

MINUTES OF THE MEETING OF CITY OF PARRAMATTA COUNCIL HELD IN THE COUNCIL CHAMBER AT 5 PARRAMATTA SQUARE, PARRAMATTA ON MONDAY, 13 FEBRUARY 2023 AT 6:30PM

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PRESENT

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

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 ANOUNCEMENT

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

PROCEDURAL MOTION

4154      RESOLVED      (Esber/Siviero)

- (a) **That** the apology received from Councillor Garrard and Wearne due to personal reasons be accepted and leave of absence granted.
- (b) **Further, that** the request to attend the Ordinary Council Meeting dated 13 February 2023 via remote means submitted by Councillor Humphries due to personal reasons be accepted.

## 6. CONFIRMATION OF MINUTES

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

4155 RESOLVED (Noack/Wang)

**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 Türkiye and Syria Earthquake Appeal

REFERENCE F2022/00105 - D08865093

REPORT OF Lord Mayor, Councillor Donna Davis

4156 RESOLVED (Davis/Pandey)

(a) **That** the City of Parramatta donate \$10,000 AUD to assist the humanitarian efforts in Türkiye and Syria following the earthquakes on 6 February 2023, and that donations be made up of:

a. \$5,000 to CARE Australia's Emergency Appeal; and

b. \$5,000 to Australian Red Cross – Türkiye-Syria Earthquake Appeal.

(b) **That** Council write to the Turkish Consulate General in Sydney and the Syrian Honorary Consulate in Sydney to pass on its condolences;

(c) **That**, Lord Mayor write to the Greater Sydney Councils to also assist in the humanitarian efforts in Türkiye and Syria;

(d) **That** a condolence book be placed in the City of Parramatta libraries for the community to pay their respects; and

(e) **Further, that** Council observe a minute silence to pay our respects to all those impacted by this tragedy.

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

8.2 SUBJECT Condolence Motion: Willem (Bill) Tibben

REFERENCE F2022/00105 - D08865212

REPORT OF Lord Mayor, Councillor Donna Davis

4157      RESOLVED      (Davis/Bradley)

- (a) **That** Council acknowledge the passing of Willem (Bill) Tibben, long-time local community volunteer, founding member of Granville Men's Shed and 2008 Parramatta City Council Senior Citizen of the Year;
- (b) **That** a letter of condolence be sent from the Lord Mayor to Bill's family on behalf of the City of Parramatta; and
- (c) **Further, that** the Chamber hold a minute's silence as a gesture of respect on Mr Tibben's passing and in recognition of his contributions to the Parramatta community.

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

8.3      SUBJECT      2023 Australia Day Honours

REFERENCE      F2022/00105 - D08865228

REPORT OF      Lord Mayor, Councillor Donna Davis

4158      RESOLVED      (Davis/Prociv)

- (a) **That** Council congratulate the following recipients of the Order of Australia's 2023 Australia Day Honours for their contributions to the Parramatta community, being:
  - a. Member (AM) in the General Division
    - i. Emeritus Professor Richard Lionel Howitt AM
    - ii. Professor Clara Kaye Chow AM
    - iii. The late Mr John Moxon AM
    - iv. Professor Anna Poidevin (De Fazio) AM
  - b. Medal (OAM) in the General Division
    - i. Dr Kristin Bindley OAM
    - ii. Brother Anthony Paul Boyd OAM
    - iii. Dr Roslyn Allayne Crampton OAM
    - iv. Ms Katherine Maka OAM
    - v. Dr Coralie Wales OAM
- (b) **That** Council congratulate Amar Singh, founder of Turbans for Australia, who was recognised as Australia's Local Hero in the 2023 Australian of the Year Awards; and
- (c) **Further, that** Council writes to each recipient with a letter of congratulations.

8.4      SUBJECT      i4Give Day 2023

REFERENCE      F2022/00105 - D08865268

REPORT OF      Lord Mayor, Councillor Donna Davis

4159 RESOLVED (Davis/Wang)

**That** Council acknowledge the Abdallah and Sakr families, Council officers and all who played a part in the delivery of i4give Day in Prince Alfred Square, Parramatta, on Saturday 04 February 2023.

