

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, 21 FEBRUARY 2022 AT 6:30PM

PRESENT

The Lord Mayor, Councillor Donna Davis and Councillors Phil Bradley (6:34pm), Kellie Darley (6:34pm), Pierre Esber, Michelle Garrard, Henry Green, Ange Humphries, Cameron Maclean, Paul Noack (6:34pm), 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 6:32pm.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL LAND OWNERS

The Lord Mayor, 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.

Note: Councillors Bradley, Darley and Noack arrived at the meeting at 6:34pm.

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. 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

SUBJECT: Minutes of the Council Meeting held on 7 February 2022

3661 RESOLVED (Bradley/Noack)

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

6. APOLOGIES/REQUESTS FOR LEAVE OF ABSENCE

3662 RESOLVED (Noack/Bradley)

That the request to attend the Ordinary Council Meeting dated 21 February 2022 via remote means submitted by the following Councillors due to personal reasons, be accepted:

- Councillor Humphries;
- Councillor Wearne.

7. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

MATTER OF URGENCY

3663 RESOLVED (Pandey/Noack)

That a procedural motion be granted to allow consideration of a matter of urgency in relation to the re-establishment of the Finance Committee.

The Lord Mayor ruled the matter urgent.

3664 RESOLVED (Pandey/Garrard)

That Council re-establish the Finance Committee with a meeting to be held within two (2) weeks, and the following Councillors be elected to the Committee:

- Deputy Lord Mayor Councillor Pandey, Chairperson
- Councillor Garrard
- Councillor Maclean
- Councillor Bradley
- Councillor Wearne
- Councillor Siviero (alternate)
- Councillor Darley (alternate).

8. MINUTES OF THE LORD MAYOR

8.1 SUBJECT International Women's Day 2022

REFERENCE F2021/02779 - D08406077

REPORT OF Lord Mayor, Councillor Donna Davis

3665 RESOLVED (Davis/Pandey)

(a) **That** Council note International Women's Day 2022 is taking place on Tuesday, 8 March, and this year's global United Nations Women theme is "Break the Bias" acknowledging the aim for a world free of bias, stereotypes and discrimination. A world that is diverse, equitable and inclusive. A world where difference is valued and celebrated, and how collectively we can all #BreakTheBias.

(b) **That** Council note that to celebrate International Women's Day in 2022, City of Parramatta Council is delivering a media and communications plan to raise awareness of the various Council

activities happening within the community as part of International Women's Day.

- (c) **That** Council note on Wednesday 9 March 2022, Council will be hosting an International Women's Day pop-up at the Parramatta Farmer's Market, encouraging our community to attend the Farmer's Market, meeting the Lord Mayor and interested Councillors, and share via social media and comment cards how they are Breaking the Bias and sharing ideas about how we can all help to "Break the Bias".
- (d) **Further, that** Council investigate opportunities for an International Women's Day event to be delivered in March 2023 as part of the Major and Civic Events 2022/23 program, with Councillors to be consulted on the delivery and scope of this event, and report back to Council.

8.2 SUBJECT Long Hai Day 2022

REFERENCE F2021/02779 - D08422725

REPORT OF Lord Mayor, Councillor Donna Davis

3666 RESOLVED (Davis/Wang)

- (a) **That** Council note Long Hai Day is 28 February 2022, commemorating the actions in South Vietnam by forces of the 8th Battalion, Royal Australian Regiment (RAR), in 1970, and note that a memorial service is not taking place in 2022 due to COVID-19 considerations.
- (b) **That** Council note a request has been received from the 8th RAR Association to install a plaque in honour of Lieutenant Bernard Garland, who attended Epping Boys High School, who was killed in action during his tour of duty in South Vietnam on 22 April 1970, aged 23 years.
- (c) **That** Council note this plaque would complete the series of plaques at the Epping Cenotaph that honour those 8th Battalion members who made the ultimate sacrifice during their tour of South East Asia, including Sgt Alan William Ahearn, who also attended Epping Boys High School.
- (d) **That** Council approve this request, and provide assistance to the 8th RAR Association and Epping RSL sub-Branch on the installation and dedication of this plaque, proposed to take place as part of the Long Hai Day memorial service in 2023, including:
 - a. Council approval of plaque and approval to fix to the Cenotaph
 - b. Park Booking
 - c. Event Risk Assessment
 - d. Chairs at the event for guests (60 – 70)

- e. Wreaths of flowers for the Lord Mayor and Councillors who attend for laying at the service
 - f. COVID Safe Plan (if required)
- (e) **That** Council allocate a budget of up to \$5,000 to undertake the above, and that these funds be allocated from the Civic Program & Protocol 2022/23 operating budget.
- (f) **Further, that** Council write a letter to the family of the late Lieutenant Bernard Garland, and the Presidents of the 8th RAR Association, 101st Battery Association, 4th Field Regiment (Vietnam) Association and Epping RSL sub-Branch, confirming the installation of the plaque and in recognition of their service.

