

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, 26 AUGUST 2019 AT 6.30PM

PRESENT

The Lord Mayor, Councillor Andrew Wilson and Councillors Benjamin Barrak, Phil Bradley, Donna Davis, Robert Dwyer, Pierre Esber, Michelle Garrard (Deputy Lord Mayor), Paul Han (6.36pm), Steven Issa, Andrew Jefferies (6.48pm), Sameer Pandey, Dr Patricia Proxiv, Bill Tyrrell and Martin Zaiter.

1. OPENING MEETING

The Lord Mayor, Councillor Andrew Wilson opened the meeting at 6.30pm.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL LAND OWNERS

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

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

4. OTHER RECORDING OF MEETING ANNOUNCEMENT

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

5. CONFIRMATION OF MINUTES

5.1 SUBJECT: Minutes of the Council Meeting held on 12 August 2019
2319 RESOLVED (Esber/Garrard)

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

5.2 SUBJECT: Minutes of the Extraordinary Council Meeting held on 14 August 2019

2320 RESOLVED (Esber/Tyrrell)

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

- (b) **That** authority be delegated to the Acting CEO to sign the Memorandum of Understanding on behalf of Council.
- (c) **Further, that** the Chief Executive Officer of the Australia Turf Club be provided with a copy of the Memorandum of Understanding for signature.

17.2 SUBJECT Proposed drainage easement in favour of 19 Parkland Ave, Rydalmere
 REFERENCE DA/223/2017 - D06899081
 REPORT OF Property Services Officer
 2344 RESOLVED (Tyrrell/Zaiter)

- (a) **That** Council resolve to create an easement for drainage over Marri Badoo Reserve, being Lot 18 in DP 200494, in favour of the property at 19 Parkland Avenue, Rydalmere being Lot 19 in DP 200494 on the terms and conditions outlined in this report;
- (b) **That** authority is delegated to the Acting Chief Executive Officer to sign all documents (other than any document which must be signed under common seal) in connection with this matter; and
- (c) **Further, that** the Acting Chief Executive Officer be authorised to execute under common seal, if required, plans of subdivision, plans of easement, Section 88B Instrument, transfer granting easement and deed of agreement for the creation of the new easement.

18. INNOVATIVE

18.1 SUBJECT Investment Report for July 2019
 REFERENCE F2009/00971 - D06953866
 REPORT OF Acting Senior Financial Accountant
 2345 RESOLVED (Tyrrell/Zaiter)

That Council receives and notes the Investment Report for July 2019.

Note: Councillor Pandey left the Chamber at 7.31pm prior to consideration of Item 18.2.

18.2 SUBJECT Planning Proposal for land at 14-16 Hill Road, Wentworth Point
 REFERENCE RZ/1/2018 - D06912340
 REPORT OF Senior Project Officer
 2346 RESOLVED (Issa/Prociv)

- (a) **That** Council note the advice of the Local Planning Panel dated 16 July 2019 in relation to this matter, noting that the Panel's advice supports the Council officer's recommendation detailed below.

- (b) **That** Council resolve to proceed with the Planning Proposal for land at 14-16 Hill Road, Wentworth Point (provided at **Attachment 1**) which seeks the following amendments to Auburn Local Environmental Plan (ALEP) 2010:
- 1) Increase the RE1 Public Recreation zone area with a corresponding reduction of the R4 High Density Residential zone (refer to **Figure 6** in **Attachment 2**)
 - 2) Introduce the B4 Mixed Use zone at the north-eastern corner of the site
 - 3) Amending the Height of Buildings Map to provide a range of heights across the site from 44m (approximately 15 storeys) to 134m (approximately 40 storeys) (refer to **Figure 7** in **Attachment 2**).
 - 4) Amend the FSR map to provide individual FSRs for the development parcels to reflect the previously approved gross floor area (GFA) of 188,800m² (refer to **Figure 8** in **Attachment 2**).
 - 5) Add 'food and drink premises' as an Additional Permitted Use within the RE1 Public Recreation zone on the site of the existing cafe.
 - 6) Amend the Land Acquisition Map to reflect the larger RE1 Public Recreation area and exclude the foreshore wharf from public acquisition to allow it to be retained, refurbished and operated as a café under the existing community title (refer to **Figure 9** in **Attachment 2**).
- (c) **That** Council include in this planning proposal a site specific provision that prevents the use of clause 4.6 in relation to floor space ratio.
- (d) **That** proposed amendments to the Wentworth Point Development Control Plan 2014 to support the planning proposal be prepared and reported to Council.
- (e) **That** delegated authority be given to the Acting CEO to negotiate the Voluntary Planning Agreement (VPA) on behalf of Council in addition to Section 7.12 contributions payable, and that the outcomes of negotiations be reported back to Council prior to its concurrent exhibition with the draft amendments to the Wentworth Point DCP 2014 and Planning Proposal.
- (f) **That** the Planning Proposal be forwarded to the Department of Planning, Industry and Environment for Gateway determination.
- (g) **That** Council advises the Department of Planning, Industry and Environment that the Acting CEO will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.

