

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, 10 OCTOBER 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 Darug 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 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. 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

4009      RESOLVED      (Garrard/Wang)

**That** the request to attend the Ordinary meeting of Council dated 10 October 2022 via remote means submitted by Councillor Wearne due to personal reasons be accepted.

6. CONFIRMATION OF MINUTES

4010      SUBJECT:      Minutes of the Council Meeting held on 26 September 2022  
RESOLVED      (Noack/Green)

**That** the minutes of the Council meeting held on 26 September 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

## 7. DISCLOSURES OF INTEREST

Councillor Green declared a significant non-pecuniary interest on Item 13.2 – Outcome of Public Exhibition and impact of Department of Planning decisions on Draft Parramatta City Centre DCP as being an owner of a property in the CBD 16 Macquarie St, Parramatta. He retired from the meeting prior to consideration of the matter.

## 8. MINUTES OF THE LORD MAYOR

8.1           SUBJECT        Congratulating the Parramatta Eels NRL and NRLW teams for their 2022 season

REFERENCE   F2022/00105 - D08720172

REPORT OF   Lord Mayor, Councillor Donna Davis

4011       RESOLVED     (Davis/Pandey)

- (a) **That** Council congratulate the Parramatta Eels National Rugby League (NRL) and NRL Women's (NRLW) teams for their 2022 seasons;
- (b) **That** the Lord Mayor writes to the Co-Captains of the NRL and NRLW teams to congratulate them on their 2022 season; and
- (c) **Further, that** Council writes to the CEO of the Parramatta Eels to congratulate them on their momentous season and wish them luck for 2023.

8.2           SUBJECT        Release of "Parramatta 2035: Vibrant, Sustainable, Global" (the Glover Review)

REFERENCE   F2022/00105 - D08720185

REPORT OF   Lord Mayor, Councillor Donna Davis

4012       RESOLVED     (Davis/Bradley)

- (a) **That** Council notes the release of '*Parramatta 2035: Vibrant, Sustainable, Global*' (the Glover Review), a report commissioned by the NSW Government;
- (b) **That** Council notes the Review's 12 recommendations covering strategic planning and governance, planning and infrastructure priorities and liveability and sustainability;
- (c) **That** the Lord Mayor writes to the NSW Premier Dominic Perrottet, urging the Government to formally respond to the Review and prioritise local government engagement; and

- (d) **Further, that** staff consider the review and its findings as a resource in the preparation of updates to Council's key economic development, culture and sustainability strategies.

8.3        SUBJECT        10th Anniversary of the Tamil Arts and Culture Association

REFERENCE   F2022/00105 - D08720271

REPORT OF   Lord Mayor, Councillor Donna Davis

4013       RESOLVED       (Davis/Pandey)

- (a) **That** Council notes that 24 October 2021 marked the 10<sup>th</sup> Anniversary of the Tamil Arts and Culture Association Inc (TACA); and
- (b) **Further, that** Council writes to and congratulates the TACA on this milestone, thanking the Association and its members for their contributions to the City.

## 9. PUBLIC FORUM

Nil

## 10. PETITIONS

There were no petitions tabled at this meeting.

## 11. RESCISSION MOTIONS

Nil

## 12. REPORTS TO COUNCIL - FOR NOTATION

12.1       SUBJECT        Annual Returns for Designated Persons

REFERENCE   F2022/00105 - D08675947

REPORT OF   Council Secretariat & Registers Officer

4014       RESOLVED       (Esber/Maclean)

- (a) **That** Council receives and notes the Disclosures of Interest and Other Matters in Written Returns tabled at the meeting in accordance with the requirements of Council's Code of Conduct.
- (b) **Further, that** Council notes the Disclosures of Interest and Other Matters in Written Returns will be included in the Register of Returns Disclosing Interests in accordance with Section 440AAB of the *Local Government Act 1993*.

