

MINUTES OF THE EXTRAORDINARY COUNCIL MEETING OF CITY OF PARRAMATTA COUNCIL HELD IN THE PARRAMATTA TOWN HALL ON WEDNESDAY, 20 NOVEMBER 2019 AT 7.00PM AND ADJOURNED TO MONDAY 25 NOVEMBER 6:30PM HELD IN THE CLOISTER FUNCTION ROOM, ST PATRICK'S CATHEDRAL, 1 MARIST PLACE, PARRAMATTA.

PRESENT

The Lord Mayor, Councillor Bob Dwyer and Councillors Benjamin Barrak (7.08pm), Phil Bradley, Donna Davis, Michelle Garrard (Deputy Lord Mayor), Paul Han, Steven Issa, Andrew Jefferies, Sameer Pandey, Dr Patricia Prociv, Bill Tyrrell, Andrew Wilson, Lorraine Wearne and Martin Zaiter (8.22pm).

1. OPENING MEETING

The Lord Mayor, Councillor Bob Dwyer, opened the meeting at 7.00pm.

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, Councillor Dwyer 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 ANOUNCEMENT

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/REQUESTS FOR LEAVE OF ABSENCE

SUBJECT: Apologies/Requests for leave of absence

2503 RESOLVED (Tyrrell/Wilson)

That the apology received from Councillor Pierre Esber be accepted.

6. DECLARATIONS OF INTEREST

Councillor Barrak declared a non-pecuniary and less than significant interest in Item 9.1 being RESCISSION MOTION: Parramatta CBD Planning Proposal – Response to Gateway Determination Conditions as he owns land at Harris Park not affected by the Rescission Motion. He stated he would remain in the meeting during debate and voting on the Rescission Motion. This declaration was made upon his arrival at the meeting at 7:08pm.

Councillor Zaiter declared a non-pecuniary but significant interest in in Item 9.1 being RESCISSION MOTION: Parramatta CBD Planning Proposal - Response to Gateway Determination Conditions as a client of his practice owns property within the CBD Planning Area. He stated he would retire from the meeting during debate and voting on the Rescission Motion. This declaration was made upon his arrival at the meeting at 8:22pm.

7. MATTERS OF URGENCY (if any)

There were no matters of urgency raised at this meeting.

PROCEDURAL MOTION

2504 RESOLVED (Dwyer/Garrard)

That the order of Council Business be amended to allow the Minutes of the Lord Mayor to be considered after Item 9.1 – RESCISSION MOTION: Parramatta CBD Planning Proposal – Response to Gateway Determination Conditions.

Note:

- 1. Councillor Barrak arrived at 7:08pm after consideration of the procedural motion.**
- 2. The Lord Mayor provided Clr. Barrak the opportunity to make a declaration of interest.**
- 3. Councillor Barrak declared a non-pecuniary and less than significant interest in Item 9.1 being RESCISSION MOTION: Parramatta CBD Planning Proposal - Response to Gateway Determination Conditions as he owns land at Harris Park not affected by the Rescission Motion. He stated he would remain in the meeting during debate and voting on the Rescission Motion.**

PROCEDURAL MOTION

2505 RESOLVED (Tyrrell/Davis)

That the meeting be adjourned for a period of 10 minutes.

Note: The meeting was adjourned at 7.20pm to obtain staff advice to assist Councillors in determining if they have an interest in the matter. The meeting resumed at 7.30pm.

The meeting resumed in the Council Chambers at 7:30pm with the following Councillors in attendance: the Lord Mayor, Clr. Dwyer and

Councillors Barrak, Bradley, Davis, Garrard (Deputy Lord Mayor), Han, Issa, Jefferies, Pandey, Prociv, Tyrrell, Wilson and Wearne.

PROCEDURAL MOTION

2506 RESOLVED (Dwyer/Garrard)

That the meeting be adjourned for a period of 10 minutes.

Note: The meeting was adjourned at 7.45pm to obtain staff advice if business other than that stated on the agenda may be considered at an Extraordinary Council Meeting. The meeting resumed at 7.55pm.

The meeting resumed in the Council Chambers at 7:55pm with the following Councillors in attendance: the Lord Mayor, Clr. Dwyer and Councillors Barrak, Bradley, Davis, Garrard (Deputy Lord Mayor), Han, Issa, Jefferies, Pandey, Prociv, Tyrrell, Wilson and Wearne.

PROCEDURAL MOTION

MOTION (Garrard/Tyrrell)

That the meeting be adjourned until Monday, 25 November 2019 at the Cloister Function Room, St Patrick's Cathedral, 1 Marist Place, Parramatta at 6:30pm.

