

28 May 2018

Parramatta Council reviews decisions made by Administrator

See Council Minutes below: pages 1571 and 1578

In Item no: 13.15 of the Parramatta Council minutes of 28 May 2018, (below) it was documented that on 9 October, 2017, the Parramatta Council had resolved to establish a Committee of Councillors to 'review the actions undertaken by Council under the NSW Government appointed Administrator and produce a report to Council recommending which actions may require independent review.'

This Committee met on 13 March, 17 April and 8 May 2018.

Among the issues discussed was the proposed move of the Powerhouse Museum to Parramatta. It was resolved on 8 May that:

7. 'The next meeting of the Committee will be held on the 23 July 2018 and will take the form of a Councillor Workshop where all Councillors will be invited to attend.
8. At this meeting, the Committee will give consideration to the following shortlisted matters; [including]
 - iv. Consideration of the report and background information relating to the sale of the Museum of Applied Arts and Sciences (Powerhouse Museum).'

The committee noted that:

'On 10 October 2016 the Administrator considered a report regarding the integration and co-location of the existing Heritage and Visitor Centre, Discover Centre and Experience Centre into a consolidated single location at 5 Parramatta Square.

Following the NSW State Government confirmation that a new state cultural facility, the MAAS, to be located on the Parramatta River foreshore between the Lennox and Barry Wilde Bridges, it was considered that the MAAS had the potential to achieve the City's need for a world-class visitor attraction and cultural offering on the river ...

At the time that the decisions regarding separate locations for the Discovery Centre and Experience Centre were made, the design and ownership of 5PS, nor the proposed relocation of the MAAS to the riverfront were known or envisaged...

The Committee recommended:

- **That** this item be deferred to the next meeting of the Committee [23 July 2018]
- **Further, that** the report and background information relating to the sale of the Museum of Applied Arts and Sciences (Powerhouse Museum) be brought to the next Committee meeting for consideration.'

See Council Minutes below: pages 1571 and 1578

LEADING

ITEM NUMBER	13.15
SUBJECT	Minutes of the Committee to Review the decisions of the Administrator
REFERENCE	F2017/02813 - D06121963
REPORT OF	Service Manager Governance

PURPOSE:

To inform Council of the key discussion points of the meeting of the Committee established to review decisions of the Administrator held on Tuesday 8 May 2018.

RECOMMENDATION

That the minutes of the meeting of the Committee to Review the Decisions of the Administrator held on the 8 May 2018 be received and noted.

BACKGROUND

1. At its meeting of 9 October 2017, Council resolved to establish a Committee of Councillors to review the actions, progress and chan
2. The purpose of this Committee is to review the actions undertaken by Council under the NSW Government appointed Administrator and produce a report to Council recommending which actions may require independent review.
3. The Committee had its first meeting on the 13 March 2018 and its second meeting on the 17 April 2018. Minutes of these two meetings were reported to Council at the 14 May 2018 Council Meeting.
4. The Committee met again on the 8 May 2018 and this report provides a summary of the key discussion points of this meeting for Council's information and consideration. The minutes of this meeting are provided at **Attachment 1**.

ISSUES/OPTIONS/CONSEQUENCES

5. Prior to the committee meeting held on the 8 May 2018, the Committee members were provided with background information on the following matters as requested:
 - i. Boarding Houses in Parramatta LGA
 - ii. Current status of Boarding Houses in the City of Parramatta LGA
 - iii. Review of Council policies, specifically relating to the following-
 - Delegations Policy
 - Parking Enforcement Policy
 - Interaction Between Councillors and Staff Policy
 - iv. Review of Aboriginal and Torres Strait Islander (ATSI) Advisory Committee
 - v. Audit and Risk Committee Revised Charter
 - vi. External Community Sponsorship Requests

- vii. Review of Council's Planning Proposal and Voluntary Planning Agreement Processes
- viii. Experience and Discovery Centre Property Report.

6. After assessment of the above matters, the Committee recommended the following action be undertaken in relation to each item;

Boarding Houses in Parramatta LGA & Current status of boarding houses in Parramatta LGA

Committee's recommendation

- **That** no further action be undertaken in relation to reviewing the decisions of the Administrator relating to this matter.
- **Further, that** Council write a follow up letter to the DPE regarding the amending of the SEPP.

