



# CITY OF PARRAMATTA

## MINUTES

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**Ordinary Council Meeting  
Monday, 22 July 2024  
6.30pm**

**Council Chamber  
Level 4, PHIVE  
Parramatta Square, Parramatta**

## **PRESENT - COUNCILLORS**

The Lord Mayor, Councillor Pierre Esber, Deputy Lord Mayor, Councillor Patricia Prociv and Councillors Phil Bradley, Kellie Darley, Michelle Garrard, Henry Green, Ange Humphries, Cameron MacLean, Paul Noack, Sameer Pandey, Georgina Valjak, Donna Wang and Loraine Wearne.

## **PRESENT – STAFF**

Chief Executive Officer - Gail Connolly, Executive Director City Engagement and Experience - Angela Jones-Blayney, Executive Director City Assets & Operations - George Bounassif, Executive Director Finance and Information - John Angilley, Executive Director City Planning and Design – Jennifer Concato, Acting Executive Director Community and Culture - David Moutou, Group Manager City Strategic Planning – Robert Cologna, Group Manager Office of the Lord Mayor and CEO - Roxanne Thornton, Chief People, Culture and Performance Officer - Brendan Clifton, Chief Financial Officer - Amit Sharma, Chief Information Officer and Acting Chief Governance and Risk Officer - John Crawford, Group Manager Major Projects and Precincts – David Birds, Group Manager, Community Hubs & Parramatta Square – Christopher Snelling, Principal Solicitor – Esther Nelson, Internal Ombudsman - Elizabeth Renneberg, Transport Planning Manager – Michael Jollon, Senior Policy & Advocacy Adviser - Renee Attard, Strategy Manager - Ashlee Gardner, ICT Service and Delivery Manager - Ian Vong, ICT Service Desk Officer – Benn Stocker, Business Support Manager – Valance Horne, Business Manager - Michelle Samuel.

### **1. OPENING MEETING**

The Lord Mayor, Councillor Esber, opened the meeting at 6.32PM.

### **2. ACKNOWLEDGEMENT TO TRADITIONAL OWNERS OF LAND**

The Lord Mayor acknowledged the Burramattagal people of The Dharug Nation as the traditional owners of this land, and paid respect to their ancient culture and to their elders past, present and emerging.

### **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. GENERAL 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. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

NIL

## 6. CONFIRMATION OF MINUTES

### Minutes of the Council Meeting held on 8 July 2024

4800 **RESOLVED:** Councillor Noack and Councillor MacLean

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

**Record of Voting:**  
**CARRIED**

## 7. DISCLOSURES OF INTEREST

**Councillor Pandey** declared Significant Non-Pecuniary interest in relation to **Item 13.4 (Adoption of Planning Proposal, Planning Agreement and Site-Specific Development Control Plan at 263-281 Pennant Hills Road, Carlingford)** as he was a member of the Sydney Central City Planning Panel that previously considered this matter.

## 8. Minutes of the Lord Mayor

### 8.1 **Vale Most Reverend Bishop Emeritus Kevin Manning**

(Lord Mayor, Councillor Pierre Esber)

4801 **RESOLVED:** Lord Mayor, Councillor Esber and Councillor Noack

- (a) That Council acknowledge the death of the Most Reverend Bishop Emeritus Kevin Manning, the second Bishop of Parramatta and outstanding faith and community leader, on 15 July 2024.
- (b) That Council express its sincere condolences to the Most Reverend Bishop Emeritus Kevin Manning's family and friends at this sad time by writing to Bishop Vincent Long OFM Conv, the Bishop of Parramatta.
- (c) That Council observe one minute of silence in honour of the Most Reverend Bishop Emeritus Kevin Manning.

**Record of Voting:**  
**CARRIED**

Note: All those present in the Chamber observed a minute's silence in recognition of the Most Reverend Bishop Emeritus Kevin Manning (Item 8.1).

## **PROCEDURAL MOTION**

### **SUSPENSION OF STANDING ORDERS - DEALING WITH ITEMS BY EXCEPTION**

**RESOLVED:** The Lord Mayor, Councillor Esber and Councillor Noack

In accordance with Section 13 of Council's Code of Meeting Practice, Council resolve to adopt the following items in accordance with the recommendations as printed, without debate;

- Item 8.2: NSW Blues Civic Reception
- Item 8.3: Local Government Week 2024

#### **Record of Voting:**

**CARRIED**

#### **8.2 NSW Blues Civic Reception**

(Lord Mayor, Councillor Pierre Esber)

4802 **RESOLVED:** The Lord Mayor, Councillor Esber and Councillor Noack

- (a) That the City of Parramatta congratulate the NSW Blues National Rugby League team on their 2-1 victory in the 2024 State of Origin, after winning the third match 14-4 at Suncorp Stadium on 17 July;
- (b) That Council hold a Civic Reception for the NSW Blues team in Parramatta Square to celebrate the 2024 victory.

