

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, 7 FEBRUARY 2022 AT 6:30PM

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PRESENT

The Lord Mayor, Councillor Donna Davis and Councillors Phil Bradley, Kellie Darley, Pierre Esber, Michelle Garrard, Henry Green, Ange Humphries, Cameron Maclean, Paul Noack, Sameer Pandey, Dr Patricia Prociv, Dan Siviero, Georgina Valjak, Donna Wang and Lorraine Wearne.

1. OPENING MEETING

The Lord Mayor, Councillor Donna Davis, opened the meeting at 6:32pm.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL LAND OWNERS

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

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 November 2021

3625 RESOLVED (Garrard/Pandey)

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

SUBJECT: Minutes of the Council Meeting held on 10 January 2022

3626 RESOLVED (Esber/Garrard)

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

## 6. APOLOGIES/REQUESTS FOR LEAVE OF ABSENCE

3627 RESOLVED (Garrard/Bradley)

**That** the request to attend the Ordinary Council Meeting dated 7 February 2022 via remote means submitted by the following Councillors due to personal reasons, be accepted:

- Councillor Lorraine Wearne.

## 7. DECLARATIONS OF INTEREST

Councillor Darley declared a non-pecuniary and less than significant interest in Item 13.7 – Post Exhibition – Planning Proposal for land at 64 Victoria Road, North Parramatta being that she has visited the Patisserie and posted and shared her experience on social media. She remained in the Chamber during debate and voting on the matter.

Councillor Green declared a non-pecuniary but significant interest in Item 17.1 – Tender 23/2021 Hygiene Services being that he uses the services of this company for one of his properties. He retired from the meeting prior debate and voting on the matter.

## 8. MINUTES OF THE LORD MAYOR

8.1 SUBJECT Condolence Motion: Arnima Hayat

REFERENCE F2021/02779 - D08406248

REPORT OF Lord Mayor, Councillor Donna Davis

3628 RESOLVED (Davis/Pandey)

- (a) **That** Council acknowledge the passing of Arnima Hayat and observe a minute's silence in respect of her passing, and in recognition of all those who have lost their lives due to domestic and family violence.
- (b) **Further, that** Council note the Parramatta Cumberland Family and Domestic Violence Prevention Committee is hosting a community candlelight vigil in memory of Arnima on Thursday, 10 February 2022.

**Note: Council observed a minute's silence.**

8.2 SUBJECT Condolence Motion: Peggy McGovern

REFERENCE F2021/02779 - D08405668

REPORT OF Lord Mayor, Councillor Donna Davis

3629 RESOLVED (Davis/Green)

- (a) **That** Council acknowledge the passing of Peggy McGovern, long time member of and teacher at the City of Parramatta Art Society.
- (b) **Further, that** the Chamber hold a minute's silence as a gesture of respect on Mrs McGovern's passing and in recognition of her contributions to the Parramatta community.

**Note: Council observed a minute's silence.**

8.3 SUBJECT Condolence Motion: Most Reverend Bishop Joseph Hitti

REFERENCE F2021/02779 - D08407937

REPORT OF Lord Mayor, Councillor Donna Davis

3630 RESOLVED (Davis/Esber)

- (a) **That** Council note the passing of the Most Reverend Bishop Joseph Hitti, Maronite Bishop Emeritus of Australia, on 3 February 2022.
- (b) **That** Council write to Our Lady of Lebanon Co-Cathedral and Bishop Antoine-Charbel Tarabay OLM to pass on our condolences.
- (c) **That** Council note a mass in his memory will be held on Thursday 10 February 2022 at 6pm at Our Lady of Lebanon Co-Cathedral, Harris Park.
- (d) **Further, that** Council observes a minute's silence in respect of his passing.

**Note: Council observed a minute's silence.**

8.4 SUBJECT 2022 Australia Day Honours

REFERENCE F2021/02779 - D08405422

REPORT OF Lord Mayor, Councillor Donna Davis

3631 RESOLVED (Davis/Pandey)

- (a) **That** Council congratulate the following recipients of the Order of Australia's 2022 Australia Day Honours for their contributions to the Parramatta community, being:
  - a. Member (AM) in the General Division

- i. Ms Sally Ruston AM
- ii. The Very Reverend Father Peter Gregory Williams AM
- b. Medal (OAM) in the General Division
  - i. Clinical Professor Catherine Birman OAM
  - ii. Miss Patricia D'Apice OAM
  - iii. Mr Greg Davies OAM
  - iv. Dr Peter Ellis OAM
  - v. Professor Elizabeth McCusker OAM
  - vi. Dr Rosalie Pockett OAM
  - vii. The late Mr Brian Powyer OAM
- c. Public Service Medal (PSM) – COVID-19 Honour Roll
  - i. Professor Dominic Dwyer, Director of the ICPMR Centre for Infectious Diseases at Westmead Hospital.
- (b) **Further, that** Council congratulate Dr Daniel Nour, founder of Street Side Medics, who was recognised as Australia's Young Australian of the Year in the 2022 Australian of the Year Awards.

