

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, 8 FEBRUARY 2021 AT 6.30PM

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PRESENT

The Lord Mayor, Councillor Bob Dwyer and Councillors Benjamin Barrak (6:36pm) Phil Bradley (6:33pm), Donna Davis (6:33pm), Pierre Esber, Michelle Garrard (Deputy Lord Mayor), Steven Issa, Andrew Jefferies (6:35pm), Sameer Pandey, Dr Patricia Prociv, Bill Tyrrell, Andrew Wilson, Lorraine Wearne and Martin Zaiter.

1. OPENING MEETING

The Deputy Lord Mayor, Councillor Michelle Garrard, opened the meeting at 6.32pm.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL LAND OWNERS

The Deputy 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.

3. WEBCASTING ANNOUNCEMENT

The Deputy 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.

4. OTHER RECORDING OF MEETING ANNOUNCEMENT

No other announcements were made.

5. CONFIRMATION OF MINUTES

SUBJECT: Minutes of the Council Meeting held on 7 December 2020

3055 RESOLVED (Esber/Tyrrell)

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

6. APOLOGIES/REQUESTS FOR LEAVE OF ABSENCE

There were no apologies/requests for leave of absence made at this meeting.

7. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

**Note: Councillor Jefferies arrived at 6:35pm after Declarations of Interest.**

8. MINUTES OF THE LORD MAYOR

There were no Minutes of the Lord Mayor at this meeting.

## 9. PUBLIC FORUM

9.1        SUBJECT        PUBLIC FORUM 1: Item 17.2 - Gateway Request-  
Planning Proposal to increase Commercial Floorspace  
in the Epping Town Centre

REFERENCE   F2020/03849 - D07880716

FROM            Mike Moffatt

My name is Mike Moffatt, and I speak on behalf of Epping Civic Trust. Thank you for the opportunity to address this meeting in relation to Item 17.2 of Council's agenda, Gateway Request- Planning Proposal to increase Commercial Floorspace in the Epping Town Centre.

Only a short while ago, you, as Councillors, passed a motion to prevent Clause 4.6 variations being used to increase the density of new developments, but in this motion the proposal of item 17.2 does just that. If this Planning Proposal is approved, Floor Space Ratios, that is residential density, will increase in the Epping CBD by in general terms 1:1 And building heights in the Epping CBD will increase by between six and ten storeys depending on the site location.

The higher and denser development will clearly increase the value of the land but it is the Community that will pay for it with increased traffic, overcrowding, and with adverse wind and shade effects. And under this proposal, as we understand it, the community does not even receive the benefit of developer contributions from the value uplift under the Council's Planning Agreement Policy.

This Trust has consistently argued in favour of increased Commercial Space in new developments. Commercial life in Epping has been gutted in recent years. We think a minimum commercial floor space in all new buildings should be mandatory.

The current Parramatta DCP requires "up to" 4 storeys to be allocated for Commercial use.

Under this clause and a similar Hornsby Council clause, none or very little has been provided to date. But we believe there should be no need to increase building heights and densities in order to persuade developers to include reasonable amounts of commercial space. Surely the problem could be resolved by mandating the number of storeys allocated to commercial space, rather than suggesting "up to" a certain number may be provided.

We understand that the Planning Panel recommended that additional FSR, "as a bonus" for more commercial space should be limited to 0.5:1. But Council Staff have rejected this and suggested they would prefer a higher "bonus" of 1:1. This is certainly favouring developers and

landowners at the expense of the Community. The Trust does not think a bonus should be necessary at all.

Certainly the increased height and densities proposed here are too high a price for the Community to pay for the reasonable provision of Commercial space.

We request that Council delay taking action on this proposal until these matters have been further considered by Council Staff, changed, and brought back for further consideration by Council.

### **STAFF RESPONSE**

No staff response was provided.

**Note: Councillor Barrak arrived at 6:35pm during Public Forum.**

## **10. PETITIONS**

There were no petitions tabled at this meeting.

## **11. RESCISSION MOTIONS**

11.1      SUBJECT      RESCISSION MOTION: Item 12.3 Central City Advocacy & Council's WSROC Membership

REFERENCE      F2019/04433 - D07840620

REPORT OF      Councillor Pandey

MOTION      (Pandey/Esber)

**That** the resolution of the Council held on 7 December 2020 in relation to Item 12.3 – Central City Advocacy & Council's WSROC Membership, namely:

- (a) **That** Council approve the withdrawal of membership from the Western Sydney Regional Organisation of Councils Ltd (WSROC).
- (b) **That** Council approve the reallocation of the budget savings from the WSROC membership to a specific reserve until a decision is made on any organisation of Councils.
- (c) **That** consultation be carried out with Councillors to determine how the Chamber will move forward and a report be provided to Council for a decision within six (6) months.
- (d) **Further, that** a report be provided to Council after 18 months following consultation with Councillors and the commencement of any organisation of Councils.

be and is hereby rescinded.

3056 RESOLVED (Tyrrell)

**That** the motion be put.

The motion moved by Councillor Pandey and seconded by Councillor Esber on being put was declared LOST.

**Note: Councillor Bradley requested that his name be recorded as having voted against the decision taken on this matter.**

MATTER OF URGENCY

3057 RESOLVED (Tyrrell/Zaiter)

**That** a procedural motion be granted to allow consideration of a matter of urgency in relation to Long Hai Day – Operation Hammersley.

