

MINUTES OF THE MEETING OF PARRAMATTA CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC PLACE, PARRAMATTA ON MONDAY, 14 DECEMBER 2015 AT 6.48PM

PRESENT

The Lord Mayor, Councillor P J Garrard in the Chair and Councillors J P Abood, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn MP (arrived 7.09pm), J A Hugh, S T Issa (retired 10.25pm), S D Lloyd, B Makari (Deputy Lord Mayor), J L Shaw, L E Wearne (arrived 6.51pm) and A A Wilson (arrived 6.51pm).

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Lord Mayor, Councillor P J Garrard acknowledged the Burramattagal Clan of The Darug, the traditional land owners of Parramatta and paid respect to the elders both past and present.

MINUTES

- 7.7 SUBJECT Draft Parramatta CBD Planning Proposal - Resolution of Key Policy Areas
- REFERENCE F2013/02004 - D04001352
- REPORT OF Team Leader Strategy. Also Director Strategic Outcomes and Development Memorandum dated 10 December 2015. Also correspondence from JBA dated 14 December 2015.

ELECTION OF CHAIR

As The Lord Mayor, Councillor P J Garrard and the Deputy Lord Mayor, Councillor B Makari intended to declare an interest in relation to this matter, it was necessary to elect a Chairperson.

16269 RESOLVED (Issa/Makari)

That Councillor S Lloyd be elected to Chair the meeting during discussion and voting on Item 7.7 of Economy.

16270 MOTION (Issa/Hugh)

- (a) **That**, in relation to the preparation of the Draft Parramatta CBD Planning Proposal, Council resolve to proceed in accordance with Option FSR-3A (as detailed in the memo to Councillors dated 10

December 2015) together with the 'Alternate FSR Clause' detailed as follows:

- i) That Council implements the Proposed Sliding Scale FSR-3A when a site cannot meet the conditions in the Alternate FSR Clause..

That Council implements the Proposed Sliding Scale (FSR-3A) as follows:

- FSRs up to 6:1 – adjusted to 500sqm and 1,300sqm respectively
- FSR of 7:1 – adjusted to 600sqm and 1,600sqm respectively
- FSRs of 8:1 and above – adjusted to 800sqm and 1,600sqm respectively

However, the maximum FSR can be achieved on all sites, subject to the condition of the 'Alternate FSR Clause', and only refer to FSR-3A in the event that the conditions in the Alternate FSR Clause cannot be met.

- ii) That Council adopt the an 'Alternate FSR Clause' that allows any site to achieve the maximum FSR permitted by the maps (ie. 10:1 in the CBD Core and 6:1 in the transitional areas as resolved in the Draft City Centre Planning framework maps and Auto Alley Maps) subject to meeting the following criteria:

(a) Achieving design excellence through instruments such as design competitions, and

(b) Compliance with state planning instruments SEPP 65 and the objectives of the

ADG and;

(c) The ground floor of all sides of the building facing the street will be activated.

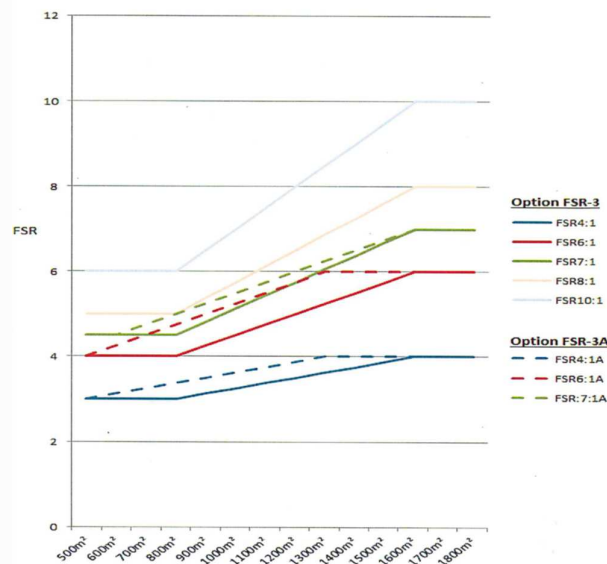
(d) **That** staff prepare material boards or other appropriate forms/lists of noble materials with developers being required to use such materials on facades facing active street

frontages, water courses and features, active public domain areas, parks and significant heritage or cultural items.

