

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, 26 SEPTEMBER 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 6:34PM.

2. ACKNOWLEDGEMENT TO TRADITIONAL OWNERS OF LAND

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

3. WEBCASTING ANNOUNCEMENT

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

4. GENERAL RECORDING OF MEETING ANNOUNCEMENT

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

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

3993      RESOLVED      (Noack/Humphries)

**That** the request to attend the Ordinary Meeting of Council dated 26 September 2022 via remote means submitted by Councillor Wearne and Councillor Siviero due to personal reasons be accepted.

6. CONFIRMATION OF MINUTES

SUBJECT:      Minutes of the Council Meeting held on 12 September 2022

3994      RESOLVED      (Esber/Noack)

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

7. DISCLOSURES OF INTEREST

There were no Disclosures of Interest made at this meeting.

8. MINUTES OF THE LORD MAYOR

8.1           SUBJECT           Retaining the former Marsden High School site for education purposes

REFERENCE   F2022/00105 - D08703132

REPORT OF   Lord Mayor, Councillor Donna Davis

3995       RESOLVED       (Davis/Garrard)

- (a) **That** Council note the City of Parramatta's submission (**Attachment 1**) to the City of Ryde opposing a Planning Proposal that seeks to rezone the former Marsden High School site (22 Winbourne Street, West Ryde) for public recreation;
- (b) **That** Council note that the site is located 700m north of the Melrose Park precinct, an identified growth area, which will increase demand for education facilities;
- (c) **That** the Lord Mayor write to the New South Wales Minister for Education raising concerns about the loss of land able to be used for educational purposes around the Melrose Park precinct and seeking more information about the Government's strategy to address the future undersupply of student places at primary and secondary schools within the Melrose Park catchment.
- (d) **Further, that** the Lord Mayor write to the Shadow Minister for Education to advocate for the retention of the former Marsden High School site for education purposes.

8.2           SUBJECT           Congratulations to Parramatta Eels NRL and NRLW Grand Finalists

REFERENCE   F2022/00105 - D08703421

REPORT OF   Lord Mayor, Councillor Donna Davis

3996       RESOLVED       (Davis/Garrard)

- (a) **That** Council congratulate the Parramatta Eels National Rugby League (NRL) and Women's NRL (WNRL) teams for progressing to the Grand Final on Sunday 2 October and wish them luck;
- (b) **That** Council note the activations planned across the LGA to celebrate both teams advancing to the Grand Final are detailed in a Staff Report;

- (c) **That** Council write to the Chief Executive of the NRL, Andrew Abdo, to advocate for more NRL activities in the lead up the Grand Final to be held in Western Sydney; and
- (d) **Further, that** Council note that the Lord Mayor has challenged the Mayor of Penrith and the Lord Mayor of the City of Newcastle to wear the winning NRL team's jersey in Council Chambers following the NRL and NRLW matches.

## 9. PUBLIC FORUM

9.1        SUBJECT        PUBLIC FORUM 1: Rescission Motion Item 11.1 - Item 13.4 - Proposed Homebush Bay West Development Control Plan Amendment and draft Planning Agreement for Block H, Precinct B, 16 Burroway Road and part 5 Footbridge Boulevard, Wentworth Point

REFERENCE    F2022/00105 - D08700098

FROM            Matt Weller

Councillors,

I am demanding with urgency and desperation that Council vote in favour of the rescission motion 11.1 raised by Clr Prociv, Darley & Bradley.

I am seeking for all councillors to correct the mistake that led to the 'Noack amendment' which was passed at the last council meeting. I'm asking for you to look at the evidence before you and acknowledge that *"The Applicant's revised scheme (**Attachment 7 - 45 storeys & 85000sqm GFA**) remains largely the same as the exhibited DCP amendment."* Therefore, there is no reason for further assessment of the revised scheme to enable it's proposal for another public exhibition.

No revised scheme from the developer can address objections against height and density, so it honestly baffles me why some councillors voted the way they did.

The community responded with 763 submissions and **64% opposed**. This is an overwhelming majority which spoke loudly and clearly. **NO OVER DEVELOPMENT**.

What was tabled in the 'Noack Amendment', is leaving the door open for the developer to come back with the same proposal on the Block H site. This is **NOT** what the community wants. I request the councillors to demonstrate any evidence that what was resolved at the last meeting, was the will of the community.

No one or two single residents should get to decide on behalf of the whole community and pass it off as the 'communities will', residents already provided feedback during public exhibition and the outcome should be respected.

Cr Noack who proposed the amendment suggested that he had consulted with residents and received the community's approval. I would like to challenge this misconception with some facts of my own.

WPRAG was referred to as endorsing the Noack Amendment, this is wrong and is a total lie. I am a convenor and am confirming as such.