The Deputy Lord Mayor ruled the matter to be urgent.

3058 RESOLVED (Tyrrell/Zaiter)

- (a) **That** Council acknowledge the supreme sacrifice made by all those who served and remembered on Long Hai Day (Operation Hammersley) during actions in South Vietnam by forces of 8<sup>th</sup> Battalion, Royal Australian Regiment that commenced February 1970 and ended March 1970.
- (b) **That** Council acknowledges that the 8<sup>th</sup> RAR Association members will be holding a service on Sunday 28<sup>th</sup> February 2021 commencing at 10.30am being the 51<sup>st</sup> anniversary of Long Hai Day at the Cenotaph at Epping.
- (c) **That** Council acknowledges and approves the request by the 8RAR Association to install a plaque in honour of Sergeant Alan William Ahearn, a soldier of the 8<sup>th</sup> Battalion, Royal Australian regiment, who was killed in action during his tour of duty in South Vietnam on 14 May 1970. It is further acknowledged Allan was a local Epping boy who also attended Epping Boys High School.
- (d) **That** Council acknowledges and approves the request by the 8RAR Association to install a second plaque at the Cenotaph in honour of all those 8<sup>th</sup> Battalion members who made the supreme sacrifice during their service with the Battalion during its tour of South East Asia. It is further acknowledged that many members of 8RAR regard the Epping Cenotaph as their home Cenotaph.
- (e) **That** Council work with the Association and members of the Epping RSL Sub-branch to approve the above plaques.
- (f) **That** Council notes that the Lord Mayor and Ward Councilors have been invited to attend including local dignitaries.

- (g) **That** Council provide assistance to the 8RAR Association and Epping RSL Sub-branch to enable them to host a COVID-119 compliant service, (as was provided during Remembrance Day 2020). This includes:
- Council approval of plaques and approval to fix to the Cenotaph
  - Checking and Validation of both Plaque's content.
  - Park Booking
  - COVID Safe Plan
  - Risk Assessment
  - Chairs at the event for guests(60-70), spaced per COVID
  - Registration table and QR Code
  - Staffing Support on the event day – set up/ pack down/ registration
  - Wreaths of flowers for the Lord Mayor and councilors who attend for laying at the service.
- (h) **That** Council allocate a budget of \$5,000 to undertake the above and that these funds be allocated from the Civic Events budget as discussed.
- (i) **That** the Lord Mayor write a letter in honour to the family of acknowledgement to the family of the late Sergeant Allan William Ahearn, late of Epping. That the Lord Mayor write to the President and members of the 8<sup>th</sup> Battalion, Royal Australian Regiment acknowledging all those who served during Operation Hammersley.
- (j) **Further, that** the chamber hold a minutes silence as a mark of respect for all those who served during Operation Hammersley, 8<sup>th</sup> Battalion, Royal Australian Regiment.

**Note: Councillor Esber left the Chamber at 6:50pm and returned at 6:52pm during consideration of the matter of urgency.**

**Note: The Chamber observed a minute's silence.**

#### PROCEDURAL MOTION

3059 RESOLVED (Tyrrell/Zaiter)

**That** Items 12.1, 12.2, 12.3 and 12.4 be resolved en bloc.

#### 12. FAIR

12.1 SUBJECT FOR NOTATION: Investment Report for November 2020

REFERENCE F2009/00971 - D07787761

REPORT OF Tax and Treasury Accountant

3060 RESOLVED (Tyrrell/Zaiter)

		<b>That</b> Council receive the Investment Report for November 2020.
12.2	SUBJECT	FOR NOTATION: Investment Report for December 2020
	REFERENCE	F2009/00971 - D07842901
	REPORT OF	Tax and Treasury Accountant
3061	RESOLVED	(Tyrrell/Zaiter)
		<b>That</b> Council receive the Investment Report for December 2020.
12.3	SUBJECT	FOR NOTATION: Minutes of Audit Risk and Improvement Committee Meetings
	REFERENCE	F2020/02054 - D07785460
	REPORT OF	Coordinator Internal Audit
3062	RESOLVED	(Tyrrell/Zaiter)
		<b>That</b> Council note the minutes of the Audit Risk and Improvement Committee meetings as provided at Attachment 1 and 2.
12.4	SUBJECT	FOR NOTATION: Minutes of the Aboriginal and Torres Strait Islander Advisory Committee Meetings
	REFERENCE	F2017/00358 - D07792717
	REPORT OF	Community Capacity Building Officer
3063	RESOLVED	(Tyrrell/Zaiter)
		<b>That</b> Council note the minutes of the Aboriginal and Torres Strait Islander Advisory Committee Meetings held on 22 September and 27 October 2020.
12.5	SUBJECT	FOR APPROVAL: Rates Harmonisation Community Feedback and Recommendation
	REFERENCE	F2014/02600 - D07838866
	REPORT OF	Rates & Receivables Manager
	MOTION	(Issa/Tyrrell)
	(a)	<b>That</b> Council approve the new proposed rates structure, which has been out for community consultation.

- (b) **That** Council seek approval from the Minister for Local Government to increase the minimum ordinary rates for any rating category or subcategory that is above the statutory limit.
- (c) **That** the new proposed rates structure is included as part of 2021/2022 Delivery Program and Operational Plan and Budget.
- (d) **Further, that** Council establish with immediate effect an internally restricted reserve with an opening balance equivalent to the current reserve, plus an amount equivalent to a rolling average of the current special rate, plus CPI of the past 3 years, for the purpose of funding projects in the Parramatta CBD that would otherwise have been funded by the CBD Special Rate Levy.