(e) **Further, that** developers be required to create active street frontages whether their site is facing active street frontages, water course and features, active public domain,

parks and significant heritage or cultural items.

(This would provide a process that all sites, regardless of size, are able to attempt to access the FSR identified on the map, subject to design excellence. This is consistent with the resolution adopted by council through item 9.4 8 September 2014)



- (b) **That**, in relation to the preparation of the Draft Parramatta CBD Planning Proposal, Council resolve to proceed in accordance with Option SOL-2 with respect to Solar Access Controls, which reads as follows:

“That heights and FSRs in solar access affected areas be consistent with those shown on adjoining unaffected properties (with solar access planes to remain as an overarching control in the LEP). Further, that FSR and height controls remain as listed in the current draft City Centre Planning Framework maps.

(This would provide applicants the flexibility to attempt to achieve maximum FSR whilst still complying with Solar Access Controls as well as design excellence)”

- (c) **That** Council recognise that to preserve the heritage value of each individual heritage item in the City, and seek to enhance heritage outcomes for the City, redevelopment proposed for heritage items should be treated as site specific case by case matters based on merit. Further:

- i) In order to ensure compliance with the s117 Direction No. 2.3

- Heritage Conservation, Council adopts provisions in respect to heritage conservation which are consistent with the current Parramatta City Centre LEP 2007 (Part 5, Clause 35).
- ii) That heritage controls for land fronting Church Street between the river and Macquarie Street be limited to height controls in the LEP (ie. replace the 3:1 FSR with a 10:1 FSR) with other relevant controls to be included in the DCP, given the strong concentration of heritage items and its heritage character.
 - iii) In respect of other listed heritage items, that Council Officers note that Council requires all development matters potentially impacting these items to be brought before the Council.
 - iv) That FSR and height controls remain as listed in the current draft maps (ie. 10:1 in the CBD Core and 6:1 in the transitional areas as resolved in the draft City Centre Planning Framework Maps and as adopted in the Auto Alley Strategy). That is, that heritage items in the CBD, and those adjoined, have FSRs the same as adjoining properties, except for only the following:
 - a. Harrisford House, given this is a state heritage item with a direct connection with the river.
 - b. Area directly to the north of Lancer Barracks, given this is an item of national heritage significance.
 - c. Areas adjoining state heritage items within a significant landscape setting, including St John's Church and St John's Cemetery.
 - v) Further, that Council explore a mechanism for transferrable floor space on heritage items (subject to the enhancement of the heritage item) to provide greater incentive for heritage conservation (in addition to Part 5, Clause 35 in the current Parramatta City Centre LEP 2007)

For the avoidance of doubt the standard template clause is as follows:

Heritage conservation

(1)

Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of the City,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2)

Requirement for consent

Development consent is required for any of

the

following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site

- or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under

this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies):

- (a) notify the Heritage Council of its intention to grant consent, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has*

been approved by the consent authority, and
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