#### **Record of Voting:**

**CARRIED**

#### **8.3 Local Government Week 2024**

(Lord Mayor, Councillor Pierre Esber)

4803 **RESOLVED:** Lord Mayor, Councillor Esber and Councillor Noack

- (a) That Council recognises Local Government Week from Monday 29 July-Sunday 4 August 2024 and the integral role that Councils serve in their communities.
- (b) That Council notes City of Parramatta's excellent entries, Warami and Your Place, Your Voice! Ward Community Workshops, into the Innovation in Special Events category of the RH Dougherty Events and Communications Awards at LGNSW's Local Government NSW Week Awards.
- (c) That Council thanks Council officers involved in these excellent projects and commends them on their admirable efforts.

#### **Record of Voting:**

**CARRIED**

## 9. PUBLIC FORUM

	Speaker	Item No.	Report Title
1.	Dr David Dilley	11.2	OCM 8 July 2024 - Item 14.6 Recent Petitions from the Harris Park Business Community - Mobile Food Vendors
2.	Seema Dhawan	11.2	OCM 8 July 2024 - Item 14.6 Recent Petitions from the Harris Park Business Community - Mobile Food Vendors
3.	Sanjay Deshwal	11.2	OCM 8 July 2024 - Item 14.6 Recent Petitions from the Harris Park Business Community - Mobile Food Vendors
4.	Yadu Singh	11.2	OCM 8 July 2024 - Item 14.6 Recent Petitions from the Harris Park Business Community - Mobile Food Vendors
5.	Matthew Lennartz	13.4	Adoption of Planning Proposal, Planning Agreement and Site-Specific Development Control Plan at 263-281 Pennant Hills Road, Carlingford

Note: All Councillors were provided with a copy of the Public Forum submissions prior to the Council Meeting.

### PROCEDURAL MOTION SUSPENSION OF STANDING ORDERS - ORDER OF BUSINESS

**RESOLVED:** Councillor MacLean and Councillor Pandey

That in accordance with Section 8 of Council's Code of Meeting Practice, Council resolve to amend the order of business to allow consideration of the below listed items ahead of any other business on the agenda; -

- Item 11.2: OCM 8 July 2024 - Item 14.6 Recent Petitions from the Harris Park Business Community - Mobile Food Vendors
- Item 13.4: Adoption of Planning Proposal, Planning Agreement and Site-Specific Development Control Plan at 263-281 Pennant Hills Road, Carlingford

**Record of Voting:**  
**CARRIED**

11.2 **OCM 8 July 2024 - Item 14.6 Recent Petitions from the Harris Park Business Community - Mobile Food Vendors**


(Deputy Lord Mayor Clr Dr Patricia Prociv)

4804 Note: This matter was withdrawn.

13.4 **Adoption of Planning Proposal, Planning Agreement and Site-Specific Development Control Plan at 263-281 Pennant Hills Road, Carlingford**

(Project Officer Land Use)

4805 **RESOLVED**: Councillor Wearne and Councillor Noack

- 
- (a) That Council note the submissions received in response to the exhibition of the Planning Proposal, Development Control Plan (DCP) and Planning Agreement as summarised and responded to in **Attachment 4** for 263-281 Pennant Hills Road, Carlingford.
- (b) That Council approve the Planning Proposal (**Attachment 1**) for land at 263-281 Pennant Hills Road, Carlingford which seeks to amend the Parramatta Local Environmental Plan 2023 (PLEP 2023) in relation to the subject site by:
- i. Reconfiguring the existing R4 High Density Residential and RE1 Public Recreation zones and retaining the existing SP2 Infrastructure Zone.
  - ii. Amending the Maximum Height of Building control by:
    - Amending the maximum height of buildings on the Pennant Hills Road frontage from 27 metres (9 storeys) to part 0m, part 65 metres (18 storeys), part 84 metres (22 storeys) and part 110 metres (29 storeys) as per **Figures 17 & 23** in **Attachment 1**.
    - Amending the maximum height of buildings on the remainder of the site from part 33 metres (11 storeys) and part no height to part 0m, part 33 metres (8 storeys), part 46 metres (11 storeys), part 56 metres (14 storeys) and part no height as per **Figures 17 & 23** in **Attachment 1**.
  - iii. Increasing the Maximum Floor Space Ratio control for the R4 High Density Residential zoned land from 2.3:1 to 3.6:1.
  - iv. Amending Schedule 1 Additional Permitted Uses to increase the maximum gross floor area of parts of the buildings used for business premises, food and drink premises, recreational facilities (indoor) and shops on the R4 High Density Residential zoned part of the site from 2,000 sqm to 2,600 sqm.

