

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 MARCH 2021 AT 6.30PM

PRESENT

The Lord Mayor, Councillor Bob Dwyer and Councillors Benjamin Barrak (6:43pm), Phil Bradley, Donna Davis, Pierre Esber, Michelle Garrard (Deputy Lord Mayor), Steven Issa, Andrew Jefferies (6:32pm), Sameer Pandey, Dr Patricia Prociv, Bill Tyrrell, Andrew Wilson, Lorraine Wearne and Martin Zaiter.

1. OPENING MEETING

The Lord Mayor, Councillor Bob Dwyer, opened the meeting at 6.30pm.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL LAND OWNERS

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

3. WEBCASTING ANNOUNCEMENT

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

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

4. OTHER RECORDING OF MEETING ANNOUNCEMENT

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

5. CONFIRMATION OF MINUTES

SUBJECT: Minutes of the Council Meeting held on 22 February 2021

3103 RESOLVED (Davis/Tyrrell)

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

Note: Councillor Jefferies arrived at 6:32pm during Confirmation of Minutes.

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.

8. MINUTES OF THE LORD MAYOR

8.1 SUBJECT Condolence Motion: Former Councillor Elaine Evans

REFERENCE F2019/03630 - D07938495

REPORT OF Lord Mayor, Councillor Bob Dwyer

3104 RESOLVED (Dwyer/Pandey)

- (a) **That** Council acknowledge the passing of former Parramatta City Councillor Elaine Evans, offering our condolences to her family and friends.
- (b) **That** Council write a letter of condolence to the family of Mrs Evans, acknowledging her passing and valued community services.
- (c) **That** the Chamber hold a minute's silence as a gesture of respect on her passing and in recognition of her dedication to the Parramatta and Western Sydney communities.
- (d) **Further, that** Council write to the Parramatta Park Trust requesting that a tree be planted in memory of Mrs. Elaine Evans, for her contributions to the community.

8.2 SUBJECT International Women's Day 2021

REFERENCE F2019/03630 - D07921814

REPORT OF Lord Mayor, Councillor Bob Dwyer

3105 RESOLVED (Dwyer/Issa)

- (a) **That** Council note that today, 8 March, is International Women's Day and this year's global UN Women theme is "Women in Leadership: Achieving an equal future in a COVID-19 world".
- (b) **That** Council note that to celebrate International Women's Day in 2021, City of Parramatta Council has highlighted the contributions of six women with deep connections to Parramatta in a print and social media campaign. These women are:
 - Aunty Julie Jones
 - Gillian Kayrooz
 - Sue Hardman
 - Maeve Brown
 - Christine Lam

- Aunty Corina Wayali Norman.
- (c) **Further, that** Council note the following Western Sydney women have been nominated in the NSW Women of the Year awards for their contributions, and wish them all the best for the awards ceremony on 10 March 2021:
- Amanda Rose, Western Sydney Women – NSW Woman of Excellence nominee
 - Alison Covington, Good 360 Australia – NSW Woman of Excellence nominee
 - Chris Cleary, StreetMed Incorporated and StreetPet – Aware Super NSW Community Hero nominee.

Note: Councillor Barrak arrived at 6:43pm during consideration of Item 8.2.

8.3 SUBJECT Phillip Lane Activation

REFERENCE F2019/03630 - D07921822

REPORT OF Lord Mayor, Councillor Bob Dwyer

3106 RESOLVED (Dwyer/Zaiter)

- (a) **That** Council note the Phillip Lane Outdoor Dining Project, which expanded outdoor dining for adjacent restaurants in Phillip Lane in the Parramatta CBD on weekends (5pm – 10pm, Friday and Saturday nights), took place in the four weekends prior to Christmas 2020 and then again between 29 January and 20 February 2021.
- (b) **That** Council thank businesses that participated and accommodated this project including but not limited to Lone Star Rib House and Brews, John Belvedere, Bondi Pizza, El-Phoenician and the ParkRoyal Hotel.
- (c) **Further, that** Council staff prepare a report to Councillors that provides an evaluation of the initiative, including feedback from affected stakeholders and any proposed next steps associated with making permanent improvements to the laneway.

