

NOTICE OF COUNCIL MEETING

PUBLIC SUPPLEMENTARY

AGENDA - B

An Ordinary Meeting of City of Parramatta Council will be held in the Cloister Function Rooms, St Patrick's Cathedral, 1 Marist Place, Parramatta on Monday, 28 March 2022 at 6:30pm.

Brett Newman
CHIEF EXECUTIVE OFFICER

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
8	MINUTES OF THE LORD MAYOR	
8.1	Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples	3
8.2	Public Toilet Policy	6
8.3	200 Years of the Royal Agricultural Society of NSW	8
9	PUBLIC FORUM	
9.1	PUBLIC FORUM 1: Item 14.2 - Smoke Free Parramatta Square	10
14	NOTICES OF MOTION	
14.2	Smoke Free Parramatta Square	12

MINUTE OF THE LORD MAYOR

ITEM NUMBER	8.1
SUBJECT	Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples
REFERENCE	F2021/02779 - D08447897
REPORT OF	Lord Mayor, Councillor Donna Davis

CSP THEME: WELCOMING

WORKSHOP/BRIEFING DATE: Nil

PURPOSE:

This Lord Mayor Minute seeks for Council to formally support the call for national action on Indigenous constitutional reform.

RECOMMENDATION:

- (a) **That** Council acknowledges and supports the proposal for a national referendum that formally recognises Aboriginal and Torres Strait Islander peoples in the Australian Constitution and the key principles of the 'Uluru Statement from the Heart'.
- (b) **That** Council writes to the Prime Minister, the Federal Leader of the Opposition, the Premier of NSW, the Opposition Leader of NSW, local Federal and State MPs, the President of Local Government NSW and the Deerubbin Local Aboriginal Land Council, Metropolitan Local Aboriginal Land Council, Gandangarra Local Aboriginal Land Council and local Dharug organisations to express City of Parramatta Council's support for Constitutional recognition for Aboriginal and Torres Strait Islander peoples and the key principles of the 'Uluru Statement from the Heart'.
- (c) **Further, that** Council notes work underway to develop a First Nations Strategy to replace Council's former Reconciliation Action Plan and that a workshop on this topic will be held in April.

BACKGROUND

- 1. The Australian Constitution is the founding document of our nation and pre-eminent source of law in the country. It was drafted at a time when Australia was inaccurately considered a land that belonged to no one before European settlement and when Aboriginal and Torres Strait Islander peoples were not considered citizens.
- 2. Aboriginal and Torres Strait Islander peoples were excluded from the discussion about the creation of a new nation, situated on their traditional lands.
- 3. Subsequently, Aboriginal and Torres Strait Islander peoples, who have occupied Australia for over 60,000 years, are not mentioned in the constitution.

4. It is time for the Australian Constitution to reflect Australia's identity and recognise our shared history and continuous ancient Indigenous culture. Recognising Aboriginal and Torres Strait Islander peoples in the Constitution would:
 - a. enrich the identity of the nation as a shared identity;
 - b. improve the effectiveness of the nation's democracy by increasing the protection of the rights of all Australians; and
 - c. make significant progress towards a reconciled Australia.
5. For over 60,000 years, the area comprising present day Parramatta has been occupied by the Burramattagal people, a clan of the Dharug, who first settled along the upper reaches of the Parramatta River.
6. The Dharug people still populate the areas of Parramatta, Greater Western Sydney, La Perouse and the Blue Mountains. There are a number of Dharug organisations and advisory committees that include active Dharug people, as well as prominent Dharug artists, who have been instrumental in promoting Aboriginal rights over several decades and supporting the movement for recognition in the Australian Constitution.
7. The 'Uluru Statement from the Heart', drafted by 250 Aboriginal and Torres Strait Islander leaders at a national Indigenous workshop in May 2017 outlines the path forward for recognising Aboriginal and Torres Strait Islander peoples in the nation's Constitution.
8. The Statement is based on three key principles: 'Voice', 'Treaty' and 'Truth'.
9. The 'Voice' would be a representative Indigenous body, enshrined in the Constitution, that would sit separate to federal Parliament and offer advice to government that would result in better long-term outcomes for Aboriginal and Torres Strait Islander peoples.
10. A 'Treaty' would be a legal agreement between the Australian Government and our Indigenous peoples that recognises sovereignty over land, outline reparations and settlements, establish rules for co-existence and formalise provision of services such as health and wellbeing, education and employment.
11. Establishment of a Makarrata (coming together after a struggle) Commission would perform the role of a 'Truth' and Reconciliation Commission as a part of healing processes.
12. This Lord Mayor Minute calls for Council to support the Uluru Statement, and for the establishment of a First Nations Voice enshrined in the Constitution and a Makarrata Commission to supervise a process of agreement-making and truth-telling about their history.
13. This Lord Mayor Minute is consistent with the objectives of the City of Parramatta Reconciliation Action Plan (2017-2020). It is noted that a new First Nations Strategy is in development and there will be engagement with Councillors on this matter in April 2022.

