

NOTICE OF COUNCIL MEETING

SUPPLEMENTARY AGENDA - A

An Ordinary Meeting of City of Parramatta Council will be held in the Cloister Function Rooms, St Patrick's Cathedral, 1 Marist Place, Parramatta on Monday, 9 May 2022 at 6:30pm.

Brett Newman
CHIEF EXECUTIVE OFFICER

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QUESTIONS WITH NOTICE

ITEM NUMBER	15.1
SUBJECT	Questions Taken on Notice from Council Meeting - 26 April 2022
REFERENCE	F2022/00105 - D08504743
FROM	Business Governance Officer

QUESTIONS TAKEN ON NOTICE FROM THE COUNCIL MEETING OF 11 APRIL 2022

Item	Subject	Councillor	Question
12.2	Returns for Designated Persons	Bradley	1. Why have we redacted more than what the IPC guidelines say we should be redacting?
13.1	Quarterly Budget Review – December 2021 (Deferred Item)	Bradley	1. Why has the income of the City Strategy Unit decreased from \$4000 to \$2000 and is there opportunity to recover some of that income?
13.5	Minutes of the Traffic Engineering Advisory Group meeting held on 23 March 2022	Noack	1. Can we be provided with an update on meetings Council staff have had with developers for the planned round about and street crossing on the corner of Hill Road and Burroway Road? 2. Can we be provided with an update on the traffic lights on Bennelong and Hill Road?
16.1	Legal Status Report	Prociv Davis	1. Refer to Attachment 1, as the question related to a confidential matter under section 10A(2)(g) of the Local Government Act. 2. Refer to Attachment 1, as the question related to a confidential matter under section 10A(2)(g) of the Local Government Act.
16.3	Approval of Supplier for works associated with CBD Outdoor Dining	Garrard	1. Refer to Attachment 1, as the question related to a confidential matter under section 10A(2)(d) of the Local Government Act.

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 12.2 – Returns for Designated Persons

Question from Councillor Bradley

During discussion on the motion moved by Councillor Esber, Councillor Bradley asked the following question:

1. *Why have we redacted more than what the IPC guidelines say we should be redacting?*

Chief Financial and Information Officer Response

1. The IPC Guideline 1 for Local Councils on the disclosure of information contained in the returns disclosing the interests of Councillors and designated persons developed under the Government Information (Public Access) Act 2009 (NSW) (GIPA Act), released in September 2019 outlines requirements of Councils to mandatorily release disclosures of interest in written returns with relation to the GIPA Act and corresponding regulation.

The Guideline reinforces the status of disclosures in written returns as available for mandatory proactive release, or “open access information” under the Government Information (Public Access) Regulation 2018 (NSW).

The Guideline also acknowledges the disclosures in written returns may contain personal information about each Councillor and designated person.

The Guideline suggests the written returns are to be disclosed on the website of a Council, unless to do so would impose unreasonable costs to the Council or if the Council has determined there is an overriding public interest against disclosing the information. Determination of an overriding public interest against disclosure requires the conduct of a public interest test weighing up the public interest considerations in favour of and against disclosure of the information. It should be noted that s6(4) of the GIPA Act requires agencies to “facilitate public access to open access information contained in a record by deleting matter from a copy of the record to be made publicly available, if inclusion of the matter would otherwise result in there being an overriding public interest against disclosure of the record, and it is practicable to delete the matter”.

The Guideline supplies the following framework for the provision of disclosures in written returns as open access information:

- a. The returns should be made publicly available on the Council’s website free of charge unless there is an overriding public interest against disclosure or to do so would impose unreasonable additional costs on the Council
- b. The fact that a return of interests is open access information is a factor in favour of disclosure in balancing the public interest
- c. In the circumstances where Council decides that there is an overriding public interest against disclosure of the return, consideration should then be given to whether it is practicable to release an edited copy of the return (for example redacting the

- individual's signature or residential address) in accordance with section 6(4) of the GIPA Act
- d. If it is practicable to do so, then the information should be deleted from a copy of the return and the remainder of the return made available on the Council's website
 - e. Where information is deleted from a return, Council should keep a record indicating, in general terms, the nature of the information redacted in accordance with section 6(5) of the GIPA Act
 - f. Copies of publicly available information about returns may be made in accordance with clause 5(1)(b) of the GIPA Regulation. Releasing the information contained in the returns of Councillors and designated persons in this manner facilitates the legitimate public interest in having access to the information, while protecting the individual's right to privacy and safety.

It should be noted although the IPC provides the above advice and makes suggestions on what information Councils may redact (an individual's signature or residential address), the Guideline is clear that Council is responsible for determining what information should be made publicly available by conducting a public interest test. Namely, point 3.11 in the Guideline states, with relation to applying s6(4) of the GIPA Act, "the type of matter which might be deleted from a return in these circumstances will vary depending on the public interest considerations applied. However, examples might include the signatures or residential address of the individual making the return".