- (d) **Further, that** Council restates its objective to provide for the future infrastructure needs of the Parramatta City Centre from the redevelopment of the Centre:-
- i) That Council continue to pursue an increase to the section 94A levy from 3% to 4.5%, and
 - ii) That Council, as an alternative to (i), explore the implementation of a 'Phase 1' *infrastructure funding* mechanism, where existing FSR controls remain in place and additional higher FSR controls can be achieved by contributing/sharing 10% of the land value of the uplift with the community for the provision of infrastructure. This will only be applicable if the Minister does not consent to the proposed increase in the s94A levy
 - iii) Further to (ii), That Council explore the implementation of a 'Phase 2' *infrastructure funding* mechanism, where higher FSRs than those proposed in Phase 1 can be achieved for nominated 'Special Areas' by sharing/contributing "a percentage" of the land value of the uplift with the community for the provision of infrastructure and subject to preparation of a site-specific DCP (or Stage 1 Concept DA) to demonstrate the site can accommodate the proposed additional yield without any adverse impacts.
 - iv) That Council nominate the 'Special Areas' for 'Phase 2 Value Sharing' and the amount of potential additional FSR for each area when considering the Draft Parramatta CBD Planning Proposal in early 2016.
 - v) That Council prepare an Infrastructure Delivery Plan to provide an infrastructure works program to provide transparency in how any income received through the funding scheme will be spent.
 - vi) That Council prepare a Development Guideline to explain the process for provision of infrastructure through the *infrastructure funding* scheme, including nominating a dollar value per square metre of additional GFA being sought (which should be scheduled to provide certainty and reviewed annually), in case monies are dedicated towards

- infrastructure, rather than works.
- vii) That the mechanism applies only to additional residential GFA, not commercial GFA above the base FSRs shown on the maps.
 - viii) That the *infrastructure funding* mechanism operates in addition to existing section 94A contributions.
 - ix) That, in relation to the preparation of site-specific planning proposals at 14-20 Parkes Street, Harris Park and 122 Wigram Street, Harris Park, Council amends these planning proposals currently being prepared to adopt a similar approach for negotiation (ie 10% of land value uplift) of an appropriate infrastructure contribution cause by the impact of these developments as that adopted above in (ii) for the Draft Parramatta CBD Planning Proposal.
 - x) Further that, in relation to existing site-specific planning proposals currently being processed by Council in the Parramatta CBD, Council resolve to adopt a similar approach for infrastructure contribution in negotiating Voluntary Planning Agreements (VPAs) for these sites as that adopted for the Draft Parramatta CBD Planning Proposal above in (ii) (ie 10% of land value uplift) and Council advise applicants where Council is currently negotiating a VPA that the *infrastructure funding methodology* outlined in (ii) above is now Council's position in relation to the negotiation of these VPAs.

Justifications -

- *Allows for flexibility.*
- *Simpler planning controls.*
- *Allows proponents to explore options for other land uses whilst encouraging equality*
- *Encourages developers to do much better due diligence checks before purchasing*
- *Better suited to unique sites that can meet design criteria to achieve maximum FSRs*
- *Protects the items of Local, State, National and World heritage*
- *Provides incentives for current and future investment into our city*
- *Consistent with council resolutions*
 - *Council has consistently voted unanimously for all resolutions associated with the city centre planning framework. These include*
 - *Council voted unanimously in support of the **City Centre Framework** 8 September 2014*
 - *This was publically exhibited. Drop in sessions to town hall (x2), as well as public forum in hotel were held*
 - *Submission to the draft were made, with NO negatives or objections*

- *Build not only speculation, but activity and confidence in Parramatta*
 - *Consistent with the states “Plans for Growing Sydney”*
 - *Aligned to the Greater Sydney Commission chairs view (L.Turnbull) that for Sydney to prosper, Parramatta and its growth must be achieved*
 - *Council voted unanimously in support **of sites less than 1000sqm metres** achieving maximum FSRs subject to design excellence (item 9.4 8 September 2014)*
 - **OTHER COUNCIL RESOLUTIONS IN SUPPORT and CONSISTENT WITH**
 - *Item 10.3 13 July 2015 – Parramatta CBD Planning Strategy – Park Edge Highly Sensitive Area adjacent to World Heritage Listed Old Government House and Domain Solar Access to Key Public Spaces (passed 14 ayes, 1 no)*
 - *item 9.4 8 September 2014 – Parramatta CBD Planning Framework Review*
 - *item 7.14 December 2014 – Draft Parramatta City Centre Planning Framework Review- Outcome of Public Exhibition.*
 - *This included the Communications and Media report 2014. With a total audience reach of 3.656,037*
 - *Highlights:*
 - *Sky set to be the limit for Satellite CBD – Weekend Australian 18 Oct 14*
 - *Parra’s Plan to send city through the roof – Sunday Tele 26 Oct 14*
 - *Other social media and articles in online medium such as TheUrbanDeveloper.com “Height limits removed in proposed planning framework for Parramatta”*
 - *LM Minute 10 April 15. Parramatta City Centre Planning Framework Review*
 - *LM Minute 9 March 15 - Parramatta City Centre Planning Framework Review*
 - *NoM Garrard 26 June 15. Draft Parramatta CBD Planning Strategy*
- e) **That** Council form a committee to review the plan to report back with their recommendations by the first Council Meeting in February 2016.
- (f) **That** this committee may consist of three councillors and two outside experts. These expert may be Mary Lyn Taylor from the JRPP and Sam Haddad (the former Director General of Planning).

