

# NOTICE OF COUNCIL MEETING

## PUBLIC SUPPLEMENTARY

## AGENDA - A

An Ordinary Meeting of City of Parramatta Council will be held in PHIVE 2 Civic Place, Parramatta Council Chambers, 5 Parramatta Square, Parramatta on Monday, 28 November 2022 at 6:30pm.

Bryan Hynes  
ACTING CHIEF EXECUTIVE OFFICER

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16.2A	LATE REPORT: Land & Environment Court Sydney Metro vs City of Parramatta increase in legal and expert fees <i>This report is confidential in accordance with section 10A (2) (g) of the Local Government Act 1993 as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.</i>	

***After the conclusion of the Council Meeting, and if time permits, Councillors will be provided an opportunity to ask questions of staff.***

**REPORTS TO COUNCIL - FOR NOTATION**

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<b>ITEM NUMBER</b>	12.4
<b>SUBJECT</b>	LATE REPORT: Administrative Amendments to Fees & Charges 2022/23
<b>REFERENCE</b>	F2022/00105 - D08777641
<b>REPORT OF</b>	Financial Planning and Analysis Manager

**CSP THEME:****WORKSHOP/BRIEFING DATE:****PURPOSE:**

To seek Council's endorsement of the administrative changes to the adopted Delivery Program, Operational Plan 2022/23.

**RECOMMENDATION**

**That** Council adopts the administrative amendments to the Fees & Charges for 2022/23 for the following items:

**9.0 DEVELOPMENT AND TRAFFIC SERVICES****9.8 ADVERTISING AND/OR NOTIFICATION OF A DEVELOPMENT APPLICATION**

9.8	(1) New dwelling and alterations/additions to existing dwelling	\$104.00
9.8	(2) Other residential development i.e., dual occupancy	\$260.00
9.8	(3) Non-residential development	\$208.00

**9.0 DEVELOPMENT AND TRAFFIC SERVICES****9.12 MODIFICATION OF A CONSENT - EP&A REG Schedule 4 Part 6 items 6.1-6.9**

9.12	1. under the Act, section 4.55(1A), or	Lesser of:
	2. under the Act, section 4.56(1) that involves, in the consent authority's opinion, minimal environmental impact	a. 7.54 Fee Units, or b. 50% fee for original application.

**BACKGROUND**

1. In July 2022, Council adopted the Delivery Program, Operational Plan which included the Fees & Charges Schedule for 2022/23. Following its adoption, two fees and charges are identified under the Development and Traffic Services to have been omitted.

A. Advertising and/or notification of a development application

Council charges a modest fee to recover costs incurred for development application notifications, such as postage. These fees were erroneously deleted from the Fees & Charges Schedule exhibited earlier in the year and does not appear in the latest Fees & Charges but it should read as below:

9.0	DEVELOPMENT AND TRAFFIC SERVICES	
9.8	ADVERTISING AND/OR NOTIFICATION OF A DEVELOPMENT APPLICATION	
9.8	(1) New dwelling and alterations/additions to existing dwelling	\$104.00
9.8	(2) Other residential development i.e., dual occupancy	\$260.00
9.8	(3) Non-residential development	\$208.00

B. Modifications of a Consent – EP &A Reg Schedule 4 Part 6 Items 6.1-6.9'

The fees adopted in July 2022 for 'Modifications of a Consent – EP &A Reg Schedule 4 Part 6 Items 6.1-6.9' did not truly reflect the Regulation. In line with Schedule 4 of the *Environmental Planning and Assessment Regulation 2021* (the 'Regulation') the fees should be as follows:

9.0	DEVELOPMENT AND TRAFFIC SERVICES	
9.12	MODIFICATION OF A CONSENT - EP&A REG Schedule 4 Part 6 items 6.1-6.9	
9.12	1. under the Act, section 4.55(1A), or	Lesser of:
	2. under the Act, section 4.56(1) that involves, in the consent authority's opinion, minimal environmental impact	a. 7.54 Fee Units, or b. 50% fee for original application.

**ISSUES/OPTIONS/CONSEQUENCES**

- Under section 610F of the *Local Government Act* Fees and Charges are to be exhibited for 28-day, which concluded on 17 November 2022.
- Two public submissions were received, and both supported the proposed fees and charges without amendment.
- Once Council adopts the recommendation, changes will be made to the Fees & Charges Schedule so Council is compliant under the legislation.