8.3 SUBJECT Welcome West Phil

REFERENCE F2021/02779 - D08424018

REPORT OF Lord Mayor, Councillor Donna Davis

3667 RESOLVED (Davis/Noack)

- (a) **That** Council note West Phil – western Sydney’s exciting new philharmonic orchestra, was launched today at Riverside Theatres.
- (b) **That** Council writes to founders Kristian Winther and Max Holzner, and the Board of West Phil, welcoming West Phil to Parramatta and Western Sydney, congratulating them on their successful launch, and inviting them to meet with Council to discuss their aims and explore opportunities in Parramatta and Western Sydney.
- (c) **Further, that** Council writes to Kim Williams AM, welcoming him as the inaugural Patron, commending him on his support for West Phil, and his commitment to supporting the cultural development of Western Sydney communities.

8.4 SUBJECT Lunar New Year 2022

REFERENCE F2021/02779 - D08424183

REPORT OF Lord Mayor, Councillor Donna Davis

3668 RESOLVED (Davis/Wang)

- (a) **That** Council note the Lunar New Year Festival, also known as the Spring Festival, took place in 2022 from 1 to 15 February 2022.
- (b) **Further, that** Council note a series of activities were delivered by Council to recognise Lunar New Year in 2022, further detailed in the Minute background.

8.5 SUBJECT Homelessness Street Count

REFERENCE F2021/02779 - D08425127

REPORT OF Lord Mayor, Councillor Donna Davis

3669 RESOLVED (Davis/Pandey)

- (a) **That** Council note City of Parramatta's annual Homelessness Street Count is taking place tonight, Monday, 21 February into the morning of Tuesday, 22 February 2022.
- (b) **That** Council note the aim of the count is to collect accurate data on the number of people sleeping rough or in emergency or crisis accommodation in the City of Parramatta local government area, and is a positive example of our community working collaboratively to support the extensive work that is undertaken to improve the wellbeing of vulnerable and disadvantaged communities.
- (c) **That** Council acknowledge and thank the staff conducting the count, and write to and thank the local organisations and volunteers who support the annual Homelessness Street Count, whose support is vital to Council, not-for-profit and intergovernmental agencies in supporting our vulnerable and disadvantaged communities.
- (d) **Further, that** a short report be provided to Council on the Homelessness Action Plan and responding to any findings from the homelessness count.

9. PUBLIC FORUM

9.1 SUBJECT PUBLIC FORUM 1: Item 13.2 - 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 RZ/5/2018 - D08422098

FROM Rev Canon Bruce Morrison, St John's Cathedral

Councillors, thank-you for the opportunity to speak. You may find it helpful to have the map on page 80 turned up as I speak.

You have it within your power this evening, to send this Planning Proposal to exhibition and to meet the timetable set out by the Department of Planning.

Almost 5 years of work has been undertaken by us and by Council. The proposal provides for many hundreds of jobs and real economic benefit for the City of Parramatta. All of this will come to nothing if you do not approve this proposal this evening. That decision would reverse the

previous approval by Council back in December 2019 where it was passed with a majority of 10 votes to 3.

Sending this proposal to exhibition provides both sides with options. Stopping it from moving ahead this evening provides none.

I will start with what we agree upon. We have an agreed DCP position. The DCP recognises the evolving nature of Parramatta and the Parish while protecting St John's Cathedral. The DCP enables a planning pathway for two outcomes; Option A - a development with the St John's Hall removed and replaced; Option B - a development with the St John's Hall partially retained.

We appreciate the officers' comments that we have worked collaboratively for this outcome.

Turning to the Voluntary Planning Agreement (VPA). We have consistently agreed on the core elements:

- i. A new civic space appropriate to the front door of a heritage Cathedral,
- ii. Public access provided in perpetuity through the site, and
- iii. Provision for temporary and permanent vehicular access to 181 Church St., the QLD Arcade.

First, the New Civic Space to the West: This will function as an extension of Parramatta Square towards Marsden St.

Our original plans had vehicular access from Macquarie St. Transport for NSW had other ideas. Vehicular access into the basement must now come off Hunter St. We are happy to reinstate the through site link from Macquarie St. to Hunter St. as originally proposed. The impact to the square in either option is minimal, and the new square remains an excellent urban outcome.