14. This Lord Mayor Minute is also consistent with the recommendations of the former Aboriginal and Torres Strait Islander Advisory Committee, who passed several resolutions in support of Council recognising the Uluru Statement from the Heart, most recently at its last meeting of 23 November 2021. The minutes of this meeting were noted by Council at the Extraordinary Council Meeting on 21 March 2022.

FINANCIAL IMPLICATION FOR COUNCIL

15. There are no new financial implications for Council as a result of this Lord Mayor Minute.

Lord Mayor, Councillor Donna Davis

ATTACHMENTS:

There are no attachments for this report.

REFERENCE MATERIAL

MINUTE OF THE LORD MAYOR

ITEM NUMBER	8.2
SUBJECT	Public Toilet Policy
REFERENCE	F2021/02779 - D08465407
REPORT OF	Lord Mayor, Councillor Donna Davis

CSP THEME: ACCESSIBLE

WORKSHOP/BRIEFING DATE: Nil

PURPOSE:

The purpose of this Lord Mayor Minute is to recommend to Council that a public toilet policy is developed, able to guide the location and operation of new public toilets.

RECOMMENDATION:

- (a) **That** Council prepares a high-level public toilet policy that sets out the rationale and criteria for Council's investment in new accessible public toilets,
- (b) **Further, that** in developing this Policy, it aligns with the long-term direction for community infrastructure provision as outlined in Council's endorsed Community Infrastructure Strategy.

BACKGROUND

- 1. Council values the importance of safe and accessible public toilets. Public toilets are essential community infrastructure to encourage longer visits and provide for all people so they may enjoy our places and spaces.
- 2. Council currently has 62 public toilets that are located in both parks and the wider public domain, such as carparks and town centres. This can be broken down as;
 - a. 55 public toilets in parks,
 - b. 7 public toilets located within the CBD and town centres.
- 3. Toilets are expensive for Council to maintain as they have to be cleaned daily and kept to a high maintenance standard to meet community expectations. The annual cost for maintaining Council's existing public toilets is approximately \$925K (this excludes the cost of maintaining toilets within Council facilities).
- 4. In addition, public toilets are difficult pieces of infrastructure to site and design in such a way as to not to reduce aesthetic amenity in the public spaces in which they sit.
- 5. Council has no public toilet policy to guide the future location and operation of new public toilets. The former Parramatta City Council adopted a Public Amenity and Toilet Strategy in 2003. This strategy identified criteria for the location and design of public toilets. It assessed the condition of all public toilets

- at the time and provided recommendations for upgrade or relocation of each public toilet.
6. City of Parramatta's Community Infrastructure Strategy 2020 also guides the scale of parks and open spaces that require consideration of public toilets. It recommends that toilets are considered for district-level parks, as they have a high number of embellishments and facilities that are designed to encourage longer stays.
 7. Toilets are a commonly requested asset for most park improvement and town centre upgrades. However, due to the high ongoing maintenance costs, it is not feasible to provide toilets at all requested locations. In fact, post 2003 Council has built toilets for which there was no money allocated to clean and maintain them. This has led to the situation where toilets are opened for very short times during the week to match maintenance resources.
 8. There are also larger parks and key commercial centres in the City of Parramatta LGA with high visitation which currently do not have public toilets. A public toilet policy will assist Council staff to make informed decisions when determining the appropriate location for new public toilet facilities. It will also assist with managing community expectations as to when a public toilet facility will likely be delivered and sites that will be prioritised for new or upgraded facilities.