**CONSULTATION & TIMING**

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
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Aug22-Oct22	Business managers and Executive	Legal	Amendments placed for Public Exhibition	City Planning & Design, City Strategy & Finance
Oct22-Nov22	Public	In support of the amendments	Amendments incorporated to the Fees & charges schedule and paper moved for adoption by Council	Finance

### **LEGAL IMPLICATIONS FOR COUNCIL**

- Under the legislation Council needs to publicly advertise its fees and charges before adoption. The two fees and charges have now undergone public exhibition and now compliant with legislation before final adoption by Council.

### **FINANCIAL IMPLICATIONS FOR COUNCIL**

- During the 2021/22 Financial Year, Council collected \$170,000 from ongoing fees and charges to assist with the day-to-day operation of Council, and Council could collect the same amount for the current financial year.

Amit Sharma  
**Financial Planning and Analysis Manager**

John Angilley  
**Chief Financial and Information Officer**

Bryan Hynes  
**Acting Chief Executive Officer**

### **ATTACHMENTS:**

### **REFERENCE MATERIAL**

## QUESTIONS WITH NOTICE

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**ITEM NUMBER** 15.1  
**SUBJECT** Model Social Media Policy  
**REFERENCE** F2022/00105 - D08770207  
**FROM** Councillor Kellie Darley

### MOTION

**That** Council be updated of the Model Social Media Policy of any response received from Office for Local Government (OLG).

### BACKGROUND

1. At the 10 October 2022 Council Meeting, Item 14.1. Notice of Motion – OLG Model Social Media Policy was discussed in closed session.
2. The OLG was asked to give guidance on moving part of the meeting into closed session.

Kellie Darley  
**Councillor**

### STAFF RESPONSE

3. The meeting moved into closed session for Item 14.1 Notice of Motion – OLG Model Social Media Policy Council's for a number of reasons including the attendance of Council's external lawyer to provide advice to Councillors.
4. Staff have sought further advice from the Office of the Local Government on closing a meeting to members of the public. Below is a guide on closing part of the meeting to members of the public.
5. The Code of Meeting Practice outlines how Council may close the meeting to members of the public, as follows:
  1. *At agenda preparation*  
The Chief Executive Officer (CEO) is responsible for the preparation of meeting agendas, which includes moving any agenda item that, in the opinion of the CEO, should be discussed when the meeting is closed to the public. The agenda item must state the grounds for which the matter must be considered in closed session, in accordance with [section 10A\(2\) of the Local Government Act 1993 \(Act\)](#).
  2. *During Council Meetings*  
The Code also provides Council the ability to close any part of the meeting to the public where the item is in open session (see clause 14.8 of the Code of Meeting Practice). However, the discussion or receipt of information must meet the criteria as provided for under Section 10A(2) of the Act, outlined in [clause 14.1 of the Code](#). The Code provides further criteria for meetings to remain closed to members of the public (see the rest of clause 14).

In practice, if a procedural motion is put and carried to close part of a meeting to members of the public on an item that is originally listed in open session, the criteria in clause 14.1 of the Code must first be met and the Council resolution made clear on which subclause of clause 14.1 of the Code Council is relying upon.

6. Councillors are invited to contact Governance to receive 1:1 training on Part 14 of the Code - Closure of Meetings to the Public, or any other aspect of the Code of Meeting Practice.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

7. There are no the financial implications associated with this Question With Notice. The preparation of the staff response and any training offered to Councillors is contained within existing resource budgets. Staff response to be provided prior to the Council Meeting in Supplementary agenda A.

Kellie Darley  
**Councillor**

Patricia Krzeminski  
**Executive Manager**

Bryan Hynes  
**Acting Chief Executive Officer**

## **ATTACHMENTS:**

## QUESTIONS WITH NOTICE

<b>ITEM NUMBER</b>	15.2
<b>SUBJECT</b>	Questions Taken on Notice - 14 November 2022 Council Meeting
<b>REFERENCE</b>	F2022/00105 - D08769696
<b>REPORT OF</b>	Governance Manager

### QUESTIONS TAKEN ON NOTICE FROM THE COUNCIL MEETING OF 14 November 2022

Item	Subject	Councillor	Question
8.1	Parramatta Light Rail Stage 2 Environmental Impact Statement	Garrard	Can staff promote on Council's social media platforms that the Environmental Impact Statement for Stage 2 of the Parramatta Light Rail is on public exhibition and feedback from the public is needed?
12.1	Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013	Esber	On DA/317/2021, 63-67 Pine Street Rydalmere is the two meters variation (18.18%) for the whole site or for the two sides and lift shaft in the middle?
12.1	Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013	Esber	On DA/317/2021, 63-67 Pine Street Rydalmere, how many apartments are in the building?
12.1	Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013	Esber	On DA/317/2021, 63-67 Pine Street Rydalmere, can staff provide a copy of the plans in A4 size on the next Agenda?
14.1	Notice of Motion: Removal of overhanging vegetation on Bennelong Parkway	Siviero	When is the next quarterly budget review as mentioned in paragraph 5 of the report?