- (g) **That** should anyone be unable or unwilling to attend the committee, then the NSW Planning Minister be requested to supply a replacement subject to the concurrence of the Lord Mayor and the 3 committee councillors.
- (j) **That** compensation to the members of the committee be in line with the JRPP payments.
- (i) **That** the engagement include the following scope:-
1. Development of an implementation for the infrastructure funding mechanism linked to CBD development and the provision of CBD city infrastructure.
 2. Assistance with talks and presentation with the Minister for Planning and Environment and his senior Department officials to gauge the State Government views on a statutory based infrastructure fund and levy made pursuant to Division 6 of the Environmental Planning and Assessment Act 1979 to provide for the future infrastructure needs of the City Centre, over and above the existing section 94A contribution.
 3. Obtaining specialist senior economic advice as to the potential structure and options therein of a statutory based infrastructure fund to inform council's discussions with the State Government.
- (j) **Further, that** the objectives of this process is to be in a completed form for Council review and adoption in March 2016.

AMENDMENT (Wilson/Finn)

- (a) **That**, in relation to the preparation of the Draft Parramatta CBD Planning Proposal, Council resolve to proceed in accordance with Option FSR-3A (as detailed in the memo to Councillors dated 10 December 2015) together with the 'Alternate FSR Clause' detailed as follows:

i) That Council implements the Proposed Sliding Scale FSR-3A when a site cannot meet the conditions in the Alternate FSR Clause.

That Council implements the Proposed Sliding Scale (FSR-3A) as follows:

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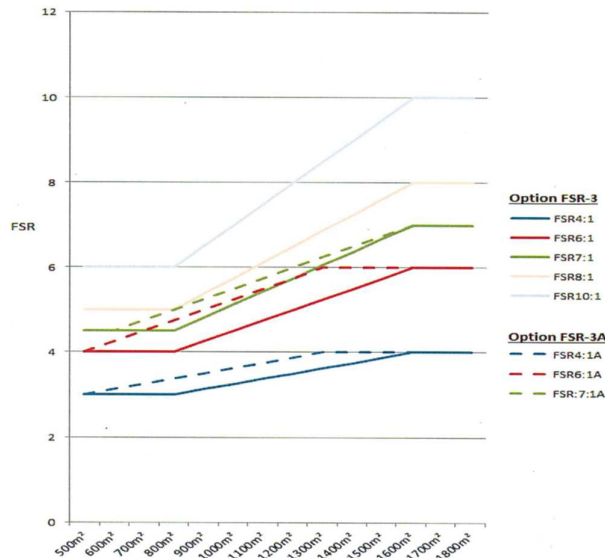
(b) Compliance with state planning instruments SEPP 65 and the objectives of the ADG and;

(c) The ground floor of all sides of the building facing the street will be activated.

(d) **That** staff prepare material boards or other appropriate forms/lists of noble materials with developers being required to use such materials on facades facing active street frontages, water courses and features, active public domain areas, parks and significant heritage or cultural items.

(e) **Further, that** developers be required to create active street frontages whether their site is facing active street frontages, water course and features, active public domain, parks and significant heritage or cultural items.