8.5 SUBJECT 2021 Higher School Certificate Results

REFERENCE F2021/02779 - D08406527

REPORT OF Lord Mayor, Councillor Donna Davis

3632 RESOLVED (Davis/Bradley)

- (a) **That** Council note the success of local schools in the 2021 NSW Higher School Certificate (HSC), with the following City of Parramatta schools recognised in the top 150 schools Honour Roll:
  - a. James Ruse Agricultural High School (1)
  - b. Tara Anglican School for Girls (34)
  - c. The King's School (51)
  - d. Parramatta Marist High School (53)
  - e. Arden Anglican School (71)
  - f. Our Lady of Mercy Parramatta (99)
  - g. Cumberland High School (110)
  - h. Maronite College of the Holy Family – Parramatta (112)
  - i. St Patrick's Marist College (129)
  - j. Carlingford High School (133)
  - k. Redeemer Baptist School (136).
- (b) **That** Council note the following local students achieved first place in an HSC course, and achieved a result in the highest band (Band 6 or Band E4):
  - a. Oscar Dong, James Ruse Agricultural High School, in Agriculture
  - b. Piper Stenz, Arden Anglican School, in Industrial Technology
  - c. Kevin Wang, The King's School, in Mathematics Advanced
  - d. Faeza Karimi, Secondary College of Languages Arthur Phillip Campus, in Persian Continuers.

- (c) **Further, that** Council write to these local schools to congratulate them on their success, and to recognise the resilience of their students and teachers as they undertook Years 11 and 12 and the HSC exams in the midst of the COVID-19 pandemic.

8.6 SUBJECT Congratulations Felicity Castagna

REFERENCE F2021/02779 - D08407026

REPORT OF Lord Mayor, Councillor Donna Davis

3633 RESOLVED (Davis/Prociv)

- (a) **That** Council congratulates local author Felicity Castagna for winning the 2022 Victorian Premier's Literary Award for Writing for Young Adults for her novel *Girls in Boys' Cars*.
- (b) **Further, that** Council write to Felicity Castagna congratulating her on this achievement.

#### MATTER OF URGENCY

3634 RESOLVED (Esber/Pandey)

**That** a procedural motion be granted to allow consideration of a matter of urgency to permit Councillors to make an inaugural speech at the meeting.

The Lord Mayor ruled the matter urgent.

3635 RESOLVED (Esber/Pandey)

**That** Councillors be permitted to make an inaugural speech at the meeting.

#### **Note:**

1. **Councillor Wearne left the Chamber at 7:08pm and returned at 7:28pm during the consideration of the matter of urgency.**
2. **Councillor Garrard left the Chamber at 7:28pm and returned at 7:28pm during the consideration of the matter of urgency.**
3. **Councillor Darley left the Chamber at 7:36pm and returned at 7:37pm during the consideration of the matter of urgency.**

#### MATTER OF URGENCY

3636 RESOLVED (Siviero/Garrard)

**That** a procedural motion be granted to allow consideration of a matter of urgency in relation to the volcano eruption in Tonga.

The Lord Mayor ruled the matter urgent.

MOTION (Siviero/Garrard)

- (a) **That** Council acknowledge the tragic events leading up to and on 15 January 2022 following a volcano explosion and subsequent tsunami resulting in the loss of life, injury and missing persons in the Tongan community.
- (b) **Further, that** Council provide a donation in the amount of \$5,000 to the High Commission of the Kingdom of Tonga – Fakalikutonga Relief Fund, to be funded from the Councillor Support donations budget.

AMENDMENT (Esber/Siviero)

- (a) **That** Council acknowledge the tragic events leading up to and on 15 January 2022 following a volcano explosion and subsequent tsunami resulting in the loss of life, injury and missing persons in the Tongan community.
- (b) **That** the consideration of a donation be deferred until the next Council Meeting for a detailed financial report to be presented from the Chief Executive Officer and Chief Financial Officer.
- (c) **Further, that** Council observe a minute's silence in memory of those who lost their lives in this tragic event.

The amendment moved by Councillor Esber and seconded by Councillor Siviero was WITHDRAWN.

The motion moved by Councillor Siviero and seconded by Councillor Garrard was amended:

MOTION (Siviero/Garrard)

- (a) **That** Council acknowledge the tragic events leading up to and on 15 January 2022 following a volcano explosion and subsequent tsunami resulting in the loss of life, injury and missing persons in the Tongan community.
- (b) **That** Council provide a donation in the amount of \$5,000 to the High Commission of the Kingdom of Tonga – Fakalikutonga Relief Fund, to be funded from the Councillor Support donations budget.
- (c) **Further, that** Council observe a minute's silence in memory of those who lost their lives in this tragic event.