## BACKGROUND

- 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 8.1 Parramatta Light Rail Stage 2 Environmental Impact Statement

During discussion on the Motion moved by The Lord Mayor Davis, Councillor Garrard asked the following question:

*Can staff promote on Council's social media platforms that the Environmental Impact Statement for Stage 2 of the Parramatta Light Rail is on public exhibition and feedback from the public is needed?*

#### *Acting Executive Director City Engagement and Experience Response*

Communications around PLR Stage 2 EIS were generated week commencing 7 November, including:

1. CoP website pages and a slider on the homepage are active with material on relevant pages including the PRL Stage 1 and PLR Stage 2 page;
2. Participate Parramatta webpage is live;
3. Social media from both Participate Parramatta and CoP accounts are scheduled, with at two posts already published;
4. The opportunity to submit a response to the EIS Stage 2 is also being communicated in CoP e-newsletters including AT Parramatta, Business and Participate Parramatta, and;
5. The Lord Mayor's Column will also highlight the opportunity for residents to have their say on PLR 2.

Council should also note that similar activity has been undertaken around the opportunity to provide feedback on the Parramatta and Sydney Olympic Park precincts for Sydney West Metro (opportunity closes 13 December).

### Item 12. 1 – Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013

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

*On DA/317/2021, 63-67 Pine Street Rydalmere is the two meters variation (18.18%) for the whole site or for the two sides and lift shaft in the middle?*

#### *Executive Director City Planning & Design Response*

The height breach relates to the upper most part of the roof of the building and the lift shaft. The height breach allows for access to the common open space on the roof and articulation of the building for the upper level.

No part of the height breach relates to habitable floor space. Previous approvals for a similar building on the site approved the height with the same variation.

Item 12. 1 – Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013

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

*On DA/317/2021, 63-67 Pine Street Rydalmere, how many apartments are in the building?*

*Executive Director City Planning & Design Response*

The approved development contains 35 units; with 12 of the units being for affordable rental housing.

Item 12. 1 – Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013

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

*On DA/317/2021, 63-67 Pine Street Rydalmere, can staff provide a copy of the plans in A4 size on the next Agenda?*

*Executive Director City Planning & Design Response*

Plans are attached, Attachment 1.

Item 14. 1 – Notice of Motion: Removal of overhanging vegetation on Bennelong Parkway


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

*When is the next quarterly budget review as mentioned in paragraph 5 of the report?*