Review of Council Policies

Committee's recommendation

- **That** no further action be undertaken in relation to reviewing the decision of the Administrator relating to the Delegations Policy;
- **That** a copy of the report to Council relating to the CEO's delegations and a copy of the Instrument of Delegation be forwarded to Ctrs Barrak, Pandey & Wearne;
- **That** a Councillor workshop be held within 6 weeks to discuss the Parking Enforcement Policy, specifically dealing with the capacity to resurrect what was once a review committee for fines, whether it is an option still available to Council and what are the implementation issues and costs that would be associated with it;
- **Further, that** a Councillor workshop be held within 6 weeks to discuss the Interaction Between Councillors and Staff Policy to review how strictly this policy is being applied within a social setting. The Committee would also like to see this policy reference the service level agreement between Councillors & Staff that ensures Councillors requests will be acknowledged and responded to within specific timeframes.

Review of Aboriginal and Torres Strait Islander (ATSI) Advisory Committee

Committee's recommendation

- **That** no further action be undertaken in relation to reviewing the decision of the Administrator relating to this matter.

Audit & Risk Committee Revised Charter

Committee's recommendation

- **That** no further action be undertaken in relation to reviewing the decisions of the Administrator relating to this item;
- **Further, that** notice of the next meeting of the Audit & Risk Committee be forwarded to Clr Pandey and any other interested Councillors.

Review of Council's Planning Proposal and Voluntary Planning Agreement

Committee's recommendation

- **That** no further action be undertaken in relation to reviewing the decision of the Administrator relating to this item;
- **Further, that** the ongoing work relating to this review process is noted.

External Community Sponsorship Requests
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Committee's recommendation

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| <ul style="list-style-type: none"> • That no further action be undertaken in relation to reviewing the decision of the Administrator relating to this item; • Further, that a workshop be organised to commence the review of the three (3) policies and the policy documents be circulated to all members of the Committee. |
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Experience and Discovery Centre Property Report
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Committee's recommendation

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| <ul style="list-style-type: none"> • That this item be deferred to the next meeting of the Committee • Further, that the report and background information relating to the sale of the Museum of Applied Arts and Sciences (Powerhouse Museum) be brought to the next Committee meeting for consideration. |
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CONSULTATION & TIMING

9. There was no external consultation undertaken in relation to this report. **FINANCIAL IMPLICATION FOR COUNCIL**

10. There are no financial or legal implications associated with this report.

NEXT STEPS AND CONCLUSION

11. The next meeting of the Committee will be held on the **23 July 2018** and will take the form of a Councillor Workshop where all Councillors will be invited to attend.

12. At this meeting, the Committee will give consideration to the following shortlisted matters;

- i. Review of the Parking and Enforcement Policy
- ii. Review of the Interaction with Councillors Policy
- iii. Review of the Grants and Donations Policy, Sponsorship Policy and Social Investment Funding Policy.
- iv. Consideration of the report and background information relating to the sale of the Museum of Applied Arts and Sciences (Powerhouse Museum).

Towela Mbirimi
Service Manager Governance

Lisa Oldridge
Manager Governance & Risk

Tim Butler
Chief Operating Officer

Sue Coleman
Acting Chief Executive Officer

ATTACHMENTS:

1↕ Draft Minutes of the Committee to Review the decisions of the Administrator held on the 8 May 2018

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 Pages

COMMITTEE TO REVIEW THE DECISIONS OF THE ADMINISTRATOR

MINUTES

Tuesday, 8 May 2018 at 6.00pm

LEVEL 12 BOARDROOM, 126 CHURCH STREET,

PARRAMATTA

MEMBERS OF THE COMMITTEE

Lord Mayor Andrew Wilson	Clr Steven Issa
Clr Michelle Garrard	Clr Benjamin Barrak
Clr Lorraine Wearne	Clr Sameer Pandey
Clr Pierre Esber	

STAFF

Tim Butler	Chief Operating Officer (Convenor)
Towela Mbirimi	Service Manager Governance (Minute Taker)

AIMS AND OBJECTIVES

A Committee to review the actions, progress and changes made by Council during the period of Administration and determine which actions require independent review.

AGENDA

1. Welcome and Introductions

Councillors

- Clr Benjamin Barrak
- Clr Sameer Pandey
- Clr Lorraine Wearne

Staff

- Tim Butler – Chief Operating Officer
- Towela Mbirimi – Service Manager Governance (Minute

Taker) 2. Apologies

- Lord Mayor Wilson

- Clr Steven Issa
- Clr Pierre Esber
- Clr Michelle Garrard

3. Conflict of Interest Declarations

Nil

4. Confirmation of Minutes

Minutes of Meeting held on Tuesday, 17 April 2018 -Attachment 1.

5. Business arising from the previous meeting

i. The Committee undertook a review of the resolutions that had been shortlisted for consideration at its second meeting. The Committee had the opportunity to assess the council report items and consider the background information provided to the Administrator. After assessment of the reports and consideration of the updates, the Committee made recommendations for each item as listed in the tables below.

