

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, 28 MARCH 2022 AT 6:30PM

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 6:36pm.

2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS OF LAND

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

3. WEBCASTING ANNOUNCEMENT

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

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

4. 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 14 March 2022

3690 RESOLVED (Prociv/Darley)

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

SUBJECT: Minutes of the Extraordinary Council Meeting held on 21 March 2022

3691 RESOLVED (Pandey/Wang)

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

6. APOLOGIES/REQUESTS FOR LEAVE OF ABSENCE

3692 RESOLVED (Noack/Green)

That the request to attend the Ordinary Council Meeting dated 28 March 2022 via remote means submitted by the following Councillors due to personal reasons, be accepted:

- Councillor Valjak;
- Councillor Wearne.

7. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

8. MINUTES OF THE LORD MAYOR

8.1 SUBJECT Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples

REFERENCE F2021/02779 - D08447897

REPORT OF Lord Mayor, Councillor Donna Davis

3693 RESOLVED (Davis/Darley)

(a) **That** Council acknowledges and supports the proposal for a national referendum that formally recognises Aboriginal and Torres Strait Islander peoples in the Australian Constitution and the key principles of the 'Uluru Statement from the Heart'.

(b) **That** Council writes to the Prime Minister, the Federal Leader of the Opposition, the Premier of NSW, the Opposition Leader of NSW, local Federal and State MPs, the President of Local Government NSW, the President of the Australian Local Government Association, the Deerubbin Local Aboriginal Land Council, Metropolitan Local Aboriginal Land Council, Gandangarra Local Aboriginal Land Council and local Dharug organisations to express City of Parramatta Council's support for Constitutional recognition for Aboriginal and Torres Strait Islander peoples and the key principles of the 'Uluru Statement from the Heart'.

(c) **Further, that** Council notes work underway to develop a First Nations Strategy to replace Council's former Reconciliation Action Plan and that a workshop on this topic will be held in April.

Note: Councillor Wearne left the Chamber at 6:46pm during the consideration of the Item 8.1 and was not present in the Chamber during the vote thereon.

8.2 SUBJECT Public Toilet Policy

REFERENCE F2021/02779 - D08465407

REPORT OF Lord Mayor, Councillor Donna Davis

3694 RESOLVED (Davis/Pandey)

(a) **That** Council prepares a high-level public toilet policy that sets out the rationale and criteria for Council's investment in new accessible public toilets.

(b) **Further, that** in developing this Policy, it aligns with the long-term direction for community infrastructure provision as outlined in Council's endorsed Community Infrastructure Strategy.

Note: Councillor Wearne was not present in the Chamber during the vote thereon.

8.3 SUBJECT 200 Years of the Royal Agricultural Society of NSW

REFERENCE F2021/02779 - D08466998

REPORT OF Lord Mayor, Councillor Donna Davis

3695 RESOLVED (Davis/Esber)

(a) **That** Council note the Royal Agricultural Society of NSW is celebrating their bicentenary in 2022.

(b) **That** the Lord Mayor write to the Royal Agricultural Society of NSW (RAS), congratulating them on this significant milestone and for the commitment to the promotion of Australian agriculture and advocacy on behalf of rural communities since 1822.

(c) **That** this letter include an invitation to meet with Council to discuss opportunities to further the relationship between the City and the RAS, acknowledge the historical connection and consider opportunities for Council to sponsor a competition at the Sydney Royal Easter Show in an appropriate category.

(d) **Further, that** Council note to recognise this occasion, the Royal Agricultural Society of NSW is holding a special Bicentenary Street Parade on Saturday, 9 April 2022, commencing at Parramatta Park at 3.30am before proceeding to Sydney Olympic Park.

Note: Councillor Wearne returned to the Chamber at 6:48pm during the consideration of Item 8.3.

9. PUBLIC FORUM

9.1 SUBJECT PUBLIC FORUM 1: Item 14.2 - Smoke Free Parramatta Square

REFERENCE F2022/00105 - D08464723

FROM Dr Shopna Bag

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

The proposal to implement a smoke-free Parramatta Square, would provide significant benefits to our community.

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

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

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

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

Thank you for your time.