FINANCIAL IMPLICATION FOR COUNCIL

9. Council officers advise there would be no additional financial implications for Council as officers can develop a high-level public toilet policy as part of future work programs within existing resources, however due to existing project work it is anticipated that a draft policy would require 9 -12 months to develop.

Lord Mayor, Councillor Donna Davis

ATTACHMENTS:

There are no attachments for this report.

REFERENCE MATERIAL

MINUTE OF THE LORD MAYOR

ITEM NUMBER 8.3
SUBJECT 200 Years of the Royal Agricultural Society of NSW
REFERENCE F2021/02779 - D08466998
REPORT OF Lord Mayor, Councillor Donna Davis

CSP THEME: **WELCOMING**

WORKSHOP/BRIEFING DATE: Nil

PURPOSE:

The purpose of this Lord Mayor Minute is to recognise the bicentenary of the Royal Agricultural Society of NSW in 2022 and note the special Bicentenary Street Parade that is taking place on Saturday 9 April 2022.

RECOMMENDATION:

- (a) **That** Council note the Royal Agricultural Society of NSW is celebrating their bicentenary in 2022.
- (b) **That** the Lord Mayor write to the Royal Agricultural Society of NSW (RAS), congratulating them on this significant milestone and for the commitment to the promotion of Australian agriculture and advocacy on behalf of rural communities since 1822.
- (c) **That** this letter include an invitation to meet with Council to discuss opportunities to further the relationship between the City and the RAS, acknowledge the historical connection and consider opportunities for Council to sponsor a competition at the Sydney Royal Easter Show in an appropriate category.
- (d) **Further, that** Council note to recognise this occasion, the Royal Agricultural Society of NSW is holding a special Bicentenary Street Parade on Saturday, 9 April 2022, commencing at Parramatta Park at 3.30am before proceeding to Sydney Olympic Park.

BACKGROUND

- 1. On 5 July 1822, a group of agriculturalists met to determine how best to assist European settlers who were struggling to adapt to the new environment. Their emphasis was on agriculture and food provision for the new colony. Following this meeting, the Agricultural Society of NSW (Society) was formed.
- 2. The following year the Society held a Show, with livestock and produce categories. It was an opportunity to educate and inform the people of the colony, and to come together to transact business and exchange ideas.
- 3. Competitions were held in order to 'excite in proprietors an ambition to excel each other', prizes were offered and judging took place in front of the public.

4. The Society was renamed the 'Royal' Agricultural Society of NSW in 1891, by special permission of Queen Victoria, and the first 'Royal' Easter Show was held the same year.
5. Two hundred years down the track and the RAS is a not-for-profit organisation committed to support agricultural development and rural communities, is still organising events and competitions and acting as a guardian for the state's agricultural heritage. The RAS celebrates Australia's achievements in agriculture and works to promote the viability of rural communities by ensuring that Australia remains a thriving and innovative agricultural producer.
6. The City of Parramatta has a storied past with the RAS, with the first Shows staged in Parramatta Park (1823-1868) before shifting to Prince Alfred Park (1869-1881). The Show then moved to Moore Park from 1882-1997, before the move to their current home at Sydney Showground, Sydney Olympic Park.
7. Over time the Sydney Royal Easter Show has grown to be the Southern Hemisphere's largest annual ticketed event, and in the year of their bicentenary they will celebrate their 168th Show.
8. In celebration of 200 Years of the Royal Agricultural Society of NSW, they will be holding a special Bicentenary Street Parade, which will take place in the early hours of Saturday 9 April 2022.
9. The RAS will launch the commencement of their Street Parade, inclusive of animals, wagons and tractors, at Parramatta at 3.30am, before the Parade makes its way along Parramatta Road to Sydney Olympic Park, into Sydney Showground and onto the Main Arena arriving at approximately 6.30am.
10. The past 200 years will pass before your eyes in this historical street parade that pays tribute to the history of the Royal Agricultural Society of NSW from their beginnings in Parramatta Park (1823-1868) to the grandeur of Prince Alfred Park (1869-1881), Moore Park (1882-1997) right through to their current home at Sydney Olympic Park.