1. Boarding Houses in Parramatta LGA

Council Meeting Date	Item No	Report Title	Committee's Comments
28 November 2016	8.1	Boarding Houses in Parramatta LGA	Provide a list of changes to Council's Policy that were made during the period of administration?
28 November 2016	8.3	Current Status of Boarding Housing in the City of Parramatta LGA	Are Boarding Houses a permissible use R2 Zone?

Response to Committee's comments

By way of background, the former Parramatta City Council, had been seeking to make Boarding Houses a prohibited land use in the R2 zone. They are a permissible land use under the provision of the standard LEP template and the State Environmental Planning Policy (Affordable Rental Housing) 2009. The state government did not grant council an exemption to the SEPP and therefore the Council sought to have the SEPP amended, to ensure that Boarding Houses were of a scale similar to a dual occupancy. The report to Council in December 2016 reported the Department of Planning did not support this approach, but it recommended that Council should continue to at least ensure that the SEPP was amended to ensure that Boarding Houses were located on suitable sites in the R2 zone.

This report to council and the resolution was about amending the SEPP, and was not about Council policy. Council is still awaiting a response from the DPE on this matter (we last wrote to them in early March 2018). The reason for the delay has not been explained, however it may be to do with the fact that the car parking provisions for boarding houses within the ARHSEPP are currently being reviewed by the DPE. A web link on the DPE's website to these changes is provided here:

<http://www.planning.nsw.gov.au/Policy-and-Legislation/Housing/Affordable-Rental-Housing>

Land Use Planners did not see the need to lodge a submission on the matter because the changes they were proposing on car parking rates was consistent with Council's position from a Council report (Item 7.11) from the 24 August 2015 Council meeting where council resolved to resolved: "parking rates for all boarding houses at 0.5 car spaces per room".

Are Boarding Houses a permissible use in R2 Zone?

Yes. **boarding houses** are permissible within the R2 Low Density Residential zone, as per the NSW Standard Instrument Order (it is a mandatory permissible use in this zone which Councils cannot remove) and the SEPP.

Committee's recommendation

- **That** no further action be undertaken in relation to reviewing the decisions of the Administrator relating to this matter;
- **Further, that** Council write a follow up letter to the DPE regarding the amending of the SEPP.

2. Review of Council Policies

Council Meeting Date	Item No	Report Title	Committee's Comments
28 November 2016 & 10 July 2017	11.1 & 11.24	Review of Council Policies Review of Council Policies	Provide background information on the following policies. Specifically, the Committee would like to know; <ol style="list-style-type: none"> a. What the previous policy was; b. What the current policy is; & c. The changes effected by the Administrators decision highlighted. d. What consultation was undertaken? The policies are; <ol style="list-style-type: none"> 1) Delegations policy 2) Parking Enforcement policy 3) Interaction between Councillors and Staff Policy

Response to Committee's comments

I. Delegations Policy

The policy was last adopted by Council in July 2009, hence it was overdue for review. It required rebranding and it was also a pre-merger policy. The changes were also to ensure staff were more aware of and acknowledged their delegations. This is a staff related policy and deals with the CEO's sub-delegations to staff.

II. Parking Enforcement Policy

The changes to this policy involved the following;

- Adapting the policy to the new format including new Council name and logo to project a consistent, modern and professional image of Council;
- Update the policy with new legislation to ensure the correct legislative references are used;
- Updating of the Penalty Review Process as there were two methods for representations to be assessed, 1. Via the City of Parramatta Council Penalty Review Panel or 2. Via the Office of State Revenue's State Debt Recovery Office (SDRO). The Proposed change is to remove the option of review via CoPC with all representations to be adjudicated via the SDRO.
- Rollback Kerb's – the policy had a list of streets which quickly became outdated relevant to allowing vehicles to park on the adjoining nature strips without fear of enforcement. With the new LGA boundaries, several suburbs have been previously constructed with increased use of rollback kerbs on narrow streets requiring vehicles to park partially on the nature strips to avoid blocking the vehicle access/egress. The Policy was further enhanced that such parking cannot occur if there is signage prohibiting such parking. This now allows, were circumstances are identified and justified the limiting of such parking if there is a detrimental effect to public assets or infrastructure.

III. Interaction between Councillors and Staff Policy

Minor amendments of an organisational nature (change in titles, name of organisation). The Interaction policy was amended to reflect current processes/practice. Amendments were made to strengthen procedure of staff and Councillor interaction especially regarding planning and regulatory functions.

Consultation for all three (3) policies involved reviewing other Council's Policies, one on one meetings with selected key departments and public exhibition of the proposed documents.

