

**Minutes of Council Meeting
held at Ashfield Service Centre on 23 August 2016**

Meeting commenced at 6.32pm

Present:

Richard Pearson	Administrator
Vanessa Chan	Interim General Manager
Simone Schwarz	Director Service Delivery
Phil Sarin	Director Planning and Environment
Cathy Edwards-Davis	Director Public Works
Peter Gainsford	Director Corporate Services
Wal Petschler	Director Major Projects and Engineering
Josephine Bennett	Director Community Services
Popy Mourgelas	Manager Corporate Governance, Ashfield
Jennifer Anderson	Governance Officer (Minute Taker)

1. Acknowledgement of Country by Chairperson

We meet tonight on the traditional land of the Cadigal and Wangal people of the Eora nation. I acknowledge the terrible wrongs committed against the Aboriginal peoples of this country and their care of the land over many generations. I celebrate their ongoing survival and achievements in today's society.

2. Disclosures of Interests:

Nil

3. Confirmation of Minutes

The Administrator determined that:

the Minutes of the Council Meeting held on Tuesday, 26 July 2016 be confirmed.

4. Staff Reports:

C0816 Item 1 Minutes of Local Representation Advisory Committee and Implementation Advisory Group Meetings held in August 2016

The Administrator determined that:

the Minutes of the Ashfield, Leichhardt and Marrickville Local Representation Advisory Committee Meetings and the Implementation Advisory Group Meeting held in August 2016 be received and recommendations be adopted with the following exceptions:

1. A number of recommendations relate to items that are being presented to this Council meeting, as separate reports. These recommendations are noted but will not be adopted as resolutions, as they are subject to specific and separate discussion tonight. Specifically,

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- Item 10 Allocation of sport ground booking (former Marrickville)
 - Item 11 Tempe Reserve Olympic Park Redevelopment
 - Item 12 Affordable Housing over Ha Street Car park
 - Item 15 Restaurant café – Elliot Street café
 - Item 16 Clubs and Community grants allocation (former Marrickville)
 - Item 18 Elkington Park Cottage
2. Ashfield LRAC – the minutes be amended to show Monica Wangmann absented herself from the meeting during discussion of Item 2 – Aquatic Centre Redevelopment.
3. Leichhardt LRAC – the recommendations are adopted with the following exception:
- That Committee recommendation on Item 1 relating to Point 6, C118/16 be changed to note that this provision (to arrange a demonstration/rally at Callan Park in relation to Council’s skatepark proposal) be deferred until the Council have met again with OEH about an alternate site in the event that Council is unable to negotiate a successful outcome with OEH.
 - I will not be adopting the recommendation Item 1 – points 1, 2 of C2322/16 (Bays Precinct Affordable Housing Study) noting instead that the GM has commissioned a detailed affordable housing study and the development of supporting policy instruments across the whole LGA, and this includes a specific assessment of Bays Precinct.
 - In relation to Item 1, the ethical investment policy and non-fossil fuel targets – I note that this matter will be considered by a joint LRAC meeting but I consider it premature for Council to ‘resolve’ to move to 100% non-fossil fuel investment without proper study and before a policy framework is developed – this recommendation will not be adopted.
 - Item 3 LPAC Olympic Pool Starting Blocks – I am not accepting the Committee recommendation. Instead I am resolving in favour of the recommendation of the Council officers in their report to the Committee *that the removal of the existing concrete starting blocks and replacements with new Anti-wave starting platforms be considered in the early phase of the LPAC Masterplan works.*
4. Marrickville LRAC – the recommendations are adopted with the exception of Item 6 Local Government Election – where instead I determine to write to the Premier and Minister for Local Government advising them of the request of the Marrickville LRAC that the next election for the Inner West Council be conducted in March 2017.