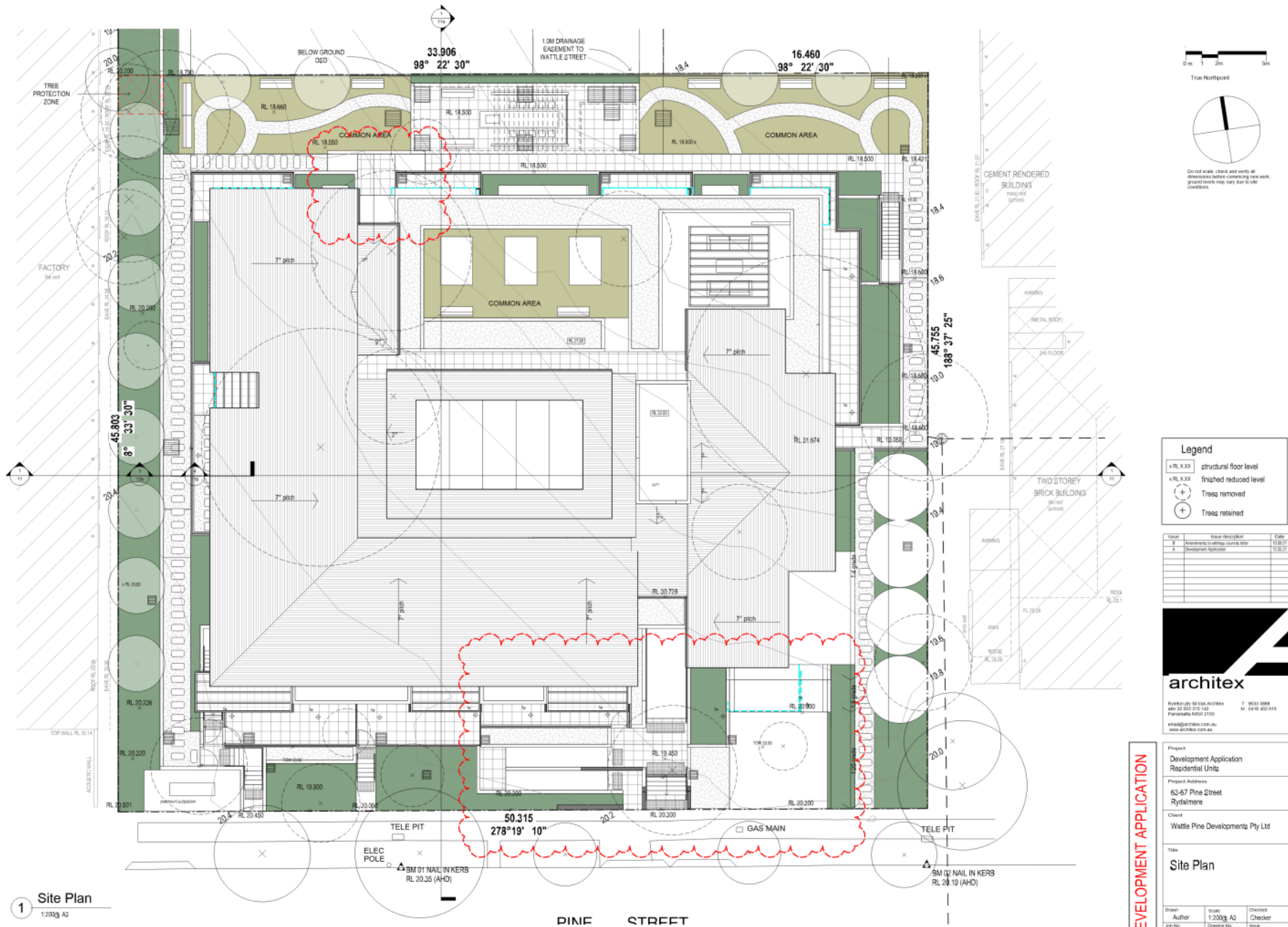
*Executive Director City Assets and Operations*