AMENDMENT (Bradley/)

- (a) **That** Council approve the new proposed rates structure, which has been out for community consultation.
- (b) **That** Council seek approval from the Minister for Local Government to increase the minimum ordinary rates for any rating category or subcategory that is above the statutory limit.
- (c) **That** the new proposed rates structure is included as part of 2021/2022 Delivery Program and Operational Plan and Budget.
- (d) **That** Council establish with immediate effect an internally restricted reserve with an opening balance equivalent to the current reserve, and \$xm per financial year thereafter equivalent to a rolling average, plus CPI of the past 3 years, for the purpose of funding projects in the Parramatta CBD that would otherwise have been funded by the CBD Special Rate Levy.
- (e) **Further, that** Council also establish an internally restricted reserve for open space and embellishment on the same basis as the CBD special rate from funds that would otherwise be allocated to the open space and embellishment special rates.

The amendment moved by Councillor Bradley lapsed without a seconder.

AMENDMENT (Barrak/Wearne)

- (a) **That** Council approve the new proposed rates structure, which has been out for community consultation.
- (b) **That** Council seek approval from the Minister for Local Government to increase the minimum ordinary rates for any rating category or subcategory that is above the statutory limit.
- (c) **Further, that** the new proposed rates structure is included as part of 2021/2022 Delivery Program and Operational Plan and Budget.

Councillor Tyrrell withdrew his second to the motion and moved a foreshadowed motion. Councillor Zaiter then seconded the motion.

FORESHADOWED MOTION (Tyrrell/)

**That** consideration of the matter be deferred and the proposed motion moved by Clr Issa and seconded by Clr Zaiter be raised in the Finance Committee Meeting and brought back to the Chamber in the next Council meeting.

The amendment moved by Councillor Barrak and seconded by Councillor Wearne on being put was declared LOST.

The motion moved by Councillor Issa and seconded by Councillor Zaiter on being put was declared LOST.

The foreshadowed motion moved by Councillor Tyrrell then became the motion. Councillor Pandey seconded the motion.

The motion moved by Councillor Tyrrell and seconded by Councillor Pandey on being put was declared CARRIED.

3064 RESOLVED (Tyrrell/Pandey)

**That** consideration of the matter be deferred and the proposed motion moved by Clr Issa and seconded by Clr Zaiter be raised in the Finance Committee Meeting and brought back to the Chamber in the next Council meeting.

13. ACCESSIBLE

13.1 SUBJECT FOR NOTATION: Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013 and SEPP 1

REFERENCE F2009/00431 - D07788326

REPORT OF Group Manager - Development and Traffic Services

3065 RESOLVED (Esber/Pandey)

**That** the report be received and noted.

**Note: Councillor Wilson left the Chamber at 7:38pm during consideration of Item 13.1.**

13.2 SUBJECT FOR APPROVAL: Extension of appointment of existing Local Planning Panel Members

REFERENCE F2016/02347 - D07802237

REPORT OF Strategic Business Manager



3066 RESOLVED (Esber/Tyrrell)

**That** Council reappoint the current Chair, alternate Chairs and expert members of the Parramatta Local Planning Panel until appointment of new members or until 31 December 2021 (whichever comes first).

14. GREEN

Nil

15. WELCOMING

Nil

16. THRIVING

16.1 SUBJECT FOR APPROVAL: Melrose Park Precinct Naming Proposal

REFERENCE F2019/02288 - D07609207

REPORT OF Place Manager

3067 RESOLVED (Esber/Bradley)

(a) **That** Council approve the proposed names for five new roads and one park in the Melrose Park Precinct Residential Development and as shown on the Precinct Plan at Attachment 1 of this report, as follows:

<b>Street</b>	Appleroth
	Lemon tree
	Rose bush
<b>Boulevard</b>	Bundil
<b>Lane</b>	Wykoff
<b>Park</b>	Putt Putt

(b) **Further, that** these names be referred to the Geographical Names Board (GNB) of NSW for formal approval and Gazettal under the Geographical Names Act 1996.

16.2 SUBJECT FOR APPROVAL: Mural at 11 Brodie Street Rydalmere

REFERENCE F2019/04097 - D07856097

REPORT OF Place Manager

3068 RESOLVED (Prociv/Davis)

(a) **That** Council grant approval for the mural to be painted on the building at 11 Brodie Street (private property) Rydalmere.

- (b) **Further, that** a report be brought back to Council after the works are carried out summarising the results of the work.

**Note: Councillor Wilson returned to the Chamber at 7:42pm during consideration of Item 16.2.**

17. INNOVATIVE

17.1 SUBJECT FOR APPROVAL: Minutes of the Heritage Advisory Committee Meeting held on 26 November 2020

REFERENCE F2013/00235 - D07781826

REPORT OF Project Officer Land Use

3069 RESOLVED (Issa/Bradley)

- (a) **That** Council receive and note the minutes of the Heritage Advisory Committee meeting of 26 November 2020.

- (b) **Further, that** Council endorse Professor Liston remaining as a member of the Heritage Advisory Committee for the current term of this Council notwithstanding her change in circumstances.