C0816 Item 6 Development Application - 2-20 Weston Street, Balmain East

The Administrator determined that:

the application be approved in accordance with the recommendation of the Leichhardt Planning Panel subject to the hours of operation of the proposed café being amended as follows:

- Monday to Sunday including public holidays: 7.00am to 5.00pm.

C0816 Item 3 Development Application - 2-32 Smith Street Summer Hill

The Administrator determined that:

1. Council will not make a submission to the Sydney East Joint Regional Planning Panel.
2. That a condition requiring dilapidation reports for adjoining properties shall be added to the recommended conditions of consent.

C0816 Item 5 Development Application - 75 Milton Street, Ashfield

The Administrator determined that:

the application be granted a deferred commencement approval in accordance with the conditions included in the report.

C0816 Item 8 Development Application - 23 Croydon Street, Petersham

The Administrator determined that:

the development application to demolish part of the premises and carry out alterations and additions to an existing residential flat building fronting Croydon Street (Building A) containing 4 dwellings with a communal kitchen and BBQ area and the construction of a new 3 storey residential flat building to the rear (Building B) containing 18 dwellings with basement car parking be **APPROVED** subject to the conditions listed on pages 485-508 of the business paper, with the exception of condition 1 which is to be amended to refer to the updated plan references for DA04, Revision M, DA05, Revision K and DA11, Revision K.

C0816 Administrator's Minute: WestConnex Community Engagement Forums**The Administrator determined that:**

Council notes progress in ensuring that local and state forums are established to address the concerns of inner west residents in relation to WestConnex.

C0816 Item 2 Local Traffic Committee Meeting held on 4 August 2016

The Administrator determined that:

the Minutes of the Local Traffic Committee Meeting held on 4 August 2016 be received and the recommendations be adopted.

C0816 Item 12 Affordable Housing over Hay Street Car Park, Leichhardt

The Administrator determined that:

1. the Report be received and noted;
2. Council pursue the acquisition of Lot 3 DP227326 from Ausgrid subject to the price being reasonable (as determined by an independent valuation), noting that a new kiosk substation will be included elsewhere on the car park site as part of the affordable housing development;
3. Council enter into discussions with owners of properties fronting Parramatta Road and adjacent to the car park about the possibility of granting rights of way, for market value to those properties, provided that this does not adversely affect the proposed affordable housing development on the Hay Street car park; and
4. Council apply for possessory title of the strip of land known as Chancery Lane which is incorporated into the car park.

C0816 Item 7 Development Application - Longport Street, Lewisham (2 - 32 Smith Street, Summer Hill)

The Administrator determined that:

Council will not make a submission to the Panel in relation to this proposal.

C0816 Item 4 Development Application - 317-331 Liverpool Road, Ashfield

The Administrator determined that:

the application be granted a deferred commencement approval in accordance with the conditions included in the report.

C0816 Item 9 Amendment to Approved Voluntary Planning Agreement - Grove Street, Dulwich Hill

The Administrator determined that:

Council enter into the Amended Voluntary Planning Agreement documented in Attachment 2.

C0816 Item 10 Seasonal Allocation of Sports Grounds in the former Marrickville Area for the 2016/17 Summer Season

The Administrator determined that:

1. in relation to Arlington Reserve, Camdenville Park, Henson Park, HJ Mahoney Reserve, Marrickville Oval and Steel Park:
 - a. Council approves the 2016/17 summer season sports ground allocations for