9. PUBLIC FORUM

There were no public forums for this meeting.

10. PETITIONS

There were no petitions tabled at this meeting.

11. RESCISSION MOTIONS

There were no rescission motions for this meeting.

12. FAIR

12.1 SUBJECT FOR APPROVAL: Rates Harmonisation Community Feedback and Recommendation (Deferred Item)

REFERENCE F2014/02600 - D07887521

REPORT OF Rates & Receivables Manager

MOTION (Tyrrell/Garrard)

- (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 note that the former CBD Special Rate Levy was levied on business properties contained within the former Parramatta LGA CBD and is proposed to be incorporated across business rates in the City of Parramatta LGA CBD.
- (e) **Further, that** Council establish from 1 July 2021 a new internally restricted reserve (the “CBD Infrastructure Internal Reserve” (“New Reserve”)) for the same purpose as the CBD Infrastructure Special Rate (“CISR”) and that:
 - i) the New Reserve be increased each year by an amount equal to the CISR levy in 2020/21, adjusted by the IPART rate-peg for the relevant year and funded from general reserves;
 - ii) consistent with the current CISR levy, the purpose of the New Reserve will be to provide resources for the improvements to CBD infrastructure that will attract additional business to the Parramatta CBD area, including street paving, security, street furniture, street lighting, and a CBD river foreshore enhancement;
 - iii) all projects to be funded from the New Reserve be approved by Council as part of the annual budget process.

AMENDMENT (Bradley/Prociv)

- (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 note that the former CBD Special Rate Levy was levied on business properties contained within the former Parramatta LGA CBD and is proposed to be incorporated across business rates in the City of Parramatta LGA CBD.
- (e) **That** Council establish from 1 July 2021 a new internally restricted reserve (the “CBD Infrastructure Internal Reserve” (“New Reserve”)) for the same purpose as the CBD Infrastructure Special Rate (“CISR”) and that:
 - i) the New Reserve be increased each year by an amount equal to the CISR levy in 2020/21, adjusted by the IPART rate-peg for the relevant year and funded from general reserves;
 - ii) consistent with the current CISR levy, the purpose of the New Reserve will be to provide resources for the improvements to CBD infrastructure that will attract additional business to the Parramatta CBD area, including street paving, security, street furniture, street lighting, and a CBD river foreshore enhancement;
 - iii) all projects to be funded from the New Reserve be approved by Council as part of the annual budget process.
- (f) **Further, that** a report come back to Council on the establishment of an Open Space and Embellishment Internal Reserve.

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

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

3107 RESOLVED (Tyrrell/Garrard)

- (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 note that the former CBD Special Rate Levy was levied on business properties contained within the former Parramatta LGA CBD and is proposed to be incorporated across business rates in the City of Parramatta LGA CBD.
- (e) **Further, that** Council establish from 1 July 2021 a new internally restricted reserve (the “CBD Infrastructure Internal Reserve” (“New Reserve”)) for the same purpose as the CBD Infrastructure Special Rate (“CISR”) and that:

- i) the New Reserve be increased each year by an amount equal to the CISR levy in 2020/21, adjusted by the IPART rate-peg for the relevant year and funded from general reserves;
- ii) consistent with the current CISR levy, the purpose of the New Reserve will be to provide resources for the improvements to CBD infrastructure that will attract additional business to the Parramatta CBD area, including street paving, security, street furniture, street lighting, and a CBD river foreshore enhancement;
- iii) all projects to be funded from the New Reserve be approved by Council as part of the annual budget process.

Note: Councillor Bradley and Councillor Wilson requested that their names be recorded as having voted against the decision taken in this matter.

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 - D07851173

REPORT OF Group Manager - Development and Traffic Services

3108 RESOLVED (Esber/Garrard)

That the report be received and noted.

