transport for NSW: objects to the number of car parking spaces on the site;
 - b. Department of Planning and Environment – Environment and Heritage Group: raises concern about the inconsistency of the Planning Proposal with Ministerial Direction 4.3 Flood Prone Land
 - c. State Emergency Service NSW: raises concern about the flood planning and management policy framework for the Planning Proposal and wider-CBD.
- (d) **That** Council forward the amended Planning Proposal at **Attachment 1** including the amendments summarised in part (c) above, for which are also detailed in this report, to the DPE for finalisation.

- (e) **That** Council approve the DCP controls at **Attachment 2** including the amendments summarised at Table 10 in **Attachment 6**.
- (f) **That** Council enters into the Planning Agreement at **Attachment 3** and delegates authority to the Chief Executive Officer to sign it on behalf of Council.
- (g) **That** in the event the DPE makes changes to the Planning Proposal and in response the applicant seeks to withdraw or renegotiate the Planning Agreement (outside the Chief Executive Officer's delegation at (h) below), then the DCP is to be amended to remove provisions relating to the Stage 1 DA and "Option A" [removal of Hall] and finalised with "Option B" [partial retention of Hall] only, thereby becoming the only option. The DCP is to be finalised and published as soon as practicable following finalisation of the LEP amendment.
- (h) **Further, that** Council delegate authority to the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan finalisation process relating to the Planning Proposal, DCP amendment and Planning Agreement. be and is hereby rescinded.

In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

The motion move by Councillor Darley and seconded by Council Prociv on being put was LOST.

DIVISION A division was called, the result being:-

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

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

Note: Councillor Darley left the chamber at 8:16pm and returned at 8:18pm.

PROCEDURAL MOTION

4088 RESOLVED (Esber/Garrard)

That the meeting be adjourned for a short recess.

Note: The meeting was adjourned at 8:38pm for a short recess.

The meeting resumed at 8:50pm with the following Councillors attendance: 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 (Deputy Lord Mayor), Dr Patricia Prociv, Dan Siviero, Georgina Valjak, and Donna Wang.

Note:

1. **Councillor Maclean returned at 8:56pm.**
2. **Councillor Wearne returned at 5:53pm.**

12. REPORTS TO COUNCIL - FOR NOTATION

12.1 SUBJECT City of Parramatta Council Annual Report 2021/22

REFERENCE F2022/00105 - D08621158

REPORT OF Corporate Strategy Manager

4089 RESOLVED (Darley/Esber)

- (a) **That** Council receive and note the City of Parramatta Council Annual Report 2021/22 (**Attachment 1**).
- (b) **Further, that** Council delegate authority to the Chief Executive Officer to make administrative corrections such as formatting, design, typographical or factual errors prior to publication.

Note: Questions were taken on notice for this item.

12.2 SUBJECT Investment Report for October 2022

REFERENCE F2022/00105 - D08753724

REPORT OF Tax and Treasury Accountant

4090 RESOLVED (Esber/Maclean)

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

12.4 SUBJECT LATE REPORT: Administrative Amendments to Fees & Charges 2022/23

REFERENCE F2022/00105 - D08777641

REPORT OF Financial Planning and Analysis Manager

4091 RESOLVED (Garrard/Wang)

That Council adopts the administrative amendments to the Fees & Charges for 2022/23 for the following items:

9.0 DEVELOPMENT AND TRAFFIC SERVICES

- 9.8 ADVERTISING AND/OR NOTIFICATION OF A DEVELOPMENT APPLICATION

9.8	(1) New dwelling and alterations/additions to existing dwelling	\$104.00
9.8	(2) Other residential development i.e., dual occupancy	\$260.00
9.8	(3) Non-residential development	\$208.00

9.0 DEVELOPMENT AND TRAFFIC SERVICES

9.12 MODIFICATION OF A CONSENT - EP&A REG Schedule 4 Part 6 items 6.1-6.9

9.12	1. under the Act, section 4.55(1A), or	Lesser of:
	2. under the Act, section 4.56(1) that involves, in the consent authority's opinion, minimal environmental impact	a. 7.54 Fee Units, or b. 50% fee for original application.