8.5 SUBJECT International Mother Language Day

REFERENCE F2022/00105 - D08865289

REPORT OF Lord Mayor, Councillor Donna Davis

4160 RESOLVED (Davis/Siviero)

**That** Council acknowledge International Mother Language Day on 21 February and recognises and celebrates the cultural and linguistic diversity which makes up our vibrant community.

## 9. PUBLIC FORUM

Nil

## 10. PETITIONS

10.1 SUBJECT Mixed-Use Land on Burroway Road, Wentworth Point  
FROM Paul Noack

We the undersigned call on Council to ensure the Mixed-Use Land on Burroway Road, Wentworth Point, currently owned by the NSW Government (Transport for NSW) be handed back to the local community and not be used for residential development, as;

1. We need to ensure the promised Peninsula Park is 3.9 hectares, and the planned school oval is not included in this;
2. Our community needs additional space for playing fields, sporting and recreation facilities, child care facilities, a dog park, children's playground etc; and
3. Need to protect our precincts environment, in particular a coastal saltmarsh and grey mangrove ecology as well migratory birds that utilise the bird sanctuaries of Haslams Creek and Parramatta River.

We therefore call on the Council to not allow the new application by Landcom, as this will be detrimental to the future planning of the growing Wentworth Point community.

We also call on Council to Lobby both the NSW Government and opposition to demand this vital land be handed back to the community,

consistent with the previous unanimous decision by Council on this matter.

**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.**

#### PROCEDURAL MOTION

4161 RESOLVED (Esber/Prociv)

**That** items 12.1, 12.2, 12.3, 13.1, 13.2, 13.3, 13.5, and 13.6 be resolved enbloc.

#### 11. RESCISSION MOTIONS

Nil

#### 12. REPORTS TO COUNCIL - FOR NOTATION

12.1 SUBJECT Minutes of Audit Risk and Improvement Committee Meeting held on 12 August 2022 and 6 October 2022

REFERENCE F2022/00105 - D08776935

REPORT OF Coordinator Internal Audit

4162 RESOLVED (Esber/Prociv)

**That** Council notes the minutes of the Audit Risk and Improvement Committee meetings as provided at **Attachment 1 and Attachment 2.**

12.2 SUBJECT Investment Report for November 2022

REFERENCE F2022/00105 - D08794135

REPORT OF Tax and Treasury Accountant

4163 RESOLVED (Esber/Prociv)

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

12.3 SUBJECT Investment Report for December 2022

REFERENCE F2022/00105 - D08826028

REPORT OF Tax and Treasury Accountant

4164 RESOLVED (Esber/Prociv)

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

12.4        SUBJECT        Parramatta Light Rail Stage 2 - Environmental Impact Statement (EIS) Submission by Council

REFERENCE   F2022/00105 - D08831135

REPORT OF   Project Officer

4165        RESOLVED        (Noack/Siviero)

(a)    **That** Council notes the submission (**Attachment A**) provided to the Department of Planning and Environment on the Parramatta Light Rail (PLR) Stage 2 Environmental Impact Statement (EIS), noting that the submission strongly supports the delivery of PLR Stage 2 (the Project) and includes the following key matters for consideration:

- 1)    Council supports the alternate light rail alignment to the south of the Sekisui site, but only if the light rail stop adjacent the Ferry Wharf is retained, a spur line is constructed along Hill Road to near the Ferry Wharf, and a full width active transport link (ATL) is constructed by the Project enabling works between the bridge ATL and the Ferry Wharf.
- 2)    The EIS should rule out bridge construction methods which do not meet the design principles. In accordance with the Secretary's Environmental Assessment Requirements (SEARs) for PLR Stage 2 the bridge structures in the Project should be design-led, and not be left solely to the main infrastructure design and construct process.
- 3)    Council recommends to TfNSW the provision of green track, permeable paving and wire-free running in green space and business areas as detailed in the submission.
- 4)    The Project should place significant design-led emphasis on mitigating the impacts of site cut and fill, to ensure that the community retains convenient pedestrian crossing points over and across the light rail line, for example, in Boronia Street.
- 5)    The EIS Chapter 22 waste management strategy has a target of 100% of clean/usable excavation spoil diverted from landfill, and maximising reuse of spoil on site. The EIS impact assessment of not managing spoil appropriately is wholly inadequate, in that it omits the impact on public pathways, roads, parks, and the like from the retention of an estimated 73,000 cubic metres of spoil. Direct construction evidence from Stage 1 of the PLR demonstrates the adverse and unsafe outcomes of this numeric approach.
- 6)    The EIS planning approval must have a condition requiring Secretary approval of a TfNSW detailed cut and fill strategy which justifies on a positive public domain outcome basis, the

amount and location of spoil to be retained along the alignment, not as a set percentage of retention on site. This work can be carried out by TfNSW and stakeholders as part of the urban design requirements report or incorporated into pre-main-tender processes to provide reasonable certainty for tenderers.