- v. Amending the Land Reservation Acquisition (LRA) Map to include the RE1 Public Recreation land on the site that will be dedicated to Council.
- (c) That Council enters into the Planning Agreement (**Attachment 2**) and delegates authority to the Chief Executive Officer to sign it on behalf of Council.
- (d) That Council approves the DCP controls (**Attachment 3**) for insertion into Part 8 of the Parramatta DCP 2023.
- (e) That Council delegate authority to the Chief Executive Officer to finalise negotiations and make any clarifying amendments and corrections to the Planning Proposal, DCP and Planning Agreement.

**Record of Voting:**

For the Motion: Lord Mayor Councillor Esber and Deputy Lord Mayor Councillor Prociv and Councillors Humphries, MacLean Noack, Pandey, Valjak, Wang and Wearne.

Against the Motion: Councillors Bradley, Garrard and Green

On being put to the meeting, voting on this matter was nine (9) votes FOR and three (3) votes AGAINST. The Motion was CARRIED.

Note: Councillor Pandey left the meeting at 6.58pm as he had disclosed a Significant Non-Pecuniary interest for Item 13.4 - Adoption of Planning Proposal, Planning Agreement and Site-Specific Development Control Plan at 263-281 Pennant Hills Road, Carlingford

Note: Councillor Pandey returned to the meeting at 7.15pm.

## 10. PETITIONS

### 1. Little India (Harris Park) Welcome Signs

Deputy Lord Mayor, Councillor Prociv tabled a petition regarding the 'Welcome to Little India Signs'. The signs are detrimental to the look of the area. The current signs are unsightly, unnecessarily large, gaudy and detract from the streetscape. In short, it is an eyesore with no redeeming features.

Note: A copy of the Petition is ON FILE.

### 2. Little India Harris Park Food Trucks

Deputy Lord Mayor, Councillor Prociv tabled a petition regarding 'dissatisfaction with Council's resolution to extend the standard operating hours of food trucks in Harris Park'. We urge the Parramatta Council to reconsider the decision to allow extended operating hours for food carts in Harris Park and to engage the

stakeholders, including restaurant owners and residents, to address the real challenges facing the community. It is essential that the Council takes into account the well-being of all the businesses and residents in Harris Park and works towards creating a fair and substantial environment for everyone.

Note: A copy of the Petition is ON FILE.

## 11. RESCISSION MOTIONS

### 11.1 **Matter of Urgency - Hambledon Cottage To Be Included In Nomination for National and Commonwealth Heritage List**

(Councillor Wearne; Councillor Wang; Councillor Georgina Valjak)

4806 **RESOLVED:** Councillor Wearne and Councillor Garrard

That the resolution of the Council held on 8 July 2024 in relation to the Matter of Urgency – Hambledon Cottage, namely:

*That the Council grants Landowners' Consent for Hambleden Cottage to be included in a collective nomination for National and Commonwealth Heritage Lists, of Hambleden Cottage, Elizabeth Farm and Experiment Farm and Clay Cliff Creek, to achieve inscription on Australia's National Heritage List.*

be and is hereby rescinded.

The motion moved by Councillor Wearne and Councillor Garrard that this matter be deferred to a Councillor Workshop on being put was CARRIED.

**Record of Voting:**  
**CARRIED**

## 12. REPORTS TO COUNCIL - FOR NOTATION

### 12.1 **PHIVE - Results of Public Holiday Opening Trial**

(Group Manager Community Hubs and PHIVE)

4807 **RESOLVED:** Councillor Garrard and Councillor Wang

That Council defer consideration of this matter until after a Councillor Workshop.

**Record of Voting:**  
**CARRIED**



## 14. NOTICE OF MOTION

14.2

### **Proposed Harris Park/Little India Community Consultative Group**

(Deputy Lord Mayor Clr Dr Patricia Prociv)

**MOTION:** Deputy Lord Mayor, Councillor Prociv and Councillor Bradley

- (a) That the CEO establish the terms of reference for a *Harris Park/Little India Community Consultative Group* to provide a forum for local residents and businesses to come together with Council officers on a regular basis to resolve the ongoing amenity issues being experienced in Harris Park.
- (b) That the Community Consultative Group be chaired by the CEO (or her delegate) and comprise three representatives from local residents, three from local businesses and relevant Council officers such as planning, traffic and regulatory services officers.

