

**Minutes of Council Meeting
held at Ashfield Service Centre on 27 September 2016**

Meeting commenced at 6.30pm

Present:

Richard Pearson	Administrator
Rik Hart	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
Judy Clark	Manager Development Assessment, Marrickville
Lyn Gerathy	Manager Property & Commercial Services, Leichhardt
Popy Mourgelas	Manager Corporate Governance, Ashfield
Ian Naylor	Manager Governance & Administration, Leichhardt
Joe Strati	General Counsel, Marrickville
Tanya Whitmarsh	Manager Governance & Risk, Marrickville
Rad Miladinovic	Coordinator Governance & Administration, Marrickville (Minute Taker)
Katerina Maros	Governance Officer, Leichhardt

Public Speakers: see last two pages of these minutes.

1. Acknowledgement of Country by Chairperson

I acknowledge the Gadigal and Wangal people of the Eora nation on whose country we are meeting today, and their elders past and present.

2. Disclosures of Interests

I declare that I have no declaration of interest in any matter listed on the business paper.

3. Tabling of Pecuniary Interest Return

General Manager's tabling of pecuniary interest return.

4. Confirmation of Minutes

I move and declare a correction to the Minutes of the Council Meeting held on 23 August 2016, following review of the audio recording:

- Wording to Item 1 point 4 - Marrickville LRAC, should say "*.... I determine to write to the Minister for Local Government advising him on the request of the Marrickville LRAC....*"

I determine to adopt the Minutes subject to this correction.

5. Staff Reports**C0916 Item 1 Joint Local Representation Advisory Committee Meeting Held On 13 September 2016**

Administrator determined that the minutes of the Joint Local Representation Advisory Committee Meeting held on 13 September 2016 be received and noted.

C0916 Item 2 Development Application - 33 Smith Street, Summer Hill

Administrator determined that the matter be deferred to allow Council staff to give further consideration to the interface and stormwater issues affecting this development.

C0916 Item 3 Development Application - 66 Constitution Road, Dulwich Hill

Administrator determined that the matter be deferred to allow Council staff to give further consideration to the access and right of way issues affecting this development.

C0916 Item 4 Development Application - 351 Trafalgar Street, Lewisham

Administrator determined that:

THAT the application be APPROVED subject to the imposition of conditions in accordance with those outlined on pp. 293-316 of the Business Paper, and including endorsement of actions B and C contained therein.

Amendment to the deferred commencement condition

To ensure compliance with the apartment size requirements contained within the Apartment Design Guide (ADG), amended plans shall be submitted to the satisfaction of Council which indicate a revised layout. All apartments within the development shall comply with the minimum apartment sizes prescribed by the ADG in accordance with Objective 4D-1, specifically Apartments 2 and 4 shall be amended to be a minimum area of 70 sq metres. This change must not result in any increase to the building footprint or reduction in the size of the balconies, unless such balconies retain an area of at least 10 sq metres.

Condition 6 reworded

6. 5 off-street car parking spaces must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. The parking must be allocated as follows:
 - a) A minimum of 3 spaces being allocated to the residential dwellings; and
 - b) 2 accessible car parking spaces, 1 accessible car space per adaptable dwelling.

All accessible car spaces must be provided and marked as disabled car parking spaces.

C0916 Item 5 Development Application - 308-314 Stanmore Road, Petersham

Administrator determined that the development application to demolish part of the premises and carry out alterations and additions to convert the existing residence into a 12 room hotel with a ground floor café, function rooms and florist be APPROVED subject to the conditions outlined on pp. 343-360 of the Business Paper, and including endorsement of actions B and C contained therein.

C0916 Item 6 Development Application - 106 Carlton Crescent, Summer Hill

Administrator determined that this matter be deferred to allow Council to review the amended plans which have not been assessed, investigate the conditions around the walls and to consider the conditions the applicant would like to have reassessed.

C0916 Item 7 Section 82A Review Application - 669 King Street, St Peters

Administrator determined that the review request under Section 82A of the Environmental Planning and Assessment Act to review Determination No. 201600157 dated 3 May 2016 be APPROVED and a new Determination be issued approving the application to carry out building works and use the ground floor as a commercial premises and first floor as a residence subject to the conditions on pp. 459-466 of the Business Paper.