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

3637 RESOLVED (Siviero/Garrard)

- (a) **That** Council acknowledge the tragic events leading up to and on 15 January 2022 following a volcano explosion and subsequent

tsunami resulting in the loss of life, injury and missing persons in the Tongan community.

- (b) **That** Council provide a donation in the amount of \$5,000 to the High Commission of the Kingdom of Tonga – Fakalikutonga Relief Fund, to be funded from the Councillor Support donations budget.
- (c) **Further, that** Council observe a minute's silence in memory of those who lost their lives in this tragic event.

**Note: Council observed a minute's silence.**

## 9. PUBLIC FORUM

There were no public forums submitted to the meeting.

## 10. PETITIONS

10.1      SUBJECT      21 Bellevue St, North Parramatta  
  
FROM           Michelle Garrard

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

*We, the undersigned, call on Parramatta Council to DECLINE the Development Application (and any further submissions relating to the site of a similar nature) for DA/1123/2021, Property 21 Bellevue St NORTH PARRAMATTA Lot 16 DP 5211. Applied by ARCHIDROME.*

3638      RESOLVED      (Garrard/Esber)

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

## 11. RESCISSION MOTIONS

Nil

## 12. FOR NOTATION

12.1      SUBJECT      Investment Report for November 2021  
  
REFERENCE      F2021/00521 - D08385786  
  
REPORT OF      Tax and Treasury Accountant

3639      RESOLVED      (Pandey/Esber)

**That** Council receive the Investment Report for November 2021.

- 12.2      SUBJECT      Minutes of Audit Risk and Improvement Committee Meeting held on 26 August 2021 and 30 September 2021
- REFERENCE   F2021/00521 - D08385911
- REPORT OF   Coordinator Internal Audit
- 3640      RESOLVED      (Garrard/Pandey)
- That** Council notes the minutes of the Audit Risk and Improvement Committee meetings as provided at Attachment 1 and Attachment 2.
- 12.3      SUBJECT      Minutes of the Access Advisory Committee Minutes held on 19 October 2021
- REFERENCE   F2021/00521 - D08386181
- REPORT OF   Community Capacity Building Officer, Community Capacity Building
- 3641      RESOLVED      (Bradley/Noack)
- That** Council note the minutes of the Access Advisory Committee meeting held on 19 October 2021 (Attachment 1).
- 12.4      SUBJECT      Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013
- REFERENCE   F2021/00521 - D08386190
- REPORT OF   Group Manager - Development and Traffic Services
- 3642      RESOLVED      (Esber/Maclean)
- That** the report be received and noted.

### 13. FOR COUNCIL DECISION

- 13.1      SUBJECT      Chief Executive Officer Delegations
- REFERENCE   F2021/00521 - D08385936
- REPORT OF   Governance Manager
- MOTION      (Pandey/Garrard)
- (a) **That** pursuant to Section 377 of the Local Government Act 1993, Council delegate to Brett Newman the functions of the General Manager (the Chief Executive Officer) to exercise Council's powers, functions, duties and authorities contained in legislation and the functions as specified in:



1. The Local Government Act 1993, the Local Government (General) Regulation 2021 and any other relevant or related subordinate legislation: and
  2. Any other legislation, regulations or other subordinate legislation under which Council has powers, authorities, duties or functions.
- (b) **That** the delegation be subject to:
1. Any limitation or restrains under the provisions of the Local Government Act 1993 and any other legislation, regulations or other subordinate legislation relevant to this delegation.
  2. Any direction, limitations or restrains under any resolution made by Council relating to the exercise of any delegated power, function, duty or authority;
  3. The General Manager (Chief Executive Officer) must exercise the delegated powers, functions, duties and authorities in accordance with and subject to:
    - A. The provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021 and any other relevant or related subordinate legislation; and
    - B. All and every policy adopted by resolution of the Council and current at the time of the exercise of the delegated powers, functions, duties and authorities.
- (c) **That** Council delegate to the Chief Executive Officer the acceptance of tenders to a maximum value of \$500,000 (incl GST) per tender.
- (d) **That** regular reporting on decisions made under delegation be provided by way of quarterly briefing notes to Councillors, reporting on tenders determined under CEO delegation and include copies of the relevant tender reports.
- (e) **That** the delegations provided to Brett Newman at the Council Meeting dated 9 September 2019 be revoked as at the date of this resolution.
- (f) **That** Council approve the change to all relevant policies arising from (c) above.
- (g) **Further, that** a report on the review of the tender limits detailed in paragraph (c) above be brought back to the Council Chamber after 12 months.