- (h) **Further, that** Council authorise the Acting CEO to correct any minor policy inconsistencies and any anomalies of an administrative nature relating to the Planning Proposal that may arise during the amendment process.

DIVISION The result being:-

AYES: Clrs B Dwyer, P Esber, M Garrard, P Han, S Issa, A Jefferies, S Pandey, P Prociv, W Tyrrell, A Wilson and M Zaiter

NOES: Clrs P Bradley and D Davis

Councillor Pandey returned to the Chamber at 7.32pm after consideration of Item 18.2.

18.3 SUBJECT Gateway Review for the Planning Proposal at 18-22A Hunter and 23-29 Macquarie Streets, Parramatta
REFERENCE RZ/12/2015 - D06936066
REPORT OF Project Officer, Land Use Planning
2347 RESOLVED (Issa/Davis)

- (a) **That** Council note that the Department of Planning, Industry and Environment has advised Council that the Gateway Review request for 18-22A Hunter and 23-29 Macquarie Streets, Parramatta has been withdrawn, meaning that the Gateway Determination stands.
- (b) **Further, that** Council take no further action on this Planning Proposal.

DIVISION The result being:-

AYES: Clrs P Bradley, D Davis, B Dwyer, P Esber, M Garrard, P Han, S Issa, A Jefferies, S Pandey, P Prociv, W Tyrrell, A Wilson and M Zaiter

NOES: Nil

19. NOTICES OF MOTION

19.1 SUBJECT Community Consultation on Local Traffic Matters
REFERENCE F2019/00279 - D06954841
REPORT OF Councillor Dwyer
2348 RESOLVED (Dwyer/Issa)

That a briefing note be provided to Councillors as soon as possible on the pros and cons of placing notifications for community feedback of proposed traffic calming measures by Council and other local traffic issue notifications on social media and Council's website in addition to current advertising for this purpose in the Parramatta Advertiser.

INNOVATIVE

ITEM NUMBER	18.2
SUBJECT	Planning Proposal for land at 14-16 Hill Road, Wentworth Point
REFERENCE	RZ/1/2018 - D06912340
REPORT OF	Senior Project Officer
APPLICANT:	SEKISUI HOUSE AUSTRALIA PTY LTD
LANDOWNER:	SEKISUI HOUSE AUSTRALIA PTY LTD

PURPOSE:

The purpose of this report is to seek Council's endorsement to proceed with the Planning Proposal for land at 14-16 Hill Road, Wentworth Point for the purposes of forwarding it to the Department of Planning, Industry and Environment for Gateway determination.

RECOMMENDATION

- (a) **That** Council note the advice of the Local Planning Panel dated 16 July 2019 in relation to this matter, noting that the Panel's advice supports the Council officer's recommendation detailed below.
- (b) **That** Council resolve to proceed with the Planning Proposal for land at 14-16 Hill Road, Wentworth Point (provided at **Attachment 1**) which seeks the following amendments to Auburn Local Environmental Plan (ALEP) 2010:
- 1) Increase the RE1 Public Recreation zone area with a corresponding reduction of the R4 High Density Residential zone (refer to **Figure 6** in **Attachment 2**)
 - 2) Introduce the B4 Mixed Use zone at the north-eastern corner of the site
 - 3) Amending the Height of Buildings Map to provide a range of heights across the site from 44m (approximately 15 storeys) to 134m (approximately 40 storeys) (refer to **Figure 7** in **Attachment 2**).
 - 4) Amend the FSR map to provide individual FSRs for the development parcels to reflect the previously approved gross floor area (GFA) of 188,800m² (refer to **Figure 8** in **Attachment 2**).
 - 5) Add 'food and drink premises' as an Additional Permitted Use within the RE1 Public Recreation zone on the site of the existing cafe.
 - 6) Amend the Land Acquisition Map to reflect the larger RE1 Public Recreation area and exclude the foreshore wharf from public acquisition to allow it to be retained, refurbished and operated as a café under the existing community title (refer to **Figure 9** in **Attachment 2**).
- (c) **That** Council include in this planning proposal a site specific provision that prevents the use of clause 4.6 in relation to floor space ratio.
- (d) **That** proposed amendments to the Wentworth Point Development Control Plan 2014 to support the planning proposal be prepared and reported to Council.