PROCEDURAL MOTION

2507 RESOLVED (Dwyer/Garrard)

That the meeting be adjourned for 15 minutes.

Note:

- 1. The meeting was adjourned at 8.03pm to obtain staff advice on the legality of an adjournment of the Extraordinary Council Meeting to another date and time. The meeting resumed at 8.22pm.**
- 2. Councillor Zaiter entered the chamber at 8.22pm.**

The meeting resumed in the Council Chambers at 8:22pm with the following Councillors in attendance: the Lord Mayor, Clr. Dwyer and Councillors Barrak, Bradley, Davis, Garrard (Deputy Lord Mayor), Han, Issa, Jefferies, Pandey, Prociv, Tyrrell, Wilson, Wearne and Zaiter (8.22pm).

Note: Councillor Zaiter declared a non-pecuniary but significant interest in Item 9.1 being RESCISSION MOTION: Parramatta CBD Planning Proposal - Response to Gateway Determination Conditions as a client of his practice owns property within the CBD Planning Area. He stated he would retire from the meeting during debate and voting on the Rescission Motion.

PROCEDURAL MOTION

2508 RESOLVED (Garrard/Tyrrell)

That the meeting be adjourned until Monday, 25 November 2019 at the Cloister Function Room, St Patrick's Cathedral, 1 Marist Place, Parramatta at 6:30pm.

PROCEDURAL MOTION

2509 MOTION (Barrak/Bradley)

That Council dissent from the Lord Mayor's ruling on the adjournment of the meeting to Monday, 25 November 2019.

The motion on being put was declared LOST on the casting vote of the Lord Mayor.

Note:

1. **The Lord Mayor vacated the Chair at 9.19pm and the Deputy Lord Mayor assumed the Chair at this time, after the vote on this procedural motion.**
2. **The meeting was adjourned at 9.26pm.**

RESUMPTION OF MEETING

The meeting resumed in the Council Chambers, Cloisters Function Room, St Patrick's Cathedral, 1 Marist Place, Parramatta at 6:28pm on Monday, 25 November 2019 with the following Councillors in attendance: the Lord Mayor, Councillor Bob Dwyer and Councillors Benjamin Barrak (6:36pm), Phil Bradley, Donna Davis, Steven Issa, Andrew Jefferies (6:33pm), Sameer Pandey, Dr Patricia Prociv, Bill Tyrrell, Andrew Wilson and Lorraine Wearne.

5. APOLOGIES/REQUESTS FOR LEAVE OF ABSENCE

SUBJECT: APOLOGIES/REQUEST FOR LEAVE OF ABSENCE

2510 RESOLVED (Zaiter/Tyrrell)

- (a) **That** the apology received for the late arrival of Councillor Andrew Jefferies be noted.
- (b) **Further, that** the apologies received from Councillor Paul Han and Councillor Michelle Garrard (Deputy Lord Mayor) be accepted.

6. DECLARATIONS OF INTEREST

Councillor Barrak declared a non-pecuniary and less than significant interest in Item 9.1 being RESCISSION MOTION: Parramatta CBD Planning Proposal - Response to Gateway Determination Conditions as he owns land at Harris Park not affected by the Rescission Motion. He stated he would remain in the meeting during debate and voting on the Rescission Motion.

Councillor Esber declared a pecuniary interest in Item 9.1 being RESCISSION MOTION: Parramatta CBD Planning Proposal - Response to Gateway Determination Conditions as he owns property 33 Fennel Street, Parramatta in the CBD. He stated he would retire from the meeting during debate and voting on the Rescission Motion.

Councillor Zaiter declared a non-pecuniary but significant interest in Item 9.1 being RESCISSION MOTION: Parramatta CBD Planning Proposal - Response to Gateway Determination Conditions as a client of his practice owns property within the CBD Planning Area. He stated he would retire from the meeting during debate and voting on the Rescission Motion.

7. MATTER OF URGENCY (if any)

There were no matters of urgency raised at this meeting.

PROCEDURAL MOTION

2511 RESOLVED (Tyrrell/Issa)

That the order of the Council Business be amended to allow Item 8.1 LORD MAYORAL MINUTE: Condolence Motion for Bryan Powyer to be considered as the first item of the business of Council.