C0916 Item 8 Planning Proposal for 55-63 Smith Street, Summer Hill

Administrator determined that:

1. Council resolve to progress a Planning Proposal to amend Ashfield Local Environmental Plan (LEP) 2013 to add the following additional uses to “Schedule 1 – Additional Permitted Uses” of the LEP for the properties at 55-63 Smith Street Summer Hill:
 - Office premises
 - Business premises
 - Recreation facility (indoor)
 - Self Storage Unitsand that the applicant’s Planning Proposal be amended to reflect the Council’s resolution;
2. accompanying the Planning Proposal there must be a site specific Development Control Plan produced by the applicant addressing the matters covered in the planning report, with the content being approved by Council;
3. Council forward the Planning Proposal as amended in clause (1) to the Department of Planning and Environment for Gateway Determination to allow the LEP plan making process to commence under Section 56 of the Environmental Planning and Assessment Act 1979 (EP&A Act);
4. Council resolve to request The Department of Planning and Environment to issue a written authorization to Council’s General Manager to exercise and implement delegations in accordance with Section 23 of the EP& A Act 1979 to facilitate the plan making process following the Gateway Determination;
5. following Gateway Determination by the Department of Planning and Environment, the Planning Proposal be progressed by Council, be put on formal public exhibition, and procedures carried out as required under the EP& A Act 1979, with a later report on the public exhibition being submitted to the Council for consideration on whether to continue to finalise the Planning Proposal; and
6. people who made a submission as part of the preliminary community engagement process be advised of Council’s decision.

C0916 Item 9 Planning Proposal for 100-102 Elliott Street, Balmain

Administrator determined that:

Council resolve to make the Leichhardt Local Environmental Plan 2013 amendment to rezone parts of the subject site at 100-102 Elliott Street, Balmain to General Residential (R1), Business Park (B7), Public Recreation (RE1) and retain Local Centre (B2) for the rest of the property as detailed in the exhibited Planning Proposal and supporting documentation.

C0916 Item 10 Establishment of an Independent Hearing and Assessment Panel for the Inner West Council

Administrator determined that:

Council:

1. establishes an independent hearing and assessment panel to be known as the Inner West Planning Panel (IWPP) as outlined in this report and in accordance with the details contained in the following procedural documents - Operational Guidelines, Code of Conduct and Charter (Attachments 1, 2 and 3);
2. requests the Interim General Manager arrange an Expression of Interest to recruit and appoint a pool of suitably qualified and experienced independent experts and community members to the IWPP;
3. upon its commencement, delegates authority under Section 377 of the Local Government Act 1993 to the Panel to determine all matters delegated to it, as per Attachment 5;
4. at the relevant time, gives public notice of the commencement of the IWPP and cessation of the LPP;
5. notes the estimated recurring cost of the IWPP of \$163,800 per annum to be funded from the existing LPP budget, and allocate additional funds to cover the estimated recruitment cost of up to \$30,000;
6. requests officers provide an annual report to Council on the activities and outcomes of the IWPP in the previous 12 months;
7. replace Point 10 of the Site Inspections Section in the Operational Guidelines with "site inspections are open to the people who made submissions within the notification area"; and
8. delete boarding houses from point 7 in the proposed list of delegations (Attachment 5).

C0916 Item 11 Stronger Communities Fund Major Projects Program

Administrator determined that:

1. Council adopt framework that supports the consultation, assessment and delivery of the Program; and
2. the Stronger Communities Fund Assessment Panel are to allocate projects and funds according to the option with the highest community support.

As no member of the public has indicated they wish to speak to Items 13, 14, 15, 16, 17, 19, 22, 23, 25, 26, 29 and 30 and, in accordance with Clause 6.02 of the Code of Meeting Practice, I move and declare that Items 13, 14, 15, 16, 17, 19, 22, 23, 25, 26, 29 and 30 in the Open Council Section of the Business Paper be dealt with concurrently. Further, I determine to adopt the recommendations contained in the reports.

The Administrator called a short recess at 9.15pm. The meeting resumed at 9.25pm.

C0916 Item 12 Local Traffic Committee Meeting held on 1 September 2016

Administrator determined that the Minutes of the Local Traffic Committee Meeting held on 1 September 2016 be received and the recommendations be adopted, with the exception of Item 1 which will be referred back to the Traffic Committee for further consideration.