A new poll has been conducted online which support the results of the exhibition. Out of 102 votes, 91% voted for the current DCP Controls to remain unchanged and are not concerned with any VPA. **(up to 25 storeys / 29,743sqm GFA, Park size 10,973sqm & No VPA)**

It's been alleged by the Councillor that the community now supports over development so a shiny new VPA can be exchanged for the Landcom site. This is totally false.

Block H is NOT a bargaining chip for the Landcom site. Residents DO NOT approve of this!

In conclusion, Please SUPPORT the rescission motion & SUPPORT the current DCP controls to be left in place unchanged.

If the developer wishes to re-submit a new proposal in the future, it must be something realistic where the community has a real chance of accepting it.

Please do not disenfranchise the Wentworth Point community from participating in the political and submission process. I implore all Councillors to fix this mistake. Vote on the side of the people, prove to them that their voice DOES matter. It is your solemn duty and most critical responsibility as elected officials to protect the ideals of fairness of democracy.

If the rescission motion fails and the Noack Amendment is allowed to stand, this will send a very sad message to the community that democracy does not exist. The community will need to live with the consequences of your decisions forever so please consider your votes carefully and with respect to the community.

The Noack Amendment was a dagger to the hearts of the residents of Wentworth Point, please remove it and allow us to heal.

Thank you.

## **STAFF RESPONSE**

No staff response was provided.

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| 9.2 | SUBJECT | PUBLIC FORUM 2: Rescission Motion Item 11.1 - Item 13.4 - Proposed Homebush Bay West Development Control Plan Amendment and draft Planning Agreement for Block H, Precinct B, 16 Burroway Road and part 5 Footbridge Boulevard, Wentworth Point |
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REFERENCE F2022/00105 - D08700099  
FROM Edward Lin

Dear Lord Mayor, Dear Councillors,

I don't have pretty words or advanced lexical resources because I am just one of the ordinary residents of the community, and I think that's why I am a great example of how the community is feeling atm. Councillors, the community can't accept similar schemes and proposals being pushed to the community over and over again until the chamber gets the result they want, this is abusing the power and being disrespectful to the community. As you all know that councillors are not born to be councillors, it's because the people approve their rights to legally represent them by voting, so councillors need to respect the public opinions.

Let's look at this motion from another perspective. If you look closely, you will notice that the Motion Cllr Noack moved has logical conflicts within itself, it's not even logically consistent. How can you recognise the outcome of the last public exhibition and propose the revised scheme at the same time? I know someone may argue that "Oh for this revised scheme although the GFA is the same, look, the revised scheme has 5 storeys of difference here, I am a genius, they are theoretically different things. Let's make the developer great again!" Seriously, are you kidding me? 50+40, 45+45, all add up to 90 storeys. They are the same thing.

Do you know why it reads so wrong? It's missing logical conjunction. It should be although we note the outcome of the result, we still want to promote this revised scheme even if they are identical. That makes more sense now, right? But that's just implying public opinions are just useless, and if this is the case, why should we trust the public exhibition of the revised scheme(if it ever happened) can really do sth if it means nothing this time? This is a textbook failure that the community wants apples, but some councillors keep promoting chips and pizzas to us and are never willing to give us apples.

Councillors, I have a question for you. If the developer doesn't respect our rights; if our council won't protect our rights, and if the system can't protect our rights, what should we do?

As you can see, our community is nice and friendly. So far, we only have peaceful protests, the reason why we are doing so is that we respect everyone's dignity, and we prefer resolving issues with communication over violence, but that doesn't mean we are weak, or our voices should be neglected.

Tonight, we are standing here like warriors, to protect our rights, our rights given by laws and constitution that the community voices should be given full respect.

**STAFF RESPONSE**

No staff response was provided.

9.3        SUBJECT        PUBLIC FORUM 3: Rescission Motion Item 11.1 - Item 13.4 - Proposed Homebush Bay West Development Control Plan Amendment and draft Planning Agreement for Block H, Precinct B, 16 Burroway Road and part 5 Footbridge Boulevard, Wentworth Point

REFERENCE   F2022/00105 - D08700100

FROM         Flora Sescie

Dear Councillors,

I'm here to express my **SUPPORT** for the rescission motion item 11.1.

I **OPPOSE** the amended motion that was carried at council's meeting on 12th September. This amendment was not consulted with the community and does not have the residents' support. I **OPPOSE** this amendment and request that council rescind this amended motion tonight.

I also **OPPOSE** the proposed DCP for block H which has 50 story and 85000 GFA

I also wish to register my **SUPPORT** for Block H to remain at 25 storeys and less than 30,000sqm GFA (Gross Floor Area)

My name is Flora and I have moved to WWP with my family for more than 3 years.

It was such a wonderful community until we first found out about the 50-storey proposal and we couldn't believe it was possible. Luckily, we received notification about the public exhibition results and were very happy to see that 64% of residents feel the same as us that we don't want any overdevelopment.