- (e) **That** delegated authority be given to the Acting CEO to negotiate the Voluntary Planning Agreement (VPA) on behalf of Council in addition to Section 7.12 contributions payable, and that the outcomes of negotiations be reported back to Council prior to its concurrent exhibition with the draft amendments to the Wentworth Point DCP 2014 and Planning Proposal.
- (f) **That** the Planning Proposal be forwarded to the Department of Planning, Industry and Environment for Gateway determination.
- (g) **That** Council advises the Department of Planning, Industry and Environment that the Acting CEO will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (h) **Further, that** Council authorise the Acting CEO to correct any minor policy inconsistencies and any anomalies of an administrative nature relating to the Planning Proposal that may arise during the amendment process.

Planning Proposal Timeline



BACKGROUND

1. The site is subject to a development consent granted by the (then) Auburn City Council in February 2016 that approved 188,800m² GFA across the site.
2. A further development consent was issued in June 2018 for the first stage of development allowing for community title subdivision into (3) lots, remediation, road construction, construction of a residential sleeve podium containing car parking with four (4) residential buildings above ranging in height from 3 to 25 storeys and a total of 364 units.
3. Over the course of 2017 to early 2019, ongoing consultation between the applicant and Council officers occurred to develop a new master plan for the site. Discussions have also taken place with Transport for NSW (TfNSW) throughout the process in relation to the announced Parramatta Light Rail (PLR) Stage 2 alignment and its interaction with the site.

4. A revised planning proposal was submitted in October 2018 seeking an additional 40,000m² GFA (228,800m² total), however a further revision was submitted in February 2019 that no longer sought to increase the GFA, instead maintaining the approved 188,800m² GFA and only seeking changes to zoning and height distribution across the site (refer to **Figure 10** in **Attachment 2**). The revised planning proposal is the subject of this report.

THE SITE

5. The site subject to the planning proposal is 94,580m² and is located at the northern edge of the Wentworth Point Peninsula on the western side of Hill Road adjacent to the Olympic Park ferry wharf. Refer to **Figure 1** below.
6. The site currently contains some former industrial buildings at the northern end with the remainder of the site being vacant except for some remnant hardstand areas. It is surrounded by Newington Nature Reserve on the southern and western boundaries.
7. The site is currently predominantly zoned R4 High Density Residential and RE1 Public Recreation along the foreshore and is subject to two building height controls of 19m (approx. 6 storeys) along the foreshore and southern boundary adjacent to the Newington Nature Reserve and 88m (approx. 25 storeys) for the remainder of the site and two floor space ratios, being 1.25:1 along the foreshore and 2.6:1 for the remainder of the site under Auburn LEP (ALEP) 2010.



Figure 1. Subject site location outlined in red

THE PLANNING PROPOSAL

8. The planning proposal seeks to amend ALEP 2010 by:
- Increasing the RE1 Public Recreation zone with a corresponding reduction of the R4 High Density Residential zone and introducing the B4 Mixed Use zone at the north-eastern corner of the site.

- Amending the Height of Buildings Map to provide a range of heights across the site from 44m to 134m (up to 40 storeys).
 - Amending the FSR map to provide individual FSRs for the development parcels to reflect the previously approved gross floor area (GFA) of 188,800m².
 - Amending the Land Acquisition Map to reflect the larger RE1 Public Recreation area and exclude the foreshore wharf from public acquisition to facilitate its refurbishment and operation as a café under the existing community title.
 - Introducing an additional permitted uses under Schedule 1 to permit 'food and drink premises' as a permissible use in the RE1 Public Recreation zone where the café is located within the site.
9. Refer to **Figures 6, 7, 8 & 9** in **Attachment 2** for relevant maps.
10. The planning proposal seeks to enable redevelopment for primarily high density residential development with a portion of mixed use development and open space uses. It is not seeking an uplift in density on the site, rather it seeks to redistribute the approved 188,800m² GFA by increasing the buildings heights ranging from 28 to 40 storeys. The development could yield approximately 2,300 units and an additional 4,200 residents based on the Wentworth Point average household size of 1.85 persons per dwelling.
11. Approximately 3.2ha of public open space is proposed to be introduced on the site in the form of new public parks including an increased Foreshore Park area and other usable open spaces which represents approximately 34% of the site area. In addition, private/communal open space is proposed within the development lots. Refer to **Figure 10** within the attached report showing the concept master plan for the site.