**AMENDMENT:** Councillor Garrard and Councillor Wearne

That this matter be deferred to a Councillor Workshop.

**Record of Voting:**  
**LOST**

4808

**RESOLVED:** Deputy Lord Mayor, Councillor Prociv and Councillor Bradley

- (a) That the CEO establish the terms of reference for a *Harris Park/Little India Community Consultative Group* to provide a forum for local residents and businesses to come together with Council officers on a regular basis to resolve the ongoing amenity issues being experienced in Harris Park.
- (b) That the Community Consultative Group be chaired by the CEO (or her delegate) and comprise three representatives from local residents, three from local businesses and relevant Council officers such as planning, traffic and regulatory services officers.

**Record of Voting:**  
**CARRIED**

Note: Councillor Prociv left the meeting at 7.56pm and did not return to the meeting.

### 13. REPORTS TO COUNCIL - FOR COUNCIL DECISION

#### 13.1 **Adoption of Sportsground Allocation Policy 2024**

(Policy Officer)

4809 **RESOLVED:** Councillor Pandey and Councillor Noack

- (a) That Council adopt the Sportsground Allocation Policy 2024, at Attachment 1 to this report.
- (b) That this Policy be reviewed in July 2025.

**Record of Voting:**  
**CARRIED**

#### 13.2 **Approval of Wilderline to Duck River Pedestrian and Cyclist Paths in Granville and Clyde (Scope of Works)**

(Project Officer Transport; Senior Project Officer Transport Planning)

4810 **RESOLVED:** Councillor Noack and Councillor Garrard

- (a) That Council approve the scope of works to support walking and cycling from the proposed Wilderline Shared Path on the former T6 rail corridor in Rosehill to Clyde Train Station to enable connection to the Duck River Shared Path, as set out below for submission to the Parramatta Local Traffic Committee for consideration:
  - i. Install raised pedestrian and cyclist crossings of Arthur Street at the M4 Shared Path in Granville, and Sutherland Street at Berry Street in Clyde,
  - ii. Install a separated bike path in Arthur Street between the M4 Shared Path and Hamilton Street,
  - iii. Install a bike path with separate footpath along Hamilton Street on the north verge,
  - iv. Install a shared pedestrian and cyclist path from the east end of Hamilton Street to Parramatta Road along the former T6 rail corridor,
  - v. Install a shared path on the south verge of Parramatta Road between George Street and Berry Street, Clyde,
  - vi. Install a part shared path, part separated pedestrian and cyclist paths on the west verge of Berry Street, Clyde,
  - vii. Conversion of Berry Street between Sutherland Street to the entry of Clyde Train Station to a shared zone.

- (b) That subject to approval by the Parramatta Traffic Committee, an application be made to external grant bodies to fund design and construction of the project.

**Record of Voting:**  
**CARRIED**

13.3 **Adoption of Church Street North Precinct Development Control Plan (DCP)**

(Senior Project Officer Land Use)

4811 **RESOLVED:** Councillor Garrard and Councillor Bradley

- (a) That Council notes the submissions received in response to the exhibition of the Draft DCP controls for the Church Street North Precinct as summarised in Attachment 1.
- (b) That Council adopt the DCP controls for the Church Street North Precinct (including the minor amendments as illustrated at Attachment 2) and incorporate these controls into Parramatta DCP 2023 to take effect within 28 days of Council's decision as determined by a public notice published on Council's website.
- (c) That Council delegate authority to the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan finalisation process relating to the DCP controls.

**Record of Voting:**

For the Motion: Lord Mayor Councillor Esber and Councillors Bradley, Garrard, Green, Humphries, Noack, Pandey, Valjak, Wang and Wearne.

UNANIMOUS

13.4 **Adoption of Planning Proposal, Planning Agreement and Site - Specific Development Control Plan at 263-281 Pennant Hills Road, Carlingford**

(Project Officer Land Use)

4812 Note: This matter was dealt with earlier in the meeting, as detailed in these Minutes.

Note: Councillor MacLean returned to the meeting at 7.58pm

13.5 **Public Exhibition: Draft Site-Specific Development Control Plan for land at 171 & 173, 181-185, 187 Parramatta Road, and 58, 60 & 64 Victoria Street, Granville**

(Land Use Planning Manager)