13. REPORTS TO COUNCIL - FOR COUNCIL DECISION

13.1 SUBJECT Community Engagement Strategy

REFERENCE F2022/00105 - D08555698

REPORT OF Community Engagement Senior Advisor

4092 RESOLVED (ProCiv/Darley)

- (a) **That** Council receive and note the Engagement Evaluation and Key Findings Report (October 2022) in respect of the Community Engagement Strategy.
- (b) **Further, that** Council adopt the Community Engagement Strategy (found at Attachment 1) to comply with Council's statutory obligations.

Note: question was taken on notice for this item.

13.2 SUBJECT Refusal of the Planning Proposal for land at 361-365 North Rocks Road, North Rocks

REFERENCE F2022/00105 - D08733114

APPLICANT/S EG

OWNERS NextSense (Former Royal Institute for Deaf and Blind Children)

REPORT OF Senior Project Officer

(a) **That** Council refuse the Planning Proposal at 361-365 North Rocks Road, North Rocks for the following reasons:

1. The Planning Proposal is inconsistent with the Housing Diversity Precinct Criteria in Council's approved Parramatta Local Strategic Planning Statement as follows:
 - a. the proposed increases in height (between 9m to 25m) and density (overall site FSR of 1.35:1), and site layout leads to built form and public domain outcomes that are incompatible with the local context;
 - b. the predominance of mid-rise 4-7 storey residential flat buildings is incompatible with the local context and detracts from the strategic intent to promote medium density typologies of 2-3 storeys;
 - c. inadequate provision of affordable housing;
 - d. the lack of sufficient documentation to demonstrate no adverse traffic impacts, and the proposed measures to improve public transport access are not considered feasible;
 - e. poor strategic merit in relation to access, topographical, environmental and amenity considerations; and
 - f. inadequate open space provision considering the requirements of Council's Community Infrastructure Strategy.

(b) **That** the applicant be advised of Council's decision.

(c) **Further, that** Council note the following advice of the Local Planning Panel dated 18 October 2022 wherein:

1. The Panel noted the Council officer recommendation and the applicant's position;
2. The Panel noted the difference in the Council officer and applicant's position regarding the site's capacity to accommodate built form greater than 3 storeys, and the compliance of the proposal with Housing Diversity Precinct Criteria 6 within Council's adopted Local Strategic Planning Statement requiring the proposal to be predominantly low rise (2-3 storeys);
3. The Panel did not support the applicant's request to defer consideration of the matter and recommended the matter be reported to Council.

In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

The planning proposal moved by Councillor Valjak and seconded by Councillor Humphries was CARRIED UNANIMOUSLY.

DIVISION A division was called, the result being:-

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

Note: Staff to be put on notice that Council's position about the building is to be retained and not demolished.

13.3 SUBJECT Pre-Gateway - Planning Proposal for land at 8 Lincluden Place, Oatlands

REFERENCE RZ/3/2021 - D08740309

APPLICANT/S Think Planners

OWNERS Zaki Property Pty Ltd As Trustee For Zaki Property Trust

REPORT OF Project Officer

4094 RESOLVED (Esber/Garrard)

(a) **That** Council approve, for the purposes of seeking a Gateway Determination from the Department of Planning and Environment (DPE), the Planning Proposal at **Attachment 1** for the land at 8 Lincluden Place, Oatlands, which seeks the following change to the Parramatta (former The Hills) Local Environmental Plan 2012:

i. Amend the Land Zoning Map from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential.

(b) **That** the Planning Proposal be forwarded to the DPE for a Gateway Determination.

(c) **That** Council advise the DPE that the CEO will be seeking to exercise its plan-making delegations for this Planning Proposal, as authorised by Council on 26 November 2012.

(d) **That** Council delegates authority to the CEO:

i. To draft and negotiate the Planning Agreement based on the submitted offer provided at **Attachment 2** and as detailed in this report.

ii. In the event that a Gateway Determination is issued by DPE, that the Planning Agreement is placed on public exhibition concurrently with the Planning Proposal.

- (e) **That**, Council delegates authority to the CEO to correct any minor anomalies of a non-policy and administrative nature that arise during the plan-making process or preparation of the Planning Agreement.
- (f) **Further, that** Council note the advice of the Local Planning Panel dated 18 October 2022 which is consistent with the above Council officer recommendation.

In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

The planning proposal moved by Councillor Esber and seconded by Councillor Garrard was CARRIED UNANIMOUSLY.