#### AMENDMENT (Wearne/Wang)

- (a) **That** pursuant to Section 377 of the Local Government Act 1993, Council delegate to Brett Newman the functions of the General Manager (the Chief Executive Officer) to exercise Council's powers, functions, duties and authorities contained in legislation and the functions as specified in:

1. The Local Government Act 1993, the Local Government (General) Regulation 2021 and any other relevant or related subordinate legislation: and
  2. Any other legislation, regulations or other subordinate legislation under which Council has powers, authorities, duties or functions.
- (b) **That** the delegation be subject to:
1. Any limitation or restrains under the provisions of the Local Government Act 1993 and any other legislation, regulations or other subordinate legislation relevant to this delegation.
  2. Any direction, limitations or restrains under any resolution made by Council relating to the exercise of any delegated power, function, duty or authority;
  3. The General Manager (Chief Executive Officer) must exercise the delegated powers, functions, duties and authorities in accordance with and subject to:
    - A. The provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021 and any other relevant or related subordinate legislation; and
    - B. All and every policy adopted by resolution of the Council and current at the time of the exercise of the delegated powers, functions, duties and authorities.
- (c) **Further, that** the delegations provided to Brett Newman at the Council Meeting dated 9 September 2019 be revoked as at the date of this resolution.

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

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

3643 RESOLVED (Pandey/Garrard)

- (a) **That** pursuant to Section 377 of the Local Government Act 1993, Council delegate to Brett Newman the functions of the General Manager (the Chief Executive Officer) to exercise Council's powers, functions, duties and authorities contained in legislation and the functions as specified in:
1. The Local Government Act 1993, the Local Government (General) Regulation 2021 and any other relevant or related subordinate legislation: and
  2. Any other legislation, regulations or other subordinate legislation under which Council has powers, authorities, duties or functions.
- (b) **That** the delegation be subject to:
1. Any limitation or restrains under the provisions of the Local Government Act 1993 and any other legislation, regulations or other subordinate legislation relevant to this delegation.

2. Any direction, limitations or restrains under any resolution made by Council relating to the exercise of any delegated power, function, duty or authority;
  3. The General Manager (Chief Executive Officer) must exercise the delegated powers, functions, duties and authorities in accordance with and subject to:
    - A. The provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021 and any other relevant or related subordinate legislation; and
    - B. All and every policy adopted by resolution of the Council and current at the time of the exercise of the delegated powers, functions, duties and authorities.
- (c) **That** Council delegate to the Chief Executive Officer the acceptance of tenders to a maximum value of \$500,000 (incl GST) per tender.
- (d) **That** regular reporting on decisions made under delegation be provided by way of quarterly briefing notes to Councillors, reporting on tenders determined under CEO delegation and include copies of the relevant tender reports.
- (e) **That** the delegations provided to Brett Newman at the Council Meeting dated 9 September 2019 be revoked as at the date of this resolution.
- (f) **That** Council approve the change to all relevant policies arising from (c) above.
- (g) **Further, that** a report on the review of the tender limits detailed in paragraph (c) above be brought back to the Council Chamber after 12 months.

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

13.2      SUBJECT      Membership of the City of Parramatta Audit Risk and Improvement Committee

REFERENCE   F2021/00521 - D08386176

REPORT OF    Coordinator Internal Audit

3644      RESOLVED      (Esber/Noack)

- (a) **That** Council thank outgoing members Mark McCoy and Donna Rygate for their commitment to the Committee over the last 2 terms of the Committee.
- (b) **That** Council approves Dr Col Gellatly AO to continue as independent external member on the Committee for a second term of three years commencing 1 March 2022.

- (c) **That** Council approve David Pendleton and Jessie Jo as the new independent external members to the Committee for a term of three years, commencing 1 March 2022.
- (d) **That** Council approves Dr Col Gellatly AO be appointed as Chair of the Committee commencing 1 March 2022.
- (d) **Further, that** Council appoint the following Councillor representatives to the Audit Risk and Improvement Committee for the current term of Council:
  - Deputy Lord Mayor Councillor Pandey
  - Councillor Garrard
  - Councillor Maclean (alternate)
  - Councillor Valjak (alternate).

#### PROCEDURAL MOTION

3645 RESOLVED (Esber/Garrard)

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

**Note: The meeting was adjourned at 8:35pm for a short recess.**

#### PROCEDURAL MOTION

3646 RESOLVED (Davis/Pandey)

**That** the meeting resume.

The meeting resumed at 8:47pm with the following Councillors in attendance. The Lord Mayor, Councillor Donna Davis and Councillors Phil Bradley, Kellie Darley, Pierre Esber, Michelle Garrard, Henry Green, Ange Humphries, Cameron Maclean, Paul Noack, Sameer Pandey (Deputy Lord Mayor), Dr Patricia Prociv, Georgina Valjak, Donna Wang and Lorraine Wearne.

13.3 SUBJECT Local Government NSW Special Conference

REFERENCE F2021/02778 - D08386008

REPORT OF Executive Officer

3647 RESOLVED (Esber/Prociv)

- (a) **That** the following Councillors be nominated as Council's Voting Delegates for Motions at the Local Government NSW (LGNSW) Special Conference:
  - Councillor Davis, Lord Mayor
  - Councillor Bradley
  - Councillor Green
  - Councillor Maclean
  - Councillor Noack
  - Councillor Pandey, Deputy Lord Mayor

- Councillor Prociv
- Councillor Valjak.