EXECUTIVE DIRECTOR, CITY ASSETS & OPERATIONS RESPONSE

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

10. PETITIONS

10.1 SUBJECT Short St North Parramatta Residents Petition

REFERENCE DA/654/2021

FROM Kellie Darley

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

We the Residents of Short St North Parramatta request that The City of Parramatta Council reinstate the pre-existing degraded asphalt path on the Eastern side of Short St North Parramatta.

Several neighbours have made contact with the council over the years to report issues with the soft surface path.

We request that the hard path is reinstated to resolve the following Issues:

- *Public Safety – Numerous residents have incurred injury*
- *Loss of accessibility between street & homes*
- *Lack of accessibility along Eastern side of Short Street*
- *Flood mitigation/accessibility after rain*
- *Mud and dirt on resident's property*
- *Incurred cost or loss of personal time to maintain grass & weeds.*

The residents have endured the soft surface path for some time and it's simply not safe or functional. We ask that the council revert to its original commitment to repairing the existing hard surface path as discussed in 2006.

3696 RESOLVED (Darley/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 Response to Notice of Motion - Activate, Regulate and Create Safe Underpasses

REFERENCE F2022/00105 - D08386006

REPORT OF Place Manager

3697 RESOLVED (Pandey/Humphries)

(a) **That** Council receive and note the contents of this report.

(b) **Further, that** Council work with the State Government to activate underpasses within the Parramatta CBD.

12.2 SUBJECT Quarter Two Progress Report - Delivery Program and Operational Plan 2021/22

REFERENCE F2022/00105 - D08446730

REPORT OF Corporate Strategy Manager

3698 RESOLVED (Prociv/Garrard)

That Council defer consideration of this matter to the 26 April 2022 Council Meeting for discussion at a Councillor Workshop or other suitable forum.

12.3 SUBJECT NOTE LATE REPORT: Quarterly Budget Review - December 2021

REFERENCE F2022/00105 - D08443317

REPORT OF Financial Planning and Analysis Manager

3699 RESOLVED (Prociv/Garrard)

That Council defer consideration of this matter to the 26 April 2022 Council Meeting for discussion at a Councillor Workshop or other suitable forum.

13. FOR COUNCIL DECISION

13.1 SUBJECT Counting of petitions for referral of a development application to the Parramatta Local Planning Panel

REFERENCE F2022/00105 - D08415668

REPORT OF Group Manager - Development and Traffic Services

MOTION (Garrard/Wang)

- (a) **That** Council note the changes to Council's website to assist the community in making submissions on development applications.
- (b) **Further, that** Council write to the Minister of Planning and Homes advocating for a change to how petitions and form letter submissions are counted for the purposes of referral of a development application to the Parramatta Local Planning Panel.

AMENDMENT (Bradley/Wearne)

- (a) **That** Council note the changes to Council's website to assist the community in making submissions on development applications.
- (b) **That** Council write to the Minister of Planning and Homes advocating for a change to how petitions and form letter submissions are counted for the purposes of referral of a development application to the Parramatta Local Planning Panel.
- (c) **Further, that** for the purposes of Council's conciliation conferences, after the first five (5) form letters or five (5) petition signatories, Council will count every additional five (5) of these as another unique submission.

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

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

3700 RESOLVED (Garrard/Wang)

- (a) **That** Council note the changes to Council's website to assist the community in making submissions on development applications.
- (b) **Further, that** Council write to the Minister of Planning and Homes advocating for a change to how petitions and form letter submissions are counted for the purposes of referral of a development application to the Parramatta Local Planning Panel.

13.2 SUBJECT Condition of the heritage listed property at 10 New Zealand Street, Parramatta

REFERENCE F2022/00105 - D08417925

REPORT OF Group Manager - Development and Traffic Services

3701 RESOLVED (Prociv/Darley)

- (a) **That** Council note that there are no legal powers available to Council to require a property owner to maintain a locally listed heritage item.
- (b) **That** Council:

- a. nominate Wavertree for inclusion on the State Heritage Register and formally make this request to Heritage NSW.
 - b. seek an interim heritage order for the State heritage listing of Wavertree.
- (c) **That** the Lord Mayor and Councillors be updated on the progress of the nomination and interim heritage order.
- (d) **Further, that** the Lord Mayor write to the Minister for Planning and Homes and the Minister for Environment and Heritage requesting the investigation of powers Councils could be given through amendments to current NSW planning and heritage legislation to prevent the deterioration of locally list heritage properties through owner neglect.