The community had clearly expressed their attitude of opposing to any extra height and density, and the DCP for Block H remains at 25 storeys and less than 30,000sqm GFA. We don't understand why the last council meeting decided the way it did. Council officers should rejected the 50 storey proposal. We don't want any 'revised plan' from the developer, we just want to keep the current DCP. Councilors should never make a decision that's totally against the people's feedback and recommendations of other council officers.

Although WWP is a great community, it still faces a lot of problems, crowded traffic on Hill Road, not enough of public facilities, lack of open

spaces for kids and etc, and all of the problems are caused by a single key element – High density population.

The amended motion has to be rescinded and withdrawn.

I supported for Cr Noack because his election promise clearly stated that he's against overdevelopment, but if this amended motion stays then people from WWP will lose their trust in council again. Now I urge you to please listen to the community and to remain at 25 storeys and less than 30,000sqm GFA (Gross Floor Area)

#### **STAFF RESPONSE**

No staff response was provided.

9.4        **SUBJECT**        PUBLIC FORUM 4: Rescission Motion Item 11.1 - Item 13.4 - Proposed Homebush Bay West Development Control Plan Amendment and draft Planning Agreement for Block H, Precinct B, 16 Burroway Road and part 5 Footbridge Boulevard, Wentworth Point

**REFERENCE**    F2022/00105 - D08700101

**FROM**            Yuna Tang (Yunnan)

I am writing to express my SUPPORT for the rescission motion item 11.1 at council's meeting on 26th September 2022. (Subject: 13.4 Proposed Homebush Bay West Development Control Plan Amendment and draft Planning Agreement for Block H, Precinct B, 16 Burroway Road and part 5 Footbridge Boulevard, Wentworth Point.) .

I OPPOSE the amended motion that was carried at council's meeting on 12th September. This amendment was not consulted with the community and does not have the residents' support. I OPPOSE this amendment and request that council rescind this amended motion tonight.

I also wish to register my SUPPORT for Block H to remain at 25 storeys and less than 30,000sqm GFA (Gross Floor Area)

Below are my reasons:

- Our community went through public exhibition for Block H in 2020 and the results are overwhelmingly clear with 64% opposed out of 763 submissions. The top three reasons for objection was Height, Density and Traffic.
- We don't understand why the last council meeting decided the way it did.
- Council officers also rejected the 50 storey proposal.

- As a resident living in Wentworth points for many years and having my family all moved here, we would like more open spaces, better traffic conditions and less high-rise buildings. Currently, there is only one way in/out to Wentworth point through hill road and the traffic jam during peak hours is horrible for the residents that have to use it daily.
- Also, I am concerned about the infrastructure around here, there are not enough facilities to support more high-rise buildings.
- We don't want any 'revised plan' from the developer, we just want to keep the current DCP

The community has already voted against the proposed amendments in 2020, the outcomes of the exhibition should be respected by all Councillors, especially our Ward Councillors who we have voted for to represent residents. This community does not need another exhibition for the developer's 'revised scheme' because it is "largely the same as the exhibited DCP amendment."

In summary, I am sincerely asking Council to reconsider its decision to carry the amended motion for Block H and request that this amended motion be rescinded at the next council meeting.

You have asked what we think, we have told you what we think via the exhibition, now please listen to the community and respect the outcome.

### **STAFF RESPONSE**

No staff response was provided.

9.5      SUBJECT      PUBLIC FORUM 5: Rescission Motion Item 11.1 - Item 13.4 - Proposed Homebush Bay West Development Control Plan Amendment and draft Planning Agreement for Block H, Precinct B, 16 Burroway Road and part 5 Footbridge Boulevard, Wentworth Point

REFERENCE      F2022/00105 - D08702510

FROM              James Cowie

I am a Wentworth Point community leader, chair of the oldest community group on the Wentworth Point Peninsula, an active member of the community, a grandparent, and a successful and respected business person.

I am semi-retired and have seen a lot in my years. I realise by speaking at this meeting I will become a target for further on- line attacks, bullying, harassment and vilification.

My wife and I were both subjected to this when I worked with a number of community groups, to set up the Wentworth Point Peninsular Town Teams Inc a little over a year ago.



I watched the replay on last Monday's council meeting, and was disappointed that some in council are being swayed by a small group with the loudest voice who see bullying as an acceptable way to operate.

Bullying has never been acceptable and it certainly is not now.

There are Seven community associations in Wentworth point and two in the part of Sydney Olympic Park, that is on the peninsular.

Wentworth point has a population of around 14,500 residents if you count the SOPA component of the peninsula. I have read and heard the voices of that vocal minority and need to table that there are more residents in support of progress than are opposed to it.

I am not here to support any special or specific development proposal. I am here to speak on behalf of a large section of the community who own property and live in Wentworth Point.

What I and the many Wentworth point residents I interact with on a daily basis do expect, is for the vision for our suburb to be completed with the promised waterfront amenities and facilities delivered, so we can enjoy our suburb, our place, our home.