- 7) The EIS planning approval should incorporate, in accordance with the SEARs, a condition requiring that all spoil retention during the design and construct phase of the Project be based on a design led process with a positive public domain outcome basis.
- 8) TfNSW should create a community reference group which includes representation from residents and businesses in suburbs along the alignment, the purpose of that reference group being in part to advise TfNSW and contractors of construction impacts, and to respond to TfNSW with recommendations to any contractor request for night work and/or noise intensive work.
- 9) Council recommends that the protection of residential amenity during light rail operation be a strong focus of the EIS, employing world class practices to minimise ground-borne vibration, ground-borne noise and airborne noise from rail operation. This is particularly relevant where the track runs through existing green spaces.
- 10) TfNSW develop within PLR Stage 2 a suitable track insert to assist the Project to provide seamless, coherent, visible, and safe pedestrian and cycle access throughout and adjacent to the PLR corridor.
- 11) The Project not worsen existing flood impacts along the alignment, and stormwater upgrade works be the subject of close engagement between TfNSW and Council, to avoid duplication of work and unnecessary cost.
- 12) The loss of existing street parking during construction, and permanently, particularly in Wentworth Point, with little requirement for effective management of worker vehicles.
- 13) There is no clear strategy to manage residual land, particularly to offset impacts of loss of parking along the route.
- 14) The EIS canvasses sea level rise across the life of the Project. Wentworth Point is presently significantly impacted by stormwater events at relatively low rainfall levels. The Project should not construct elevated track embankments which may divert storm water or sea level rise into the residential area of the suburb.

- 15) Stage 2 of the PLR proposes to remove over double the number of trees than Stage 1. The EIS Addendum report should outline measures to preserve mature canopy, and provide full justification for tree removal in a tree register along with possible design mitigation measures.
  - 16) We call on both Government and Opposition to bring forward the date of completion as 2031 is too late given the projected population increase in the new few years.
- (b) Further, that TfNSW improve the process of assessment, design and community engagement in respect of Project impact on heritage items and heritage precincts, by completing and publishing heritage assessments before the relevant infrastructure contract is let, and enabling full community consultation on the impact and outcomes for the heritage item(s).

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

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

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

The planning proposal moved by Councillor Noack and seconded by Councillor Siviero was CARRIED UNANIMOUSLY.

12.5            **SUBJECT**            Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2-13, The Hills LEP 2012, Hornsby LEP 2013

**REFERENCE**      F2022/03176 - D08853820

**REPORT OF**      Group Manager - Development and Traffic Services

4166            **RESOLVED**        (Bradley/Esber)

**That** the report be received and noted and the approval of DA/932/2021 with height variation 111.25% and floor space ratio variation 69% be referred to the Department of Planning & Environment for consideration in their current review of clause 4.6.

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

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

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



The planning proposal moved by Councillor Bradley and seconded by Councillor Esber was CARRIED UNANIMOUSLY.

13. REPORTS TO COUNCIL - FOR COUNCIL DECISION

13.1      SUBJECT      Heritage Advisory Committee: Recommendations from meeting of 1 November 2022

REFERENCE   F2022/00105 - D08657347

REPORT OF   Project Officer Land Use

4167      RESOLVED      (Esber/Prociv)

(a)   **That** Council approve the Heritage Grant recommendations, as detailed in paragraph 5 of this report as follows:

- 1)   Refuse a grant of \$3,300 for 84 Harris Street, Harris Park
- 2)   Make a grant of \$2,607 for 105 Railway Parade, Wentworthville
- 3)   Make a grant of \$3,300 for 83 Eastwood Avenue, Eastwood
- 4)   Make a grant of \$1,850 for 35 Wigram Street, Harris Park
- 5)   Make a grant of \$60 for 12 Epping Avenue, Eastwood
- 6)   Make a grant of \$2,111 for 30 The Boulevard, Epping
- 7)   Make a grant of \$3,300 for 29 Lakeside Road, Eastwood

(b)   **Further, that** outgoing members of the Committee, and in particular Associate Professor Carol Liston, be thanked for their contribution to the Committee and to the City of Parramatta.