17.2 SUBJECT FOR APPROVAL: Gateway Request - Planning Proposal to increase commercial floorspace in Epping Town Centre

REFERENCE F2018/03032 - D07797520

REPORT OF Team Leader Land Use Planning

MOTION (Tyrrell/Dwyer)

- (a) **That** Council delegates authority to the Chief Executive Officer to prepare a planning proposal which seeks the following amendments to *Parramatta Local Environmental Plan 2011* and *Hornsby Local Environmental Plan 2013* applying to all land in the B2 Local Centre zone in the Epping Town Centre, with the exception of 6-14 and 18A Bridge Street and 24-30 High Street, relating to Option 3 detailed in this report that:
- i. Introduces new clauses which:
    - Mandate a minimum amount of non-residential uses to be provided on the ground, first and second floors of any building facing a street of up to a maximum of 1:1 floor space ratio (FSR) of non-residential floorspace in addition to the mapped maximum floor space ratio. The clause shall also indicate that the FSR of residential development permitted on the site should not increase as a result of this requirement.
    - Allow for an increase in maximum height of buildings from 48 metres in some parts of Epping and 72 metres in some parts of Epping up to 80 metres (approx. 24

storeys) where sites have a mapped FSR of 4.5:1 and from 72 metres up to 90 metres (approx. 28 storeys) where sites have a mapped FSR of 6:1, only where developments provide a minimum amount of non-residential uses of ground, first and second floors of any building facing a street.

- Ensure any change of use proposed on the first three levels would not allow residential uses.
    - Apply an exception to that part of a building that faces a service lane or is required for entrances and lobbies, access for fire services or vehicular access associated or servicing residential accommodation above.
  - ii. Introduces a requirement that the proposed controls of the Planning Proposal apply to development applications determined once a Gateway Determination has been issued for this Planning Proposal.
- (b) **That** the Chief Executive Officer forwards the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) to request the issuing of a Gateway Determination on behalf of Council.
- (c) **That** Council delegate authority to the Chief Executive Officer to prepare amendments to the relevant sections of the Parramatta Development Control Plan 2011 and Hornsby Development Control Plan 2013 to support the Planning Proposal relating to the following design controls, and place these on public exhibition with the Planning Proposal:
- i. podium height controls;
  - ii. minimum floorplate dimensions;
  - iii. floor to ceiling heights for non-residential uses;
  - iv. location of services; and
  - v. building and podium setback controls.
- (d) **That** Council advises the DPIE that the Chief Executive Officer will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (e) **That** Council delegate authority to the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.
- (f) **That** within 5 years of the planning controls being made as an LEP amendment, that a review be undertaken of the effectiveness of the controls relating to the mandatory provision of a minimum level of commercial floorspace in the B2 Local Centre zone within the Epping Town Centre and any associated recommendations and this review be reported to Council.
- (g) **That** Council continue to work with the State Government to resolve traffic issues in Epping.

- (h) **Further that**, Council note the Local Planning Panel's advice to Council at its meeting of 15 December 2020 is in support of the Planning Proposal, which is consistent with the Council Officer's recommendation in this report.

**Note: Councillor Issa left the Chamber at 7:44pm and returned at 7:48pm during consideration of this matter.**

AMENDMENT (Davis/Prociv)

- (a) **That** Council delegates authority to the Chief Executive Officer to prepare a planning proposal which seeks the following amendments to *Parramatta Local Environmental Plan 2011* and *Hornsby Local Environmental Plan 2013* applying to all land in the B2 Local Centre zone in the Epping Town Centre, with the exception of 6-14 and 18A Bridge Street and 24-30 High Street, relating to Option 2 as detailed in this report.
- (b) **That** the Chief Executive Officer forwards the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) to request the issuing of a Gateway Determination on behalf of Council.
- (c) **That** Council delegate authority to the Chief Executive Officer to prepare amendments to the relevant sections of the Parramatta Development Control Plan 2011 and Hornsby Development Control Plan 2013 to support the Planning Proposal relating to the following design controls, and place these on public exhibition with the Planning Proposal:
- i. podium height controls;
  - ii. minimum floorplate dimensions;
  - iii. floor to ceiling heights for non-residential uses;
  - iv. location of services; and
  - v. building and podium setback controls.
- (d) **That** Council advises the DPIE that the Chief Executive Officer will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (e) **That** Council delegate authority to the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.
- (f) **That** within 5 years of the planning controls being made as an LEP amendment, that a review be undertaken of the effectiveness of the controls relating to the mandatory provision of a minimum level of commercial floorspace in the B2 Local Centre zone within the Epping Town Centre and any associated recommendations and this review be reported to Council.
- (g) **That** Council continue to work with the State Government to resolve traffic issues in Epping.

- (h) **Further that,** Council note the Local Planning Panel's advice to Council at its meeting of 15 December 2020 is in support of the Planning Proposal, which is consistent with the Council Officer's recommendation in this report.

The amendment moved by Councillor Davis and seconded by Councillor Prociv on being put was declared LOST.

DIVISION        A division was called, the result being:-

AYES:            Councillors Barrak, Bradley, Davis, Esber, Pandey and Prociv

NOES:            Councillors Dwyer, Garrard, Issa, Jefferies, Tyrrell, Wearne, Wilson and Zaiter

The motion moved by Councillor Tyrrell and seconded by Councillor Dwyer on being put was declared CARRIED on the Deputy Lord Mayor's casting vote.