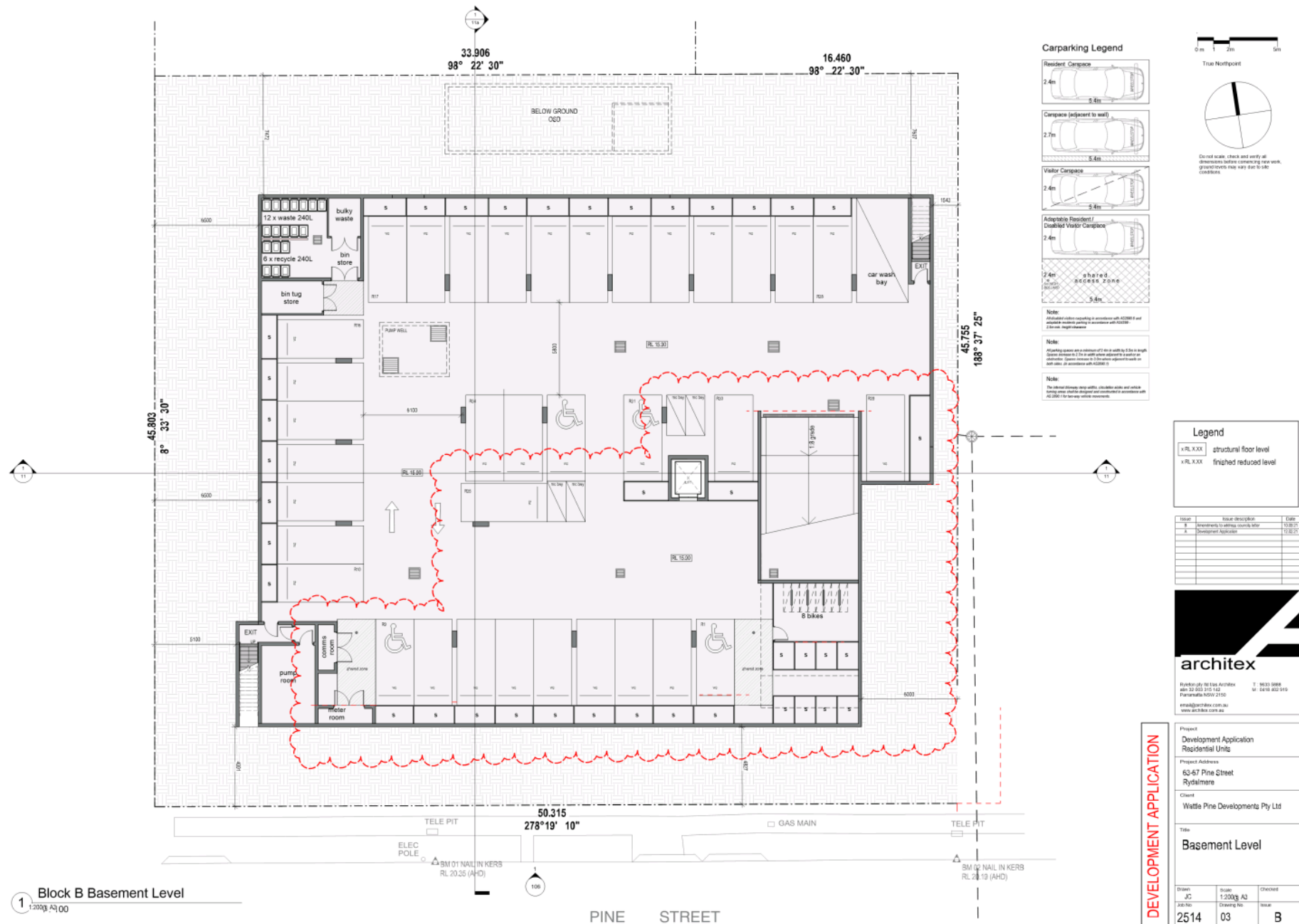
The next quarterly budget review would be in early in 2023 post the completion of Q2. It should be noted that council's response proposes that there are no budgetary implications for the NoM as the clearing of vegetation along this area reflects normal operations and will be delivered within existing operational budgets.