14. GREEN

Nil

15. WELCOMING

Nil

16. THRIVING

Nil

17. INNOVATIVE

Nil

18. NOTICES OF MOTION

18.1 SUBJECT NOTICE OF MOTION: Waterfront Kayak Club

REFERENCE F2021/00521 - D07910793

FROM Councillor Issa

3109 RESOLVED (Issa/Tyrrell)

- (a) **That** Council works to explore, and present options back to Council to support the Waterfront Kayak Club in the storage of their equipment.
- (b) **That** the options include short term (to be defined in the report) possibilities, as well as longer term that could be incorporated into Peninsula Park.
- (c) **Further, that** Council officers work with all relevant stakeholders in developing these options.

19. QUESTIONS WITH NOTICE

19.1 SUBJECT QUESTION WITH NOTICE: Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020

REFERENCE F2021/00521 - D07914648

FROM Councillor Davis

QUESTION

Under the Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020 (Direction), Minister Stokes made a Direction that shifted the payment of Section 7.11 contributions at the time of issuance of a building certificate, to the time of issuance of an occupational certificate.

1. How has this impacted on City of Parramatta's projected incoming Section 7.11 revenue?
2. Which Section 7.11 / capital works projects, if any, will be impacted by this change and how?
3. Has the Council made any representations to the Minister, local State Members of Parliament or relevant departmental officers regarding this direction?
4. Is Council aware of any intention, by the Minister, to extend the period of the direction?

ANSWER

How has this impacted on City of Parramatta's projected incoming Section 7.11 revenue?

5. The Minister's Decision will not impact on the quantum of contributions to be paid to Council. The obligation for the developer

to pay Council remains as a condition on the approval. The Direction simply means that Council will receive the payment closer to the end of the construction process rather than at the commencement of the construction process which is the traditional time of payment.

6. An additional potential major impact on Council would be an increase in the risk and administrative costs if a developer goes into receivership between commencing and finalising the work. In this case Council would still be legally entitled to payment but there would be increased administrative cost in obtaining the payment and increased risk that Council may not collect the full amount.

Which Section 7.11 / capital works projects, if any, will be impacted by this change and how?

7. The impact on capital works projects will be a potential delay in the delivery of Council projects. Which projects will be impacted will depend on decisions Council makes in the future on which projects to prioritise based on existing funds available. These impacts will be analysed and be considered during the ongoing review of Council's budget.

Has the Council made any representations to the Minister, local State Members of Parliament or relevant departmental officers regarding this direction?

8. The views of Council staff have recently been sought by Department of Planning, Industry and Environment officers on this measure which Department staff advise will be considered as part of a broader review into infrastructure contributions in response to a report by the NSW Productivity Commission. Staff have advised that if the Order is continued it will have the potential to significantly impact on the staging of the receipt of revenue from contributions from major developments that would be used to help provide facilities for our existing and growing population and is therefore likely to be opposed by Council.

Is Council aware of any intention, by the Minister, to extend the period of the direction?

9. Department of Planning, Industry and Environment officers have confirmed that the changes to the regulations that enable payment to be made closer to the end of the construction phase expire at the end of March 2021. A NSW Productivity Commission report has been provided to the Government recommending that the new arrangements be made permanent and the Department and Minister are considering the Productivity Commission recommendation and expect to make an announcement in the near future on its response to the Productivity Commission recommendation.

Note: Councillor Garrard left the Chamber at 7:33pm and returned at 7:36pm during consideration of Item 19.1.

20. CLOSED SESSION

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.

3110 RESOLVED (Tyrrell/Esber)

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 NOTATION: Legal Status Report as at 27 January 2021. (D07885614) - *This report is confidential in accordance with section 10A (2) (g) of the Local Government Act 1993 as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- 2 FOR APPROVAL: Sale of land under Section 713 of the Local Government Act. (D07766697) - *This report is confidential in accordance with section 10A (2) (a) (e) of the Local Government Act 1993 as the report contains personnel matters concerning particular individuals; AND the report contains information that would, if disclosed, prejudice the maintenance of law.*
- 3 FOR APPROVAL: Strategic Partnerships (Educate AT Parramatta and Parramatta Square). (D07894638) - *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.*
- 4 Parramatta Light Rail - Outdoor Dining. (D07934933) - *This report is confidential in accordance with section 10A (2) (g) of the Local Government Act 1993 as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

20.1 SUBJECT FOR NOTATION: Legal Status Report as at 27 January 2021

REFERENCE F2020/03849 - D07885614

REPORT OF Group Manager Legal Services

3111 RESOLVED (Tyrrell/Wilson)

That Council note the Legal Status Report as at 27 January 2021.