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- training and match play applicable from 29 August 2016 to 26 March 2017 inclusive, as proposed in the schedule at Attachment 1, subject to provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;
- b. pursuant to s337(1) of the Local Government Act 1993 the Council delegates to the General Manager the power to execute 2016/17 summer season sports ground licences; and
 2. Council in its capacity as reserve trust manager of Petersham Park (P500070), considers this report and decides to enter into summer season sports ground licences for the 2016/17 summer season with the clubs proposed to use Petersham Park (P500070) as detailed in the schedule at Attachment 1 for training and match play from 29 August 2016 to 26 March 2017 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;
 3. Council in its capacity as reserve trust manager of Camperdown Park (R8205 & D500444), considers this report and decides to enter into summer season sports grounds licences for the 2016/17 summer season with the clubs proposed to use Camperdown Park (R8205 & D500444) as detailed in the schedule at Attachment 1 for training and match play from 29 August 2016 to 26 March 2017 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;
 4. Council in its capacity as reserve trust manager of Mackey Park (R80566), considers this report and decides to enter into summer season sports grounds licences for the 2016/17 summer season with the clubs proposed to use Mackey Park (R80566) as detailed in the schedule at Attachment 1 for training and match play from 29 August 2016 to 26 March 2017 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;
 5. Council in its capacity as reserve trust manager of Tempe Recreation (D500215 & D1000502), Reserve considers this report and decides to enter into summer season sports ground licences for the 2016/17 summer season with the clubs proposed to use Tempe Recreation (D500215 & D1000502) Reserve as detailed in the schedule at Attachment 1 for training and match play from 29 August 2016 to 26 March 2017 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees; and
 6. the Interim General Manager is delegated authority to enter into short term casual licence arrangements subject to availability and in accordance with the criteria for seasonal sports grounds allocation adopted by Council.

C0816 Item 11 Tempe Reserve Sydney Olympic Park Redevelopment**The Administrator determined that:**

1. Council agrees to extend the exclusive dealing period with Sydney Olympic Football Club until 31 December 2016;
2. Council discuss with Sydney Olympic Football Club the matters recommended by the Marrickville LRAC at its 3 August 2016 meeting, and adopted by the Administrator, as follows

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- that Sydney Olympic Football Club presents their Community Engagement Plan to Council staff before public engagement;
 - that all feedback received through the engagement and consultation process be fed back through Council staff.
 - That the hall/community facility be managed by Council for community access.
3. Council authorises the General Manager to implement the agreement referenced in resolution 1 and ancillary matters referenced in this report.

C0816 Item 13 Application for Road Closure and Sale - Part White Creek Lane behind 84 Ferris Street Annandale

The Administrator determined that:

1. Council apply to the Department of Lands for closure of the part of Whites Creek Lane at the rear of 84 Ferris Street as indicated generally on the plan attached to the report and undertake the consultation and advertising required for the application;
2. if the application is successful, the closed part of the road be sold to the owner of 84 Ferris Street Annandale for market value, having regard to the amount by which it increases the value of his current property, as assessed by an external valuer, plus GST and reimbursement of the costs of and in connection with the road closure and sale; and
3. authority is delegated to the General Manager to sign all applications, contracts for sale, transfers and other documents consistent with and to give effect to the above resolutions.

C0816 Item 14 Proposed Easement - Elkington Park, Balmain - Cockatoo Island Service Upgrade

The Administrator determined that Council:

1. grants an easement in favour of Sydney Federation Harbour Trust (or other appropriate authority) burdening Elkington Park to allow underground pipes, conduits or other connections for connecting Cockatoo Island and other similar adjoining properties to facilities of public utility providers;
2. delegates authority to the General Manager to review environmental reports and decide their acceptability; to negotiate the location of the easement site, the nature, timing and other conditions of the works to be done, and the on-going conditions of the easement; and to sign for and on behalf of Council all documents required to give effect to these resolutions; and
3. negotiates with the Sydney Harbour Federation Trust to have the proposed accessible entry to Elkington Park included as part of the Trust's works at its cost.
4. the matter be referred to the Leichhardt LRAC prior to determination by the General Manager.