It is incumbent on council to allow the entire community to have a voice, not just the loudest voice speaking on a narrow topic or single issue. Domination of the community is no substitute for respectful community discussion and debate.

The community expects Council to listen to all residents and engage in open debate, not just be guided by a small vocal minority of NIMBYs. A very large cohort of residents want many of the options included in the draft VPA opened up for review and community comment, not to see it simply attacked by aggressive voices that are not supportive of our community's progress.

The public exhibition of the previous scheme was held during Covid, whereby proper community engagement was not possible on the breadth of issues on exhibition, but which all needed to be considered.

Your vote last week to proceed to Exhibit a fully documented revised scheme was a sound one, and should be preceded by and followed by, comprehensive community engagement so that everyone understands what is being voted for or against.

There is a very strong community support for those who were not swayed by the loud minority voice and voted for a public exhibition to proceed. Our belief is this process should continue.

## **STAFF RESPONSE**

No staff response was provided.

## 10. PETITIONS

10.1      SUBJECT      Say NO to 45 Storeys! No to Noack Amendment! No to Overdevelopment!  
  
FROM           Patricia Prociv

Petition tabled from the residents of Wentworth Point to the City of Parramatta Councillors.

Our aims are to:

1. Request that Council SUPPORT the rescission motion Item 11.1 at Council's meeting on 26th September 2022. (Subject: Item 13.4 - Proposed Homebush Bay West Development Control Plan Amendment and draft Planning Agreement for Block H, Precinct B, 16 Burroway Road and part 5 Footbridge Boulevard, Wentworth Point.
2. Request that Council SUPPORT part (b) of the staff recommendation in the original motion on 12th September 2022 and REFUSE the proposed amendment to the Homebush Bay West Development Control Plan for Block H, Precinct B, 16 Burroway Road and part 5 Footbridge Boulevard. (Refuse 50 Storeys and 85,000sqm Gross Floor Area).
3. Request that Council respect the results of the public exhibition where 64% residents opposed the proposed DCP amendment and SUPPORT the community's demand for the current DCP controls to remain unchanged at a maximum of 25 storeys in height and 29,743sqm Gross Floor Area (GFA) with minimum 10,973sqm of public open space.

**Note: As a matter of practice, the petition will be referred to the relevant Council officer/s, and a copy of the petition distributed to all Councillors, upon receipt of the petition from the Councillor.**

## 11. RESCISSION MOTIONS

11.1      SUBJECT      Item 13.4 - Proposed Homebush Bay West Development Control Plan Amendment and draft Planning Agreement for Block H, Precinct B, 16 Burroway Road and part 5 Footbridge Boulevard, Wentworth Point

REFERENCE   F2022/00105 - D08687707

REPORT OF   Project Officer Land Use

3997      RESOLVED      (Prociv/Darley)

**That** the resolution of the Council held on 12 September 2022 in relation to Item 13.4 – Proposed Homebush Bay West Development Control

Plan Amendment and draft Planning Agreement for Block H, Precinct B, 16 Burroway Road and part 5 Footbridge Boulevard, Wentworth Point, namely:

- (a) ***That*** Council note the outcomes of the public exhibition for the proposed amendment to the Homebush Bay West Development Control Plan (DCP) and Planning Agreement for Block H, Precinct B, 16 Burroway Road and part 5 Footbridge Boulevard, Wentworth Point.
- (b) ***That*** Council note that the applicant has supplied an outline of a revised scheme that seeks to address concerns with the exhibited proposal.
- (c) ***That*** Council note that further information is required to support the consideration of the alternative scheme including:
  - *A detailed planning report identifying the impacts of the changes included in the revised scheme compared to the exhibited proposal;*
  - *A comprehensive urban design report providing an analysis of context, view sharing, overshadowing, solar access and other relevant matters;*
  - *Draft DCP Amendment reflective of the revised scheme;*
  - *Technical reports that update material submitted with the exhibited proposal addressing:*
    - *Transport, traffic, parking and access*
    - *Open space/active recreation opportunities*
    - *Community facilities*
    - *Other supporting infrastructure needs*
  - *Any associated updates to the proposed Planning Agreement.*
- (d) ***Further, that*** Council request the applicant submits the additional information for the revised scheme, as noted in order that a report on the revised scheme can be made to Council to enable its consideration of the revised scheme for the purposes of public exhibition.

be and is hereby rescinded.