DIVISION A division was called, the result being:-

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

13.4 SUBJECT Night Time Economy Diversification Grants 2022/23

REFERENCE F2022/00105 - D08743569

REPORT OF Project Officer

4095 RESOLVED (Esber/Noack)

That the report be deferred to the next Council Meeting on 5 December 2022.

13.5 SUBJECT Public Presentation of the 2021-2022 Annual Financial Statements

REFERENCE F2022/00105 - D08749651

REPORT OF Financial Accounting and Treasury Manager

4096 RESOLVED (Esber/Maclean)

That the 2021-2022 Annual Financial Statements, Auditor's Reports and any public submissions be received and presented to the public.

13.6 SUBJECT Quarterly Budget Review - September 2022

REFERENCE F2022/00105 - D08750106

REPORT OF Financial Planning and Analysis Manager

4097 RESOLVED (Esber/Maclean)

- (a) **That** Council adopt the September 2022 Quarterly Budget Review Statement (QBRs) and the Responsible Accounting Officer's report on the financial position of the Council (**Attachment 1**).
- (b) **Further, that** Council approve the revised budget for the 2022/23 financial year:
 - i) Net operating result (including capital) of \$73.6m
 - ii) capital revenue of \$76.2m
 - iii) capital expenditure of \$259.3m.

13.7 SUBJECT Request to commence public exhibition of the draft Parramatta Development Control Plan (Harmonisation DCP)

REFERENCE F2022/00105 - D08751655

REPORT OF Team Leader Strategic Land Use Planning

4098 RESOLVED (Garrard/Wearne)

- (a) **That** Council approve the draft City of Parramatta Development Control Plan (draft DCP) at **Attachment 1** for the purposes of public exhibition.
- (b) **That** Council endorse administrative changes to the stand-alone DCPs for Wentworth Point and Homebush Bay West for the purposes of public exhibition. These changes involve:
 - removing references to former council LEPs or DCPs that are to be repealed;
 - removing references to former councils as the consent authority; and
 - transferring certain current Auburn DCP controls (which would otherwise disappear when the Auburn DCP is repealed as part of this process) that relate to parking and loading, adaptable housing units and water management to ensure there is no change to the DCP controls that apply in these precincts.
- (c) **That** Council notify all landowners within the City of Parramatta as part of the public exhibition of the draft DCP and the public authorities and stakeholders who made submissions during the public exhibition of the draft Harmonisation Local Environmental Plan or requested to be consulted during previous stages of the Harmonisation project.
- (d) **That** the length of the public exhibition be extended from the standard 28 days to 42 days.
- (e) **That** the results of the public exhibition be reported to Council for its consideration.

- (f) **Further, that** Council delegates authority to the Chief Executive Officer to make any changes of a minor, administrative and/or non-policy nature to the DCPs during the finalisation of exhibition documents.

In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

The planning proposal moved by Councillor Garrard and seconded by Councillor Wearne was CARRIED UNANIMOUSLY.

DIVISION A division was called, the result being:-

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

Note: Questions were taken on notice for this item.

14. NOTICES OF MOTION

14.1 **SUBJECT** ParraMatch 2022

REFERENCE F2022/00105 - D08749097

FROM Councillor

MOTION Darley

- (a) **That** Council congratulates the five community organisations selected to participate in ParraMatch 2022, namely:

1. Symphony For Life Foundation – Parramatta Children's Orchestra.
2. Support the Girls Australia – Support The Girls Morning Tea & Bra Gifting Event.
3. Dundas Area Neighbourhood Centre – The Heart of the Community.
4. DRG Stitches Collection – The Stitches Challenge Parramatta.
5. All Hands – Confidence, Comfort and Coping.

- (b) **That** Council acknowledges the impact of the crowdfunding platform unexpectedly stopping mid-way through ParraMatch and that the five ParraMatch projects were not able to complete their fundraising campaign and meet their targets as a result, through no fault of their own.

- (c) **Further, that** Council fulfils its original commitment to provide small financial assistance of \$1,500 per project, consisting of the initial \$1,000 that was to be provided to start their campaigns and \$500 that was to be available to those organisations that received pledges from over 25 individual supporters, given ParraMatch had to be cancelled.