(This would provide a process that all sites, regardless of size, are able to attempt to access the FSR identified on the map, subject to design excellence. This is consistent with the resolution adopted by council through item 9.4 8 September 2014)



- (b) **That**, in relation to the preparation of the Draft Parramatta CBD Planning Proposal, Council resolve to proceed in accordance with Option SOL-2 with respect to Solar Access Controls, which reads as follows:

“That heights and FSRs in solar access affected areas be consistent with those shown on adjoining unaffected properties (with solar access planes to remain as an overarching control in the LEP). Further, that FSR and height controls remain as listed in the current draft City Centre Planning Framework maps.

(This would provide applicants the flexibility to attempt to achieve maximum FSR whilst still complying with Solar Access Controls as well as design excellence)”

- (c) **That** Council recognise that to preserve the heritage value of each individual heritage item in the City, and seek to enhance heritage outcomes for the City, redevelopment proposed for heritage items should be treated as site specific case by case matters based on merit. Further:
- i) In order to ensure compliance with the s117 Direction No. 2.3 – Heritage Conservation, Council adopts provisions in respect to heritage conservation which are consistent with the current Parramatta City Centre LEP 2007 (Part 5, Clause 35).
 - ii) That heritage controls for land fronting Church Street between the river and Macquarie Street be limited to height controls in the LEP (ie. replace the 3:1 FSR with a 10:1 FSR) with other relevant controls to be included in the DCP, given the strong concentration of heritage items and its heritage character.

- iii) In respect of other listed heritage items, that Council Officers note that Council requires all development matters potentially impacting these items to be brought before the Council.
- iv) That FSR and height controls remain as listed in the current draft maps (ie. 10:1 in the CBD Core and 6:1 in the transitional areas as resolved in the draft City Centre Planning Framework Maps and as adopted in the Auto Alley Strategy). That is, that heritage items in the CBD, and those adjoining, have FSRs the same as adjoining properties, except for only the following:
 - a. Harrisford House, given this is a state heritage item with a direct connection with the river.
 - b. Area directly to the north of Lancer Barracks, given this is an item of national heritage significance.
 - c. Areas adjoining state heritage items within a significant landscape setting, including St John's Church and St John's Cemetery.
- v) Further, that Council explore a mechanism for transferrable floor space on heritage items (subject to the enhancement of the heritage item) to provide greater incentive for heritage conservation (in addition to Part 5, Clause 35 in the current Parramatta City Centre LEP 2007)

For the avoidance of doubt the standard template clause is as follows:

Heritage conservation

(1)

Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of the City,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2)

Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) a heritage item,*
 - (ii) an Aboriginal object,*
 - (iii) a building, work, relic or tree within a*

- heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land:*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land:*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
- (b) the development is in a cemetery or burial ground and the proposed development:*
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
 - (ii) would not cause disturbance to human*

remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies):

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the

notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of*

*the Aboriginal place of heritage significance, and
(e) the proposed development would not have any
significant adverse effect on the amenity of the
surrounding area.*