12.2       SUBJECT        Referral of Inspection Reports by Fire and Rescue NSW

REFERENCE   F2022/00105 - D08670973

REPORT OF Team Leader Building Compliance

4015 RESOLVED (Esber/Maclean)

- (a) **That** Council notes the inspection reports from Fire and Rescue NSW (FRNSW), pursuant to Schedule 5, Part 8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as listed in this report.
- (b) **That** Council notes FRNSW are advised in due course of the ongoing actions taken by Council officers to address concerns identified by FRNSW.
- (c) **That** Council notes the exercise of powers pursuant to Schedule 5, Part 8 (17) of the EP&A Act, to give fire safety orders addressing the fire safety matters to the buildings located at:

1. 239-243 Carlingford Road, Carlingford
2. Shop 305a, 5 Footbridge Boulevard, Wentworth Point
3. 23-25 North Rocks Road, North Rocks
4. 23 Bennelong Parkway, Wentworth Point
5. 20-24 Kendall Street, Harris Park
6. 625 Church Street, Parramatta
7. 100 George Street, Parramatta
8. 109a Wigram Street, Harris Park
9. 6-10 Charles Street, Parramatta
10. 1295 Church Street, Parramatta
11. 74 Church Street, Parramatta
12. 170 Caroline Chisholm Drive, Winston Hills
13. 11 Victoria Road, Parramatta
14. 2 Hassall Street, Parramatta
15. 330 Church Street, Parramatta
16. 135 George Street, Parramatta
17. 223 Wentworth Avenue, Pendle Hill
18. 5-11 Howard Street, Northmead
19. 35 Campbell Street, Parramatta

as outlined in this report and provide notice of this determination to the Commissioner of FRNSW.

- (d) **That** Council notes the continuing investigations into matters that are currently ongoing, and will where required, exercise its powers to give fire safety orders addressing the fire safety matters raised by FRNSW.
- (e) **Further, that** a report be brought to Council at each quarter.

13. REPORTS TO COUNCIL - FOR COUNCIL DECISION

13.1 SUBJECT Draft Local Orders Policy for Public Exhibition

REFERENCE F2022/00105 - D08663041

REPORT OF Policy Officer

4016 RESOLVED (Esber/Garrard)

- (a) **That** the draft Local Orders Policy be placed on public exhibition for the prescribed period of 42 days.
- (b) **Further, that** a report be brought back to Council at the expiration of the public exhibition process considering any submissions received and presenting a final draft Local Orders Policy for adoption.

**Note: Having previously declared a conflict of interest in Item 13.2 Councillor Green left the Chamber at 7:11pm prior to consideration of the matter.**

13.2 SUBJECT Outcome of Public Exhibition and impact of Department of Planning decisions on Draft Parramatta City Centre DCP

REFERENCE F2022/00105 - D08385515

REPORT OF Senior Project Officer Land Use

MOTION (Maclean/Darley)

- (a) **That** Council notes the submissions (as summarised in **Attachment 2**) received in response to the exhibition of the Parramatta City Centre Development Control Plan (DCP) controls.
- (b) **That** Council approves the DCP controls at **Attachments 4 and 5** including the amendments detailed in this report and which are detailed in **Attachment 6**.
- (c) **Further, that** Council delegate 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 finalisation process relating to the DCP controls.

AMENDMENT (Garrard/Valjak)

- (a) **That** Council notes the submissions (as summarised in **Attachment 2**) received in response to the exhibition of the Parramatta City Centre Development Control Plan (DCP) controls.
- (b) **That** Council approves the DCP controls at **Attachments 4 and 5** including the amendments detailed in this report in **Attachment 6** subject to the endorsed DCP being amended to remove any reference to an 18 metre tower separation (i.e. building separation above street wall) requirement for commercial buildings seeking unlimited FSR. Instead the tower separation in these cases should remain at 12 metres as per the exhibited version of the DCP.

- (c) **Further, that** Council delegate 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 finalisation process relating to the DCP controls.

The amendment moved by Councillor Garrard and seconded by Councillor Valjak was put and declared LOST on the casting vote of the Lord Mayor.