FINANCIAL IMPLICATION FOR COUNCIL

11. There are no new financial implications for Council as a result of this Lord Mayor Minute. Any future implications as a result of discussions regarding the sponsorship of a competition at the Sydney Royal Easter Show should be reported to Council.

Lord Mayor, Councillor Donna Davis

ATTACHMENTS:

There are no attachments for this report.

REFERENCE MATERIAL

PUBLIC FORUM

ITEM NUMBER	9.1
SUBJECT	PUBLIC FORUM 1: Item 14.2 - Smoke Free Parramatta Square
REFERENCE FROM	F2022/00105 - D08464723 Dr Shopna Bag

Good evening, Lord Mayor and Councillors, thank you for the opportunity to speak in relation to item No. 14.2 – Smoke Free Parramatta Square. I am Dr Shopna Bag, the Acting Director for the Western Sydney Local District Centre for Population Health and I speak in support of Councillor Pandey’s proposal. Parramatta Square, which lies at the heart of Parramatta CBD, is a large, vibrant outdoor space which is accessed by thousands of local workers, students and consumers including children. The proposal to implement a smoke-free Parramatta Square, would provide significant benefits to our community.

Firstly, there are considerable health benefits in preventing exposure to harmful second-hand smoke. Secondhand smoke contains over 7000 toxic substances. By protecting individuals from exposure and inhalation of second-hand smoke, we protect them from serious health effects such as respiratory illness, cardiovascular disease and lung cancer, which can lead to hospitalisation. Children, in particular, are more vulnerable and are at increased risk of sudden infant death syndrome, acute respiratory infections, middle ear infections and severe asthma, due to their immature respiratory systems. There is no safe level of exposure to second-hand smoke. Smoke-free environments play a key role in supporting people to reduce their smoking, make more successful quit smoking attempts and supports ex-smokers to maintain their non-smoking status.

Secondly, there are social and economic benefits to establishing a smoke-free Parramatta Square. Surveys from business owners and consumers show that 4 in 5 NSW people support smoke-free outdoor dining and have a preference for improved air quality. Reduced exposure to cigarette smoke-drift increases consumers’ likelihood of spending more time in public and outdoor settings and would boost patronage to local business. Smoke-free environments provide positive role modelling for children and young people, including university students who have increased opportunities to gather in the Square.

We strongly support local efforts to support family friendly public spaces and creating safe environments.

Lastly, there are significant environmental benefits to creating smoke-free environments. Cigarette butts are consistently the most littered item. They are made from non-biodegradable plastics which can easily be carried in stormwater drains and local waterways. The prevention of cigarette smoking will lead to a significant reduction in habitual cigarette butt littering which will help protect our Parramatta River and waterways.

To conclude, from a population health perspective, we strongly support the proposal for a smoke-free Parramatta Square. It will contribute to the on-going denormalization of tobacco smoking and build on decades of positive achievements in reducing smoking rates and exposures through public health policies and government legislation. A smoke-free Parramatta Square would provide health and

wellbeing benefits to our local community, including social, economic and environmental gains.

Thank you for your time.

EXECUTIVE DIRECTOR, CITY ASSETS & OPERATIONS RESPONSE

There is public health, economic and environmental benefits associated with making Parramatta Square smoke free. There are however significant regulatory issues in enforcing such a ban which make it costly and less than effective. Consequently, very few Sydney Metro Councils have adopted this approach to ban smoking in public spaces.

ATTACHMENTS:

There are no attachments for this report.