4813 **RESOLVED:** Councillor Garrard and Councillor Green

- (a) That Council endorse the draft Site-Specific Development Control Plan (SSDCP) applying to land at 171 & 173, 181-185, 187 Parramatta Road and 58, 60 & 64 Victoria Street, Granville provided at **Attachment 1** for the purpose of public exhibition.
- (b) That Council note the Letter of Offer provided at **Attachment 2** that sets out the terms of a Planning Agreement intended to accompany a development application for the land.
- (c) That Council delegates authority to the CEO:
  - i. to draft and negotiate a Planning Agreement based upon the submitted Letter of Offer provided at Attachment 2 and as detailed in this report,
  - ii. that the Planning Agreement and SSDCP are placed on public exhibition concurrently for a minimum period of 28 days, and
  - iii. that the outcome of public exhibition be reported back to Council.
- (d) Further, that Council delegate authority to the Chief Executive Officer to correct any minor inconsistencies or anomalies of an administrative nature relating to the draft SSDCP and draft Planning Agreement documentation that may arise during the drafting and exhibition process.

**Record of Voting:**

For the Motion: Lord Mayor Councillor Esber and Councillors Garrard, Green, Humphries, MacLean, Noack, Pandey, Valjak, Wang and Wearne.

Against the Motion: Councillor Bradley

On being put to the meeting, voting on this matter was nine (9) votes FOR and one (1) vote AGAINST. The Motion was CARRIED.

13.6 **Gateway Request: Planning Proposal for Land at 31 O'Connell Street and 9 Albert Street, North Parramatta**

(Senior Project Officer)

4814 This item has been withdrawn as Council is no longer the planning authority for this matter.

Note: Councillor Darley returned to the meeting at 8.01pm.

13.7 **Newington Reserve Upgrade**

(Place Manager)

4815 **RESOLVED:** Councillor Garrard and Councillor Noack

- (a) That Council note the receipt of the \$5 million grant from the Multi-Sport Community Facility Fund 2021/22 specifically for the construction of a synthetic turf sports field at Newington Reserve.
- (b) That Council note the Business Case for the upgrade of Newington Reserve utilising synthetic turf at Attachment 1.
- (c) That officers proceed with the upgrade of Newington Reserve in accordance with Council's adopted 2024/25 DPOP capital program (utilising synthetic turf for the full-size sports field and associated mini field).

**Record of Voting:  
CARRIED**

## **SUSPENSION OF STANDING ORDERS – MATTER OF URGENCY**

Councillor Garrard requested a suspension of standing orders to allow the consideration of a matter related to a young student from OLMC Parramatta who won the 10-12 year category of the Living Stories in Western Sydney Writing Competition.

In accordance with Section 9.3(b) of Council's Code of Meeting Practice, the Lord Mayor ruled that the matter was urgent.

The Lord Mayor put to the Chamber the suspension of standing orders to consider the urgent matter.

**Record of Voting:  
CARRIED**

Note: Councillor Darley left the meeting at 8.10pm.

**MATTER OF URGENCY - CONGRATULATIONS TO PIPPA MANN –  
LIVING STORIES WESTERN SYDNEY WRITING COMPETITION**

(Councillor Michelle Garrard)

4816 **RESOLVED:** Councillor Garrard

- (a) That the Lord Mayor on behalf of Council acknowledge by way of a certificate of congratulations to Pippa Mann from OLMC Parramatta who won the 10-12yrs Category for Living Stories Western Sydney Writing Competition presented by WestWords. The event itself is held in partnership with Parramatta Libraries.
- (b) That Council buy a table at the Westwords Gala Celebration Fundraising Dinner, on Thursday 19 September 2024 at Blacktown Workers Club.

**Record of Voting:  
CARRIED**

## **ADJOURNMENT OF MEETING**

At 8.18pm, the Lord Mayor Councillor Esber adjourned the meeting until 8.35pm.

At the time of the adjournment the following Councillors were present:

- Lord Mayor, Councillor Esber and Councillors MacLean, Pandey, Humphries, Noack, Bradley, Wearne, Wang, Garrard, Greene and Valjak.

## **RECONVENED MEETING**

At 8.35pm, the Lord Mayor Councillor Esber reconvened the meeting.

At the time the meeting reconvened, the following Councillors were present:

- Lord Mayor, Councillor Esber and Councillors Bradley, Darley, Garrard, Greene, Humphries, MacLean, Noack, Pandey, Valjak, Wang and Wearne.

## 14. NOTICES OF MOTION

14.1 **Jacaranda Trees in Oatlands and Council's Street Tree Masterplan**  
(Councillor Michelle Garrard)

4817 **RESOLVED:** Councillor Garrard and Councillor Wearne

That the preservation of existing Jacaranda trees and potential replacement of street trees in Oatlands with new Jacarandas be considered as part of the upcoming review of Council's Street Tree Masterplan, identified for preparation in financial year 2024/25 and completion in financial year 2025/26.