AMENDMENT (Esber/Garrard)

- (a) **That** Council congratulates the five community organisations selected to participate in ParraMatch 2022, namely:
1. Symphony For Life Foundation – Parramatta Children's Orchestra.
 2. Support the Girls Australia – Support The Girls Morning Tea & Bra Gifting Event.
 3. Dundas Area Neighbourhood Centre – The Heart of the Community.
 4. DRG Stitches Collection – The Stitches Challenge Parramatta.
 5. All Hands – Confidence, Comfort and Coping.
- (b) **That** Council acknowledges the impact of the crowdfunding platform unexpectedly stopping mid-way through ParraMatch and that the five ParraMatch projects were not able to complete their fundraising campaign and meet their targets as a result, through no fault of their own.
- (c) **That** Council fulfils its original commitment to provide small financial assistance of \$1,500 per project, consisting of the initial \$1,000 that was to be provided to start their campaigns and \$500 that was to be available to those organisations that received pledges from over 25 individual supporters, given ParraMatch had to be cancelled.
- (d) **And that** where participants can demonstrate that they can use these funds in line with the objectives of the original ParraMatch Projects for which they were fundraising.

4099 RESOLVED (Esber/Garrard)

- (a) **That** Council congratulates the five community organisations selected to participate in ParraMatch 2022, namely:
1. Symphony For Life Foundation – Parramatta Children's Orchestra.
 2. Support the Girls Australia – Support The Girls Morning Tea & Bra Gifting Event.

3. Dundas Area Neighbourhood Centre – The Heart of the Community.
 4. DRG Stitches Collection – The Stitches Challenge Parramatta.
 5. All Hands – Confidence, Comfort and Coping.
- (b) **That** Council acknowledges the impact of the crowdfunding platform unexpectedly stopping mid-way through ParraMatch and that the five ParraMatch projects were not able to complete their fundraising campaign and meet their targets as a result, through no fault of their own.
- (c) **That** Council fulfils its original commitment to provide small financial assistance of \$1,500 per project, consisting of the initial \$1,000 that was to be provided to start their campaigns and \$500 that was to be available to those organisations that received pledges from over 25 individual supporters, given ParraMatch had to be cancelled.
- (d) **And that** where participants can demonstrate that they can use these funds in line with the objectives of the original ParraMatch Projects for which they were fundraising.

15. QUESTIONS WITH NOTICE

15.1 SUBJECT Model Social Media Policy

REFERENCE F2022/00105 - D08770207

FROM Councillor Kellie Darley

MOTION

That the report be withdrawn and deferred to the Council Meeting on 12 December 2022.

15.2 SUBJECT Questions Taken on Notice - 14 November 2022 Council Meeting

REFERENCE F2022/00105 - D08769696

REPORT OF Governance Manager

Item 8.1 Parramatta Light Rail Stage 2 Environmental Impact Statement

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

Can staff promote on Council's social media platforms that the Environmental Impact Statement for Stage 2 of the Parramatta Light Rail is on public exhibition and feedback from the public is needed?

Acting Executive Director City Engagement and Experience Response

Communications around PLR Stage 2 EIS were generated week commencing 7 November, including:

1. CoP website pages and a slider on the homepage are active with material on relevant pages including the PRL Stage 1 and PLR Stage 2 page;
2. Participate Parramatta webpage is live;
3. Social media from both Participate Parramatta and CoP accounts are scheduled, with at two posts already published;
4. The opportunity to submit a response to the EIS Stage 2 is also being communicated in CoP e-newsletters including AT Parramatta, Business and Participate Parramatta, and;
5. The Lord Mayor's Column will also highlight the opportunity for residents to have their say on PLR 2.

Council should also note that similar activity has been undertaken around the opportunity to provide feedback on the Parramatta and Sydney Olympic Park precincts for Sydney West Metro (opportunity closes 13 December).

Item 12. 1 – Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013

During discussion on the Motion moved by Councillor Esber, he asked the following question:

On DA/317/2021, 63-67 Pine Street Rydalmere is the two meters variation (18.18%) for the whole site or for the two sides and lift shaft in the middle?

Executive Director City Planning & Design Response

The height breach relates to the upper most part of the roof of the building and the lift shaft. The height breach allows for access to the common open space on the roof and articulation of the building for the upper level. No part of the height breach relates to habitable floor space. Previous approvals for a similar building on the site approved the height with the same variation.

Item 12. 1 – Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013

During discussion on the Motion moved by Councillor Esber, he asked the following question:

On DA/317/2021, 63-67 Pine Street Rydalmere, how many apartments are in the building?