C0916 Item 13 Anti-Poverty Week 2016 Grants

Administrator determined that Council endorses donations of \$1,660 each to The Girls Refuge, Exodus Foundation and Aboriginal Women and Children's Crisis Service, as part of its 2016 Anti-poverty Week activities.

C0916 Item 14 The Metropolitan Orchestra - Fee Waiver Request

Administrator determined that:

1. Council approve the fee waiver for The Metropolitan Orchestra for the 2017 calendar year; and
2. Council advise The Metropolitan Orchestra that changes in the fee waiver policy will be considered by Council in the near future as part of a development of a new grants framework and integrated fees and charges for the Inner West Council.

C0916 Item 15 Request for Chrissie Cotter Gallery Fee Waiver - AGNSW Staff Charity Exhibition

Administrator determined that:

1. the report be received and noted; and
2. Council waive the 15% commission for the *AGNSW Staff Charity Fundraiser Exhibition* at the Chrissie Cotter Gallery, 12 to 16 October 2016.

C0916 Item 16 Expenses and Facilities Policy for the Administrator

Administrator determined that Council adopt the amended Expenses and Facilities Policy for the Administrator, shown as Attachment 1 to this Report and publish it on the Inner West Council website.

C0916 Item 17 Expenses and Facilities Policy for IAG/LRAC Members

Administrator determined that Council adopts the amended Expenses and Facilities Policy for IAG/LRAC members, as shown in Attachment 1 to this report, and publish it on the Inner West Council website.

C0916 Item 18 Summary of Resolutions - Publishing on Website

Administrator determined that Council publishes a dedicated webpage that reports on outstanding recommendations and resolutions for the Inner West Council and three former councils and these reports no longer be reported separately to Council and committee meetings.

C0916 Item 19 Proposed Changes to the Schedule for Council Meetings 2016

Administrator determined that the change of location to Ashfield and the change of dates to the schedule of Council meetings for the remainder 2016 calendar year be adopted as recommended.

C0916 Item 20 Inner West Council Investments as at 31 August 2016

Administrator determined that the report be received and noted.

6. Reports with Confidential Information

C0916 Item 21 Affordable and Supported Living Housing over Hay Street Car Park, Leichhardt

Administrator determined that:

THAT:

1. Confidential Attachments 1, 2, 3 and 4 to the report be treated as confidential in accordance with section 10A of the Local Government Act, 1993 as they relate to a matter or matters specified in sections 10A(2)(c) and (d)(i) of that Act;
2. Council enters into the Heads of Agreement with Link Housing Limited in the form of Confidential Attachment 3 to the Report; and
3. authority is delegated to the General Manager to sign the Heads of Agreement for Council.

**C0916 Item 22 Cooks River Parklands - Draft Plans of Management and Master Plans
2016-2026: Feedback from Public Exhibition**

Administrator determined that:

1. Council resolves that Confidential Attachment 4 of the report be treated as confidential in accordance with Section 10A(4) of the Local Government Act 1993, as the information relates to a matter specified in Section 10A(2)(c) of the Local Government Act 1993;
2. the report be received and noted;
3. Council adopts the draft Cooks River Parklands - Plans of Management and Master Plans as attached to this report;
4. all residents and stakeholders who made submission during the public exhibition be notified of Council's determination; and
5. the Plans of Management and Master Plans be used to inform future management and capital upgrades of the Cooks River Parklands.

**C0916 Item 23 SSROC Tender for Improving Recycling and Contamination
Management in Multi Unit Dwellings (MUDs)**

Administrator determined that:

1. Council resolves that Confidential Attachment 1 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2)(c) and 10A(2)D(i) of the Local Government Act 1993;
2. the report be received and noted; and
3. under Section 178 (1) (a) of the Local Government (General) Regulation 2005, Council accept MRA Consulting Group Pty Ltd for Tender Number SSROC T2016-02 at a cost of \$209,760 for Improving Recycling and Contamination Management in Multi Unit Dwellings (MUDs).

The Administrator moved into closed session at 10.35pm to allow Council to consider items of business containing confidential information. Members of the public were asked to leave the chamber.

The Administrator returned to open session at 10.45pm to resolve as follows in relation to Items 24 and 28.