DIVISION        A division was called, the result being:-

AYES:            Councillors Dwyer, Issa, Jefferies, Tyrrell, Wearne, Wilson and Zaiter

NOES:            Councillors Barrak, Bradley, Davis, Esber, Garrard, Pandey and Prociv

- (a) **That** Council delegates authority to the Chief Executive Officer to prepare a planning proposal which seeks the following amendments to *Parramatta Local Environmental Plan 2011* and *Hornsby Local Environmental Plan 2013* applying to all land in the B2 Local Centre zone in the Epping Town Centre, with the exception of 6-14 and 18A Bridge Street and 24-30 High Street, relating to Option 3 detailed in this report that:
- i. Introduces new clauses which:
    - Mandate a minimum amount of non-residential uses to be provided on the ground, first and second floors of any building facing a street of up to a maximum of 1:1 floor space ratio (FSR) of non-residential floorspace in addition to the mapped maximum floor space ratio. The clause shall also indicate that the FSR of residential development permitted on the site should not increase as a result of this requirement.
    - Allow for an increase in maximum height of buildings from 48 metres in some parts of Epping and 72 metres in some parts of Epping up to 80 metres (approx. 24 storeys) where sites have a mapped FSR of 4.5:1 and from 72 metres up to 90 metres (approx. 28 storeys) where sites have a mapped FSR of 6:1, only where developments provide a minimum amount of non-residential uses of ground, first and second floors of any building facing a street.
    - Ensure any change of use proposed on the first three levels would not allow residential uses.
    - Apply an exception to that part of a building that faces a service lane or is required for entrances and lobbies, access for fire services or vehicular access associated or servicing residential accommodation above.
  - ii. Introduces a requirement that the proposed controls of the Planning Proposal apply to development applications determined once a Gateway Determination has been issued for this Planning Proposal.
- (b) **That** the Chief Executive Officer forwards the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) to request the issuing of a Gateway Determination on behalf of Council.
- (c) **That** Council delegate authority to the Chief Executive Officer to prepare amendments to the relevant sections of the Parramatta Development Control Plan 2011 and Hornsby Development Control Plan 2013 to support the Planning Proposal relating to the following design controls, and place these on public exhibition with the Planning Proposal:
- i. podium height controls;
  - ii. minimum floorplate dimensions;
  - iii. floor to ceiling heights for non-residential uses;
  - iv. location of services; and

v. building and podium setback controls.

- (d) **That** Council advises the DPIE that the Chief Executive Officer will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (e) **That** Council delegate authority to the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.
- (f) **That** within 5 years of the planning controls being made as an LEP amendment, that a review be undertaken of the effectiveness of the controls relating to the mandatory provision of a minimum level of commercial floorspace in the B2 Local Centre zone within the Epping Town Centre and any associated recommendations and this review be reported to Council.
- (g) **That** Council continue to work with the State Government to resolve traffic issues in Epping.
- (h) **Further that**, Council note the Local Planning Panel's advice to Council at its meeting of 15 December 2020 is in support of the Planning Proposal, which is consistent with the Council Officer's recommendation in this report.

**Note: A Notice of Motion of Rescission signed by Councillors Davis, Esber and Prociv was lodged after the close of the meeting in relation to this matter.**

17.3      SUBJECT      FOR APPROVAL: Post Exhibition - Planning Proposal to 'Switch Off' Clause 4.6 Variation as it applies to FSR for sites within the Epping Town Centre

REFERENCE      F2018/03031 - D07797530

REPORT OF      Team Leader Land Use Planning; Project Officer Land Use

3071      RESOLVED      (Esber/Issa)

- (a) **That** Council receives and notes the summary of submissions made during the public exhibition of the Planning Proposal – Amendments to Clause 4.6 of Epping Town Centre at Attachment 1.
- (b) **That** Council endorse for finalisation the Planning Proposal (at Attachment 2) to amend Clause 4.6 in the *Parramatta Local Environmental Plan 2011* and *Hornsby Local Environmental Plan 2013* by disabling the use of Clause 4.6 variations in relation to floor space ratio controls for the following types of development in the Epping Town Centre:
  - i. In *Parramatta LEP 2011* - residential accommodation and tourist and visitor accommodation, or a mixed use

- development that includes these uses within Zone B2 Local Centre, or residential accommodation in Zone R4 High Density Residential; and
- ii. In *Hornsby LEP 2013* - residential accommodation and tourist and visitor accommodation, or a mixed use development that includes these uses within Zone B2 Local Centre.

- (c) **That** Council submit the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) requesting its finalisation, noting that Council does not have plan-making delegation for this Planning Proposal.
- (d) **That** Council authorises the CEO to correct any minor policy inconsistencies and any anomalies that are of an administrative nature relating to the Planning Proposal that may arise during the finalisation process.
- (e) **Further, that** Council note that the Parramatta Local Planning Panel's advice to Council (Attachment 3) is consistent with the recommendations of this report.