Executive Director City Planning & Design Response

The approved development contains 35 units; with 12 of the units being for affordable rental housing.

Item 12. 1 – Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013

During discussion on the Motion moved by Councillor Esber, he asked the following question:

On DA/317/2021, 63-67 Pine Street Rydalmere, can staff provide a copy of the plans in A4 size on the next Agenda?

Executive Director City Planning & Design Response

Plans are attached, Attachment 1.

Item 14. 1 – Notice of Motion: Removal of overhanging vegetation on Bennelong Parkway

During discussion on the Motion moved by Councillor Prociv, Councillor Siviero asked the following question:

When is the next quarterly budget review as mentioned in paragraph 5 of the report?

Executive Director City Assets and Operations

The next quarterly budget review would be in early in 2023 post the completion of Q2. It should be noted that council's response proposes that there are no budgetary implications for the NoM as the clearing of vegetation along this area reflects normal operations and will be delivered within existing operational budgets.

Note: Prior to moving into Closed Session, the Lord Mayor invited members of the public gallery to make representations as to why any item had been included in Closed Session. No member of the gallery wished to make representations.

16. CLOSED SESSION

4100 RESOLVED (Wearne/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 October 2022. (D08715281) - *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 Land & Environment Court Sydney Metro vs City of Parramatta increase in legal and expert fees. (D08748119) - *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.*
- 3 ITT-21/2022 - Leisure Facility Management System (LFMS). (D08627555) - *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.*
- 4 LATE REPORT: Land & Environment Court Sydney Metro vs City of Parramatta increase in legal and expert fees. (D08778178) - *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.*

16.1 SUBJECT Legal Status Report as at 31 October 2022

REFERENCE F2022/00105 - D08715281

REPORT OF Group Manager Legal Services

4101 RESOLVED (Wearne/Maclean)

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

Note: Staff is to change the terminology from 'variance' to 'balance of the available spend'

16.2 PROCEDURAL MOTION

4102 RESOLVED (Maclean/Siviero)

That the Item 16.2A LATE REPORT: Land & Environment Court Sydney Metro vs City of Parramatta increase in legal and expert fees supersedes Item 16.2 Land & Environment Court Sydney Metro vs City of Parramatta increase in legal and expert fees.

16.2A SUBJECT LATE REPORT: Land & Environment Court Sydney Metro vs City of Parramatta increase in legal and expert fees

REFERENCE F2022/00105 - D08778178

REPORT OF Acting Executive Director Property and Place

4103 RESOLVED (Siviero/Garrard)

(a) **That** Council approves an additional \$1,361,000 be allocated from the Property Reserve for legal and expert fees to continue to run the Class 3 proceeding in the Land & Environment Court.

(b) **That** Council amends resolution 3659 item (c) from Council's Meeting 7 February 2022 to remove the ambiguity of the original resolution and replace it with the following:

***That** Council delegates to the Chief Executive Officer to negotiate and agree, in consultation with the Lord Mayor, an amount of compensation for the Horwood Place acquisition equal to or greater than the Valuer-General's determination of compensation, being \$123,417,176.*

16.3 SUBJECT ITT-21/2022 - Leisure Facility Management System (LFMS)

REFERENCE F2022/00105 - D08627555

REPORT OF Community Infrastructure and Business Systems Manager

4104 RESOLVED (Bradley/Noack)

(a) **That** Council approve the appointment of the recommended tenderer for the configuration, deployment and ongoing licencing and support of the LFMS for a period of up to 10 years (4+2+4, subject to Council's sole discretion) for the costs as outlined in the Financial Implication section (paragraphs 21 to 24) of the report.

(b) **That** all unsuccessful tenderers be advised of Council's decision in this matter.

(c) **Further, that** Council delegate authority to the Chief Executive Officer to finalise and execute all necessary documents in connection with this matter

PROCEDURAL MOTION

4105 RESOLVED (Maclean/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, 16.2A to 16.3. The Lord Mayor also noted the resolution that 16.2A supersedes 16.1.

18. CONCLUSION OF MEETING

The meeting terminated at 9:48 pm.

THIS PAGE AND THE PRECEDING 32 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON Monday, 28 November 2022 AND CONFIRMED ON Monday, 5 December 2022.


Chairperson