C0916 Item 24 SSROC Tender for the Provision of Tree Pruning Services

Administrator determined that:

1. Council resolves that Confidential Attachment 1 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2)(c) and 10A(2)D(i) of the Local Government Act 1993;

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2. the report be received and noted; and
 3. Council enter into a supply agreement with a panel of tree pruning providers for tree pruning services across the Inner West Council area for a period of 2 years with an option to extend for a further 3 x 1 years to the following suppliers:
 - Asplundh Tree Expert (Australia) Pty Ltd
 - Australian Urban Tree Services Pty Ltd
 - Sydney Arbor Trees Pty Ltd

C0916 Item 25 Tender T06-16 - Rehabilitation of Regent Street, Leichhardt Stormwater Line Project

Administrator determined that:

1. Council resolves that Confidential Attachments 2 and 3 to the report be treated as confidential in accordance with Section 10A (4) of the local Government Act 1993, as they relate to a matter specified in Section 10A (2) (c) and (d) Local Government Act 1993 and as such should be confidential;
2. the report be received and noted; and
3. Council accepts the tender of Monadelphous Water Infrastructure Pty in the amount of \$313,258 (excl GST).

C0916 Item 26 Formation of an Audit & Risk Committee of Inner West Council

Administrator determined that:

Council:

1. resolves that Confidential Attachment 3 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they related to a matter specified in Section 10A(2)(d) of the Local Government Act 1993;
2. establishes an Audit & Risk Committee of Inner West Council comprising three independent members (including the Chair) and seeks expressions of interest from people who were serving as independent members of the Audit & Risk Committees of the former Ashfield, Leichhardt and Marrickville Councils when those Councils were dissolved;
3. seeks to appoint one former representative from each of the Audit & Risk Committees of the former Ashfield, Leichhardt and Marrickville Councils and in the event that there is insufficient interest to meet this criterion that a merit selection process be adopted to identify another candidate/s from the pool of interested persons;
4. conducts a merit selection process where more than one person nominates themselves for the role Chair;
5. contracts independent members of the new Audit & Risk Committee to serve terms as members from 1 November 2016 to 31 October 2018;
6. adopts the proposed Audit Committee Charter and the proposed Internal Audit Charter appearing as Attachment 1 and Attachment 2 of this report; and
7. sets the remuneration of Audit & Risk Committee members of Inner West Council in accordance with the recommendations contained in Confidential Attachment 3.

C0916 Item 27 WestConnex - Advice from Senior Counsel

Administrator determined that:

1. Council makes Confidential Attachment 1 available to the public; and
2. Council takes no action to challenge the legality of approvals given for Stages 1 and 2 of WestConnex on the basis of advice received to date.

C0916 Item 28 Live Streaming of Council Meetings

Administrator determined that:

THAT:

1. in accordance with the requirements under the Local Government Act 1993, the information contained in Confidential Attachments 2 and 3 of this report are classified as confidential under the provisions of Section 10A (2) (d) of the Local Government Act 1993 for the following reasons:
 - a) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it;
 - b) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council;Confidential information provided for assessment by Council is not to be shared or published;
2. Council implements option 3, using YouTube to webcast Council Meetings commencing from December 2016; and
3. Council investigate the feasibility of live streaming the Inner West Planning Panel (IWPP) meetings.

C0916 Item 29 ICT System Consolidation

Administrator determined that:

1. in accordance with the requirements under the Local Government Act 1993, the information contained in Confidential Attachment 1 of this report is classified as confidential under the provisions of Section 10A (2)) (c) (di) and (dii) of the Local Government Act 1993 for the following reasons:
 - c. information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
 - d (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it;
 - d (ii) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council;Confidential information provided for assessment by Council is not to be shared or published;
2. in accordance with Section 55(3)(i) of the Local Government Act 1993, Council delegate

the authority to the Interim General Manager to negotiate directly with TechnologyOne and execute a contract for the provision of a new consolidated ICT system; and

3. the extenuating circumstances are as follows:
 - a. the amalgamation of the three former councils;
 - b. the need to have a consolidated ICT system as a matter of priority in order to progress the integration of services across Council;
 - c. there are only two main service providers in the industry and TechnologyOne capabilities are already well established within two of the three former councils;
 - d. the tender process would add a significant and unreasonable time delay in consolidating ICT systems; and
 - e. the benefit to Council by partnering with a TechnologyOne solution in providing long term benefits to the Council and the Community.