The Motion when put was declared LOST:

***DIVISION***            *A division was called, the result being:-*

***AYES:***                Councillors Bradley, Darley, Davis, Maclean and Prociv

***NOES:***                Councillors Esber, Garrard, Green, Humphries, Noack, Pandey, Siviero, Valjak, Wang and Wearne

**Note: Councillor Esber left the Chamber at 7:15pm and returned at 7:16pm during debate on the matter.**

PROCEDURAL MOTION

RESOLVED (Davis)

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

**Note: The meeting was adjourned at 8:21pm for a short recess.**

The meeting resumed at 8:36pm with the following Councillors in attendance: The Lord Mayor Councillor Donna Davis and Councillors Phil Bradley, Pierre Esber, Michelle Garrard, Henry Green, Ange Humphries, Cameron Maclean, Sameer Pandey, Dr Patricia Prociv, Georgina Valjak, Donna Wang and Lorraine Wearne.

**Note: During the recess, Councillor Siviero retired from the meeting and did not return after the meeting resumed.**

PROCEDURAL MOTION

RESOLVED (Esber/Maclean)

That Items 12.1, 12.2, 12.3, 12.4, 13.2, 13.3 and 13.4 be resolved en bloc.

12.1 SUBJECT Investment Report for August 2022

REFERENCE F2022/00105 - D08680171

REPORT OF Tax and Treasury Accountant

3998 RESOLVED (Esber/Maclean)

**That** Council receive and note the Investment Report for August 2022.

12.2 SUBJECT Minutes of Audit Risk and Improvement Committee Meeting held on 26 May 2022.

REFERENCE F2022/00105 - D08667460

REPORT OF Coordinator Internal Audit

3999 RESOLVED (Esber/Maclean)

**That** Council note the minutes of the Audit Risk and Improvement Committee meetings as provided at Attachment 1.

12.3 SUBJECT Quarter Four Progress Report - Delivery Program and Operational Plan 2021/22

REFERENCE F2022/00105 - D08656489

	REPORT OF	Corporate Strategy Manager
4000	RESOLVED	(Esber/Maclean)
	<b>That</b> the report be received and noted.	
12.4	SUBJECT	Environmental Sustainability Strategy Progress Report 2017-21
	REFERENCE	F2022/00105 - D08653399
	REPORT OF	Strategy Manager
4001	RESOLVED	(Esber/Maclean)
	<b>That</b> Council note and receive the <i>Environmental Sustainability Strategy Progress Report 2017 – 2021</i> (Progress Report).	
13.2	SUBJECT	Naming Proposal for Unnamed Epping Pedestrian Way (Deferred Item)
	REFERENCE	F2022/00105 - D08666080
	REPORT OF	Senior Project Officer Place Services
4002	RESOLVED	(Esber/Maclean)
	<p>(a) <b>That</b> Council endorse the preferred name, ‘Bukbuk Walk’, for an unnamed pedestrian thoroughfare that connects Forest Grove to Essex Street, Epping NSW 2121. The name and location for the unnamed pedestrian thoroughfare is illustrated on the Site Map (see Attachment 1).</p> <p>(b) <b>Further, that</b> this name be referred to the Geographical Names Board (GNB) of NSW for formal assignment and Gazettal under the Geographical Names Act 1996.</p>	
13.3	SUBJECT	Community Events Grants Committee Recommendations
	REFERENCE	F2022/00105 - D08671374
	REPORT OF	Partnership & Sponsorship Producer
4003	RESOLVED	(Esber/Maclean)
	<b>That</b> Council adopt the expenditure recommended by the Councillor Grants Committee for the July 2022 round of Community Events Grants as summarised in Attachment 1.	
13.4	SUBJECT	Public Works on Private Land - Light Up Ermington Better Neighbourhood Project

REFERENCE F2022/00105 - D08672957

REPORT OF Place Manager

4004 RESOLVED (Esber/Maclean)

**That** Council resolve, pursuant to Section 67(2)(b) of the *Local Government Act*, to carry out the specified works on private land, for no fee.

**Note: Councillor Darley returned to the meeting at 8:37pm during consideration of Item 13.1.**

13.1 SUBJECT Gateway Request: Planning Proposal for the land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site)

REFERENCE F2022/00105 - D08649901

APPLICANT/S City of Parramatta

OWNERS City of Parramatta

REPORT OF Team Leader Strategic Land Use Planning

MOTION (Bradley/Humphries)

(a) **That** Council approve the Planning Proposal at Attachment 1 for the purposes of it being forwarded to the Department of Planning and Environment to request the issuing of a Gateway Determination for the land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site) which seeks the following changes to the Parramatta Local Environmental Plan 2011:

1. increase the Maximum Height of Building (HOB) from 15m to 28m;
2. introduce a Site-Specific Clause that prevents new development generating any additional overshadowing to the Parramatta River Foreshore between 12pm and 2pm; and
3. requires active street frontages.

(b) **That** Council request the Department of Planning and Environment to authorise its Chief Executive Officer to exercise their plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.

(c) **That** Council note the Parramatta Local Planning Panel's (LPP) advice to Council to seek a Gateway Determination for the Planning Proposal (Attachment 1) as per Part (a) of Council Officers' recommendation above; however the LPP recommends a public exhibition which is inconsistent with Council Officers' recommendation in Part (b).