Therefore, in undertaking its redactions, the officer's recommendation is to take a conservative view of "residential addresses" to include principal places of residences (PPORs) and investment properties which are of a residential nature. It should be noted these redactions apply only to the street number and street name, with the suburb and state remaining unredacted.

This approach has been selected after consideration and evaluation of the Privacy and Personal Information Protection Act 1998 (PPIP Act), as the release of all residential addresses of an individual carries the potential to impinge on an individual's privacy rights. Simultaneously, unfettered release of an individuals' information online removes Council's control of this information, and its corresponding dissemination, making it accessible to all individuals, including those who may have unconscionable intentions, such as threatening the safety of staff, or conducting fraud. Access to the unredacted returns are available via submission of a form to Council, which will be assessed on a case-by-case basis, with a public interest test undertaken for each application. It should also be noted, in late 2020 to early 2021, the IPC conducted a desktop audit of local Councils. A report titled: Local Government Sector – GIPA Compliance Report was released in July 2021. A key assessment criteria of this audit was whether disclosures are publicly available, whereby the IPC states "to fully comply with the requirement, it was essential that the disclosure of interests for both Councillors and designated persons are published and publicly available and easily located on Council's website". No reference is made to the status of the returns as published and publicly available and discretionary redactions applied by Councils. Therefore it is the

officer's view that the current approach ensures Council is protecting the privacy of Councillors and staff whilst also satisfying the public interest factors in favour of release of the returns to promote and enhance openness, transparency and accountability in local government by enabling members of the public to apply to view the returns in their original form.

Item 13.1 – Quarterly Budget Review – December 2021 (Deferred Item)

Question from Councillor Bradley

During discussion on the motion moved by Councillor Maclean, Councillor Bradley asked the following question:

1. *Why has the income of the City Strategy Unit decreased from \$4000 to \$2000 and is there opportunity to recover some of that income?*

Chief Financial and Information Officer Response

1. The \$2m movement in City Strategy revenue occurred in the September quarter reforecast and relates to Local Roads and Community Infrastructure (LRCI) grants. There is not an actual shortfall, rather \$2m of the grant money, which was budgeted to occur in FY22, was received earlier in the FY21 financial year. The FY22 budget was amended in the September reforecast and there were no further material variances in the December quarter reforecast.

Item 13.5 – Minutes of the Traffic Engineering Advisory Group meeting held on 23 March 2022

Question from Councillor Bradley

During discussion on the motion moved by Councillor Noack, Councillor Noack asked the following questions:

1. *Can we be provided with an update on meetings Council staff have had with developers for the planned round about and street crossing on the corner of Hill Road and Burroway Road?*
2. *Can we be provided with an update on the traffic lights on Bennelong and Hill Road?*

Executive Director City Planning & Design Response

1. As Council will ultimately become the owner of the roundabout it must ensure it is built to Council's standards and discussions on the design requirements are still being pursued. The design must be agreed before construction can commence. This discussion is occurring via correspondence, the most recent being a Council email on 3 May 2022. This email was sent requesting the applicant address concerns Council staff had with the last set of draft Plans provided by the applicant. The most recent meeting with the developer was held last year.

Council staff will contact the developer to obtain an update on progress on this matter and this information will be included in the regular PTC/TEAG report on Hill Road that is included in the agenda for each meeting. The agenda reports for the next meeting are to be distributed to Councillors on 18 May 2022.

2. The outcome of the funding application made by Council to the Federal Government Stimulus Program for this project has not yet been determined. Minor changes are being made to the Review of Environmental Factors, traffic signals design, and street lighting design in consultation with various authorities in order to obtain final approvals. The civil design is essentially complete. It is anticipated that the documents will be finalised in late June 2022.

Item 16.1 – Legal Status Report

Question from Councillor Prociv

1. During discussion on the motion moved by Councillor Prociv, Councillor Prociv asked a question. As the question related to a confidential matter under section 10A(2)(g) of the Local Government Act, the question and staff response is provided in a confidential **Attachment 1**.

Chief Financial and Information Officer Response

1. As the response contains confidential information under section 10A(2)(g) of the Local Government Act 1993, the response is contained in the confidential attachment.

Questions from Lord Mayor, Councillor Davis

1. During discussion on the motion moved by Councillor Prociv, Councillor Davis asked a question. As the question related to a confidential matter under section 10A(2)(g) of the Local Government Act, the question and staff response is provided in a confidential **Attachment 1**.

Chief Financial and Information Officer Response

1. As the response contains confidential information under section 10A(2)(g) of the Local Government Act 1993, the response is contained in the confidential attachment.

Item 16.3 – Approval of Supplier for works associated with CBD Outdoor Dining

Question from Councillor Garrard

1. During discussion on the motion moved by Councillor Garrard, Councillor Garrard asked a question. As the question related to a confidential matter under section 10A(2)(d) of the Local Government Act, the question and staff response is provided in a confidential **Attachment 1**.

Executive Director Property & Place Response

1. As the response contains confidential information under section 10A(2)(d) of the Local Government Act 1993, the response is contained in the confidential attachment.

Sahar Shahin
Business Governance Officer

John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:

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