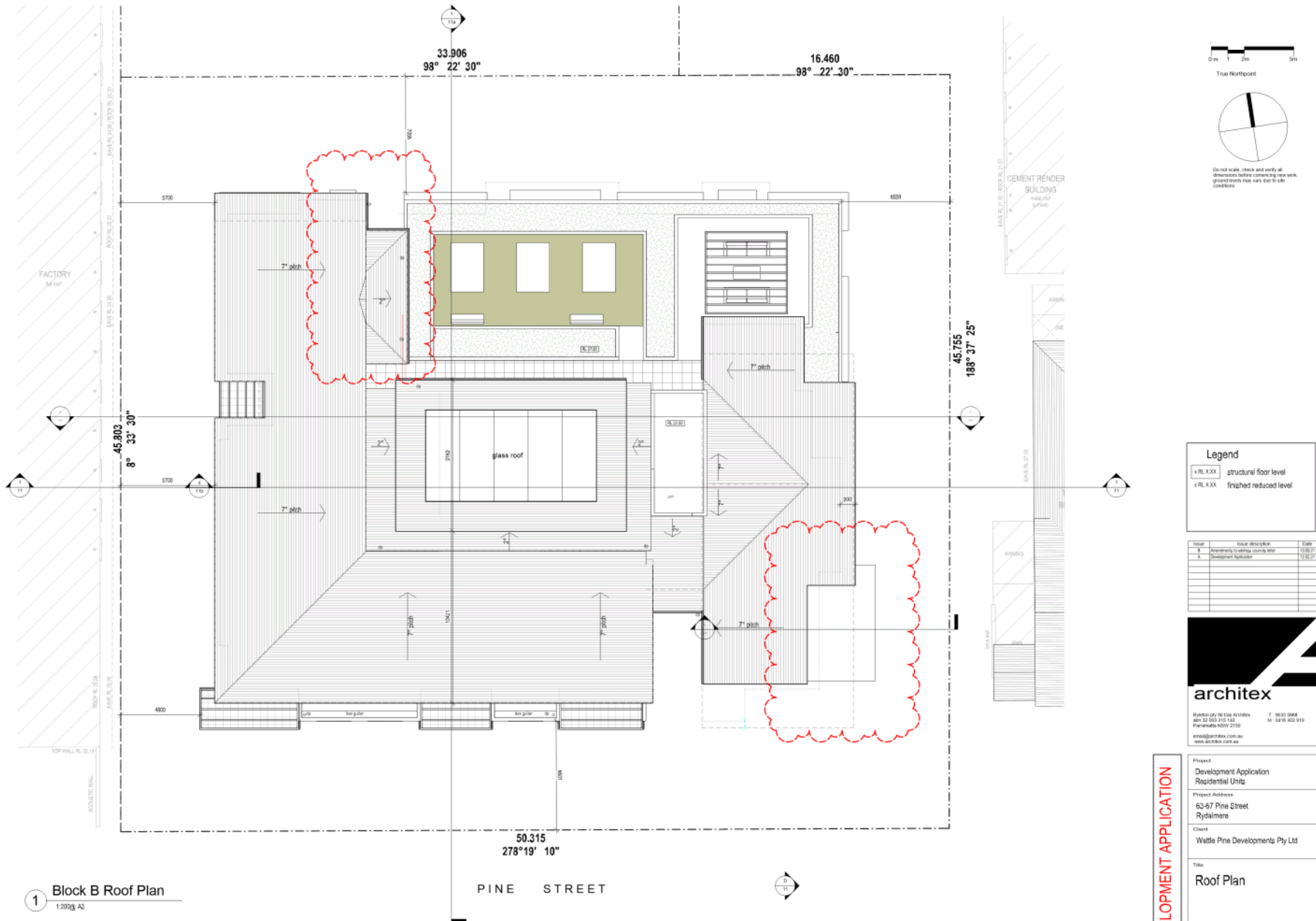
**ATTACHMENTS:**

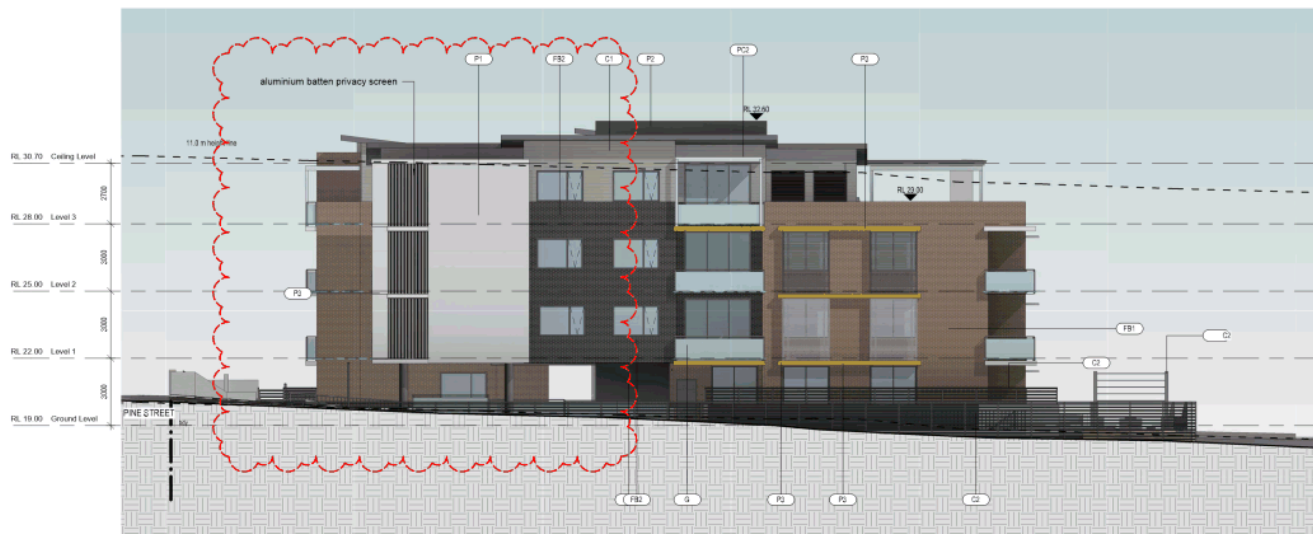
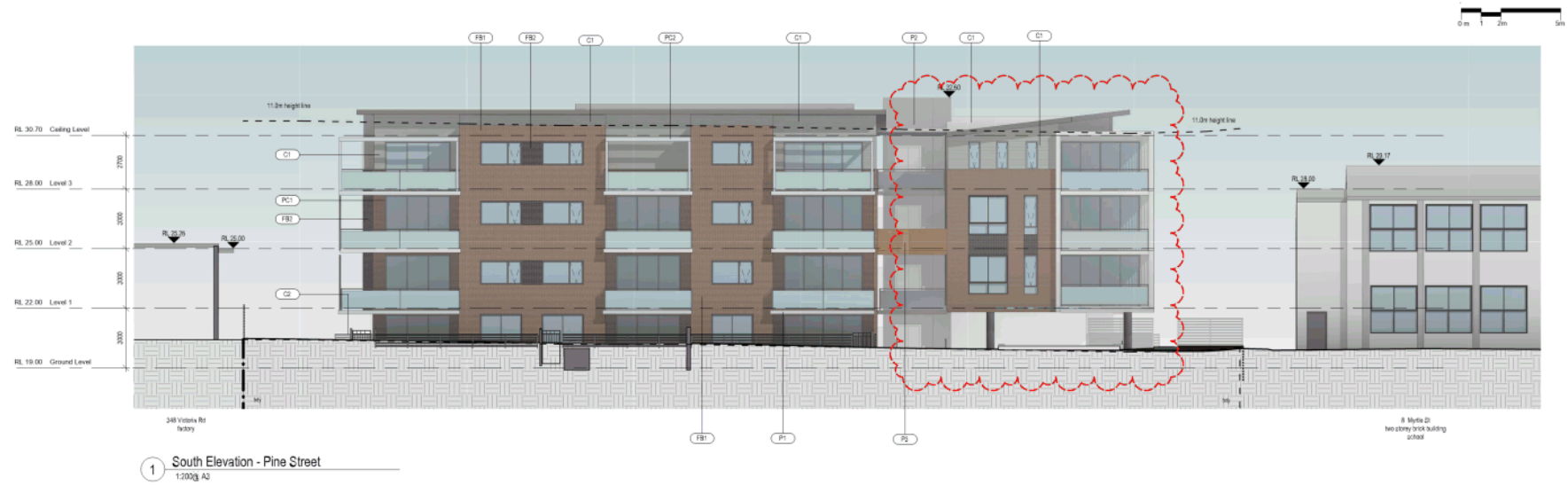
1  Item 12.1 - Question 3 - 65-67 Pine Street Rydalmere 5 Pages