- (d) **Further, 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 amendment process.

AMENDMENT (Valjak/ Garrard)

- (a) **That** Council approve the Planning Proposal at **Attachment 1** for the purposes of it being forwarded to the Department of Planning and Environment to request the issuing of a Gateway Determination for the land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site) which seeks the following changes to the Parramatta Local Environmental Plan 2011:
1. increase the Maximum Height of Building (HOB) from 15m to 28m;
  2. introduce a Site-Specific Clause that prevents new development generating any additional overshadowing to the Parramatta River Foreshore between 12pm and 2pm; and
  3. requires active street frontages.
- (b) **That** the Department of Planning and Environment be requested that no public exhibition process be required in the Gateway Determination for the following reasons:
1. to support the efficient processing of the Planning Proposal and the redevelopment of the Riverside Theatre;
  2. the Parramatta CBD Planning Proposal publicly exhibited controls sought a greater building height, than the subject Planning Proposal;
  3. the subject Planning Proposal seeks to implement the amenity controls from the Parramatta CBD Planning Proposal.
- (c) **That** Council request the Department of Planning and Environment to authorise its Chief Executive Officer to exercise their plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (d) **That** Council note the Parramatta Local Planning Panel's (LPP) advice to Council to seek a Gateway Determination for the Planning Proposal (**Attachment 1**) as per Part (a) of Council Officers' recommendation above; however the LPP recommends a public exhibition which is inconsistent with Council Officers' recommendation in Part (b).
- (e) **Further, 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 amendment process.

The Amendment when put was declared LOST:

*DIVISION            A division was called, the result being:-*

**AYES:**            Councillors Davis, Garrard, Green, Valjak, Wang and Wearne

**NOES:**            Councillors Bradley, Darley, Esber, Humphries, Maclean, Noack, Pandey and Prociw

As the Amendment moved by Councillor Valjak and seconded by Councillor Garrard was declared LOST, debate resumed on the Motion.

The Motion when put was declared CARRIED.

4005      **RESOLVED**      (Bradley/Humphries)

(a)      **That** Council approve the Planning Proposal at Attachment 1 for the purposes of it being forwarded to the Department of Planning and Environment to request the issuing of a Gateway Determination for the land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site) which seeks the following changes to the Parramatta Local Environmental Plan 2011:

1.      increase the Maximum Height of Building (HOB) from 15m to 28m;
2.      introduce a Site-Specific Clause that prevents new development generating any additional overshadowing to the Parramatta River Foreshore between 12pm and 2pm; and
3.      requires active street frontages.

(b)      **That** Council request the Department of Planning and Environment to authorise its Chief Executive Officer to exercise their plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.

(c)      **That** Council note the Parramatta Local Planning Panel's (LPP) advice to Council to seek a Gateway Determination for the Planning Proposal (Attachment 1) as per Part (a) of Council Officers' recommendation above; however the LPP recommends a public exhibition which is inconsistent with Council Officers' recommendation in Part (b).

(d)      **Further, 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 amendment process.

*DIVISION            A division was called, the result being:-*



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

NOES: Councillor Wearne

13.5 SUBJECT Response to Urgent Matter: Parramatta Eels Celebrations

REFERENCE F2022/00105 - D08702857

REPORT OF Executive Director, City Engagement & Experience

4006 RESOLVED (Garrard/Wearne)

(a) **That** Council note the planned activities to support and celebrate the Eels making the NRL Grand Final.

(b) **That** Council note the restrictions regarding NSW Police and player availability for a street parade.

(c) **That** Council note staff recommendations being that given availability, it is recommended the fan celebration on Monday, 3 October in the stadium be the primary post-match celebration.

(d) **That** Council note the City of Parramatta has been requested to sponsor the Live Site event on Sunday, 2 October 2022 with the value of the sponsorship to be confirmed on Tuesday, 27 September.

(e) **That** Council approve the estimated budgeted of \$40,000, to be sourced from general reserves, for activation and promotion.

(f) **That** Council note additional costs may be incurred for sponsorship which will be advised in a briefing note on Tuesday, 27 September, and that Council delegate authority to the CEO to approve such additional costs.

(g) **Further, that** Council delegate authority to the CEO to approve funding of up to \$100,000, to be sourced from general reserves, for the hosting of a celebratory street parade.

**Note: Questions were taken on notice for this item.**

#### 124. NOTICES OF MOTION

There were no Notices of Motion at this meeting.

#### 135. QUESTIONS WITH NOTICE

15.1 SUBJECT Questions Taken on Notice - 12 September 2022 Council Meeting

REFERENCE F2022/00105 - D08688515

## REPORT OF Governance Manager

### Matter of Urgency – Parramatta Eels and NRL Grand Final

During discussion on the Motion moved by Councillor Garrard, Councillor Garrard asked the following question:

*What is the estimated time required for the Parramatta Eels flags to be installed around the Local Government Area (LGA)?*

#### *Executive Director City Engagement & Experience:*

The installation of flags is highly dependent on the supplier's availability and the other jobs booked in.