*In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.*

AYES: Councillors Esber, Garrard, Noack, Siviero, Valjak, Wang and Wearne

NOES: Councillors Bradley, Darley, Davis, Humphries, Maclean, Pandey and Procriv

The motion moved by Councillor MacLean and seconded by Councillor Darley was put and declared CARRIED.

*In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.*

AYES: Councillors Bradley, Darley, Davis, Humphries, Maclean, Noack, Pandey and Procriv

NOES: Councillors Esber, Garrard, Siviero, Valjak, Wang and Wearne

4017 RESOLVED (Maclean/Darley)

- (a) **That** Council notes the submissions (as summarised in **Attachment 2**) received in response to the exhibition of the Parramatta City Centre Development Control Plan (DCP) controls.
- (b) **That** Council approves the DCP controls at **Attachments 4 and 5** including the amendments detailed in this report and which are detailed in **Attachment 6**.
- (c) **Further, that** Council delegate 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 finalisation process relating to the DCP controls.

**Note: Councillor Green returned to the Chamber at 7:40pm after the consideration of Item 13.2.**

13.3 SUBJECT Willow Grove Relocation - correspondence to Create Infrastructure NSW regarding shortlisted sites

REFERENCE F2022/00105 - D08692053

REPORT OF Group Manager City Design

4018 RESOLVED (Prociv/Darley)

**That** Council approves the response at **Attachment 1** and forward to Create Infrastructure NSW providing feedback on the three shortlisted sites.

13.4 SUBJECT Refusal of the Planning Proposal for land at 169 Pennant Hills Road, Carlingford

REFERENCE F2022/00105 - D08698332

REPORT OF Team Leader Land Use Planning

4019 RESOLVED (Humphries/Valjak)

(a) **That** Council refuse the Planning Proposal at 169 Pennant Hills Road, Carlingford for the following reasons:

- i. The Planning Proposal is inconsistent with the Local Strategic Planning Statement as the site is not within the identified Carlingford Growth Precinct and the form of development proposed is incompatible with the low density character of the area.
- ii. The Planning Proposal is inconsistent with the Local Housing Strategy as intensification of development along the Parramatta CBD to Epping Corridor is not required to meet existing housing targets until beyond 2036.
- iii. The Planning Proposal is premature given that the investigation into the potential Epping to Parramatta Mass Transit/Train Link has not yet commenced and the likely timeframe for new housing delivery associated with this infrastructure is post 2036.
- iv. The proposed density and heights would result in an overdevelopment of the site, are inconsistent with the density and heights of nearby development, and are overbearing of nearby lower scale development.

(b) **Further, that** the applicant be advised of Council's decision.

*In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.*

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

NOES: Nil

CARRIED UNANIMOUSLY

**Note: Councillors Garrard and Esber left the Chamber at 7:43pm and returned to the Chamber at 7:44pm during the discussion of Item 13.4.**

PROCEDURAL MOTION

4020 RESOLVED (Esber/Maclean)

**That** the meeting be adjourned for five (5) minutes.

**Note: The meeting was adjourned at 7:45pm.**

The meeting resumed at 7:57pm 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, Dan Siviero, Georgina Valjak, Donna Wang and Lorraine Wearne.

14. NOTICES OF MOTION

14.1 SUBJECT OLG Model Social Media Policy

REFERENCE F2022/00105 - D08715566

FROM Councillor Lorraine Wearne

**Note: Councillors Darley, Garrard and Prociv returned to the Chamber at 8:02pm during the discussion of Item 14.1.**

4021 Procedural Motion (Garrard/Siviero)

**That** the order of business be changed and this matter be considered after Item 16.1 to enable debate in closed session.

The Procedural Motion was put and carried.