**Record of Voting:**  
**CARRIED**

14.2 **Proposed Harris Park/Little India Community Consultative Group**  
(Deputy Lord Mayor Cllr Dr Patricia Prociv)

Note: This matter was dealt with earlier in the meeting, as detailed in these Minutes.

14.3 **Customer Service - Ease of Doing Business with Council**  
(Councillor Sameer Pandey)

4818 **RESOLVED:** Councillor Pandey and Councillor Noack

- (a) That the CEO provide an update and recommendation on opportunities to improve the ease of doing business with Council.
- (b) That the CEO report on KPIs and service levels that are in place and any additional measures to gauge customer feedback.
- (c) That the report be presented by end of this calendar year (2024).

**Record of Voting:**  
**CARRIED**

14.4 **Promotion of Private Car Parking for Public Use in the Parramatta CBD**

(Councillor Sameer Pandey)

4819 **RESOLVED:** Councillor Pandey and Councillor Valjak

- (a) That the CEO investigate the options for and implications of promoting the use of existing parking, currently only used for private purposes, as public car parks available to broader users for all or parts of the day.
- (b) That Councillors be briefed on the outcome of the investigations by way of a Councillor Workshop.

**Record of Voting:  
CARRIED**

Note: Councillor Garrard left the meeting at 8.52pm and did not rejoin the meeting.

## 15. QUESTIONS WITH NOTICE

15.1 **Disposal of Council Technology Assets**

(Councillor Sameer Pandey)

4820 **QUESTION WITH NOTICE:**

1. Could an update be provided on laptop donation to local community organisations that are made available because of Council moving to leasing laptops including numbers and plan moving forward?

**Executive Director Finance and Information Response:**

1. Stage 1 of laptop donations occurred in October 2022, when Council donated 100 laptops via a local community organisation (Southern Communities Council) through an expression of interest process.
2. As part of Stage 2 donations (and relocation to 9 Wentworth Street) Council officers from the Community and Culture directorate have been developing a new public expression of interest (EOI) process to enable donations to local not-for profit registered community service organisations.
3. Council officers have identified approximately 650 devices that are potentially suitable for donation to registered community service organisations, following the relocation of Council's administration to 9 Wentworth Street, Parramatta.
4. The devices are scheduled to be securely wiped and formally disposed of (written off) within Council's system. The devices will be tested to confirm that they are fully functional prior to being made available for the EOI process. This work is



scheduled to be undertaken in late 2024 after the ICT team has completed the transition and implementation of corporate systems and infrastructure at 9 Wentworth Street.

15.2 **Update on Parramatta Aquatic Centre (PAC) and PHIVE**

(Councillor Sameer Pandey)

4821 **QUESTION WITH NOTICE:**

1. That an update on any challenges related to PHIVE and PAC post opening, including construction matters, planning, customer service, etc be provided.

**Executive Director Community and Culture Response:**

A Councillor Workshop has been scheduled for August 2024 to update Councillors on post-opening results, including feedback from all relevant business units of Council.

15.3 **Questions Taken on Notice at 8 July 2024, Council Meeting**

(Governance Manager)

4822 **QUESTIONS TAKEN ON NOTICE**

**Councillor Garrard** asked a question in relation to the Matter of Urgency – Hambledon Cottage to be included in nomination for National and Commonwealth Heritage List:

- Is there any development (current or future) at Hambledon Cottage that I don't know about?

**Executive Director City Planning & Design Response:**

There are no current development applications relating to Hambledon Cottage. However, there are various development proposals in proximity to the site and a briefing note has been provided to Councillors with a map of their locations.

**Councillor Pandey** asked three (3) questions in relation to 13.7 - Canopy Plan - Targets and Interim Action Plan:

- What is our tree canopy target (percentage) in the Parramatta CBD?

**Executive Director City Planning & Design Response:**

Council does not currently have a canopy target for the Parramatta CBD.

- How much did we receive from State Grants in the last financial year 2023/24 towards tree plantation?

**Executive Director City Planning & Design Response:**

Parramatta Light Rail tree offset planting project – TNSW funded \$1.982 million to deliver 2,525 trees over three financial years (FY21/22-FY23/24). \$655,000 of this funding was spent in the 23/24FY.

Council also secured an additional \$433,000 from TNSW to extend the project and deliver another tranche of planting in FY24/25.

Better Neighbourhood Program – Included a total project value of \$2,795,233 with \$1,145,000 contributed by the NSW Government to deliver trees across the local centres of Epping, Granville, Northmead and Ermington.

- How many trees did we plant in the last financial year?