DIVISION        A division was called, the result being:-

AYES:            Councillors Bradley, Davis, Dwyer, Esber, Garrard, Issa, Jefferies, Pandey, Tyrrell, Wearne and Zaiter

NOES:            Councillors Barrak, Prociv and Wilson

#### PROCEDURAL MOTION

3072        RESOLVED        (Garrard/Tyrrell)

**That** the meeting be adjourned for ten (10) minutes.

**Note: The meeting was adjourned at 8:11pm for a short recess.**

3073        RESOLVED        (Garrard/Tyrrell)

**That** the meeting resume.

The meeting resumed at 8:24pm with the following Councillors in attendance: The Lord Mayor, Councillor Bob Dwyer and Councillors Benjamin Barrak, Phil Bradley, Donna Davis, Pierre Esber, Michelle Garrard (Deputy Lord Mayor), Steven Issa, Andrew Jefferies, Sameer Pandey, Dr Patricia Prociv, Bill Tyrrell, Andrew Wilson, Lorraine Wearne and Martin Zaiter.

#### 18. NOTICES OF MOTION

18.1        SUBJECT        NOTICE OF MOTION: Condolence Motion: Don Stein AM

REFERENCE    F2019/03630 - D07861937



FROM Councillor Dwyer

3074 RESOLVED (Dwyer/Tyrrell)

- (a) **That** Council acknowledge the passing of Don Stein AM, offering our condolences to his family and friends.
- (b) **That** Council write a letter of condolence to the family of Mr Stein, acknowledging his passing and valued community service.
- (c) **Further, that** the Chamber hold a minutes silence as a gesture of respect on his passing and in recognition of this dedication to the Parramatta community.

**Note: The Chamber observed a minute's silence.**

18.2 SUBJECT NOTICE OF MOTION: 2021 Australia Day Honours

REFERENCE F2019/03630 - D07861949

FROM Councillor Dwyer

3075 RESOLVED (Dwyer/Tyrrell)

- (a) **That** Council congratulate the members of the Parramatta community included in the Order of Australia's 2021 Australia Day Honours List, being:
  - i. Member (AM) in the General Division: Mr. Graham Ross
  - ii. Medal (OAM) in the General Division: Mr. Geoffrey Scott
  - iii. Medal (OAM) in the General Division: Senior Constable Dragoljub (Draz) Brkljac
- (b) **That** Council congratulate Ms. Rosemary Kariuki, who was recognised as Australia's Local Hero in the 2021 Australian of the Year Awards.
- (c) **Further, that** the Lord Mayor write a letter of congratulations to the 2021 recipients.

18.3 SUBJECT NOTICE OF MOTION: M52 Bus Route Withdrawn from Service

REFERENCE F2004/08732 - D07861879

FROM Councillor Prociv

3076 RESOLVED (Prociv/Davis)

**That** the Chief Executive Officer write to the Minister for Transport, Secretary for Transport and Local Members of Parliament advising that the City of Parramatta believes the cancellation of M52 bus services was not in the best interests of our constituents. We seek to have urgent

meetings with the Minister for Transport and other Department Secretaries to discuss the matter to find out why they made these decisions. In these meetings, we wish to obtain information as to why the service was taken away, including:

- i. The results of any community consultation undertaken before the withdrawal of the M52 express bus Parramatta to the City;
- ii. Any statistics that support the withdrawal of the M52 express bus, Parramatta to the City. Including data relating to passenger movements at all stops en-route;
- iii. That in taking the decision to withdraw the M52 express bus, current and future developments occurring in and around Victoria road including Melrose Park, were included in the decision making process;
- iv. That Transport for NSW look to introduce cross city buses providing transport from one side of the Local Government Area to the other.

18.4      SUBJECT      NOTICE OF MOTION: Cancellation of the M4  
Westbound Off-Ramp at Parramatta Rd and Hill Rd.  
Lidcombe

REFERENCE    F2004/08732 - D07861908

FROM            Councillor Prociv

MOTION        (Prociv/Esber)

**That** the CEO write to the Secretary for Transport for NSW seeking the following information:

- (a) Details of any public consultation and extensive safety audit undertaken that informed the NSW Government's decision to cancel construction of the M4 Westbound Off-Ramp at Parramatta Rd and Hill Rd, Lidcombe.
- (b) Details of any funding allocated in the 2015, 2016, 2017, 2018, 2019 or 2020 NSW Government Budget for this project.

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

**Note:**

1. **Councillor Barrak left the Chamber at 9:08pm and returned at 9:08pm during consideration of this matter.**
2. **Councillor Issa left the Chamber at 9:13pm and returned at 9:14pm during consideration of this matter.**
3. **Councillor Davis left the Chamber at 9:18pm and returned at 9:20pm during consideration of this matter.**
4. **Councillor Pandey left the Chamber at 9:19pm and returned at 9:22pm during consideration of this matter.**

18.5      SUBJECT      NOTICE OF MOTION: Lighting at Hill Road, Wentworth  
Point and the LGA

REFERENCE    F2019/04433 - D07780794

FROM Councillor Wilson

3077 RESOLVED (Wilson/Issa)

- (a) **That** a report be prepared into street lighting to be completed by 1 March 2021.
- (b) **That** the report examine:
- The lighting of Hill Road and why there is an inordinate amount of time needed to replace a burned-out light;
  - Examine the level of lighting in the city; and
  - Examine where lights have been requested but not installed.
- (c) **Further, that** the report identify strategies for seeing lights replaced in a reasonable time and when Council can impose financial penalties on providers where they have not fulfilled their contract.