13.3 SUBJECT CBD Carparking Strategy

REFERENCE F2022/00105 - D08434912

REPORT OF Group Manager Property Development

MOTION (Pandey/Humphries)

- (a) **That** Council notes the submissions made during the public exhibition of the draft CBD Carparking Strategy.
- (b) **That** Council approves the CBD Carparking Strategy at Attachment 1.
- (c) **That** Council note that ten million dollars (\$10m) from the Property Reserve has been allocated to implement the CBD Carparking Strategy.
- (d) **That** Council provide a yearly report and conduct a review of this strategy on a yearly basis.
- (e) **Further, that** as part of the Smart Parking Tender, Council seek to develop an application mapping availability of carparking spaces.

AMENDMENT (Garrard/Siviero)

That Council defer the Carparking Strategy to align with budgetary considerations.

During debate, the amendment moved by Councillor Garrard and seconded by Councillor Siviero was WITHDRAWN.

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

3702 RESOLVED (Pandey/Humphries)

- (a) **That** Council notes the submissions made during the public exhibition of the draft CBD Carparking Strategy.
 - (b) **That** Council approves the CBD Carparking Strategy at Attachment 1.
 - (c) **That** Council note that ten million dollars (\$10m) from the Property Reserve has been allocated to implement the CBD Carparking Strategy.
 - (d) **That** Council provide a yearly report and conduct a review of this strategy on a yearly basis.
 - (f) **Further, that** as part of the Smart Parking Tender, Council seek to develop an application mapping availability of car parking spaces.
- Note: Councillor Garrard left the Chamber at 7:51pm and returned at 7:57pm during the consideration of Item 13.3.**

13.4 SUBJECT Draft Melrose Park South Site-Specific Development Control Plan and Planning Agreement

REFERENCE F2022/00105 - D08433159

REPORT OF Senior Project Officer

3703 RESOLVED (Noack/Garrard)

- (a) **That** Council approve the draft Melrose Park South Site-Specific Development Control Plan (DCP) provided at Attachment 2 for the purposes of public exhibition.
- (b) **That** Council give delegation to the CEO to draft the Planning Agreement based on the submitted Letter of Offer provided at Attachment 3 for the purposes of public exhibition.
- (c) **That** the draft DCP and Planning Agreement be placed on public exhibition concurrently with the Planning Proposal that was adopted by Council on 9 November 2020 for a period of 28 days, and that a report be provided to Council on the outcomes of the public exhibition.
- (e) **Further, that** Council delegate authority to the Chief Executive Officer to correct and anomalies of minor non-policy nature that may arise during the public exhibition process.

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

13.5 SUBJECT LATE REPORT: Quarterly Budget Review - December 2021

REFERENCE F2022/00105 - D08435024

REPORT OF Financial Planning and Analysis Manager

3704 RESOLVED (Prociv/Garrard)

That Council defer consideration of this matter to the 26 April 2022 Council Meeting for discussion at a Councillor Workshop or other suitable forum.

14. NOTICES OF MOTION

14.1 SUBJECT Peninsula Park, Wentworth Point

REFERENCE F2022/00105 - D08453092

FROM Councillor Paul Noack

3705 RESOLVED (Noack/Prociv)

- (a) **That** Council advocate to the State Government on the future of the mixed-use site adjacent to Peninsula Park at Wentworth Point.
- (b) **That** Council advocate to Transport for NSW (as landowner) and Landcom (as developer) for commencement of work in the Peninsula Park to occur promptly.
- (c) **That** Council notes the concerns of the residents of Wentworth Point in an attached resolution:

The 19 March 2022 meeting unanimously passed the following motion:

“This meeting of Wentworth Point residents demands that the planned school oval is under the management of the two schools. There will be up to 2,500 students at both schools and our children currently have the lowest open space ratio in NSW. We note that without a dedicated oval the two schools will not meet the mandatory teaching requirements under the NSW Education Standards Authority. Our children need and deserve a dedicated oval.

This meeting further notes that while Wentworth Point’s population is predicted to grow to more than 30,000 there is currently no parks, local community playing fields and community facilities. We call on the State Government and Transport for NSW to honour the 2014 agreement and immediately commence Peninsula Park.