C0816 Item 15 Restaurant/Café at 107 Elliott Street, Balmain

The Administrator determined that Council:

1. terminates its current lease from Roads and Maritime Services (“RMS”) of lot 26 DP850832 being part of the site known as 107 Elliott Street, Balmain;
2. prepares and lodges a development application for demolition of the current restaurant building and terrace;
3. seeks a new licence from RMS at its minimum licence fee of lot 26 DP850832 for public open space to connect Paringa Reserve and the proposed open space to be dedicated at 102 Elliott Street;
4. lodges an Application for Pre-DA advice for construction of a replacement café/restaurant on Council land only, with outdoor seating on RMS’ land, and use of the new structure as a licensed café/restaurant (noting that concept plans and supporting reports have already been obtained); and
5. then receives a further report.

C0816 Item 16 Club Grants Allocations and Community Grants Program 2016

The Administrator determined that Council:

1. receives and notes the Allocations for Club Grants contained in Attachment 1 of this report for transparency;
2. approves the allocation of Community Grants, as contained in Attachment 3 of this report, under Section 356 of the Local Government Act 1993;
3. advises each organisation of Council’s decision for Community Grants; and
4. holds a small evening function during Anti-Poverty Week to award the Community Grants and celebrate the success of funding recipients.

C0816 Item 17 Endorsement of Floodplain Risk Management Committee Charter

The Administrator determined that:

1. Council adopts the Flood Management Advisory Committee Terms of Reference (Attachment 1); and
2. Council staff seek expressions of interest from residents to be community representatives on the Flood Management Advisory Committee.
3. Clause 4.2 of the Terms of Reference be amended to add the following paragraph:

For the purposes of this charter the term “elected representatives” includes elected members of Council and, where there are no elected members of Council, persons that have been nominated by Council as members of Local Representation Advisory Committees.

4. Clause 6.3, point 6 of the Terms of Reference be amended to read as follows:

Council's role is to note the Committees minutes and to consider recommendations made by the Committee. Such recommendations will be highlighted for the attention of Council.

C0816 Item 18 Elkington Park Cottage, Balmain - Possible Conversion to Cafe

The Administrator determined that:

1. the report be received and noted; and
2. the results of the first round of community consultation be placed on the website, with the Parking and Traffic Impact Assessment and other supporting documents, and that Council advise this to all who completed a survey or made a submission.
3. That investigation of this project be pursued further by:
 - Exhibiting an amended Plan of Management for Elkington Park which more expressly allows the adaptive re-use and for the cottage to be leased for a café, once the LEP is amended – with the draft brought to LRAC prior to exhibition;
 - Preparing and lodging a Pre-DA application to establish acceptability of the proposed work and the chair numbers and hours of operation, with the Pre-DA supported by the concept plans, a Conservation Management Plan, Heritage Impact Statement, Accessibility Report, Traffic and Parking Impact Assessment and Noise Impact Assessments; and
 - Finalising the Business Plan.
4. That further information be brought to Council on the potential of the café providing employment pathways of the disadvantaged.

C0816 Item 19 Whites Creek Community Orchard Management Plan

The Administrator determined that:

Council adopt the draft plan of management which has been prepared for the Whites Creek Valley Park Community Orchard and provide funding support of \$5,000 a year to support the growth and development of the Community Orchard.

C0816 Item 20 Inner West Council Investments as at 31 July 2016**The Administrator determined that:**

the report be received and noted.

The Administrator moved into closed session at 10.20pm to consider items of business containing confidential information.

The Administrator returned to open session at 10.26pm to resolve as follows in relation to Items 21, 22 and 23.

5. Reports with Confidential Information**C0816 Item 21 Proposed Airspace Lease Smidmore Street Marrickville****The Administrator determined that Council:**

1. endorses the proposal for an Agreement to lease the airspace above Smidmore Street Marrickville; and
2. delegates authority to the General Manager to negotiate the terms and conditions of an Agreement to lease airspace above Smidmore Street Marrickville in accordance with Roads Act 1993 Section 149, and to sign for and on behalf of Council all documents required for the Agreement to lease.

C0816 Item 22 SSROC Tender for the Provision of Tree Pruning Services**The Administrator determined that:**

consideration of the matter be deferred to a future Council meeting.