**Executive Director City Assets & Operations Response:**

Council planted a total of 1,952 established trees in:

- Parks and Open Spaces           762 trees
- PLR offsets                           937 trees
- Capital Projects                   253 Trees

In addition, approximately 8500 tube stock trees were planted in natural areas and bushland with a further 10,500 trees planted as part of National Tree Day.

A further 176 trees were received by the community as part of the Council's free plant giveaway program.

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**Councillor Pandey** asked a question in relation to 14.5 - Synthetic Sports Fields in the City of Parramatta:

- What other sports can be played on synthetic surfaces?

**Executive Director City Assets & Operations Response:**

The range of sports which can use synthetic surfaces includes, but is not limited to:

- AFL
- Cricket
- Hockey
- Lawn Bowls
- Rugby League
- Rugby Union
- Soccer/futsal (including five-a-side and mini/modified)
- Tennis
- Archery
- Ultimate frisbee
- American football
- Crossfit, personal fitness trainers, bootcamps, etc

## PROCEDURAL MOTION MOVE TO CLOSED SESSION

**RESOLVED:** Councillor Noack and Councillor MacLean

That at this time of the meeting, being 8.54pm, the Lord Mayor, Councillor Esber advised that the meeting would move into Closed Confidential Session to allow consideration of matters in Closed Session in accordance with Section 10A of the *Local Government Act 1993*. Accordingly, members of the press and public are excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the Closed Session will be withheld. This action is taken to discuss:

**Item 16.1: Commercial Partnership Agreement - Parramatta NRL Club Pty Limited and City of Parramatta Council.** - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

**Item 16.2: Code of Conduct Investigation Report - Councillor Kellie Darley.** - *This report is confidential in accordance with section 10A (2) (i) of the Local Government Act 1993 as the report contains alleged contraventions of any code of conduct requirements applicable under section 440.*

**Record of Voting:**

**CARRIED**

Note: The Meeting moved to closed session at 8.55pm

## 16. CLOSED SESSION

16.1 **Commercial Partnership Agreement - Parramatta NRL Club Pty Limited and City of Parramatta Council**

(Councillor Darley)

4823 **QUESTION WITH NOTICE:**

The question and staff response was provided in a confidential supplementary agenda to the Councillors.

Note: Councillors Noack and Valjak left the meeting at 8.56pm, Councillor Noack did not rejoin the meeting.

Note: Councillor Valjak rejoined the meeting at 8.57pm and left the meeting at 8.57pm, she did not rejoin the meeting.

Note: At 8.58pm, Councillor Darley was given an opportunity to address the Council in respect to the following Item (Item 16.2: Code of Conduct Investigation Report – Councillor Kellie Darley).

Note: Councillor Darley left the meeting at 9.04pm.

16.2

### **Code of Conduct Investigation Report - Councillor Kellie Darley**

(Internal Ombudsman)

**MOTION:** Councillor Wearne and Councillor Wang

(a) That Council adopt the external conduct reviewer's (investigator's) recommendation:

1. That Councillor Kellie Darley is formally censured in accordance with clause 7.37 b) of the Procedures which states:

*7.37. Where the investigator determines that the conduct investigated constitutes a breach of the Code of Conduct, the investigator may recommend:*

*b) in the case of a breach of a Councillor, that the Councillor be formally censured for the breach under section 440G of the Local Government Act.*

(b) That should Council determine to censure Councillor Kellie Darley, in accordance with Clause 7.59 of the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020*, Council makes public the findings of inappropriate conduct by Councillor Kellie Darley by publishing those findings in the Minutes as:

#### Allegation 1:

It is alleged that following a Council meeting on 11 December 2023 during which a proposed partnership between the Council and the Eels was discussed in confidential session of the Council meeting, Councillor Darley placed social media posts that disclosed information from that meeting.

**FINDING:** The external Investigator found that this allegation that Councillor Darley breached Council's Code of Conduct under clause 3.1 of the Code of Conduct **IS SUBSTANTIATED** - ie:

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the Council or other Council officials into disrepute
  - c) is improper or unethical.

#### Allegation 2:

It is alleged that information Councillor Darley placed on social media regarding this disclosed financial information concerning the cost of the Partnership which she allegedly knew or ought to have known was untrue. The information contained in Councillor Darley's social media post referred to \$2.4 million when the actual figure endorsed by Council was \$383,000.