#### 19. QUESTIONS WITH NOTICE

19.1 SUBJECT QUESTIONS WITH NOTICE: Questions Taken On Notice from Council Meeting - 7 December 2020

REFERENCE F2019/04433 - D07799994

FROM Governance Manager

#### QUESTIONS TAKEN ON NOTICE FROM THE COUNCIL MEETING OF 7 DECEMBER 2020

Item	Subject	Councillor	Question	Response																		
13.7	Free Parking – Ticket Parking Machines (On-Street) and Multi Level Car Park – Christmas Festival Period	Barrak	Does Council have any current outdoor dining approvals outside of Parramatta Light Rail?	<p>Outside of the Parramatta Light Rail Corridor, there are 44 current Outdoor Dining Approvals/Licence Agreements within the Parramatta LGA. A breakdown of these 44 approvals/licence agreements are as follows:</p> <table><tr><td>Parramatta</td><td>25</td></tr><tr><td>Carlingford</td><td>3</td></tr><tr><td>Harris Park</td><td>7</td></tr><tr><td>Ermington</td><td>1</td></tr><tr><td>Rydalmere</td><td>4</td></tr><tr><td>Epping</td><td>1</td></tr><tr><td>Winston Hills</td><td>2</td></tr><tr><td>Northmead</td><td>1</td></tr><tr><td>TOTAL</td><td>44</td></tr></table> <p>All the above Approvals/Licence Agreements have had the relevant fee waiver</p>	Parramatta	25	Carlingford	3	Harris Park	7	Ermington	1	Rydalmere	4	Epping	1	Winston Hills	2	Northmead	1	TOTAL	44
Parramatta	25																					
Carlingford	3																					
Harris Park	7																					
Ermington	1																					
Rydalmere	4																					
Epping	1																					
Winston Hills	2																					
Northmead	1																					
TOTAL	44																					

				applied to them in accordance with Council's Covid Relief Resolutions since April 2020 to date.	
20.4	Legal Status Report as at 30 October 2020 (Deferred Item)	Pandey	<ol style="list-style-type: none"> <li>1. In regards to expert expenses, why do we spend so much money on externals acoustic reports and not have an internal resource?</li> <li>2. Why do we not seek the advice earlier in the process before it gets to Court?</li> <li>3. Do we have more than one expert who we can go to for these matters?</li> </ol>	<ol style="list-style-type: none"> <li>1. Council does not have an internal expert on acoustics within the DA team. Council has assessed, however, feels there is no need for a full time acoustics expert.</li> <li>2. Council engages acoustics experts on an "as needs" basis immediately upon identification of an acoustics related issue.</li> <li>3. Over the last 12 months, Council has engaged acoustic firms Acoustic Dynamics and Wilkinson Murray, either directly or through external legal firms, to provide acoustic advice and undertake all necessary steps required of an expert giving evidence in Court appeals. Before an engineering firm is appointed, consideration is given to matters such as: expertise, experience, availability, reputation, the complexity of the issues, and, the Court's acceptance and recognition of the engineer's expertise in giving evidence.</li> </ol>	Michael Tzimoulas
20.4	Legal Status Report as at 30 October 2020 (Deferred Item)	Barrak	Is the figure of \$100k accurate for 83 Gladstone Street? What is this fee for?	<p>The appeal concerning a proposed childcare centre at 83 Gladstone Street concluded in December 2020. It was estimated that costs would be approx. \$100K, however, the actual costs were \$65,819.01 (plus a final invoice from the acoustic engineer – not yet received).</p> <p>The fees in this appeal relate to external lawyers, Counsel fees and external consultants in planning,</p>	Michael Tzimoulas

				child care design and acoustics.	
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19.2 SUBJECT QUESTIONS WITH NOTICE: Willow Grove

REFERENCE F2018/02115 - D07861965

FROM Councillor Davis

### QUESTION

In Council's letter to the Department of Planning, Industry and Environment (DPIE) dated 15 December 2020 it states: -

*"Recognising Parramatta's enduring connections with heritage and its importance to the City's people, and noting Council's prior resolutions of unanimous support for the retention of both Willow Grove and St George's Terrace, Council seeks further detail on the proposed method of relocation, future location and impact of the heritage significance of Willow Grove."*

Can the Chief Executive Officer please advise what have been the outcomes, thus far, of discussions and correspondence between Council, DPIE and other relevant organisations regarding Council's request for further detail on the proposed relocation, future location and impact of the heritage significance of Willow Grove?

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=EXH-10413236%2120201221T072802.039%20GMT>

### ANSWER

At the time of preparing this response Council has not received any response from DPIE to the letter. It is noted that the draft Westmead Place Strategy that was placed on public exhibition by DPIE on 14 December 2020 includes a Planning Priority to *Support the relocation of Willow Grove to the Parramatta North sub-precinct, outside the heritage core, ensuring its future use and siting integrates with surrounds.*

**Note: Councillor Wilson left the Chamber at 9:31pm during consideration of item 19.2.**

**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.**

## 20. CLOSED SESSION

3078 RESOLVED (Tyrrell/Zaiter)

**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:-

- 1 FOR APPROVAL: Tender 5/2020 Legal Services Panel.  
(D07847771) - *This report is confidential in accordance with section 10A (2) (c) (d) 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; AND 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.*

20.1 SUBJECT FOR APPROVAL: Tender 5/2020 Legal Services Panel

REFERENCE F2019/04434 - D07847771

REPORT OF Group Manager Legal Services

MOTION (Tyrrell/Pandey)