ASSESSMENT OF PLANNING PROPOSAL

12. Council officers consider this proposal to have sufficient strategic merit to proceed to redevelop taller residential buildings with an increase in the provision of public open space within the site and is consistent with the State government's planning policy framework. Further detail is provided in the attached report.
13. The planning proposal does not seek to increase the density, however there are concerns that the proposed building envelopes can accommodate a greater amount of GFA than the proposed FSR on each lot would allow which would mean that more density than the approved 188,800m² GFA could be accommodated within the proposed height controls.
14. Although the intent of the larger building envelopes is to enable some flexibility at the detailed design stage, to ensure additional density cannot be achieved at a later date unless through another planning proposal, it is recommended that clause 4.6 Exceptions to Development Standards within Auburn LEP 2010 not apply to the application of FSR on the site, meaning that variations to the applied FSR standard cannot be sought as part of any future DA on the site. Further detail is provided in the attached report.
15. It is considered that the revised proposal results in a better built form outcome on the site compared to the previous scheme, which consisted of multiple towers of 25 storeys across the site and provided for less open space as this is the only way the GFA could be achieved on the site under the current controls.

By increasing the height limit, it enables a variety of building heights and built forms to be realised and improves open space provision and access to the foreshore, providing justification for the increased building heights. The building heights will be controlled via the FSR allocated to each lot to ensure they are appropriate for their location.

16. The planning proposal is supported from a traffic perspective given the proposal is not seeking an uplift in density and that the trip generation rates used in the traffic report have been endorsed by the Roads and Maritime Services (RMS). In relation to the proposed Parramatta Light Rail Stage 2, the applicant and Council will continue to work with Transport for NSW (TfNSW) to ensure the route can be delivered through the site should the State government commit to funding the project.

DEVELOPMENT CONTROL PLAN

17. Changes are proposed to the Wentworth Point DCP to give effect to the master plan in relation to street layout, building height locations and GFA distribution across the site. The proposed amendments will be reported to Council separately should the planning proposal be submitted for Gateway determination.

VOLUNTARY PLANNING AGREEMENT

18. The Applicant has indicated a willingness to enter into a Voluntary Planning Agreement (VPA) with Council and provided a letter of offer with the planning proposal for the construction of the foreshore park and dedication to Council at an agreed time. This report seeks Council's endorsement to commence VPA negotiations with the Applicant in accordance with Council's Planning Agreements Policy. However, as the Applicant is not seeking any uplift in density on the site, the amount that Council can expect the Applicant to contribute towards public benefits will be limited. Nevertheless, they have indicated a willingness to enter into a VPA for the provision of the proposed foreshore park which will benefit the development. Further details are provided in the attached report and a separate report will be prepared to Council should the planning proposal proceed to Gateway.

PLAN-MAKING DELEGATIONS

19. Should Council resolve to proceed with the planning proposal, it is recommended that it make a request to the Department of Planning, Industry and Environment to exercise its plan-making delegations. This means that once the planning proposal has been to Gateway, undergone public exhibition and been adopted by Council, Council officers will deal directly with the Parliamentary Counsel Office on the legal drafting and mapping of the amendment. The LEP amendment is then signed by the CEO before being notified on the NSW Legislation website and finished.

CONCLUSION

20. It is recommended that Council adopts the planning proposal (**Attachment 1**) and it be submitted to the Department of Planning, Industry and Environment for Gateway determination subject to the inclusion of a site specific provision to prevent the application of clause 4.6 in relation to FSR. This will ensure the existing approved GFA allocation on the site cannot be exceeded without Council considering a further planning proposal for the site.

CONSULTATION / NEXT STEPS

21. Should Council resolve to endorse this planning proposal, it (and all related information) will be submitted to the Department of Planning, Industry and Environment for Gateway determination. Community consultation will be undertaken as required by the Gateway determination.

FINANCIAL IMPLICATION FOR COUNCIL

22. Should Council resolve to proceed with the planning proposal, costs will be incurred as part of the public exhibition process if a Gateway determination is issued. These costs will be funded from the City Strategy budget.

Amberley Moore
Senior Project Officer Land Use Planning

Michael Rogers
Land Use Planning Manager

Jennifer Concato
Executive Director City Strategy and Development

ATTACHMENTS:

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|---------------------|---|-----------|
| 1 ↓ | Planning Proposal for 14-16 Hill Road, Wentworth Point | 44 Pages |
| 2 ↓ | Local Planning Panel Report of 16 July 2019 | 503 Pages |
| 3 ↓ | Minutes of Local Planning Panel Meeting of 16 July 2019 | 2 Pages |

REFERENCE MATERIAL