Secondly, deed of access through the new civic space. You may not all be aware that the land around the Cathedral, including the lawns, is private property. It is owned by the Anglican Diocese of Sydney. It has been suggested that we have not come to the party in providing public benefit. On the contrary, we have encouraged public access and use of this space since 1953. This has been achieved through a deed which will expire in less than 20 years.

We are happy to provide certainty of Public Access through the Cathedral grounds in perpetuity, via a Deed of Access. This does not require an easement. Indeed, The Parish of Parramatta has no legal power to provide an easement registered on title. The land is owned by the diocese in trust for the Parish of Parramatta. A change registered on title would require the approval of the Diocesan Synod. Such approval has not happened in 200 years.

We have the opportunity to seize this moment as the next chapter of Parramatta and the Parish is written. It would be a tragedy if in 20 years'

time, when existing arrangements come to an end, people look back and say that February 2022 was a missed opportunity.

Thirdly, the provision of vehicular access to Queensland arcade. It was actually Council that first approached St. John's in 2017 regarding this access. We have tried to assist with the provision of access for vehicles to Queensland Arcade. It needs to be born in mind that this is an issue which really has nothing to do with St. John's or our development proposal.

Nevertheless, we are prepared to provide 6m from our property, along the railway line, for a permanent vehicular access to Queensland Arcade. We have also agreed to temporary access for Queensland Arcade over our land. This will encumber the use of our land, while Council seeks to resolve a safety issue that has nothing to do with our proposed development. I reiterate - we will provide temporary vehicular access for third parties across our land. We do however need to put a limit on timing to ensure that this does not permanently encumber our land due to inaction of other parties. Providing access during construction and allowing car through the new civic space would be untenable for anyone including Council. The permanent access solution will come as part of the redevelopment of 45 Hunter St.

Other matters of landscaping upgrade and maintenance responsibility of the civic space being undertaken by the parish can easily be accommodated as you will note from our correspondence.

Finally, there is a plaque on the wall of the Cathedral which says "*To mark the co-operation of the Church and City in giving Beauty and Rest. 15 November 1953*". We sincerely hope to continue that co-operation. Thank you for your time this evening. We would be happy to answer any questions.

STAFF RESPONSE

No staff response provided.

9.2 SUBJECT PUBLIC FORUM 2: Item 13.2 - 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 RZ/5/2018 - D08422153

FROM Cheryl Bates, Chair Parramatta Regional Branch, National Trust of Australia (NSW)

I would like to make a number of comments on this Planning Proposal, draft Development Control Plan and draft Planning Agreement for St John's Cathedral.

First, I do not understand why it is necessary to have such a complicated and confusing set of recommendations for this item. Surely, the Councillors and the community would be better placed to know what is going to happen with this Planning Proposal if Council consideration was deferred until after the deadline in the report of 28 February 2022.

Second, my reading of the report suggests that the demolition of the heritage item is being balanced against the provision of additional “public purposes” through a Planning Agreement. At present and the reason for the complicated recommendations is that the applicant has not provided sufficient “public purposes” to justify the demolition of the Parish Hall. In my view, this approach is absurd. The demolition of a heritage item should be based on whether the heritage item still maintains its level of significance and not whether a significant historical feature of the City of Parramatta can be traded off for some street art or some other “public purpose” simply because it is convenient for a developer to do so.

I refer to the comments from the Department of Planning when the matter was referred to them - letter dated 8 September 2020: (*page 122 Business Paper*):

“There has been no strong evidence provided to allow the proposed removal of St Johns Parish Church Hall from the heritage schedule of Parramatta Local Environment Plan 2011. Inconsistency between the heritage advise presented within the planning proposal introduced enough uncertainty regarding the merit of delisting these items. The merit of conserving the buildings should be assessed through the development application process when there is greater certainty for the built form and options for a variety of development outcomes can be analysed and considered.”

It cannot be accepted that the provision of some “public purposes” by the applicant is a meaningful response to this comment from the Department.

A further letter dated 8 September 2020 also from the Department states (*page 124, Business Paper*):

1. Prior to public exhibition, Council is to amend the planning proposal and supporting documentation as follows:
 - (b) all references regarding the removal of St John’s Parish Hall as an item of local heritage are to be removed.