13.2      SUBJECT      Naming Proposal for the West Unnamed Bushland Reserve along Plympton Road in Beecroft

REFERENCE   F2022/00105 - D08733343

REPORT OF   Senior Project Officer Place Services

4168      RESOLVED      (Esber/Prociv)

(a)   **That** Council endorse the name of 'Finch Reserve' for the Western Parcel of Bushland Reserve (Lot 2 DP 215840, Lot 6 DP 207548, Lot 43, DP 31392, Lot 5 DP 234158, known informally as Plympton Road West Bushland Reserve) which runs between Orchard Road and Carlingford High School, Beecroft, as illustrated in the Site Map (see **Attachment 1**).

- (b) **Further, that** the preferred name of 'Finch Reserve' for the Western Parcel of Bushland Reserve, be referred to the Geographical Names Board (GNB) of NSW for formal assignment and Gazettal under the Geographical Names Act 1996.

13.3      SUBJECT      Council becoming a signatory to the NSW Smart Places Charter

REFERENCE   F2022/00105 - D08753495

REPORT OF   Senior Project Officer

4169      RESOLVED      (Esber/Prociv)

**That** Council becomes a signatory to the NSW Smart Places Charter.

13.4      SUBJECT      Sydney WorldPride 2023

REFERENCE   F2022/00105 - D08833462

REPORT OF   Group Manager Social and Community Services

[4170]      RESOLVED      (Humphries/Prociv)

- (a) **That** Council welcomes to the City of Parramatta all those who have travelled from around Australia and the world to be part of Sydney WorldPride 2023.
- (b) **That** Council note the broad range of activities being held in the Parramatta LGA during Sydney WorldPride, as detailed in Attachment 1.
- (c) **That** Council fly the Rainbow flag alongside the Australian National Flag at Council's flagpole on the Parramatta River foreshore 16 February – 5 March 2023, in celebration of our local LGBTIQA+ community with a priority on the following dates:
- a.    16-19 February 2023
  - b.    24-26 February 2023
  - c.    2-5 March 2023
- (d)    That Council acknowledges the Aboriginal Flag will continue to be flown at Ermington Library and Mays Hill Cemetery throughout Sydney WorldPride 2023.
- (e)    Further, that the flying of the Rainbow Flag at the River foreshore will be subject to consultation with First Nations community members via Council's First Nations Advisory Committee Meeting, at its meeting on the 14th February 2023.

**Note: Councillor Noack left the chamber during discussion of Item 13.4 at 7:39pm and returned at 7:42pm.**

13.5 SUBJECT Change of Council Meeting Date from 27 November 2023 to 20 November 2023

REFERENCE F2022/00105 - D08809192

REPORT OF Council Secretariat & Registers Officer

4171 RESOLVED (Esber/Prociv)

**That** Council vacates the 27 November 2023 meeting date and adopts the following meeting date:

Date	Location
20 November 2023	PHIVE, 2 Civic Place, Parramatta NSW 2150

13.6 SUBJECT Post Exhibition: Adoption of Loan Borrowing Policy

REFERENCE F2022/00105 - D08783615

REPORT OF Policy Officer

4172 RESOLVED (Esber/Prociv)

(a) **That** Council notes that no submissions were received following public exhibition of the draft Loan Borrowing Policy.

(b) **Further, that** Council adopts the draft Loan Borrowing Policy as attached to this report.

13.7 SUBJECT Post Exhibition: Adoption of Removal of Printed Promotional Materials Policy

REFERENCE F2022/00105 - D08783620

REPORT OF Policy Officer

MOTION Maclean/Prociv

(a) **That** Council notes the submission received following public exhibition of the draft Removal of Printed Promotional Materials Policy.