- (b) **That** Councillors advise the Chief of Staff by COB Tuesday, 8 February 2022 of their interest in attending the Special Conference as a Voting Delegate.
- (c) **Further, that** Council note the following Motions have been submitted to LGNSW to consider for inclusion in the Special Conference Business Paper, included for reference in Attachment 1:
1. Prevention of Aboriginal Deaths in Custody
  2. Ban Property Developers from running for Council.

**Note: Councillor Siviero returned to the Chamber at 8:50pm during the consideration of Item 13.3.**

13.4 SUBJECT 12 Grand Avenue Boundary Adjustment (Deferred Item)

REFERENCE DA/671/2020 - D08386010

REPORT OF Property Officer

3648 RESOLVED (Prociv/Noack)

- (a) **That** Council approve in accordance with conditions set out in DA/671/2020:
- i. to transfer the land coloured green in Attachment 1 (A) to the applicant;
  - ii. to acquire the land coloured green in Attachment 1 (B) as consideration of the above land transfer
- (b) **That** Council note the area and value of the land coloured green in Attachment 1 (A) is approximately equivalent to the area and value of the land coloured green in Attachment 1 (B).
- (c) **That** Council approve to classify the portion of land, coloured green on Attachment 1 (B), as operational upon transfer.
- (d) **Further, that** Council delegate authority to the Chief Executive Officer to sign all documentation, including but not limited to landowner's consent, in connection with this matter.

13.5 SUBJECT Classification of Lot 5 DP1238944 as Operational Land (Deferred Item)

REFERENCE DA/961/2015 - D08386009

REPORT OF Manager Property Plan & Program

MOTION (Prociv/Noack)

- (a) **That** Council in accordance with section 31(2) of the Local Government Act 1993, classify Lot 5 DP1238944 (Attachment 1) as 'Operational' land for the purposes outlined at paragraph 3 and 4 of the report.
- (b) **That** upon dedication of the proposed road, the balance of Lot 5 DP1238944, be classified as 'Community' land as outlined at paragraph 5 of the report.
- (c) **Further, that** Council delegate authority to the Chief Executive Officer to sign all documentation in connection with this matter.

AMENDMENT (Garrard/Siviero)

**That** Council defer consideration of this matter until such time as the additional questions raised at the Council Meeting regarding the access road have been answered.

The amendment moved by Councillor Garrard and seconded by Councillor Siviero on being put was declared LOST.

The motion moved by Councillor Prociv and seconded by Councillor Noack on being put was declared CARRIED.

3649 RESOLVED (Prociv/Noack)

- (a) **That** Council in accordance with section 31(2) of the Local Government Act 1993, classify Lot 5 DP1238944 (Attachment 1) as 'Operational' land for the purposes outlined at paragraph 3 and 4 of the report.
- (b) **That** upon dedication of the proposed road, the balance of Lot 5 DP1238944, be classified as 'Community' land as outlined at paragraph 5 of the report.
- (c) **Further, that** Council delegate authority to the Chief Executive Officer to sign all documentation in connection with this matter.

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

13.6 SUBJECT Post Exhibition - Planning Proposal, Draft Site-Specific Development Control Plan, and Planning Agreement for land at 23-25 Windsor Road, Northmead

REFERENCE F2021/00521 - D08385873

APPLICANT/S Hamptons Property Services Pty Ltd

OWNERS Owners Corporation of Strata Plan 47006

REPORT OF Project Officer, Land Use

3650      RESOLVED      (Garrard/Esber)

- (a) **That** Council receives and notes the submissions (summarised in Attachment 2) made during the public exhibition of the Planning Proposal, draft site-specific Development Control Plan (DCP) and draft Planning Agreement for 23-25 Windsor Road, Northmead.
- (b) **That** Council approve for finalisation the Planning Proposal for land at 23-25 Windsor Road, Northmead (provided at Attachment 3), which seeks to amend Parramatta (formerly The Hills) Local Environmental Plan (LEP) 2012 as follows:
  - i) Amend the Maximum Floor Space Ratio (FSR) control that applies to the R4 High Density Residential zoned land from no FSR to 1.8:1.
  - ii) Amend the Maximum Building Height (HOB) control that applies to the R4 High Density Residential zoned land from 16 metres (5 storeys) to 30 metres (9 storeys).
- (c) **That** Council approve the site-specific DCP at Attachment 5 for finalisation and insertion into The Hills Development Control Plan (DCP) 2012.
- (d) **That** Council delegate authority to the Chief Executive Officer to finalise the draft Planning Agreement at Attachment 4, and to sign the Planning Agreement on behalf of Council.
- (e) **That** Council authorise the Chief Executive Officer to exercise the plan-making delegations as granted by the Gateway Determination for this Planning Proposal once the Planning Agreement has been executed by Council.
- (f) **That** Council authorises the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan amendment process relating to the Planning Proposal, Development Control Plan and Planning Agreement during the relevant finalisation processes.
- (g) **Further, that Council** note the Local Planning Panel considered and endorsed the Planning Proposal, draft DCP and draft Planning Agreement at its meeting on 16 November 2021 and recommended that Council approve the site-specific DCP for finalisation and insertion into The Hills Development Control Plan (DCP) 2012, subject to refinement of landscaping controls.