Third, a “planning agreement “can be entered into to “change an environmental planning instrument” (s 7.4(1)(a) Environmental Planning and Assessment Act 1979 (EPA Act)). A Planning Agreement is generally used for amendments to development standards such as height and floor space ratio. It is also my understanding that the removal of a heritage item from Schedule 5 of LEP 2011 requires the same process as including a heritage item in Schedule 5. The Parramatta Regional Branch, and many others would certainly respond negatively to

any advertising to remove the heritage listing for St John's Parish Hall. It is simply not good enough to say "delist" a heritage item without the proper heritage consideration being given to its removal from Schedule 5.

Fourth, Section 7.5(1) of the EPA Act requires a planning agreement to be advertised. Recommendation 1 means that the advertising will raise no concerns that would prevent the progression of the Planning Agreement. I would hope that the elected councillors would have some say in the progress of the Planning Agreement based on the community response to the advertising rather than leave that decision to council staff.

Fifth, and given that this matter has had sufficient time to reach a final conclusion, the Council should simply accept that no agreement has been reached and that the Planning Proposal should not proceed, as per Recommendation 3.

In summary, and in the words of the Department in their letter to Council dated 8 September 2020, "There still remains no strong evidence to allow the removal of St John's Parish Hall from the heritage schedule of Parramatta Local Environmental Plan".

STAFF RESPONSE

No staff response provided.

10. PETITIONS

10.1 SUBJECT 1-7 Simpson Street Dundas Valley NSW 2117
REFERENCE DA/57/2022
FROM Cr Pierre Esber

A petition signed by the public was tabled at the Council Meeting and reads:

"Please stop stop stop the development of 1-7 Simpson Street Dundas Valley NSW 2117."

3670 RESOLVED (Esber/Garrard)

That the petition be received and copy of the petition be circulated to all Councillors.

11. RESCISSION MOTIONS

11.1 SUBJECT Notice of Motion of Rescission: Item 13.5 - Classification of Lot 5 DP 1238944 as Operational Land (Deferred Item)
REFERENCE F2022/00105 - D08410590

REPORT OF Councillor Garrard

The rescission motion was WITHDRAWN.

12. FOR NOTATION

Nil

13. FOR COUNCIL DECISION

13.1 SUBJECT Minutes of Heritage Advisory Committee meetings held on 21 October 2021 and 25 November 2021

REFERENCE F2013/00235 - D08392636

REPORT OF Project Officer Land Use

3671 RESOLVED (Esber/Bradley)

- (a) **That** Council receive and note the minutes of the Heritage Advisory Committee meetings of 21 October 2021 and 25 November 2021.
- (b) **That** Council approve the Heritage Grants recommendations, as included in Item 12 of Attachment 2, as follows:
1. Make a grant of \$2,445 for 180 Windsor Road, Winston Hills
 2. Make a grant of \$3,300 for Madison Gardens, Carlingford
 3. Defer a decision on grant funding for 144 Good Street, Harris Park until the end of the financial year.
 4. Defer a decision on grant funding for 46 Grose Street, North Parramatta until the end of the financial year.
 5. Make a grant of \$3,300 for 50 Marsden Street, Parramatta
 6. Make a grant of \$1,493 for 7 Kent Street, Epping.
- (c) **Further ,that** Council thank everyone who has contributed towards the success of the Heritage Advisory Committee.

13.2 SUBJECT 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 RZ/5/2018 - D08385712

APPLICANT/S Jattca Pty Ltd

OWNERS St John's Parramatta Endowment Fund

REPORT OF Team Leader, Land Use Planning

MOTION (Prociv/Wearne)

That Council:

- a) Write to the Department of Planning and Environment and other relevant public authorities indicating that it will no longer progress the Planning Proposal.
- b) No longer pursue any of the Planning Scheme documents.
- c) Withdraw support for the sale of any portion of Hunter Street to the St John's Anglican Church.
- d) Identify land at 41, 43 and 45 Hunter Street, Parramatta on the Land Reservation Acquisition Map to facilitate the creation of a 6 metre wide laneway to provide future vehicle access to these three (3) sites and 181 Church Street, Parramatta, as part of a future housekeeping amendment to Parramatta Local Environment Plan 2011.
- e) Write to the St John's Parramatta Endowment Fund confirming that the Deed of Agreement between Council and the Anglican Church Authorities, last signed and amended in 1991, remains in force and continues to secure public access over the Church owned land between Church Street and Hunter Street, notwithstanding that Council withdraws support for the Planning Scheme for the St John's Anglican Church.