Hn,.

NOTICE OF MOTION

ITEM NUMBER 14.2
SUBJECT Smoke Free Parramatta Square
REFERENCE F2022/00105 - D08453832
FROM Deputy Lord Mayor, Councillor Pandey

MOTION

That Council:

1. Undertake consultations with customers frequenting Parramatta Square and the wider Parramatta community to gauge support for smoke-free options within Parramatta Square.
2. Develop relevant and appropriate measures to understand the impact of implementing smoke free options in Parramatta Square (e.g. community perceptions).
3. Identify a suitable, acceptable and enforceable smoke-free option for Parramatta Square that addresses stakeholder feedback, health and environmental considerations.
4. Implement a policy to support the selected smoke-free option.
5. Deliver a communication campaign to inform stakeholders of the new smoke-free measures in Parramatta Square.

BACKGROUND

1. Parramatta CBD is growing fast with its high-density mixed-use developments around the commercial core. A very important challenge for us is to get the balance right between development, economic growth, and social and green infrastructure.
2. The City of Parramatta's Night Time Economy Strategy aims to provide a safe and family-friendly experience during night retail trading, food markets and other venues. Reducing smoking and smoke-exposure may attract and encourage additional consumers to spend more time in the precinct, boosting business and the night economy. Research into NSW smoke-free legislation shows that 78% of people are bothered by exposure to other people's smoke, and that many businesses express strong support for smoke-free dining.

Sameer Pandey
Deputy Lord Mayor, Councillor

EXECUTIVE DIRECTOR CITY ASSETS & OPERATIONS RESPONSE

BACKGROUND

1. Parramatta CBD is growing fast with its high-density mixed-use developments around the commercial core. A very important challenge for us is to get the balance right between development, economic growth, and social and green infrastructure.
2. The City of Parramatta's Night Time Economy Strategy aims to provide a safe and family-friendly experience during night retail trading, food markets and other venues. Reducing smoking and smoke-exposure may attract and encourage additional consumers to spend more time in the precinct, boosting business and the night economy. Research into NSW smoke-free legislation shows that 78% of people are bothered by exposure to other people's smoke, and that many businesses express strong support for smoke-free dining.
3. It should be noted that it will be very difficult to implement key aspects of this Notice of Motion as it recommends the implementation of substantial policy changes before the policy has actually been developed. It is suggested that feasibility and policy development is completed and reported back to council before any initiatives including consultation and engagement are implemented

Sameer Pandey
Deputy Lord Mayor, Councillor

EXECUTIVE DIRECTOR CITY ASSETS & OPERATIONS RESPONSE

4. The legislative framework giving Council the power to enforce no smoking rules in public places only gives Council limited powers detailed below.
5. At present the only formal legislation to control Smoking is the 'Smoke-free Environment Act 2000', which bans smoking and the use of e-cigarettes in a commercial outdoor dining area, such as:
 - a) a seated dining area
 - b) within 4 metres of a seated dining area on licensed premises, restaurant or café
 - c) within 10 metres of a food fair stall
6. Smoking is not permitted in an area in which the business provides food and seating in the outdoor area where the food is being eaten.
7. The smoke-free law also bans smoking or using pipes, waterpipe (also known as nargila, argileh, hubble bubble, hookah, shisha and goza) in an outdoor dining area. This legislation is only enforceable by the NSW Health Tobacco Unit, council have no delegations or authority to enforce under this Act. This legislation will assist all of the restaurant areas of Parramatta Square but not for the area beyond the defined areas.
8. To enforce 'No Smoking' outside of Dining areas of Parramatta Square, alternate legislation and signage would need to be considered, such as The Local Government Act 1993 No 30, Section 632 - Acting contrary to notices erected by Councils:
 - (1) A person who, in a public place within the area of a council, fails to comply with the terms of a notice erected by the council is guilty of an offence. Maximum penalty—10 penalty units.