DIVISION      A division was called, the result being:-

AYES:            Councillors Darley, Davis, Esber, Garrard, Green, Humphries, Maclean, Noack, Pandey, Siviero, Valjak, Wang and Wearne

NOES:            Councillors Bradley and Prociv

13.7	SUBJECT	Post Exhibition - Planning Proposal for land at 64 Victoria Road, North Parramatta
	REFERENCE	F2022/00105 - D08385892
	REPORT OF	Project Officer
3651	RESOLVED	(Garrard/Esber)
	(a)	<b>That</b> Council receives and notes the submissions made during the public exhibition of the Planning Proposal for 64 Victoria Road, North Parramatta.
	(b)	<b>That</b> Council approve the Planning Proposal (at Attachment 2) for land at 64 Victoria Road, North Parramatta for finalisation that seeks to amend Schedule 1 of the Parramatta Local Environmental Plan 2011 (PLEP 2011) to allow 'take away food and drink premises' as an additional permitted use (limited to a maximum gross floor area of 100m <sup>2</sup> ).
	(c)	<b>That</b> Council authorise the Chief Executive Officer to exercise the plan-making delegations as granted by the Gateway Determination for this Planning Proposal.
	(d)	<b>That</b> Council delegates 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 amendment process relating to the Planning Proposal.
	(e)	<b>Further, that</b> Council note the Local Planning Panel considered and endorsed the Planning Proposal at its meeting on 16 November 2021 and recommended that Council approve the planning proposal.
	DIVISION	A division was called, the result being:-
	AYES:	Councillors Bradley, Darley, Davis, Esber, Garrard, Green, Humphries, Maclean, Noack, Pandey, Prociv, Siviero, Valjak, Wang and Wearne
	NOES:	Nil
13.8	SUBJECT	Submissions to DPIE and IPART on the Development Contributions Reform
	REFERENCE	F2021/00521 - D08386016
	REPORT OF	Group Manager Infrastructure Planning & Design
	MOTION	(Pandey/Noack)



**That** Council endorse the submissions to the Independent Regulatory and Regulatory Tribunal (IPART) and the Department of Planning Industry and Environment (DPIE) at Attachments 2 and 3 respectively, noting the following key points:

- i. The combined reforms may reduce development contributions in the City of Parramatta by up to \$626M, significantly impacting the ability of Council to fund necessary infrastructure to support NSW Government and Council agreed growth targets;
- ii. Council's request for the State Government to approve the draft Section 7.12 Parramatta CBD Contributions Plan, with the Parramatta CBD Planning Proposal, as co-dependent documents, to ensure that the contributions in that Plan can be collected and that Council is no worse-off under the reforms;
- iii. Council's position that Community facilities should not be excluded from the Essential Works List; and
- iv. Council's view that infrastructure benchmarks in the IPART report significantly underestimate actual market costs, and the report lacks comprehensive analysis of infrastructure upgrade costs in established urban areas with increasing density.

**AMENDMENT (Bradley/Wearne)**

(a) **That** Council endorse the submissions to the Independent Regulatory and Regulatory Tribunal (IPART) and the Department of Planning Industry and Environment (DPIE) at Attachments 2 and 3 respectively, noting the following key points:

- i. The combined reforms may reduce development contributions in the City of Parramatta by up to \$626M, significantly impacting the ability of Council to fund necessary infrastructure to support NSW Government and Council agreed growth targets;
- ii. Council's request for the State Government to approve the draft Section 7.12 Parramatta CBD Contributions Plan, with the Parramatta CBD Planning Proposal, as co-dependent documents, to ensure that the contributions in that Plan can be collected and that Council is no worse-off under the reforms;
- iii. Council's position that Community facilities should not be excluded from the Essential Works List; and
- iv. Council's view that infrastructure benchmarks in the IPART report significantly underestimate actual market costs, and the report lacks comprehensive analysis of infrastructure upgrade costs in established urban areas with increasing density.

(b) **That** Council undertake the following advocacy activities:

- i. Write to the Minister for Planning requesting a meeting to discuss Council's submission
- ii. Continue meetings between Executives of Council and the Department of Planning and Environment
- iii. Lord Mayor and Chief Executive Officer continue advocacy for the City of Parramatta and with other councils and LGNSW

- iv. Continue media campaign
- (c) **Further, that** Council be advised of the NSW Government's response to submissions made on the reforms.