(b) **That** Council amend clause 3.5.1 of the Policy to read '*Subject to the conditions set out in this clause 3.5, A-Frames may be used as Printed Election Campaign Material or by current Councillors or Members of State or Federal Parliament for the purposes of carrying out their official duties (e.g. community consultation). No more than two (2) A-Frames can be placed on a footpath or nature strip so as not to obstruct pedestrians, and they cannot be more*

*than ten (10) metres apart, without a candidate or their representative being within ten (10) metres of the A-Frames, to ensure pedestrian safety.'*

- (c) **Further, that** Council adopts the draft Removal of Printed Promotional Materials Policy attached to this report.

AMENDMENT (Humphries/Valjak)

**That** Council defer consideration of this matter for discussion at a Councillor Workshop and brought back to Council.

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

**AYES:** Councillors Green, Humphries, Noack, Pandey, Siviero, Valjak and Wang

**NOES:** Councillors Bradley, Darley, Davis, Esber, Maclean and Prociv

4173 RESOLVED (Humphries/Valjak)

**That** Council defer consideration of this matter for discussion at a Councillor Workshop and brought back to Council.

13.8 SUBJECT Administration of the City of Parramatta September 2024 Local Government Elections

REFERENCE F2022/00105 - D08853815

REPORT OF Governance Manager

4174 RESOLVED (Darley/Valjak)

(a) **That** Council resolves pursuant to:

- (a) s.296(2) and (3) of the *Local Government Act 1993* (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
- (b) s.296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
- (c) s.296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

- (b) **Further that**, Council delegates authority to the Lord Mayor and/or Chief Executive Officer to finalise and execute the contract under Council seal, as required.

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

14. NOTICES OF MOTION

Nil

15. QUESTIONS WITH NOTICE

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

REFERENCE      F2022/00105 - D08808968

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**

Item 12.1 - Fish Kill and Reducing Organic Matter in Waterways – Update

During discussion on Item 12.1 Fish Kill and Reducing Organic Matter in Waterways – Update, Councillor Garrard asked the following question:

*Council to take on notice that staff spend time on reports and therefore cost money regardless of whether it is from the existing budget. What are these reports worth, so Councillors are aware of the cost of extra work to the organisation?*

*Executive Director City Assets & Operations*

In relation the cost for Council staff time to produce the *Fish Kill and Reducing Organic Matter in Waterways Report* it is estimated at \$3,000. In relation to this report significant time was spend by the Parramatta River Catchment Group Stormwater Subcommittee, the representatives of this subcommittee are not Council staff, so their costs have not been included.

Item 12.2 – Workforce Diversity

During discussion on Item 12.2 – Workforce Diversity, Councillor Procriv asked the following question:

*Have staff looked into partnering with the University of Western Sydney for working students and creating Sandwich Courses with them?*

*Executive Director People, Culture and Workplace*

There are multiple definitions of “sandwich courses” including:

- Formal degree designed and established between an employer and a tertiary education provider which featured rotational FT study and FT work placement.
- Formal internship placements during study breaks (winter and summer) for students in their penultimate year of university.

Council is exploring formal internships and have identified several potential partner organisations including Western Sydney University. As part of the 2023, Council is committed to piloting formal Internships early as part of the early careers framework that is currently being scoped and designed.

A further update will be provided as part of the Workforce Diversity Report Update scheduled in April.

Item 12.4 - Annual Code of Conduct Complaint Statistics Returned to the Office of Local Government

During discussion on Item 12.4 - Annual Code of Conduct Complaint Statistics Returned to the Office of Local Government, Councillor Garrard asked the following question:

*Why are we getting the report in the last meeting of the year when the report is only to 31 August?*

*Internal Ombudsman Shared Services:*

The Office of Local Government issued the request for statistics on 22 November 2022. As the deadline for Council papers for the 12 December 2021 Council meeting was 25 November 2022, this report was submitted to the next available Council meeting. The reporting timeframe of 1 September 2021 to 31 August 2022 is set by the Office of Local Government.

Item 12.4 - Annual Code of Conduct Complaint Statistics Returned to the Office of Local Government

During discussion on Item 12.4 - Annual Code of Conduct Complaint Statistics Returned to the Office of Local Government, Councillor Valjak asked the following question:

*There are three complaints and three finalised matters in the report, can the Internal Ombudsman provide information on how the complaints were dealt with?*

*Internal Ombudsman Shared Services:*

As outlined in the report, the three complaints received were referred to another agency. The relevant agencies advised the complaints were closed and all three were recorded as finalised.