- (d) **That** Council restates its objective to provide for the future infrastructure needs of the Parramatta City Centre from the redevelopment of the Centre:-
- i) That Council continue to pursue an increase to the section 94A levy from 3% to 4.5%, and
 - ii) That Council, as an alternative to (i), explore the implementation of a 'Phase 1' *infrastructure funding* mechanism, where existing FSR controls remain in place and additional higher FSR controls can be achieved by contributing/sharing 10% of the land value of the uplift with the community for the provision of infrastructure. This will only be applicable if the Minister does not consent to the proposed increase in the s94A levy
 - iii) Further to (ii), That Council explore the implementation of a 'Phase 2' *infrastructure funding* mechanism, where higher FSRs than those proposed in Phase 1 can be achieved for nominated 'Special Areas' by sharing/contributing "a percentage" of the land value of the uplift with the community for the provision of infrastructure and subject to preparation of a site-specific DCP (or Stage 1 Concept DA) to demonstrate the site can accommodate the proposed additional yield without any adverse impacts.
 - iv) That Council nominate the 'Special Areas' for 'Phase 2 Value Sharing' and the amount of potential additional FSR for each area when considering the Draft Parramatta CBD Planning Proposal in early 2016.
 - v) That Council prepare an Infrastructure Delivery Plan to provide an infrastructure works program to provide transparency in how any income received through the funding scheme will be spent.
 - vi) That Council prepare a Development Guideline to explain the process for provision of infrastructure through the *infrastructure funding* scheme, including nominating a dollar value per square metre of additional GFA being sought (which should be scheduled to provide certainty and reviewed annually), in case monies are dedicated towards infrastructure, rather than works.
 - vii) That the mechanism applies only to additional residential GFA, not commercial GFA above the base FSRs shown on the maps.
 - viii) That the *infrastructure funding* mechanism operates in addition to existing section 94A contributions.
 - ix) That, in relation to the preparation of site-specific planning proposals at 14-20 Parkes Street, Harris Park and 122

Wigram Street, Harris Park, Council amends these planning proposals currently being prepared to adopt a similar approach for negotiation (ie 10% of land value uplift) of an appropriate infrastructure contribution cause by the impact of these developments as that adopted above in (ii) for the Draft Parramatta CBD Planning Proposal.

- x) Further that, in relation to existing site-specific planning proposals currently being processed by Council in the Parramatta CBD, Council resolve to adopt a similar approach for infrastructure contribution in negotiating Voluntary Planning Agreements (VPAs) for these sites as that adopted for the Draft Parramatta CBD Planning Proposal above in (ii) (ie 10% of land value uplift) and Council advise applicants where Council is currently negotiating a VPA that the *infrastructure funding methodology* outlined in (ii) above is now Council's position in relation to the negotiation of these VPAs.

Justifications -

- *Allows for flexibility.*
- *Simpler planning controls.*
- *Allows proponents to explore options for other land uses whilst encouraging equality*
- *Encourages developers to do much better due diligence checks before purchasing*
- *Better suited to unique sites that can meet design criteria to achieve maximum FSRs*
- *Protects the items of Local, State, National and World heritage*
- *Provides incentives for current and future investment into our city*
- *Consistent with council resolutions*
 - *Council has consistently voted unanimously for all resolutions associated with the city centre planning framework. These include*
 - *Council voted unanimously in support of the **City Centre Framework** 8 September 2014*
 - *This was publically exhibited. Drop in sessions to town hall (x2), as well as public forum in hotel were held*
 - *Submission to the draft were made, with NO negatives or objections*
 - *Build not only speculation, but activity and confidence in Parramatta*
 - *Consistent with the states "Plans for Growing Sydney"*
 - *Aligned to the Greater Sydney Commission chairs view (L.Turnbull) that for Sydney to prosper, Parramatta and its growth must be achieved*

- Council voted unanimously in support of **sites less than 1000sqm metres** achieving maximum FSRs subject to design excellence (item 9.4 8 September 2014)
 - OTHER COUNCIL RESOLUTIONS IN SUPPORT and CONSISTENT WITH
 - Item 10.3 13 July 2015 – Parramatta CBD Planning Strategy – Park Edge Highly Sensitive Area adjacent to World Heritage Listed Old Government House and Domain Solar Access to Key Public Spaces (passed 14 ayes, 1 no)
 - item 9.4 8 September 2014 – Parramatta CBD Planning Framework Review
 - item 7.14 December 2014 – Draft Parramatta City Centre Planning Framework Review- Outcome of Public Exhibition.
 - This included the Communications and Media report 2014. With a total audience reach of 3.656,037
 - Highlights:
 - Sky set to be the limit for Satellite CBD – Weekend Australian 18 Oct 14
 - Parra's Plan to send city through the roof – Sunday Tele 26 Oct 14
 - Other social media and articles in online medium such as TheUrbanDeveloper.com "Height limits removed in proposed planning framework for Parramatta"
 - LM Minute 10 April 15. Parramatta City Centre Planning Framework Review
 - LM Minute 9 March 15 - Parramatta City Centre Planning Framework Review
 - NoM Garrard 26 June 15. Draft Parramatta CBD Planning Strategy
- (e) **That** Council form a committee to review the plan to report back with their recommendations by the first Council Meeting in February 2016.
- (f) **That** this committee consist of three councillors and two outside experts. These experts be Mary Lyn Taylor from the JRPP and Sam Haddad (the former Director General of Planning).
- (g) **That** should anyone be unable or unwilling to attend the committee, then the NSW Planning Minister be requested to supply a replacement subject to the concurrence of the Lord Mayor and the 3 committee councillors.
- (h) **That** compensation to the members of the committee be in line with the JRPP payments.
- (i) **That** the engagement include the following scope:-