Councillor Pandey, as mover of the original motion, accepted the amendment as part of the motion.

MOTION (Pandey/Noack)

- (a) **That** Council endorse the submissions to the Independent Regulatory and Regulatory Tribunal (IPART) and the Department of Planning Industry and Environment (DPIE) at Attachments 2 and 3 respectively, noting the following key points:
  - i. The combined reforms may reduce development contributions in the City of Parramatta by up to \$626M, significantly impacting the ability of Council to fund necessary infrastructure to support NSW Government and Council agreed growth targets;
  - ii. Council's request for the State Government to approve the draft Section 7.12 Parramatta CBD Contributions Plan, with the Parramatta CBD Planning Proposal, as co-dependent documents, to ensure that the contributions in that Plan can be collected and that Council is no worse-off under the reforms;
  - iii. Council's position that Community facilities should not be excluded from the Essential Works List; and
  - iv. Council's view that infrastructure benchmarks in the IPART report significantly underestimate actual market costs, and the report lacks comprehensive analysis of infrastructure upgrade costs in established urban areas with increasing density.
- (b) **That** Council undertake the following advocacy activities:
  - i. Write to the Minister for Planning requesting a meeting to discuss Council's submission
  - ii. Continue meetings between Executives of Council and the Department of Planning and Environment
  - iii. Lord Mayor and Chief Executive Officer continue advocacy for the City of Parramatta and with other councils and LGNSW
  - iv. Continue media campaign
- (c) **Further, that** Council be advised of the NSW Government's response to submissions made on the reforms.

3652 RESOLVED (Pandey/Noack)

- (a) **That** Council endorse the submissions to the Independent Regulatory and Regulatory Tribunal (IPART) and the Department of Planning Industry and Environment (DPIE) at Attachments 2 and 3 respectively, noting the following key points:

- i. The combined reforms may reduce development contributions in the City of Parramatta by up to \$626M, significantly impacting the ability of Council to fund necessary infrastructure to support NSW Government and Council agreed growth targets;
  - ii. Council's request for the State Government to approve the draft Section 7.12 Parramatta CBD Contributions Plan, with the Parramatta CBD Planning Proposal, as co-dependent documents, to ensure that the contributions in that Plan can be collected and that Council is no worse-off under the reforms;
  - iii. Council's position that Community facilities should not be excluded from the Essential Works List; and
  - iv. Council's view that infrastructure benchmarks in the IPART report significantly underestimate actual market costs, and the report lacks comprehensive analysis of infrastructure upgrade costs in established urban areas with increasing density.
- (b) **That** Council undertake the following advocacy activities:
- i. Write to the Minister for Planning requesting a meeting to discuss Council's submission
  - ii. Continue meetings between Executives of Council and the Department of Planning and Environment
  - iii. Lord Mayor and Chief Executive Officer continue advocacy for the City of Parramatta and with other councils and LGNSW
  - iv. Continue media campaign
- (c) **Further, that** Council be advised of the NSW Government's response to submissions made on the reforms.

**Note:**

1. **Councillor Esber left the Chamber at 9:23pm and returned at 9:25pm during the consideration of Item 13.8.**
2. **Councillor Esber left the Chamber at 9:25pm and returned at 9:27pm during the consideration of Item 13.8.**
3. **Councillor Prociv left the Chamber at 9:38pm and returned at 9:43pm during the consideration of Item 13.8.**

#### 14. NOTICES OF MOTION

14.1 SUBJECT CBD Lighting Project

REFERENCE F2022/00105 - D08396765

FROM Councillor Michelle Garrard  
MOTION (Garrard/Siviero)

**That** Council endorse the ongoing lights in the CBD throughout February and March 2022.

AMENDMENT (Pandey/Esber)

- (a) **That** Council defer consideration of the CBD Lighting Project until the outcome of the grant application is known.
- (b) **That** a report providing an update on the CBD Revitalisation Program Grant be presented to the next Council Meeting.
- (c) **Further, that** Council continue to keep the lights on for the next two (2) weeks, within the Council budget.

The amendment moved by Councillor Pandey and seconded by Councillor Esber on being put was declared CARRIED.

The amendment then became the motion.

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

3653 RESOLVED (Pandey/Esber)

- (a) **That** Council defer consideration of the CBD Lighting Project until the outcome of the grant application is known.
- (b) **That** a report providing an update on the CBD Revitalisation Program Grant be presented to the next Council Meeting.
- (c) **Further, that** Council continue to keep the lights on for the next two (2) weeks, within the Council budget.