8. MINUTES OF THE LORD MAYOR

8.1 SUBJECT Condolence Motion for Bryan Powyer
REFERENCE F2019/03630
REPORT OF The Lord Mayor, Councillor Dwyer

2512 RESOLVED (Dwyer/Wilson)

- (a) **That** Council acknowledge the passing of National Trust (NSW) President and member of the Parramatta & District Historical Society, Mr Brian Powyer.
- (b) **Further, that** the Chamber hold a minutes silence as a gesture of respect on his passing and in recognition of his contributions to the Parramatta community.

Note:

1. **Councillor Jefferies arrived at 6:33pm during Item 8.1.**
2. **Councillor Barrak arrived at 6:36pm during Item 8.1.**

Note:

1. **Councillor Zaiter retired from the meeting at 6:39pm before the commencement of Item 9.1.**
2. **Councillor Esber retired from the meeting at 6:39pm before the commencement of Item 9.1.**
3. **Councillor Barrak retired from the meeting at 6:42pm after the commencement of Item 9.1.**

9. RESCISSION MOTIONS

9.1 SUBJECT RESCISSION MOTION: Parramatta CBD Planning Proposal Response to Gateway Determination Conditions
REFERENCE F2018/03742- D07117803
REPORT OF Councillors Bradley, Prociv and Wearne

That the resolution of the Council Meeting held on 11 November 2019 in relation to Item 12.1 regarding the Parramatta CBD Planning Proposal – Response to Gateway Determination Conditions, namely:

- (a) **That** Council endorse the updated draft Parramatta CBD Planning Proposal (“Proposal”) informed by technical studies contained at **Attachment 2** (of Item 15.1 of the Council meeting held on 28 October 2019 – being the Draft Consolidated Parramatta CBD Planning Proposal – Response to Gateway Determination) for the purposes of consultation with State agencies, and subject to the following amendments being incorporated:
- (i) Amend maximum building heights shown on both the base and incentive height of building maps as 243m (RL) to 211m (RL) to account for the 15% design excellence bonus.
 - (ii) Amend the incentive height of building map for 295 Church Street, Parramatta to include a 211m (RL) height limit for that portion of the site that was inadvertently left uncoloured.
 - (iii) Amend the incentive height of building map for the block bound by Station Street West, Raymond Street, Peace Lane and Raymond Lane, Parramatta from 72m to 80m, consistent with other 6:1 Incentive FSR sites in the Proposal.
 - (iv) Amend the base height of buildings map from 18m to 12m for the two sites at 83 Macquarie Street and eastern portion of 38 Hunter Street, Parramatta (to align with the rear boundary of 83 Macquarie Street) so as to ensure heritage significant views to St John’s Church from Church Street (looking south) can be maintained.
 - (v) Amend the Proposal to include the sites at 7-11 Great Western Highway, Parramatta as they were inadvertently taken out as part of the removed area (as referenced in part (g) below), and reinstate draft controls for these sites as per the original Proposal endorsed by Council on 11 April 2016, including a zoning of B4 Mixed Use, Base Height of 12m, Incentive Height of 80m, Base FSR of 2:1 and Incentive FSR of 6:1.
- (b) **That** the CEO be authorised to make any minor amendments of a non-policy nature that are consistent with the intent of the draft Proposal and that may arise during the State agency consultation.
- (c) **That** subject to the outcome of consultation with State agencies being that only minor amendments of a non-policy nature are required, that the Proposal be forwarded on DPIE for approval for public exhibition.
- (d) **That** Council write to the DPIE with a request to amend the Gateway Determination in relation condition 1 (l) to:

- i. Update the condition to require the mesoscopic model and integrated transport plan be completed prior to the finalisation of the draft Proposal.
 - ii. Update the condition to only require the Strategic Transport Study (endorsed in April 2017) for public exhibition.
- (e) **That** following approval from the DPIE, the Proposal be placed on public exhibition for a minimum period of 28 days.
- (f) **That** the outcomes of public exhibition of the Proposal and the consideration of submissions are reported back to Council.
- (g) **That** Council endorse the removal of the area south of the Proposal boundary, bound by Great Western Highway and north of Lennox and Lansdowne Streets, and east of Marsden Street, Parramatta from the Proposal, and that this area be included in the future work on the Planning Investigation Areas as per the Parramatta CBD Planning Strategy.
- (h) **That** Council note that the draft Community Infrastructure Funding Study for the Parramatta CBD is currently underway in response to Gateway conditions 1(m) iii-iv, and that it be reported to Council when finalised later in 2019.
- (i) **Further, that** draft amendments to Parramatta Development Control Plan to support the Proposal, and a draft Infrastructure Strategy (incorporating a development guideline for the provision of community infrastructure and new contributions plan) be reported to Council prior to public exhibition.

be and is hereby rescinded.

