

EXTRACT FROM

MINUTES OF THE MEETING OF CITY OF PARRAMATTA COUNCIL HELD IN THE CLOISTER FUNCTION ROOMS, ST PATRICK'S CATHEDRAL 1 MARIST PLACE, PARRAMATTA ON MONDAY, 23 MARCH 2020 AT 6.30PM

PRESENT

The Lord Mayor, Councillor Bob Dwyer and Councillors Benjamin Barrak (6.31pm), Phil Bradley, Donna Davis, Pierre Esber, Michelle Garrard (Deputy Lord Mayor), Steven Issa, Andrew Jefferies, Sameer Pandey, Dr Patricia Prociv, Bill Tyrrell, Andrew Wilson and Martin Zaiter.

1. OPENING MEETING

The Lord Mayor, Councillor Bob Dwyer, opened the meeting at 6.30PM.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL LAND OWNERS

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

3. WEBCASTING ANNOUNCEMENT

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

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

4. OTHER RECORDING OF MEETING ANNOUNCEMENT

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

The Lord Mayor, Councillor Dwyer advised that in response to COVID-19, additional measures had been taken to ensure the public safety of the Councillors, staff and members of the public for this meeting, and encouraged the public to view the Council Meeting via live stream.

5. CONFIRMATION OF MINUTES

SUBJECT: Minutes of the Council Meeting held on 9 March 2020

2670 RESOLVED (Esber/Wilson)

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

6. APOLOGIES/REQUESTS FOR LEAVE OF ABSENCE

SUBJECT: Apologies/ Requests for Leave of Absence

2671 RESOLVED (Tyrrell/Wilson)

That the apologies received from Councillor Paul Han and Councillor Lorraine Wearne be accepted and leave of absence granted.

7. DECLARATIONS OF INTEREST

Councillor Barrak declared a significant non-pecuniary interest in the Matter of Urgency: Reimbursement of Councillor Legal Expenses considered in Closed Session, and left the Chamber during consideration of that matter and did not take part in the vote therein.

Councillor Wilson declared a significant non-pecuniary interest the Matter of Urgency: Reimbursement of Councillor Legal Expenses considered in Closed Session, and left the Chamber during consideration of that matter and did not take part in the vote therein.

18.1 SUBJECT FOR APPROVAL: Pre-Gateway - Planning Proposal for 135 George Street and 118 Harris Street, Parramatta (Albion Hotel site)

REFERENCE RZ/3/2017 - D07307244

REPORT OF Project Officer-Land Use Planning

2672 RESOLVED (Issa/Tyrrell)

(a) **That** Council endorse for the purposes of requesting a Gateway determination from the Department of Planning, Industry and Environment, the Planning Proposal included at Attachment 1 and the addendum at Attachment 2 for land at 135 George Street and 118 Harris Street, Parramatta which seeks to increase the maximum height of buildings control from 54 metres to 166 metres and allow for FSR consistent with the provision of the CBD Planning Proposal by including the following provisions in the site-specific Planning Proposal:

- i. Floor space ratio (FSR) – reduction in the floor space ratio from the applicant's proposed 13.5:1 to a mapped FSR of 10:1; (noting that the Design Excellence and High Performing Buildings bonuses and the unlimited commercial floor space site specific provision allows for an FSR of 12:1 or greater subject to the proposal not exceeding 165.6 metres in height)

- ii. Height of Buildings – Reduction in the Height of Buildings control from the applicant's proposed height of approximately 166 metres to a mapped height control of 144 metres noting that this provides for a total height of 165.6 metres when applying the 15 percent Design Excellence bonus;
 - iii. Inclusion of a site specific clause that allows for
 - Minimum Commercial Provisions – inclusion of a site-specific LEP clause in keeping with draft Clause 7.6C(4) of the Parramatta CBD Planning Proposal that requires a minimum commercial floor space area equivalent to an FSR of 1:1 and allows for any additional commercial premises floor space in excess of this to be exempt from the maximum FSR as long as this does not result in the proposal exceeding 165.6 metres in height;
 - High Performing Buildings Bonus - Provision outlining an additional FSR of 0.5:1 is achievable, provided that high-performing buildings standards are met and this bonus does not result in the proposal exceeding 165.6 metres in height.
 - iv. Car parking – inclusion of a site-specific LEP clause that applies the maximum car parking rates previously endorsed by Council as part of the Parramatta CBD Planning Proposal; and
 - v. Overshadowing – inclusion of a site-specific clause that ensures that the proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June consistent with the draft amendment to Clause 7.4 under the Parramatta CBD Planning Proposal.
- (b) **That** the Planning Proposal, as amended in accordance with resolution (a) above, be forwarded to the Department requesting a Gateway determination.
- (c) **That** a draft site-specific development control plan (DCP) be prepared and reported to Council for endorsement prior to its public exhibition.
- (d) **That** the applicant be invited to negotiate a Planning Agreement for the subject site and that delegated authority be given to the Chief Executive Officer to negotiate a Planning Agreement with the landowner in relation to the Planning Proposal on behalf of Council. The outcome of negotiations shall be reported back to Council prior to the draft Planning Agreement being placed on public exhibition.
- (e) **That** the Planning Proposal, draft DCP and draft Planning Agreement be exhibited concurrently.

- (f) **That** the reference design be amended by the applicant to reflect the changes in (a) and any changes required by any Gateway Determination issued, prior to exhibition of the Planning Proposal.
- (g) **That** Council advises the Department of Planning, Industry and Environment that the Chief Executive Officer will be seeking to exercise the plan-making delegations for this Planning Proposal.
- (h) **That** Council grant delegated authority to the Chief Executive Officer to correct any minor anomalies to the Planning Proposal, draft DCP and draft Planning Agreement of a non-policy and administrative nature that may arise during the amendment process.
- (i) **That** Council note the Local Planning Panel's advice to Council is to defer the Planning Proposal subject to overshadowing analysis (refer Attachment 3), which has been conducted as part of the Parramatta CBD Planning Proposal and is addressed in this report.
- (j) **Further, that** the Incentive Height of Buildings Map within the Parramatta CBD Planning Proposal be amended to indicate a height control of 144 metres (165.6 with design excellence) for the site noting that a portion of the site will still retain the Sun Access Protection controls under draft Clause 7.4 relating to the protection of solar access to Experiment Farm.

DIVISION A division was called, the result being:-

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

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