FORESHADOWED MOTION (Garrard/Siviero)

- (a) **That** Council staff urgently write to the NSW Department of Planning and Environment (DPIE) on 22 February 2022 seeking an extension of time of up to four to six weeks.
- (b) **That** Council defer consideration of this matter to an urgent Councillor Workshop to be held on 24 February 2022.
- (c) **That** following the Councillor Workshop, the Chief Executive Officer and relevant Council staff meet with the applicant to discuss the matter.
- (d) **Further, that** if the extension of time is not granted by the DPIE, that Council hold an Extraordinary Council Meeting to consider this matter.

The motion moved by Councillor Prociv and seconded by Councillor Wearne on being put was declared LOST.

DIVISION A division was called, the result being:-

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

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

The foreshadowed motion moved by Councillor Garrard and seconded by Councillor Siviero then became the motion.

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

DIVISION A division was called, the result being:-

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

NOES: Councillors Bradley, Darley, Davis, Maclean, Prociv and Wearne

3672 RESOLVED (Garrard/Siviero)

- (a) **That** Council staff urgently write to the NSW Department of Planning and Environment (DPE) on 22 February 2022 seeking an extension of time of up to four to six weeks.
- (b) **That** Council defer consideration of this matter to an urgent Councillor Workshop to be held on 24 February 2022.
- (c) **That** following the Councillor Workshop, the Chief Executive Officer and relevant Council staff meet with the applicant to discuss the matter.
- (d) **Further, that** if the extension of time is not granted by the DPE, that Council hold an Extraordinary Council Meeting to consider this matter.

Note: The Lord Mayor vacated the Chair at 7:43pm during the consideration of Item 13.2. The Deputy Lord Mayor assumed the Chair. The Lord Mayor resumed the chair at 7:49pm.

13.3 SUBJECT Planning Proposal, draft Development Control Plan and draft Planning Agreement for 135 George Street and 118 Harris Street, Parramatta (Albion Hotel site)

REFERENCE RZ/3/2017 – D08386005

APPLICANT/S Think Planners

OWNERS PIC Royal Investments Pty Ltd

REPORT OF Project Officer, Land Use Planning

MOTION (Garrard/Siviero)

- (a) **That** Council notes the submissions made during the public exhibition of the Planning Proposal, draft Development Control Plan (DCP) and draft Planning Agreement at 135 George Street and 118 Harris Street, Parramatta (Albion Hotel site). A summary of submissions is provided at Attachment 1.

- (b) **That** Council notes the Gateway alteration issued by the (then) Department of Planning, Industry and Environment (DPIE) on 28 October 2021 determining that the Planning Proposal should not proceed on the basis that the Parramatta CBD Planning Proposal is seen as a more efficient way of achieving the objectives of the site-specific Planning Proposal (refer to Attachment 2) therefore Council is not required to further consider the Planning Proposal.
- (c) **That** Council forward this report and copies of all submissions received during the exhibition period including community, State and Federal Government agency submissions to the Department of Planning and Environment (DPE) for its consideration consistent with the Gateway alteration issued on 28 October 2021.
- (d) That Council approve the site specific-DCP at Attachment 4 for finalisation and inclusion within Part 10 (Site Specific Controls) of the finalised Parramatta City Centre DCP, including the minor amendments at Attachment 5 in this report, following the finalisation of the Parramatta CBD Planning Proposal, and note the City Centre DCP will be considered by Council in the first quarter of 2022.
- (e) **That** Council approve the Planning Agreement at Attachment 6 and delegate authority to the Chief Executive Officer to finalise the Planning Agreement and to sign it on Council's behalf.
- (f) **Further, that** Council delegate authority to the Chief Executive Officer to make any minor, administrative and/or non-policy amendments to the site-specific Development Control Plan and/or Planning Agreement during the finalisation processes.

The motion moved by Cr Garrard and seconded by Cr Siviero on being put was declared LOST.

DIVISION A division was called, the result being:-

AYES: Councillors Garrard, Green, Siviero and Wang

NOES: Councillors Bradley, Darley, Davis, Esber, Humphries, Maclean, Noack, Pandey, Prociv, Valjak and Wearne

13.4 SUBJECT Submission on the NSW Government's 'A new approach to rezonings' Discussion Paper

REFERENCE F2022/00105 - D08393170

REPORT OF Senior Project Officer Land Use

3673 RESOLVED (Pandey/Darley)

- (a) **That** Council approve the submission (Attachment 1) which supports the overall intent of the reform contained in the Discussion Paper 'A new approach to rezonings', in particular, to

provide an increasingly transparent and efficient planning system that ensures decisions about potential land-use changes are consistent with strategic planning policy, however objects to the following details of the proposed reform:

- i. **Appeals processes:** strong objections are raised to the proposed appeals mechanism as it will remove the policy decision making power of councils.
- ii. **Fees and resources:** the proposed fee structure is too rigid (based on categories) and Councils should instead be able to set fees. The risk of mandatory fee refunds (such as planning guarantees) will severely limit Council resources whilst affecting the quality of planning decisions due to rushed assessments.
- iii. **Process risks:** several risks to Council's assessment of planning proposals are prevalent. These include imposing minimal timeframes to review the quality of planning proposals (and supporting documentation) prior to their exhibition, as well as a lack of power for Council to reject a planning proposal once lodged (without generating appeal rights from the applicant).