DIVISION The result being:-

AYES: Ctrs Bradley, Davis, Pandey, Prociv, Wearne and Wilson

NOES: Ctrs Dwyer, Issa, Jefferies and Tyrrell

MOTION FOLLOWING RESCISSION MOTION

2514 RESOLVED (Davis/Wearne)

- (a) **That** Council endorse the updated draft Parramatta CBD Planning Proposal ("Proposal") informed by technical studies contained at **Attachment 2** (of Item 15.1 of the Council meeting held on 28 October 2019 – being the Draft Consolidated Parramatta CBD Planning Proposal – Response to Gateway Determination) for the purposes of consultation with State agencies, and subject to the following amendments being incorporated:
- (i) Amend maximum building heights shown on both the base and incentive height of building maps as 243m (RL) to 211m (RL) to account for the 15% design excellence bonus.
 - (ii) Amend the incentive height of building map for 295 Church

- Street, Parramatta to include a 211m (RL) height limit for that portion of the site that was inadvertently left uncoloured.
- (iii) Amend the incentive height of building map for the block bound by Station Street West, Raymond Street, Peace Lane and Raymond Lane, Parramatta from 72m to 80m, consistent with other 6:1 Incentive FSR sites in the Proposal.
 - (iv) Amend the base height of buildings map from 18m to 12m for the two sites at 83 Macquarie Street and eastern portion of 38 Hunter Street, Parramatta (to align with the rear boundary of 83 Macquarie Street) so as to ensure heritage significant views to St John's Church from Church Street (looking south) can be maintained.
 - (v) Amend the Proposal to include the sites at 7-11 Great Western Highway, Parramatta as they were inadvertently taken out as part of the removed area (as referenced in part (g) below), and reinstate draft controls for these sites as per the original Proposal endorsed by Council on 11 April 2016, including a zoning of B4 Mixed Use, Base Height of 12m, Incentive Height of 80m, Base FSR of 2:1 and Incentive FSR of 6:1.
 - (vi) Amend the Proposal so as to remove the three areas zoned R4 High Density Residential (as shown on the Proposed Land Zoning Map) and that these areas be included in the future work on the 'Planning Investigation Areas' as per the Parramatta CBD Planning Strategy.
- (b) **That** the CEO be authorised to make any minor amendments of a non-policy nature that are consistent with the intent of the draft Proposal and that may arise during the State agency consultation.
 - (c) **That** subject to the outcome of consultation with State agencies being that only minor amendments of a non-policy nature are required, that the Proposal be forwarded on DPIE for approval for public exhibition.
 - (d) **That** Council write to the DPIE with a request to amend the Gateway Determination in relation condition 1 (l) to:
 - i. Update the condition to require the mesoscopic model and integrated transport plan be completed prior to the finalisation of the draft Proposal.
 - ii. Update the condition to only require the Strategic Transport Study (endorsed in April 2017) for public exhibition.
 - (e) **That** following approval from the DPIE, the Proposal be placed on public exhibition for a minimum period of 28 days.
 - (f) **That** the outcomes of public exhibition of the Proposal and the consideration of submissions are reported back to Council.
 - (g) **That** Council endorse the removal of the area south of the

Proposal boundary, bound by Great Western Highway and north of Lennox and Lansdowne Streets, and east of Marsden Street, Parramatta from the Proposal, and that this area be included in the future work on the Planning Investigation Areas as per the Parramatta CBD Planning Strategy.

- (h) **That** Council note that the draft Community Infrastructure Funding Study for the Parramatta CBD is currently underway in response to Gateway conditions 1(m) iii-iv, and that it be reported to Council when finalised later in 2019.
- (i) **Further, that** draft amendments to Parramatta Development Control Plan to support the Proposal, and a draft Infrastructure Strategy (incorporating a development guideline for the provision of community infrastructure and new contributions plan) be reported to Council prior to public exhibition.

DIVISION The result being:-

AYES: Clrs Bradley, Davis, Pandey, Prociv, Wearne and Wilson

NOES: Clrs Dwyer, Issa, Jefferies and Tyrrell

10. CONCLUSION OF MEETING

The meeting terminated at 6:52pm.

THIS PAGE AND THE PRECEDING 8 PAGES ARE THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON WEDNESDAY, 20 NOVEMBER 2019, ADJOURNED TO 25 NOVEMBER 2019 AND CONFIRMED ON 9 DECEMBER 2019.



Chairperson