Item 13.13 - DEFFERED ITEM: Exhibition Outcomes - Draft Planning Proposal, Draft Site-Specific DCP and Draft Planning Agreement - Holdmark Sites (Melrose Park South) (Deferred from 5 December 2022 Council Meeting)

During discussion on Item 13.5 DEFFERED ITEM: Exhibition Outcomes - Draft Planning Proposal, Draft Site-Specific DCP and Draft Planning Agreement - Holdmark Sites (Melrose Park South) Councillor Bradley asked the following question:

*Did the developer pay for the TMAP?*

*Executive Director City Planning and Design:*

The preparation of the Melrose Park Transport Management and Accessibility Plan (TMAP) was a requirement of the Gateway determination issued by the Department of Planning and Environment in 2016 for the Melrose Park North Planning Proposal. The TMAP was commissioned by Payce as the major landholder in the Northern Precinct. This is normal practice for Planning Proposals initiated by the landowner as it would be unreasonable to expect Council or the State Government to fund studies that are required to support private development.

To ensure transparency and that all issues of concerns were properly addressed, a clear governance structure was established to ensure the TMAP scope and methodology was suitable to properly identify what traffic and transport improvements would be required to support the land use changes proposed for the entire precinct. To this end, a Steering Group was formed with representatives from City of Parramatta Council, Department of Planning and Environment, Transport for NSW, the former Roads and Maritime Service, Payce, Goodman and Holdmark to ensure that issues raised and matters that needed to be discussed and agreed between relevant stakeholders were addressed. The Steering Group concluded that all members were satisfied that the TMAP conclusions were accurate and based upon agreed inputs.

Item 14.1 - Play Equipment

During discussion on Item 14.1 Play Equipment, Councillor Wearne asked the following question:

*Although Council owns part of the strata title, were there any restrictions on Council when it acquired the strata title and would the body corporate need to agree to the development of a playground?*

*Executive Director Property and Place*

The Wentworth Point Library forecourt is Lot 28 in Community Plan DP 270778. Any structure proposed to be erected on the land would require:

- a. Building management committee approval (similar to strata body corporate approval);
- b. Removal of a range of easements that burden the land, in particular easement for public access, easement for emergency egress, easement for services, easement for support and shelter.

**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

4175      RESOLVED      (Noack/Esber)

**That** members of the press and public be excluded from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 10A(s) of the Local Government Act, 1993 as the items listed come within the following provisions:-

- 1      Legal Status Report as at 25 December 2022. (D08798736) - *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.*
- 2      Lego Exhibition at PHIVE - Tender Exemption.. (D08818180) - *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 25 December 2022

REFERENCE      F2022/00105 - D08798736

REPORT OF      Group Manager Legal Services

4176      RESOLVED      (Siviero/Darley)

**That** Council note the Legal Status Report as at 25 December 2022.

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



16.2      SUBJECT      Lego Exhibition at PHIVE - Tender Exemption  
REFERENCE   F2022/00105 - D08818180  
REPORT OF   Manager Programming and Venue Services

4177      RESOLVED      (Esber/Siviero)

- (a)    **That** Council, approves the exemption to the tendering requirements for the Lego Exhibition at PHIVE pursuant to section 55(3)(i) of the *Local Government Act 1993*.
- (b)    **That** Council, notes the extenuating circumstance for the tendering exemption, is that Brickman Exhibitions (Australia) Pty Ltd, is the sole authorised supplier of Lego Brickman exhibitions in Australia and a satisfactory result would not have been achieved by inviting tenders.
- (c)    **Further that**, Council notes that the documents have been executed by the Chief Executive Officer to enable the exhibition to take place.

PROCEDURAL MOTION

4178      RESOLVED      (Esber/Noack)

**That** Council resume into Open Session.

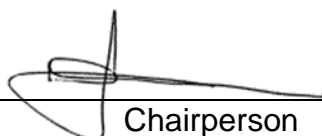
17.    REPORTS OF RESOLUTIONS PASSED IN CLOSED SESSION

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

18.    CONCLUSION OF MEETING

The meeting terminated at 8:15 pm.

THIS PAGE AND THE PRECEDING 16 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON Monday, 13 February 2023 AND CONFIRMED ON Monday, 27 February 2023.

  
Chairperson