20.2 SUBJECT FOR APPROVAL: Sale of land under Section 713 of the
Local Government Act

REFERENCE F2017/03463 - D07766697

REPORT OF Group Manager Regulatory Services

MOTION (Tyrrell/Garrard)

- (a) **That** Council approve the sale of (Lot 1 DP. 8641), 105 Victoria Road, Parramatta, to recover the outstanding accrual of rates and charges.
- (b) **That** Council notes the continued impact of this abandoned property relative to the continued overgrown and dilapidated state of the property affecting the amenity of neighbours and surrounding community.
- (c) **Further, that** Council note the continued impact on council's resources for over ten (10) years in attending the abandoned property to make safe.

AMENDMENT (Bradley/)

- (a) **That** Council approve the forced sale of (Lot 1 DP. 8641), 105 Victoria Road, Parramatta, to recover the outstanding accrual of rates and charges.
- (b) **That** Council notes the continued impact of this abandoned property relative to the continued overgrown and dilapidated state of the property affecting the amenity of neighbours and surrounding community.
- (c) **Further, that** Council note the continued impact on council's resources for over ten (10) years in attending the abandoned property to make safe.

The amendment moved by Councillor Bradley lapsed without a seconder.

AMENDMENT (Barrak/Esber)

That consideration of this matter be deferred for four weeks pending further attempts to locate the owners, with a view to seeking to resolve the issue amicably and without the need for a forced sale.

3112 RESOLVED (Issa/Tyrrell)

That the motion be put.

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

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

3113 RESOLVED (Tyrrell/Garrard)

- (a) **That** Council approve the sale of (Lot 1 DP. 8641), 105 Victoria Road, Parramatta, to recover the outstanding accrual of rates and charges.
- (b) **That** Council notes the continued impact of this abandoned property relative to the continued overgrown and dilapidated state of the property affecting the amenity of neighbours and surrounding community.
- (c) **Further, that** Council note the continued impact on council's resources for over ten (10) years in attending the abandoned property to make safe.

Note:

- 1. **Councillor Davis retired from the meeting at 7:52pm during consideration of Item 20.2 and did not return.**
- 2. **Councillor Barrak requested that his name be recorded as having voted against the decision taken in this matter.**

20.3 SUBJECT FOR APPROVAL: Strategic Partnerships (Educate AT Parramatta and Parramatta Square)

REFERENCE F2021/00247 - D07894638

REPORT OF Group Manager City Strategy

3114 RESOLVED (Issa/Garrard)

- (a) **That** Council note the progress on the development of the Alliance Program set out in this report and endorse the Lord Mayor signing non-binding Charters for the two Alliances in this report.
- (b) **Further, that** Council note the proposed signing of the Charters at media events for the respective Alliances.

20.4 SUBJECT Parramatta Light Rail - Outdoor Dining

REFERENCE F2019/03630 - D07934933

REPORT OF Lord Mayor, Councillor Bob Dwyer

3115 RESOLVED (Dwyer/Tyrrell)

That Council resolve in accordance with the confidential Lord Mayoral Minute tabled at the Council Meeting of 8 March 2021.

PROCEDURAL MOTION

3116 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 resolutions for Items 20.1 to 20.4.

22. CONCLUSION OF MEETING

The meeting terminated at 8:14pm.

THIS PAGE AND THE PRECEDING 11 PAGES ARE THE MINUTES OF THE
ORDINARY COUNCIL MEETING HELD ON MONDAY, 8 MARCH 2021 AND
CONFIRMED ON MONDAY, 22 MARCH 2021.



Chairperson