**REFERENCE MATERIAL**









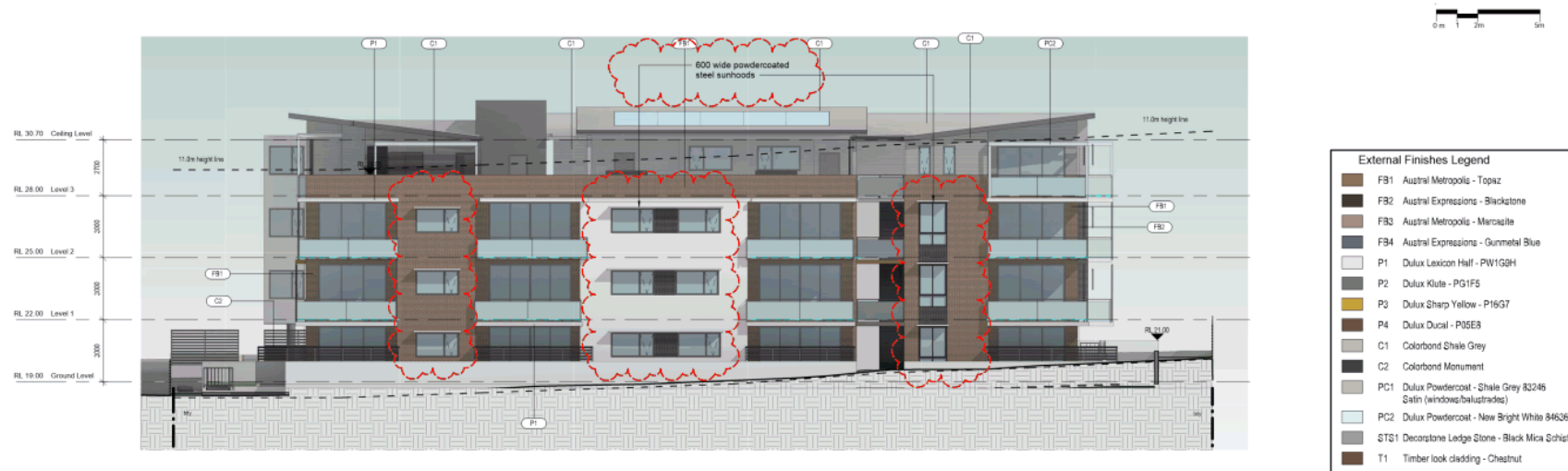
External Finishes Legend	
FB1	Austral Metropolis - Topaz
FB2	Austral Expressions - Blackstone
FB3	Austral Metropolis - Marcapite
FB4	Austral Expressions - Gunmetal Blue
P1	Dulux Lexicon Half - PW10GH
P2	Dulux Klute - PG1F5
P3	Dulux Sharp Yellow - P19G7
P4	Dulux Ducal - P05E8
C1	Colorbond Shale Grey
C2	Colorbond Monument
PC1	Dulux Powdercoat - Shale Grey 83246 Satin (windows/balkustrades)
PC2	Dulux Powdercoat - New Bright White 84636
ST1	Decorstone Ledge Stone - Black Mica Schist
T1	Timber look cladding - Chestnut