If the banners are already available and do not require production, they could be installed in one (1) week subject to the supplier's availability to install them.

If banners are not available and require production a minimum two (2) weeks would be needed (with additional time needed for design).

Typically we would allow six (6) to eight (8) weeks for production and installation, and would try and schedule them in as early as possible especially during busy periods.

The urgent timeframe for last minute requests also comes with an additional cost loading.

There are currently no eels flags available and therefore new ones would need to be produced and installed.

### Matter of Urgency – Parramatta Eels and NRL Grand Final

During discussion on the Motion moved by Councillor Garrard, Councillor Valjak asked the following question:

*Is there capacity for the new PHIVE building to be lit up in the blue and gold Parramatta Eels colours?*

#### *Executive Director Community Services*

As part of the PHIVE building lighting programming we are developing a number of celebratory lighting displays that can be applied as required. The programming options being developed will include a "Parramatta Eels" celebration blue and gold PHIVE roof lighting treatment. This will be included in the initial roof lighting programming suite finalised and tested prior to PHIVE public opening on 23 September 2022.

## Item 13.2 – Draft Community Engagement Strategy for Public Exhibition

During discussion on the Motion moved by Councillor Darley, Councillor Bradley asked the following question:

*In relation to page 153 in the Council papers, the item for notification for demolition of a building that is not a heritage item or within a heritage conservation area, the reference is that there is no notification and it is not applicable.*

*How will Council consider notification of demolition of a building that may have asbestos or other safety risks involved in that demolition, and should there not be some special arrangement for notification in that case, and should this be included in the document?*

*Executive Director City Engagement and Experience:*

This is covered by the standard condition of consent below. This is a very detailed condition covering the operators obligations, including around the disposal of materials. In addition, there are obligations on anyone undertaking the work to work within the legislated guidelines under the Work Health and Safety Regulation 2017 overseen by SafeWork NSW (previously WorkCover NSW).

Below is our standard Demolition condition-

1. Approval is granted for the demolition of # (all buildings and outbuildings) currently on the property, subject to compliance with the following: -

- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

**Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
    - (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City

of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.

- (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 469 of the Work Health and Safety Regulation 2017.
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Waste service charges will continue to be charged where this is not done. Construction and/ or demolition workers are not permitted to use Council's

domestic waste service for the disposal of any waste.

- (i) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.
- (j) Demolition is to be completed within 5 days of commencement.
- (k) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (l) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (m) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
  - i. Proposed ingress and egress of vehicles to and from the construction site;
  - ii. Proposed protection of pedestrians adjacent to the site;
  - iii. Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the NSW Environment Protection Authority (EPA).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (q) Within 14 days of completion of demolition, the applicant must submit to Council:
  - i. An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
  - ii. A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan

approved with this consent. In reviewing such documentation Council will require the provision of original.

- iii. Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

**Reason:** To protect the amenity of the area.

#### Item 13.3 – NSW E-Scooter Shared Scheme Trial

During discussion on the Motion moved by Councillor Prociv, Councillor Garrard asked the following question:

*Does Council's current insurance provide coverage for claimants who are e-scooter users?*

*If not included, what would the increase in premium be to provide coverage for such claimants?*

*Executive Director People, Culture and Workplace:*

There is no straight forward response to this matter.

If Council is providing the service, then it would need to be declared to insurers and negotiations entered into to determine if

1. The insurer was prepared to cover council for this activity, and if yes,
2. At what cost.

At this stage there is no way to estimate what additional premium, if any, would be generated.

If others were offering the service, Council's public liability policy would protect Council for claims made against it by parties injured whilst riding electric scooters. Claims could only arise if it were alleged that Council was negligent, in the same way that third parties currently claim against council if they suffer injury from walking, riding a bike or driving a car.

Council would not be covering the users per se, but covering itself against claims made by users against it.

#### Item 14.2 – Carlingford West/ Cumberland High School Precinct - Traffic Issues

During discussion on the Motion moved by Councillor Valjak, Councillor Prociv asked the following question:

*Can we ask Schools Infrastructure NSW if there are any plans for the reinstatement of geographical catchments.*

*Executive Director City Planning and Design:*

Each school in NSW has a catchment area, where students must live in to be eligible to enrol at the school.

School Infrastructure NSW (SINSW) does reconfigure the boundaries based on various factors such as under or over utilisation of schools, high growth precincts, when new nearby schools come online or are upgraded.

Councils are not consulted when catchment boundaries change.

#### Item 14.2 – Carlingford West/ Cumberland High School Precinct - Traffic Issues

During discussion on the Motion moved by Councillor Valjak, Councillor Garrard asked the following question:

*How many re-locatable CCTV cameras does Council have?*

*Executive Director Property and Place:*

Currently there are 10 single view RDCs in stock. Of these 3 are ready to be deployed.