**That** Council resolve the recommendations as follows:

- (a) **That** the proposals for the provision of legal services be accepted from Sparke Helmore Lawyers (ABN 78 848 387 938); Holding Redlich (ABN 15 364 527 724); Matthews Folbigg Pty Ltd (ABN 15 904 109 618); Maddocks (ABN 63 478 951 337); Bartier Perry Pty Limited (ABN 30 124 690 053); Pikes & Verekers Lawyers (ABN 77 357 538 421); Clayton Utz (ABN 35 740 217 343); HWL Ebsworth Lawyers (ABN 37 246 549 189) and Marsdens Law Group (ABN 59 874 202 316), for those legal service providers to be appointed to the panel of legal service providers for a period of 3 years (with an option for a further one (1) year term, followed by a further option for an additional one (1) year term, both exercisable at Council's discretion).
- (b) **That** Council reserves the right to engage legal service providers from outside the legal panel if the Chief Executive Officer, thinks fit.
- (c) **That** the Chief Executive Officer be delegated authority to sign on behalf of Council a services agreement and any other necessary documents with each legal service provider in the form contained in the Tender, subject to any minor amendments the Chief Executive Officer considers reasonably necessary.
- (d) **Further that**, Council expresses its support for Council undertaking an expression of interest campaign for legal services to be provided by law firms based in and around the City of Parramatta local government area, to help facilitate Council's engagement of the services of law firms from the City of Parramatta local government area and surrounding areas, where appropriate,

particularly in relation to legal matters that are of a routine nature or within the jurisdiction of the Local Court.

AMENDMENT (Bradley/Davis)

- (a) **That** the proposals for the provision of legal services be accepted from Sparke Helmore Lawyers (ABN 78 848 387 938); Holding Redlich (ABN 15 364 527 724); Matthews Folbigg Pty Ltd (ABN 15 904 109 618); Maddocks (ABN 63 478 951 337); Bartier Perry Pty Limited (ABN 30 124 690 053); Pikes & Verekers Lawyers (ABN 77 357 538 421); Clayton Utz (ABN 35 740 217 343); HWL Ebsworth Lawyers (ABN 37 246 549 189) and Marsdens Law Group (ABN 59 874 202 316), for those legal service providers to be appointed to the panel of legal service providers for a period of 3 years (with an option for a further one (1) year term, followed by a further option for an additional one (1) year term, both exercisable at Council's discretion).
- (b) **That** Council reserves the right to engage legal service providers from outside the legal panel if the Chief Executive Officer believes the required specialist expertise is not available on the panel.
- (c) **That** the Chief Executive Officer be delegated authority to sign on behalf of Council a services agreement and any other necessary documents with each legal service provider in the form contained in the Tender, subject to any minor amendments the Chief Executive Officer considers reasonably necessary.
- (d) **Further that**, Council expresses its support for Council undertaking an expression of interest campaign for legal services to be provided by law firms based in and around the City of Parramatta local government area, to help facilitate Council's engagement of the services of law firms from the City of Parramatta local government area and surrounding areas, where appropriate, particularly in relation to legal matters that are of a routine nature or within the jurisdiction of the Local Court.

The amendment moved by Councillor Bradley and seconded by Councillor Davis was WITHDRAWN.

3079 RESOLVED (Tyrrell/Pandey)

**That** Council resolve the recommendations as follows:

- (a) **That** the proposals for the provision of legal services be accepted from Sparke Helmore Lawyers (ABN 78 848 387 938); Holding Redlich (ABN 15 364 527 724); Matthews Folbigg Pty Ltd (ABN 15 904 109 618); Maddocks (ABN 63 478 951 337); Bartier Perry Pty Limited (ABN 30 124 690 053); Pikes & Verekers Lawyers (ABN 77 357 538 421); Clayton Utz (ABN 35 740 217 343); HWL Ebsworth Lawyers (ABN 37 246 549 189) and Marsdens Law Group (ABN 59 874 202 316), for those legal service providers to be appointed to the panel of legal service providers for a period of 3 years (with an

option for a further one (1) year term, followed by a further option for an additional one (1) year term, both exercisable at Council's discretion).

- (b) **That** Council reserves the right to engage legal service providers from outside the legal panel if the Chief Executive Officer, thinks fit.
- (c) **That** the Chief Executive Officer be delegated authority to sign on behalf of Council a services agreement and any other necessary documents with each legal service provider in the form contained in the Tender, subject to any minor amendments the Chief Executive Officer considers reasonably necessary.
- (d) **Further that**, Council expresses its support for Council undertaking an expression of interest campaign for legal services to be provided by law firms based in and around the City of Parramatta local government area, to help facilitate Council's engagement of the services of law firms from the City of Parramatta local government area and surrounding areas, where appropriate, particularly in relation to legal matters that are of a routine nature or within the jurisdiction of the Local Court.

**Note: Councillor Wilson returned to the Chamber at 9:38pm during consideration of Item 20.1.**

#### PROCEDURAL MOTION

3080 RESOLVED (Tyrrell/Esber)

**That** the meeting resume into Open Session.

#### 21. REPORTS OF RESOLUTIONS PASSED IN CLOSED SESSION

The Chief Executive Officer read out the resolution for Item 20.1.

#### 22. CONCLUSION OF MEETING

The meeting terminated at 10:00pm.

THIS PAGE AND THE PRECEDING 22 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 8 FEBRUARY 2021 AND CONFIRMED ON MONDAY, 22 FEBRUARY 2021.

  
Chairperson