Committee's recommendation

- **That** no further action be undertaken in relation to reviewing the decision of the Administrator relating to the Delegations Policy;
- **That** a copy of the report to Council relating to the CEO's delegations and a copy of the Instrument of Delegation be forwarded to Clrs Barrak, Pandey & Wearne;
- **That** a Councillor workshop be held within 6 weeks to discuss the Parking Enforcement Policy, specifically dealing with the capacity to resurrect what was once a review committee for fines, whether it is an option still available to Council and what are the implementation issues and costs that would be associated with it;
- **Further, that** a Councillor workshop be held within 6 weeks to discuss the Interaction with Councillors Policy to review how strictly this policy is being applied within a social setting. The Committee would like to see this policy reference the Service Level Agreement between Councillors & Staff that ensures Councillors requests will be acknowledged and responded to within specific timeframes.

3. Review of Aboriginal and Torres Strait Islander (ATSI) Advisory Committee

Council Meeting Date	Item	Report Title	Committee's Comments
13 February 2017	11.4	Review of Aboriginal and Torres Strait Islander (ATSI) Advisory	The Committee requested Staff contact Clr Phil Bradley to ascertain what information he would like to be

		Committee considered.
Response to Committee's comments		
<p>At the request of the Committee, Clr Bradley was consulted to ascertain what information he would like the Committee to consider. Clr Bradley advised that he supported all of the ATSIAC decisions to the best of his knowledge, but needed to know if there was any decision or decisions that the Committee was challenging. Clr Bradley was advised there were no decisions being challenged by the Committee and therefore, there is no further action required for this matter.</p>		
Committee's recommendation		
<ul style="list-style-type: none"> • That no further action be undertaken in relation to reviewing the decision of the Administrator relating to this matter. 		

4. Audit & Risk Committee Revised Charter

Council Meeting Date	Item	Report Title	Committee's Comments
10 July 2017	11.26	Audit & Risk Committee Revised Charter	The Committee would like to compare the previous charter with the current charter, with the changes highlighted.
Response to Committee's Comments			
<p>The revisions of the Charter were to allow for several changes including;</p> <ul style="list-style-type: none"> • Permitting the Administrator to become a member of the Audit & Risk Committee; • Change the quorum so that it does not need to include a Councillor; and • Allow for the appointment of potential independent community representatives from the NSW Government Panel of Prequalified members in conjunction with an Expression Of Interest process. 			
Committee's recommendation			
<ul style="list-style-type: none"> • That no further action be undertaken in relation to reviewing the decision of the Administrator relating to this item; • Further, that notice of the next meeting of the Audit & Risk Committee be forwarded to Clr Pandey and any other interested Councillors. 			

5. Review of Councils Planning Proposal and Voluntary Planning Agreement Processes

Council Meeting Date	Item	Report Title	Committee's Comments
10 July 2017	11.2	Review of Council's Planning Proposal and Voluntary Planning Agreement Processes	Has this review been finalised? The Committee would like to view a full copy of the report, including any supporting attachments.
Response to Committee's Comments			
<p>The review has been occurring through several separate processes.</p> <p>Currently, the Land Use team are reviewing our planning proposal system which is mainly looking at internal processes. There is also separate work underway on the VPA Policy. A draft Planning</p>			

<p>Committee's recommendation</p> <ul style="list-style-type: none"> • That no further action be undertaken in relation to reviewing the decision of the Administrator relating to this item; • Further, that a workshop be organised to commence the review of the three (3) policies and the policy documents be circulated to all members of the Committee.

7. Experience and Discovery Centre Property Report

Council Meeting Date	Item	Report Title	Committee's Comments
10 July 2017	12.11	Experience and Discovery Centre Property Report	Check if these reasons were in the original report. The Committee would like to review a full copy of the report including any supporting documentation.
<p>Response to Committee's comments</p> <p>On 10 October 2016, the Administrator considered a report (Item 8.8) regarding the integration and co-location of the existing Heritage and Visitor Centre, Discover Centre and Experience Centre into a consolidated single location at 5 Parramatta Square.</p> <p>Following the NSW State Government confirmation that a new state cultural facility, the MAAS, to be located on the Parramatta River foreshore between the Lennox and Barry Wilde Bridges, it was considered that the MAAS had the potential to achieve the City's need for a world-class visitor attraction and cultural offering on the river, prompting Council to re-consider its role in providing this function through the proposed Discovery Centre incorporated into the Riverside Towers.</p> <p>At the time that the decisions regarding separate locations for the Discovery Centre and Experience Centre were made, the design and ownership of 5PS, nor the proposed relocation of the MAAS to the riverfront were known or envisaged.</p> <p>The consolidation of these facilities into a single facility sought:</p> <ul style="list-style-type: none"> - The establishment of an iconic and accessible Council cultural facility taking advantage of the Council owned space to be constructed as part of 5PS; - Avoid capital expenditure and ongoing recurring costs which will free-up funds that can be allocated to other community uses; - Recognise the role that the proposed MAAS will play as an iconic cultural facility on the riverfront; and - Achieve an overall better outcome for the community. <p>On 10 July 2017, the Administrator endorsed the design for the 5 Parramatta Square development, incorporating the consolidated facilities into the site (Item 10.14).</p>			
<p>Committee's recommendation</p> <ul style="list-style-type: none"> • That this item be deferred to the next meeting of the Committee • Further, that the report and background information relating to the sale of the Museum of Applied Arts and Sciences (Powerhouse Museum) be brought to the next Committee meeting for consideration. 			