Currently there are 10 multi-view RDCs in stock. Of these 1 can be redeployed because it is not functional in its current position due to a lack of solar access. There are also 9 on order and of these, 2 are ready for deployment and 7 are under construction. Therefore, there are 3 ready for deployment. However, there are plans to deploy these as follows:

- A dumping site requested by Regulatory Services
- The remaining two to replace the two Mobotix cameras at Telopea, noting the existing Mobotix cameras have been offline since August as they are in need of urgent replacement and the only cameras remaining on the Mobotix system.

In total, Council has 20 RDCs on stock. This will be increased to 29 after the order of 9 RDCs has been completed.

#### Item 14.2 – Carlingford West/ Cumberland High School Precinct - Traffic Issues

During discussion on the Motion moved by Councillor Valjak, Councillor Garrard asked the following question:

*Can consideration be given to implementing a permanent or semi-permanent camera at the most problematic area near the Carlingford West Public School.*

*Executive Director Property and Place:*

The CCTV Policy does not allow placement of cameras without detailed explanation of the purpose of placement of a camera at a given location. After conducting a site visit, it is the staff opinion that a thorough risk and site assessment need to be conducted prior to placement of cameras at the location. As part of this, an analysis will need to be undertaken to determine what is causing the issues near the school. It should be noted if the issues are traffic related, the cameras that are used by Council are not suitable for addressing such issues as they are not designed to identify registration plates. Council does not carry any type of camera that has registration plate identification as this purpose does not align with the objective of the Citysafe camera program which is for crime prevention and public safety. Staff recommend another site visit is conducted during the school holidays so that suitable poles are identified for the purpose of camera placement.

Item 14.2 – Carlingford West/ Cumberland High School Precinct - Traffic Issues

During discussion on the Motion moved by Councillor Valjak, Councillor Wearne asked the following question:

*How may Council at a planning level implement controls concerning the determination of location and construction of schools by the state government?*

*Executive Director City Planning and Design:*

SINSW as a State Government Agency, is responsible for the planning and delivery of school infrastructure. While Council has some control in terms of establishing zoning whereby schools are a permitted land use, the Transport and Infrastructure State Environmental Plan overrides Local Environmental Plans and permits schools in other zones (such as residential zones).

Any new school proposed on behalf of the State government with a capital investment value (CIV) of less than \$5 million is determined under delegation or by the Local Planning Panel. A State government school with a CIV of \$5 million (but less than \$30 million) is classified as Regionally significant



development and is determined by the Regional Planning Panel. A State government school with a CIV exceeding \$30 million is classified as State Significant Development and is determined by the Department of Planning and Environment.

In April 2021 the Auditor-General released a performance audit of SINSW, highlighting the shortfalls of school infrastructure planning and delivery, and a subsequent NSW Government Parliamentary inquiry into the planning and delivery of school infrastructure in New South Wales was established in October 2021. A Council Officer submission was made to the inquiry advocating for improved processes. The Inquiry is still ongoing.

**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.**

146. CLOSED SESSION

RESOLVED (Noack/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:-

14.1 Legal Status Report as at 31 August 2022. (D08623920) - *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.*

14.2 Tender 16/2022 Upgrade of Arthur Phillip Park, Northmead - Stage 1. (D08628515) - *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.*

16.1 SUBJECT Legal Status Report as at 31 August 2022

REFERENCE F2022/00105 - D08623920

REPORT OF Solicitor

4007 RESOLVED (Pandey/Wang)

**That** Council note the Legal Status Report as at 31 August 2022.

**NOTE: Questions were taken on notice for this item.**

16.2 SUBJECT Tender 16/2022 Upgrade of Arthur Phillip Park,  
Northmead - Stage 1

REFERENCE ITT-16/2022-02 - D08628515

REPORT OF Manager Capital Projects

4008 RESOLVED (Pandey/Bradley)

- (a) **That** Council approve appointment of the preferred proponent for Stage 1 of the Arthur Phillip Park Upgrade Project, Arthur Phillip Park, Northmead for the contract sum as outlined in paragraph 14 of the 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** the project be fully funded by the capital expenditure budget, and the sum intended to come from the Parramatta Ward Initiatives, as per paragraph 24 of the Council report, be allocated back to the Ward Initiatives budget.

PROCEDURAL MOTION

RESOLVED (Noack/Maclean)

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

157.. REPORTS OF RESOLUTIONS PASSED IN CLOSED SESSION

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

168. CONCLUSION OF MEETING

The meeting terminated at 9:29 pm.

This page and the preceding 25 pages are the minutes of the Ordinary Council Meeting held on Monday, 26 September 2022 and confirmed on Monday, 10 October 2022.

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Chairperson