(b) **That** the submission be forwarded to the Department of Planning and Environment (DPE) by close of the exhibition period (28 February 2022).

(c) **Further, that** Council authorise the Chief Executive Officer to strengthen the executive summary to ensure the severity of the concerns within the submission are properly highlighted and to make any amendments of a non-policy and administrative nature that may arise during finalisation of the submission prior to it being forwarded to the DPE.

Note: Councillor Garrard left the Chamber at 8:08pm during the consideration of Item 13.4.

13.5 SUBJECT Naming Proposal for Unnamed Epping Pedestrian Way (Deferred Item)

REFERENCE F2022/00105 - D08386015

REPORT OF Senior Project Officer Place Services

3674 RESOLVED (Maclean/Siviero)

That Council defer this matter for a period of three (3) to six (6) months and that consultation occurs with local and relevant First Nation's bodies and groups regarding an appropriate name for the presently unnamed thoroughfare between Forest Grove and Essex Street, with a view to adopting an Indigenous name; if no suitable names arise or the Lane Way is not deemed appropriate for such a name post consultation then the original recommendation, with any further public consultation if required, be brought back to Council.

Note: Councillor Garrard returned to the Chamber at 8:17pm during consideration of Item 13.5.

14. NOTICES OF MOTION

14.1 SUBJECT Equal Employment Opportunities
REFERENCE F2022/00105 - D08411342
FROM Deputy Lord Mayor Sameer Pandey

3675 RESOLVED (Pandey/Noack)

- (a) **That** Council note:
- i) The diversity within the City of Parramatta and opportunities for employment.
 - ii) The growth and development opportunities in the LGA.
- (b) **Further, that** a report be provided to Council by mid-August 2022:
- i) Current known workforce diversity profile of Council workforce against current diversity profile within the LGA.
 - ii) Current Traineeship and Apprenticeship programs and potential future strategies within City of Parramatta.
 - iii) Current internship participation and potential opportunities for expansion.
 - iv) Opportunities for Traineeship and pathways for employment for people from Indigenous background as well as people with disability.
 - v) Options for Local employment targets.
 - vi) Options for embedding diversity targets in contracts that council issues.
 - vii) Industry benchmark for Local Government areas in diversity profile of staff.
 - viii) Employment assistance/opportunities for veterans.

Note: Councillor Wearne left the Chamber at 8:28pm and returned at 8:29pm during the consideration of Item 14.1.

15. QUESTIONS WITH NOTICE

15.1 SUBJECT Questions Taken on Notice from Council Meeting - 7 February 2022
REFERENCE F2022/00105 - D08408534
FROM Governance Manager

QUESTIONS TAKEN ON NOTICE FROM THE COUNCIL MEETING OF 7 FEBRUARY 2022

Item 12.4 – Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013

Does this mean that they don't have to provide open space on the ground if they provide it on the roof?

Executive Director City Planning & Design Response

The largest portion of the communal open space is located on the roof top, being 230m² and there is a smaller section of communal open space located at ground level, being approximately 100m².

Item 13.1 – Chief Executive Officer Delegations

Question from Councillor Darley

How many tenders under \$500k were finalised in the years 2020 and 2021?

Executive Director Corporate Services Response

In 2020 there were 6 tenders finalised under \$500k
In 2021 there were 3 tenders finalised under \$500k

Item 13.5 – Classification of Lot 5 DP 1238944 as Operational Land

Questions from Councillor Garrard

- 1. That development was finished quite a period of time ago. I know residents have actually moved in because they've reached out and contacted me. When was that?*
- 2. What is the road for? What is the purpose of it?*
- 3. For what? [does there have to be a condition for an access road to dedicate it back to Council]*
- 4. Where is the road going to and why?*
- 5. Why was it perceived to be acceptable as part of a VPA as open space, if in fact there is going to be a road to [God knows] where and how big through the middle of it?*

Executive Director Property & Place Response

1. An Interim Occupation Certificate was issued on 25 January 2022 for 35 and 39 East Street.
2. The road acts as a service lane. A service lane is a small road usually created to allow access to the back of a building or retail shop. The proposed lane in this instance will provide access to the rear of the heritage buildings in the area.
3. The Parramatta DCP 2011 makes provision for the road.
4. The service lane goes between Cowper St and East St. The proposed lane in this instance will provide access to the rear of the heritage buildings in the area.
5. The service lane goes between Cowper St and East St and is to the eastern side of the park.