**FINDING:** The external Investigator found that the allegation that the Councillor Darley breached Council's Code of Conduct under clause 3.1 of the Code of Conduct through posting information on social media that she knew or ought to have known to be untrue **IS SUBSTANTIATED** – ie:

- 3.1 You must not conduct yourself in a manner that:
  - a) is likely to bring the Council or other Council officials into disrepute
  - c) is improper or unethical
- (c) That Council adopt the external conduct reviewer's recommendation:
  2. *An information session for Councillors be conducted by the Group Manager Communications and Customer Engagement and/or the Executive Director City Engagement and Experience to address social media posting (and re-posting) of Council information, within the bounds of appropriate discretion and confidentiality.*
- (d) That Council adopt the external conduct reviewer's recommendation:
  3. *Councillors be afforded the opportunity to contribute to future revision of Council's social media policy, specifically in the manner in which Councillors communicate and interact with the community, as they may be required to do so in their Councillor representational role/s.*

**AMENDMENT:** Councillor Bradley and Councillor MacLean

That this matter be deferred until the Supreme Court case has been determined.

**Record of Voting:**

For the Amendment: Councillors Bradley and MacLean

Against the Amendment: Lord Mayor, Councillor Esber and Councillors Green, Humphries, Pandey, Wang and Wearne.

On being put to the meeting, voting on the Amendment was two (2) votes FOR and six (6) votes AGAINST. The Amendment was LOST.

4824 **RESOLVED:** Councillor Wearne and Councillor Wang

- (a) That Council adopt the external conduct reviewer's (investigator's) recommendation:
  1. That Councillor Kellie Darley is formally censured in accordance with clause 7.37 b) of the Procedures which states:

*7.37. Where the investigator determines that the conduct investigated constitutes a breach of the Code of Conduct, the investigator may recommend:*

*b) in the case of a breach of a Councillor, that the Councillor be formally censured for the breach under section 440G of the Local Government Act.*

- (b) That should Council determine to censure Councillor Kellie Darley, in accordance with Clause 7.59 of the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020*, Council makes public the findings of inappropriate conduct by Councillor Kellie Darley by publishing those findings in the Minutes as:

Allegation 1:

It is alleged that following a Council meeting on 11 December 2023 during which a proposed partnership between the Council and the Eels was discussed in confidential session of the Council meeting, Councillor Darley placed social media posts that disclosed information from that meeting.

**FINDING:** The external Investigator found that this allegation that Councillor Darley breached Council's Code of Conduct under clause 3.1 of the Code of Conduct **IS SUBSTANTIATED** - ie:

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the Council or other Council officials into disrepute
  - c) is improper or unethical.

Allegation 2:

It is alleged that information Councillor Darley placed on social media regarding this disclosed financial information concerning the cost of the Partnership which she allegedly knew or ought to have known was untrue. The information contained in Councillor Darley's social media post referred to \$2.4 million when the actual figure endorsed by Council was \$383,000.

**FINDING:** The external Investigator found that the allegation that the Councillor Darley breached Council's Code of Conduct under clause 3.1 of the Code of Conduct through posting information on social media that she knew or ought to have known to be untrue **IS SUBSTANTIATED** – ie:

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the Council or other Council officials into disrepute
  - c) is improper or unethical

(c) That Council adopt the external conduct reviewer's recommendation:

*2. An information session for Councillors be conducted by the Group Manager Communications and Customer Engagement and/or the Executive Director City Engagement and Experience to address social media posting (and re-posting) of Council information, within the bounds of appropriate discretion and confidentiality.*

(d) That Council adopt the external conduct reviewer's recommendation:

*3. Councillors be afforded the opportunity to contribute to future revision of Council's social media policy, specifically in the manner in which Councillors communicate and interact with the community, as they may be required to do so in their Councillor representational role/s.*

**Record of Voting:**

For the Motion: Lord Mayor Councillor Esber and Councillors Green, Humphries, Pandey, Wang and Wearne.

Against the Motion: Councillors Bradley and MacLean.

On being put to the meeting, voting on the Motion was six (6) votes FOR and two (2) votes AGAINST. The Motion was CARRIED.

Note: Council returned to open session at 9.33pm.

## **17. CONSIDERATION OF RECOMMENDATIONS FROM CLOSED SESSION**

**RESOLVED:** Councillor MacLean and Councillor Wearne

That the recommendations in relation to the following items be received and noted as resolutions of Council without any alteration and amendment thereto:

- Item 16.1: Commercial Partnership Agreement - Parramatta NRL Club Pty Limited and City of Parramatta Council; and
- Item 16.2: Code of Conduct Investigation Report - Councillor Kellie Darley.

**Record of Voting:**  
**CARRIED**

## 18. CONCLUSION OF MEETING

The meeting concluded at 9.34pm.

This page and the preceding 23 pages are the Minutes of the Ordinary Council Meeting held on Monday, 22 July 2024 and confirmed on Monday, 12 August 2024.

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Chairperson

Unconfirmed