1. Development of an implementation for the infrastructure funding mechanism linked to CBD development and the provision of CBD city infrastructure.
2. Review and advice on a planning framework , heritage treatment and controls for the CBD to ensure that plans promote growth of high quality housing and employment to create Sydney Second CBD including:-
 - (i) The practicality of the plan;
 - (ii) Transition of development to conservation areas;
 - (iii) Enhancing the amenity of the public domain including (but not limited to): Parramatta Square, Centenary Square, River Foreshore, Prince Alfred Park, Jubilee Park, James Ruse Park and Robin Thomas Reserve;
 - (iv) Ways of lifting development standards in Parramatta;
 - (v) Ways of ensuring Parramatta fulfils its place as the capital of Western Sydney.
3. Assistance with talks and presentation with the Minister for Planning and Environment and his senior Department officials to gauge the State Government views on a statutory based infrastructure fund and levy made pursuant to Division 6 of the Environmental Planning and Assessment Act 1979 to provide for the future infrastructure needs of the City Centre, over and above the existing section 94A contribution.
4. Obtaining specialist senior economic advice as to the potential structure and options therein of a statutory based infrastructure fund to inform council's discussions with the State Government.

(j) **Further, that** the objectives of this process is to be in a completed form for Council review and adoption in March 2016.

The amendment was put and lost.
The motion was put and carried.

DIVISION The result being:-

AYES: Councillors J P Abood, R Dwyer, J D Finn, J A Hugh, S T Issa, S D Lloyd, and L E Wearne

NOES: Councillors G J Elmore, J L Shaw and A A Wilson

Note

1. **Councillor S Chowdhury had declared a non - pecuniary Interest in relation to this item as he is on the Board of a**

Company that owns property in the CBD. Councillor Chowdhury further declared a pecuniary interest in relation to this matter also as he has an interest in land in the CBD that relates to this issue. Councillor Chowdhury left the meeting during discussion and voting on this issue.

- 2. Councillor P Esber had declared a Special Disclosure of Pecuniary Interest in relation to this item as he has an interest in land that relates to this issue. Councillor Esber left the meeting during discussion and voting on this issue.**
- 3. The Lord Mayor, Councillor P J Garrard declared a non - pecuniary interest in relation to this item as he is on the Board of the Parramatta Leagues Club which owns property in the CBD that relates to this issue. The Lord Mayor left the meeting during discussion and voting on this issue.**
- 4. Councillor J Hugh had declared a non - pecuniary interest in relation to this item as he is a director of a charity which owns property in the CBD that relates to this issue. Councillor Hugh remained in the Chamber during discussion on this issue.**
- 5. Councillor B Makari declared a pecuniary interest in relation to this item as a relative has an interest in land affected by this issue. Councillor Makari left the meeting during discussion and voting on this issue.**
- 6. Councillor J Shaw declared an interest in relation to this item as he owns property in the affected area but as the property is his principal place of residence, he advised the interest is insignificant and remained in the Chamber during discussion and voting on this matter.**
- 7. Per Minute No. 16281, Councillor Lloyd was in the Chair during discussion and voting on this matter.**