Item 14.1 – CBD Lighting Project

Questions from Councillor Garrard and Wearne

1. What is the CBD Revitalisation Program?
2. If \$300k is being dedicated, if it's granted to the CBD lighting project, where is the other \$700k going?
3. Where have the funds gone from the Winterlight event?
4. Where have the funds gone from the other events?

Executive Director City Engagement & Experience Response

1. The CBD Revitalisation Program is a State Government funded program for eligible Councils, businesses and cultural institutions to run activations and events to engage their local communities and attract visitors. The funding available under the program is from \$250,000 to \$1 million. Applications opened for application on 17 December 2021 and closed on 17 January 2022. The outcome of the grant application will be announced on 16 February 2022.
2. Council has applied for \$1 million grant under the CBD Revitalisation Program to deliver 5 programs:

Concert series on the rooftop of Eat Street car park	\$175,000
Activation in the Stadium precinct in collaboration with Venues Live	\$250,000
CBD Lighting Program (details provided below)	\$225,000
Harris Park Precinct Activation	\$250,000
Marketing	\$100,000
Total	\$1,000,000

CBD Lighting Program:

The CBD Lighting Program has incurred \$225,000 to date, for the installation and lighting displays at River Foreshore, Parramatta Square and Centenary Square from November 2021 to January 2022. To keep the lights on for another 3 months the cost is \$90,000 as per the table below. Due to the successful feedback of the Lighting Program an additional \$135,000 has been suggested for additional lighting sites. Details of the costs relating to the extension are as follows:

Keeping the lights on at River Foreshore, Parramatta Square and Centenary Square from February 2022 to May 2022 at \$10,000 per month, per site (\$10,000 x 3 sites x 3 months = \$90,000)	\$90,000
New sites: Philip St, Eat Street Car Park Rooftop and Prince Alfred Square - Installation and running costs for 4 weeks in March, when Parramatta Nights event is on. <i>Note: This is in addition to Parramatta Nights \$1.2M project costs.</i>	\$135,000
Additional cost for the CBD Lighting program - Total	\$225,000

3. The annual budget allocated to Winterlight is \$400,000. The event was cancelled incurring a sunk cost of \$74,766. The remaining budget was allocated to Parramatta Nights and CBD Lighting program (Council's resolution from 25 October 2021 is included as **Attachment 1**). Details are as follow:

Winterlight delivered in July 2021	\$74,766	Expended in Q1
Parramatta Nights	\$100,234	To be expended in Q4
CBD Lighting	\$225,000	Expended from November to January
Total Winterlight budget	\$400,000	

4. To comply with COVID public health orders, several Council's events and city activation activities have been cancelled. \$1,092,475 was identified as savings from these cancellations, of which \$567,475 has been reallocated to Parramatta Nights, \$225,000 allocated to the CBD Lighting program (for November 2021 to January 2022), and \$300,000 has been returned to Council to assist with achieving \$15 million target efficiency saving for current financial year. The target saving mentioned above was outlined in section 9 of the 25 October 2021 Council paper. A copy of the resolution and report can be found at **Attachment 2**.
5. Further details of budget reallocation and return are provided in the tables below.

Reallocation to Parramatta Nights & CBD Lighting

Area	Event	Status	Budget	Cost	Reallocated to Parramatta Nights	Reallocated to CBD Lighting
Events	Winterlight	Cancelled	\$493,000	\$74,666	\$100,234	\$225,000
Events	New Year's Eve	Delivered in December	\$400,000	\$270,000	\$130,000	
Events	Parramatta Lanes	Cancelled	\$630,000	\$355,859	\$274,141	
Events	Foundation Day	Cancelled	\$100,000	\$36,900	\$63,100	
Total fund reallocated to Parramatta Nights					\$567,475	\$225,000

Budget returned to Council

Area	Event	Status	Budget	Cost	Returned
Events	Lunar New Year	Delivering online	\$100,000	Minimal	\$100,000
Events	Australia Day	Postponed to March	\$520,000	\$445,000	\$75,000
Civic	Australia Day VIP	Cancelled	\$25,000	\$0	\$25,000
Civic	Seniors Christmas Party	Cancelled	\$40,000	\$0	\$40,000
Activations	Activations Program	Reduced activities	\$279,492	\$219,492	\$60,000
Total budget returned					\$300,000