- (2) The terms of any such notice may relate to any one or more of the following—
 - (a) the payment of a fee for entry to or the use of the place,
 - (b) the taking of a vehicle into the place,
 - (b1) the driving, parking or use of a vehicle in the place,
 - (c) the taking of any animal or thing into the place,
 - (d) the use of any animal or thing in the place,
 - (e) the doing of anything in the place,
 - (f) the use of the place or any part of the place.
9. Appropriate signage would need to be located in and around the venue to inform all users of the 'No Smoking' requirement and to allow Council officers (Rangers) to enforce any 'No Smoking' non-compliances.
10. Community and Customer consultation and any resulting communication campaign could be undertaken by several teams in the City Engagement & Experience Directorate, such as Research and Engagement, Communications and Digital.
11. The Policy would require input from across Council, but the owner would potentially sit with the Regulatory Services Unit. Such a Policy would require input from several teams, including Rangers, Community Engagement and Environmental Health, who could provide environmental and personal health impacts (litter, passive smoking etc) with the benefit of limiting areas where people can smoke, subsequently improving the general health and amenity of all the patrons of Parramatta Square.
12. Any such policy would have to be drafted, presented to the Policy Advisory committee, consultation outlined in this report and approved by Council prior to implementation. Accordingly, it is not possible for Council to resolve to implement such a policy at this stage. IT would be more appropriate for are report to be bought back to Council no such a Policy.
13. Currently, Sydney City Council and North Sydney Council have both introduced a number of public areas subject of No Smoking in the last three years. It is understood that these councils have had difficulty in enforcing no smoking policies in public places because local Councils do not have the power to demand the personal particulars of smokers. It would be recommended that prior to any such implementation in the Parramatta Square, that consultation is undertaken with both Councils to obtain any issues or difficulties experienced in the consultation, communication, education, implementation and enforcement of No Smoking strategies.
14. It should be noted that very few Metro councils have gone down this path because of the difficulties in enforcement.
15. If council was to passively enforce such a policy, then this could be done using existing Regulatory staff. It is likely however that this approach would not change smoking behaviour in Parramatta Square. If council were to proactively enforce this proposed policy then council would need to employ two additional Rangers to attend the Square regularly throughout the day. This however would be costly with an operational cost in the order of \$200k pa.

EXECUTIVE DIRECTOR CITY ENGAGEMENT & EXPERIENCE RESPONSE

16. Consultation to understand the level of support for a smoke-free policy is recommended with key stakeholder groups such as visitors to Parramatta Square, businesses, workers and the broader community.
17. To develop and a deliver an engagement program approx. eight (8) weeks is required.
18. An estimated budget of \$5,000 is needed which would include social media promotion, a possible pop-up stall in Parramatta Square or the farmers markets and supporting printed material. Council's existing channels will also be utilised including Participate Parramatta (the engagement platform), E-Pulse and the Alliance Partnerships.
19. Considerations will need to be given regarding the launch of PHIVE (currently scheduled for July 2022) and Parramatta Square events and activations.
20. Following a consultation outcome and decision by Council, a communications campaign for the smoke-free policy would be required for a period of six weeks and would require support of the Parramatta Square Alliance, local businesses, plus the use of signage and a budget estimated at \$10,000 for printed assets.

FINANCIAL AND RESOURCE IMPLICATIONS

21. The total cost of delivering the engagement activities is approx. \$5,000 and \$10,000 for the subsequent communications campaign, resulting in a total of \$15,000 needed by City Engagement and Experience to deliver the program.
22. The policy development process would cost approximately \$5,500 (50 hours of staff time @ \$110 ph).
23. Enforcement of the policy with 2 additional Rangers, would add approximately \$200k in operational cost per year in salaries and wages, oncost and ancillary equipment.
24. The expense items contained in items 21) to 23) above are unbudgeted for FY2022/23 and have not yet been scheduled into resource activity.

Sameer Pandey
Deputy Lord Mayor, Councillor Pandey

Carly Rogowski
Executive Director, City Engagement & Experience

John Warburton
Executive Director, City Assets & Operations

John Angilley
Chief Finance and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:

There are no attachments for this report.