We call on the State Government and Transport for NSW to immediately abandon the proposal to allow residential

development on the land to the east of the new High School and enter into full and genuine consultation with the community to deliver a community playing field and community facilities.”

- (d) **Further, that** Council supports the need for full and genuine consultation with the residents of Wentworth Point before any decisions are made on the development of land east of the Schools, and the need for community playing fields and community facilities.

Note: Councillor Esber left the Chamber at 8:04pm and returned at 8:06pm during the consideration of Item 14.1.

14.2 SUBJECT Smoke Free Parramatta Square

REFERENCE F2022/00105 - D08453832

FROM Deputy Lord Mayor, Councillor Pandey

3706 RESOLVED (Pandey/Esber)

- (a) **That** Council develop a policy position in support for smoke-free and vape-free options within Parramatta Square.
- (b) **Further, that** the Policy to include:
- relevant and appropriate measures to understand the impact of implementing smoke free and vape-free options in Parramatta Square (e.g. community perceptions).
 - Identify a suitable, acceptable and enforceable smoke-free option and vape-free for Parramatta Square that addresses stakeholder feedback, health and environmental considerations.
 - Deliver a communication campaign to inform stakeholders of the new smoke-free measures in Parramatta Square.

Note:

- Councillor Prociv left the Chamber at 8:10pm and returned at 8:13pm during the consideration of Item 14.1.**
- Councillor Esber left the Chamber at 8:11pm and returned at 8:12pm during the consideration of Item 14.1.**

15. QUESTIONS WITH NOTICE

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.

16. CLOSED SESSION

3707 RESOLVED (Esber/Maclean)

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:-

- 16.1 Legal Status Report as at 28 February 2022. (D08443882) - *This report is confidential in accordance with section 10A (2) (e) of the Local Government Act 1993 as the report contains information that would, if disclosed, prejudice the maintenance of law.*
- 16.2 Epping Laneway - Sale of Land. (D08438003) - *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.*

Note:

1. **Councillor Darley left the Chamber at 8:20pm during the consideration of the motion to move into closed session and was not present in the Chamber for the vote thereon.**
2. **Councillor Garrard left the Chamber at 8:20pm during the consideration of the motion to move into closed session and was not present in the Chamber for the vote thereon.**

16.1 SUBJECT Legal Status Report as at 28 February 2022

REFERENCE F2021/03410 - D08443882

REPORT OF Solicitor

3708 RESOLVED (Prociv/Wang)

That Council note the Legal Status Report as at 28 February 2022.

Note:

1. **Councillor Darley returned to the Chamber at 8:21pm during the consideration of Item 16.1.**
2. **Councillor Garrard returned to the Chamber at 8:22pm during the consideration of Item 16.1.**

16.2 SUBJECT Epping Laneways (Adjoining the development at 48-54 Beecroft Road and 52-54 Rawson Street, Epping) - Sale of Land

REFERENCE F2022/00105 - D08438003

REPORT OF Development Manager

3709 RESOLVED (Wearne/Maclean)

- (a) **That** Council accepts the offer from DGS Epping Development Pty Ltd, as per the Letter of Offer dated 2 March 2022 (Attachment 1).
- (b) **That** Council proceeds with the sale of Lot 100 DP 1274400, as per the Contract of Sale (Attachment 2).
- (c) **That** upon exchange of contracts, Council provide landowner's consent to the lodgement of a section 4.55 modification application which seeks the modification of DA/61/2018 to incorporate Lot 100 DP 1274400 into the DGS Epping Development.
- (d) **That** the proceeds of the sale of land are allocated to road work associated with Epping Aquatic Centre in line with section 43 *Roads Act 1993*.
- (e) **Further, that** the CEO is delegated authority to execute all documents in relation to this matter.

PROCEDURAL MOTION

3710 RESOLVED (Esber/Noack)

That the meeting resume in Open Session.

17. REPORTS OF RESOLUTIONS PASSED IN CLOSED SESSION

The Chief Executive Officer read out the resolutions for Items 16.1 to 16.2.

18. CONCLUSION OF MEETING

The meeting terminated at 8:35pm.

THIS PAGE AND THE PRECEDING 12 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 28 MARCH 2022 AND CONFIRMED ON MONDAY, 11 APRIL 2022.


Chairperson