15. QUESTIONS WITH NOTICE

15.1 SUBJECT Questions Taken on Notice - 26 September 2022 Council Meeting

REFERENCE F2022/00105 - D08703596

REPORT OF Governance Manager

1. Paragraph 9.23 of Council's Code of Meeting Practice states:

*"Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council."*



## STAFF RESPONSE

### Response to Urgent Matter: Parramatta Eels Celebration

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

*Provide a list of prizes and quantity donated by the Leagues Club.*

*Executive Director City Engagement & Experience:*

#### **Community Member Prizes:**

- 1 x first prize of \$250 Parramatta Leagues Dining Voucher
- 5 x runner up prizes of \$150 Parramatta Leagues Dining Vouchers

#### **City of Parramatta Staff Prize:**

- \$100 Kicks Bowling & Arcade Voucher

### Legal Status Report as at 31 August 2022

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

*Refer to Attachment 1, as the question related to a confidential matter under section 10A(2) (d) of the Local Government Act.*

**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

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:-

16.1 10 Footbridge Boulevard, Wentworth Point - Wentworth Point Library Cafe - Outcome of Second Expression of Interest to Market. (D08657845) - *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.*

14.1 OLG Model Social Media Policy - *This report is confidential in accordance with clause 14.3 of the Code of Meeting Practice as the discussion is necessary to preserve the relevant confidentiality, privilege or security, and the matter concerned is a matter other than a personnel matter concerning particular individuals, Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*

16.1        SUBJECT        10 Footbridge Boulevard, Wentworth Point - Wentworth Point Library Cafe - Outcome of Second Expression of Interest to Market

REFERENCE   F2018/00131 - D08657845

REPORT OF   Space Management Officer

4022        RESOLVED        (Prociv/Noack)

(a) **That** Council acknowledges the submission(s) received and subsequent Outcome Report following the conclusion of the second Expression of Interest for 10 Footbridge Boulevard, Wentworth Point known as the Wentworth Point Library Cafe.

(b) **Further, that** the Chief Executive Officer proceed with next steps outlined in paragraph 10 of this report.

**Note: Councillor Darley retired from the meeting at 8:15pm.**

PROCEDURAL MOTION

4023        RESOLVED        (Garrard/Wearne)

**That** the meeting resume into open session.

17. REPORTS OF RESOLUTIONS PASSED IN CLOSED SESSION

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

14.1        SUBJECT        OLG Model Social Media Policy

REFERENCE   F2022/00105 - D08715566

FROM        Councillor Lorraine Wearne

4024        RESOLVED        (Wearne/Esber)

(a) **That** Council adopts the attached draft Office of Local Government Model Social Media Policy (draft Policy) with the following amendments:

- a) 1.1 – City of Parramatta Council
- b) 3.8 - 14 days
- c) 3.14 - adopt
- d) 3.15 a.28 days and b.14 days

- e) 7.3 delete
- (b) **That** Council provides additional education to Councillors regarding best practice social media principles.
- (c) **That** Council delegate to the Chief Executive Officer to amend the following sections:
  - a) 2.16
  - b) 2.21 annually
  - c) 2.22
  - d) Part 5
  - e) 6.1
  - f) Part 8
  - g) 9.1to options 1 or 2 of the draft Policy that are relevant to Council's 'official' social media platforms.
- (d) **Further, that** the adopted Policy be forwarded to the Policy Review Committee for review and brought back to Council.

#### MATTER OF URGENCY

4025 RESOLVED (Davis/Humphries)

**That** a Procedural Motion be granted to allow consideration of a matter of urgency in relation to the hospitality provided by St Patrick's Cathedral (hire of Cloister Function Room) since 2017.

The Lord Mayor ruled the matter urgent.

4026 RESOLVED (Davis/Esber)

(a) **That** Council acknowledge the hospitality provided to City of Parramatta, since Council commenced regular hire of the Cloister Function Room in 2017.

(b) **Further, that** the Lord Mayor writes a letter of thanks to the Bishop of St Patrick's Cathedral and discuss opportunities to publicly acknowledge the hire of the Cloister Function Room; for example, the offer of a permanent plaque.

#### 18. CONCLUSION OF MEETING

The meeting terminated at 9:37pm.

THIS PAGE AND THE PRECEDING 10 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON Monday, 10 October 2022 AND CONFIRMED ON Monday, 31 October 2022.



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Chairperson