**Note:**

1. **Councillor Darley left the Chamber at 9:45pm and returned at 9:47pm during the consideration of Item 14.1.**
2. **Councillor Noack left the Chamber at 10.09pm and returned at 10:11pm during the consideration of Item 14.1.**

14.2 SUBJECT Events Budget

REFERENCE F2022/00105 - D08396770

FROM Councillor Michelle Garrard

MOTION (Garrard/Siviero)

- (a) **That** Council endorse the Events Budget be reallocated to the same event the following year or be reallocated to another event with the endorsement of the Chamber.
- (b) **Further, that** Council endorse any events that are postponed or cancelled due to inclement weather.

AMENDMENT (Pandey/Humphries)

**That** Council defer consideration of this matter to a Councillor Workshop.

The amendment moved by Councillor Pandey and seconded by Councillor Humphries on being put was declared CARRIED.

The amendment then became the motion.

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

3654 RESOLVED (Pandey/Humphries)

**That** Council defer consideration of this matter to a Councillor Workshop.

**Note:**

1. **Councillor Maclean left the Chamber at 10:14pm and returned at 10:17pm during the consideration of Item 14.2.**
2. **Councillor Esber left the Chamber at 10.26pm and returned at 10:30pm during the consideration of Item 14.2.**

14.3 SUBJECT Traffic Lights at Bennelong Parkway - Hill Road Intersection

REFERENCE F2022/00105 - D08395818

FROM Councillor Paul Noack

3655 RESOLVED (Noack/Siviero)

- (a) **That** Council recognise the importance of the urgent construction of traffic lights at the intersection of Bennelong Parkway and Hill Road at Wentworth Point. The growing traffic congestion and traffic accidents of extreme concern to the resident of Wentworth Point.
- (b) **That** Council calls for the urgent construction of the planned roundabout and street crossing at the corner of Hill Road and Burroway Road
- (c) **Further, that** a full report on the construction of these lights, and roundabout be presented to the 14 March Council Meeting, including costing and where the funds are coming from.

14.4 SUBJECT Acknowledgement of all Faith

REFERENCE F2022/00105 - D08396775

FROM Deputy Lord Mayor

3656 RESOLVED (Pandey/Esber)

- (a) **That** Council defer consideration of this matter for a period of eight (8) weeks until 11 April 2022.
- (b) **Further, that** a Councillor Workshop be held to discuss this matter.

**Note: Councillor Green left the Chamber at 10.41pm during the consideration of Item 14.4.**

15. QUESTIONS WITH NOTICE

Nil

16. INNOVATIVE

Nil

**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.**

17. CLOSED SESSION

3657      RESOLVED      (Esber/Pandey)

**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:-

17.1 Tender 23/2021 Hygiene Services. (D08385838) - *This report is confidential in accordance with section 10A (2) (c) of the Local Government Act 1993 as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

17.2 Horwood Place Compulsory Acquisition by Sydney Metro West. (D08385811) - *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.*

17.1      SUBJECT      Tender 23/2021 Hygiene Services

REFERENCE      F2021/00521 - D08385838

REPORT OF      Business Support Officer

3658      RESOLVED      (Humphries/Pandey)

- (a) **That** Council approve the appointment of Rentokil Initial Trading As Initial Hygiene for the costs as outlined in paragraph 12 of this report.
- (b) **That** all unsuccessful tenderers be advised of Council's decision in this matter.
- (c) **That** Council delegate authority to the Chief Executive Officer to finalise and execute all necessary documents.
- (d) **Further, that** a review be undertaken to ensure that Council's tender processes are being rated against Council's sustainability criteria and that a report come back to Council in three months.

**Note: Councillor Green returned to the Chamber at 10:51pm after the consideration of Item 17.1.**

17.2      SUBJECT      Horwood Place Compulsory Acquisition by Sydney Metro West

REFERENCE   F2021/00521 - D08385811

REPORT OF   Group Manager Property Development

3659      RESOLVED      (Garrard/Pandey)

- (a) **That** Council approve the commencement of Class 3 proceedings in the Land and Environment Court objecting to the amount of compensation for the Horwood Place, determined by the Valuer General.
- (b) **That** Council approve the budget and allocation of up to \$1,630,000, from the Property Reserve, for the professional fees and expenses to run the Class 3 proceedings.
- (c) **Further, that** Council delegate to the Chief Executive Officer to negotiate and agree, in consultation with the Lord Mayor, the amount of compensation for the Horwood Place, within the parameters outlined in paragraph 14 of this report.

#### PROCEDURAL MOTION

3660      RESOLVED      (Esber/Bradley)

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


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

The Chief Executive Officer read out the resolutions for Items 17.1 to 17.2.

#### 19. CONCLUSION OF MEETING

The meeting terminated at 10:55pm.

THIS PAGE AND THE PRECEDING 22 PAGES ARE THE MINUTES OF THE  
ORDINARY COUNCIL MEETING HELD ON MONDAY, 7 FEBRUARY 2022 AND  
CONFIRMED ON MONDAY, 21 FEBRUARY 2022.

A handwritten signature in black ink, consisting of a large loop followed by a horizontal stroke and a vertical stroke, positioned above a horizontal line.

Chairperson