6. General Business

7. Next Meeting

The next meeting will be held within the next 6 weeks.

LEADING

ITEM NUMBER	13.16
SUBJECT	Dates and Location of Council Meetings for July - December 2018
REFERENCE	F2004/07851 - D06045137
REPORT OF	Council Secretariat and Policy Officer

PURPOSE:

To determine Council Meeting dates and locations from 9 July 2018 to 10 December 2018.

RECOMMENDATION

- (a) **That** the starting time for Council Meetings be 6.30pm.
- (b) **That** the location of all Ordinary Council Meetings from 9 July 2018 to 10 December 2018 inclusive, be held in the Cloister Function Rooms at St Patrick's Cathedral, 1 Marist Place, Parramatta.
- (c) **That** where only one meeting is scheduled in a month, it be held on the second Monday of the month. Where two meetings are scheduled for a month, they be scheduled for second and fourth Mondays of that month.
- (d) **That** in accordance with Section 365 of the Local Government Act 1993, Council hold Ordinary Council Meetings for the period 9 July 2018 to 10 December 2018 inclusive on the following dates:
- Monday, 9 July 2018
Monday, 23 July 2018
Monday, 13 August 2018
Monday, 27 August 2018
Monday, 10 September 2018
Monday, 24 September 2018
Monday, 8 October 2018
Monday, 29 October 2018
Monday, 12 November 2018
Monday, 26 November 2018
Monday, 10 December 2018
Monday 17 December 2018
- (e) **That** additional Ordinary Council Meetings be held on the fourth Monday of the month until December 2018.
- (f) **Further, that** the starting time, location and dates for Ordinary Council Meetings outlined in a), b) and d) above be widely publicised via normal communication channels used by Council in accordance with Clause 232 of the Local Government (General) Regulations 2005.

BACKGROUND

- Each year Council adopts a meeting schedule for the following year. Council at its meeting on 13 November 2017 adopted Council Meeting dates until June 2018.

2. In accordance with Council's adopted meeting cycle, the Council meets on the 2nd Monday of each month.
3. Following consultation with the Lord Mayor, it is recommended that Council consider holding two (2) Council Meetings a month.

ISSUES/OPTIONS/CONSEQUENCES

4. The election of the Deputy Lord Mayor will take place during the Ordinary Council Meeting on Monday, 10 September 2018.
5. The 2018 Local Government NSW Annual Conference (generally well attended by Councillors) will be held in Albury from Sunday 21 October to Tuesday 23 October 2018. This creates a scheduling conflict for many Councillors who are likely to be planning to attend the Conference.
6. Accordingly, it is recommended the second Council Meeting for October be scheduled on 29 October 2018 to accommodate attendances at the *Local Government NSW Annual Conference*.
7. Due to the proximity of Christmas, Councillors may prefer to hold the meeting on 3 or 17 December 2018 rather than 24 December 2018 which is the fourth Monday on the month.
8. Council has historically moved into recess over Christmas/New Year for a period between the last meeting in December and the first meeting in February the following year being 11 February 2019. A report will be placed before Council at the November 2018 Council Meeting suggesting that delegated authority be given to the Lord Mayor and Chief Executive Officer to deal with matters of an urgent nature during this period.

FINANCIAL IMPLICATION FOR COUNCIL

9. The costs associated with holding meetings such as hall hire, provision of technology and microphones, security and catering are provided for in existing budgets.

CONCLUSION

10. That Council adopt the proposed dates for Council Meetings to be held in the second half of 2018 as referred to in this report.

Joy Bramham
Council Secretariat and Policy Officer

Tim Butler
Chief Operating Officer

Alistair Cochrane
Acting Chief Financial Officer

ATTACHMENTS:

There are no attachments for this report.