C0816 Item 23 Sale of Land for Unpaid Rates**The Administrator determined that Council:**

1. resolves that Confidential Attachment 1 of the report be treated as confidential in accordance with section 11(3) of the Local Government Act 1993, as it relates to a matter specified in section 10A(2) of the Local Government Act 1993 and as such is to be treated as confidential;
2. endorses the proposed process as outlined in the body of this report in relation to the property owner listed in Confidential Attachment 1;
3. pursuant to Section 713 of the Local Government Act 1993, resolve to sell the property listed at Confidential Attachment 1 for unpaid rates and charges; and
4. delegates authority to the General Manager to appoint an auctioneer, to set the reserve price (in consultation with the appointed auctioneer) and to sell the property by private treaty if it fails to sell at auction.

The Meeting closed at 10.28pm.

Public Speakers

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| | Confirmation of Minutes of Council 26 July 2016 | <ul style="list-style-type: none"> • Rochelle Porteous • Beth Taylor, Marrickville • John Lozano, Haberfield |
| Item 1: | Minutes of Local Representation Advisory Committee and Implementation Advisory Group Meetings held in August 2016. | <ul style="list-style-type: none"> • Lucille McKenna OAM, Ashfield LRAC • Max Phillips, Marrickville LRAC • John Stamolis Leichhardt LRAC • Jo Alley • Mark Drury Ashfield LRAC • Rochelle Porteous Leichhardt LRAC • Monica Wangmann Ashfield LRAC |
| Item 2: | Local Traffic Committee Meeting held on 4 August 2016 | <ul style="list-style-type: none"> • Catherine Gemmell, Leichhardt • Phillip Bull, Broadway • Rene Holmes • |
| Item 3: | Development Application - 2-32 Smith Street Summer Hill | <ul style="list-style-type: none"> • Alex Lofts, Ashfield LRAC • Craig Sandwell, Summer Hill • Grant Flanagan, EG Funds |
| Item 5 | Development Application - 75 Milton Street, Ashfield | <ul style="list-style-type: none"> • Anthony Semarni • Carmello Barta on behalf of A&T Scavo |
| Item 6 | Development Application - 2-20 Weston Street, Balmain East | <ul style="list-style-type: none"> • John Jobling, Leichhardt LRAC • Frank Breen, Leichhardt LRAC • John Stamolis, Leichhardt LRAC • Eve Russell • Garry Saunders • Robin Sandell • Ray Cooper • Josephine Davidson • Loretta Piccone • Simon Emsley, Leichhardt LRAC |
| Item 8 | Development Application - 23 Croydon Street, Petersham | <ul style="list-style-type: none"> • Liza Miller, Petersham • Jeff Mead, Miranda • Shaun Carter, Summer Hill • Bianca Azzopardi |
| Item 12 | Affordable Housing over Hay Street Car Park, Leichhardt | <ul style="list-style-type: none"> • John Stamolis, Leichhardt LRAC • Simon Emsley, Leichhardt LRAC • Bill Holliday, Lilyfield • Gillian Leahy |

- Item 13** Application for Road Closure and Sale - Part White Creek Lane behind 84 Ferris Street Annandale • Gillian Leahy
- Item 14** Proposed Easement - Elkington Park, Balmain - Cockatoo Island Service Upgrade • Frank Breen, Leichhardt LRAC
- Item 17** Endorsement of Floodplain Risk Management Committee Charter • Frank Breen, Leichhardt LRAC
- Item 18** Elkington Park Cottage, Balmain - Possible Conversion to Cafe • Frank Breen, Leichhardt LRAC
• John Stamolis, Leichhardt LRAC
• Simon Emsley, Leichhardt LRAC
- Item 19** Whites Creek Community Orchard Management Plan • Gillian Leahy
- Item 21** Proposed Airspace Lease Smidmore Street Marrickville • Victor Macri, Marrickville LRAC
• Simon Emsley, Leichhardt LRAC