Issue	Issue description	Date
1	Development Application	12/03/21
2	Development Application	12/03/21

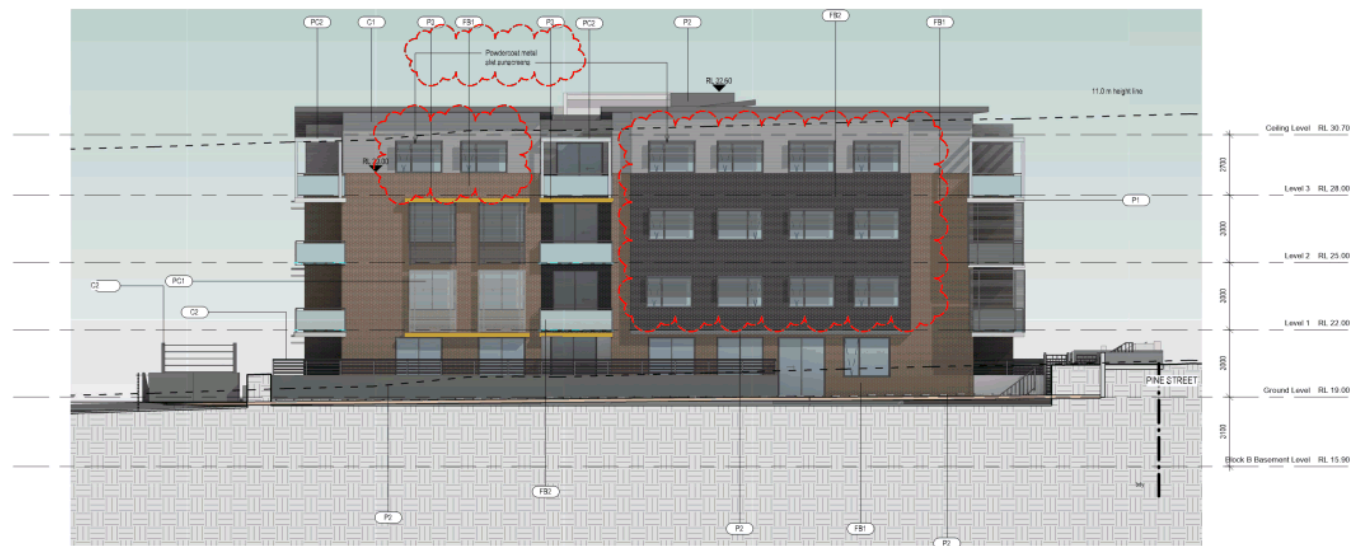


DEVELOPMENT APPLICATION	Project	Development Application
	Project Address	65-67 Pine Street Rydalmere
	Client	Wattle Pine Developments Pty Ltd
	Title	Elevations
Drawn	Scale	Checked
JYK	1:200 A3	Checker
2514	09	B





3 North Elevation  
1 : 100



4 West Elevation  
1 : 100

Issue	Issue description	Date
1	Development Application	12/03/21
2	Development Application	15/03/21



DEVELOPMENT APPLICATION	Project	Development Application
	Project Address	65-67 Pine Street Rydalmere
	Client	Wattle Pine Developments Pty Ltd
	Title	Elevations
	Drawn	JC
	Scale	1:200 A3
	Checked	
	Issue	B