6. A reconciliation detailing budget for all events is provided at **Attachment 3**.

Note:

- Councillor Pandey left the Chamber at 8:39pm and returned at 8:42pm during the consideration of Item 15.1.**
- Councillor Wang left the Chamber at 8:40pm and returned at 8:49pm during the consideration of Item 15.1.**

3. **Councillor Maclean left the Chamber at 8:40pm and returned at 8:43pm during the consideration of Item 15.1.**
4. **Councillor Noack left the Chamber at 8:40pm and returned at 8:43pm during the consideration of Item 15.1.**
5. **Councillor Dr Prociv left the Chamber at 8:44pm during the consideration of Item 15.1.**

PROCEDURAL MOTION

3676 RESOLVED (Bradley/Noack)

That the meeting be adjourned for fifteen (15) minutes.

Note: The meeting was adjourned at 8:46pm for a short recess.

PROCEDURAL MOTION

3677 RESOLVED (Davis/Pandey)

That the meeting resume.

The meeting resumed at 9:03pm with the following Councillors in 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, Donna Wang and Lorraine Wearne.

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

3678 RESOLVED (Darley/Green)

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:-

16.1 Legal Status Report as at 31 January 2022. (D08394024) - *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.*

16.2 Expression of Interest for Vacant Space at 6 Valentine Avenue, Parramatta (Valentine Avenue Substation). (D08385764) - *This report is confidential in accordance with section 10A (2) (c) of the Local Government Act 1993 as the report contains information that would, if disclosed, confer a commercial advantage on a person*

with whom the Council is conducting (or proposes to conduct) business.

16.3 Re-determine Organisation Structure (Senior Staff Positions). (D08391246) - *This report is confidential in accordance with section 10A (2) (a) of the Local Government Act 1993 as the report contains personnel matters concerning particular individuals.*

16.1 SUBJECT Legal Status Report as at 31 January 2022

REFERENCE F2022/00105 - D08394024

REPORT OF Group Manager Legal Services

3679 RESOLVED (Pandey/Esber)

That Council note the Legal Status Report as at 31 January 2022

16.2 SUBJECT Expression of Interest for Vacant Space at 6 Valentine Avenue, Parramatta (Valentine Avenue Substation)

REFERENCE F2021/00521 - D08385764

REPORT OF Space Management Officer

3680 RESOLVED (Esber/Valjak)

(a) **That** Council conduct an Expression of Interest (EOI) to seek a café or small bar tenant to operate the vacant space in Valentine Avenue Substation.

(b) **That** Council proceed to offer the preferred applicant a Lease on the terms outlined in paragraph 24 of this report.

(c) **That** a further report come to Council to approve a recommended tenant for the vacant space.

(d) **Further, that** delegation is given to the Chief Executive Officer (CEO) to sign all documents associated with this matter.

16.3 SUBJECT Re-determine Organisation Structure (Senior Staff Positions)

REFERENCE F2022/00173 - D08391246

REPORT OF Workplace Relations Manager

3681 RESOLVED (Pandey/Darley)

(a) **That** Council determine the senior staff positions within the organisation structure, including the roles and reporting lines at Attachment 1 of this report, pursuant to s332(1) of the Local

Government Act 1993.

- (b) **That** Council note the senior staff positions are the same as those previously determined by Council except for:
1. The deletion of the role, Executive Director Corporate Services;
 2. The creation of the senior staff position, Chief Financial and Information Officer, who will report directly to the Chief Executive Officer (CEO);
 3. The creation of the senior staff position, Executive Director People Culture and Workplace Role, who will report directly to the CEO.
- (c) **Further, that** Council note the changes to the senior staff positions aim to improve clarity of roles and responsibilities for the relevant functions and will reduce full time staff (FTE) by two and reduce employment costs by an estimated \$200,000.

PROCEDURAL MOTION

3682 RESOLVED (Darley/Noack)

That the meeting resume into Open Session.

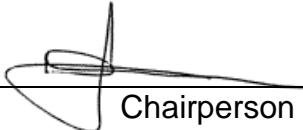
17. REPORTS OF RESOLUTIONS PASSED IN CLOSED SESSION

The Chief Executive Officer read out the resolutions for Items 16.1 to 16.3.

18. CONCLUSION OF MEETING

The meeting terminated at 9:22pm.

THIS PAGE AND THE PRECEDING 19 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 21 FEBRUARY 2022 AND CONFIRMED ON MONDAY, 14 MARCH 2022.


Chairperson