C0916 Item 30 Senior Staff Structure

Administrator determined that Council approves the senior staff positions (3 Deputy General Managers) within the organisational structure shown in Attachment 1, the respective roles and reporting lines and resources allocated towards the employment of senior staff, as outlined in this report.

C0916 Item 31 Administrator's Minute: Westconnex Mid Tunnel Construction Sites in Leichhardt

Administrator determined that:

Council:

1. strongly opposes the use of any green spaces, ovals or parks within the Inner West Council area by the WestConnex project for a mid-tunnel construction site;
2. strongly opposes the use of 7 Darley Road or Blackmore Oval as a mid-tunnel construction site in light of the likely significant adverse impacts on local environmental amenity, accessibility into and out of Leichhardt and Lilyfield via the City West Link, Darley Road and James Street and traffic congestion that would be created by the significant number of truck movements that such a site would generate;
3. commits funds and resources to undertake an assessment of the impact of the proposal and/or concept design when information is provided by SMC;
4. notes that Council has written to SMC regarding the likely impacts from mid tunnel construction sites at Darley Road or Blackmore Oval and the need for substantive information to be immediately provided to Council and the community; and
5. requests that SMC refrain from releasing any concept design without providing for an adequate review period that does not include December or January so that the community are not disadvantaged by having to respond to such design during the holiday period or early in the New Year.

Meeting closed at 10.50pm.

Public Speakers:

Item 1:	John Stamolis, Leichhardt LRAC Jo Alley John Lozano	Balmain Ashfield Haberfield
Item 2:	Julie Passas, Ashfield LRAC Myriam Mendez Tai Zhang Jason Balgi Remus Dabb Helen Stasa Hong Foo Sophie Loy-Wilson Muhilan Sriravindrarajah Phillip (Fei) Yu Lester Alvis Andrew McLaren Maria Bresic Matthew Geason Joseph Panetta Marcus Strom Alex Lofts, Ashfield LRAC Caroline Stott, Ashfield LRAC	Ashfield Summer Hill Summer Hill Summer Hill Summer Hill Summer Hill Summer Hill Summer Hill Summer Hill Summer Hill Summer Hill Summer Hill Summer Hill Summer Hill Summer Hill Summer Hill Summer Hill Summer Hill Parramatta Summer Hill Summer Hill Ashfield
Item 3:	Donna Duggan	Not supplied
Item 4:	Bruce Threlfo	Rozelle
Item 5:	Phillip Bull	Marrickville
Item 6:	Mohamed El Dardiry Luiza Campos Alex Lofts, Ashfield LRAC	Not supplied Not supplied Summer Hill
Item 8:	Chantelle Chow	Not supplied
Item 9:	Geoff Sturday Chantelle Chow	Balmain Not supplied
Item 10:	Simon Emsley, Leichhardt LRAC John Stamolis, Leichhardt LRAC Victor Macri, Marrickville LRAC Chris Woods, Marrickville LRAC Rose Gates James Connelly Paul Greenland John Jobling, Leichhardt LRAC John Lozano	Leichhardt Balmain Marrickville Marrickville Not supplied Not supplied Leichhardt Leichhardt Haberfield
Item 11:	Mark Drury, Ashfield LRAC John Stamolis, Leichhardt LRAC Victor Macri, Marrickville LRAC Simon Emsley, Leichhardt LRAC	Ashfield Balmain Marrickville Leichhardt
Item 12:	Elise Hawthorne Cameron Nichol	Tempe Rozelle

Item 18:	Simon Emsley, Leichhardt LRAC	Leichhardt
Item 20:	John Stamolis, Leichhardt LRAC	Balmain
Item 21:	Simon Emsley, Leichhardt LRAC	Leichhardt
Item 24:	Kim Haig Smith Paul Greenland John Lozano Adrienne Shilling John Stamolis, Leichhardt LRAC	Annandale Leichhardt Haberfield Petersham Balmain
Item 27:	Rhea Liebmann Anne Picot John Lozano	Marrickville St Peters Haberfield
Item 28:	Simon Emsley, Leichhardt LRAC Chris Woods, Marrickville LRAC	Leichhardt Marrickville
Item 31:	Catherine Cavill John Stamolis, Leichhardt LRAC Lucille McKenna, Ashfield LRAC Alex Lofts, Ashfield LRAC	Not supplied Balmain Summer Hill Summer Hill