

**Minutes of Council Meeting
held at Ashfield Service Centre on 25 October 2016**

Meeting commenced at 6.33pm

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
Popy Mourgelas	Manager Corporate Governance, Ashfield
Ian Naylor	Manager Governance & Administration, Leichhardt
Tanya Whitmarsh	Manager Governance & Risk, Marrickville
David Murray	Manager Financial Services, Leichhardt
Pav Kuzmanovski	Chief Financial Officer, Marrickville
Myooran Vinayagamoorthy	Chief Financial Officer, Ashfield
Lyn Gerathy	Manager Property & Commercial Services, Leichhardt
Graham Carnegie	Manager Employee Services & Risk Management , Leichhardt
Katerina Maros	Governance Officer, Leichhardt (Minute Taker)

Public Speakers: see last page 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. Confirmation of Minutes

That the Minutes of the Council Meeting held on Tuesday, 27 September 2016 be confirmed.

4. Staff Reports**Procedural Motion**

Administrator determined that Item 1 be deferred till later in the agenda when Council's External Auditor is present.

C1016 Item 2 Planning Proposal for Sydenham Station Creative Hub

Administrator determined that Council:

1. Receives and notes this report;
2. Endorses the Social Impact Assessment prepared for this project, at Attachment 1;
3. Prepares a planning proposal for the Sydenham Station creative hub precinct and submits it to the Department of Planning & Environment for Gateway determination subject to Areas A & B as shown on the map at Attachment 2 being combined into one area to allow small bars, restaurants, cafes and creative uses as specified in Clause 6.12 of MELP 2011 to be permitted within the existing IN1 General Industrial zone; and
4. Prepares and places on public exhibition with the planning proposal an economic study and strategy for a Development Control Plan (DCP) for the precinct should the planning proposal receive Gateway approval. The DCP to include (among other things) a creative industries policy, licensed premises controls and plans for public domain improvements.

C1016 Item 3 Inner West Stronger Communities Grants 2016

Administrator determined that Council:

1. Endorses funding for 12 grant applications as outlined in Attachment 1, to this report totalling \$299,861 for the Inner West Stronger Communities Grants 2016;
2. Endorses the commitment of funding for two applications totalling \$47,000 for the Inner West Stronger Communities Grants 2017 as outlined in Attachment 2; and
3. Endorses recommendations for the implementation of the Inner West Stronger Communities Grants 2017.

C1016 Item 4 Local Traffic Committee Meeting held on 6 October 2016

Administrator determined that the Minutes of the Local Traffic Committee Meeting held on 6 October 2016 be received and the recommendations be adopted.

C1016 Item 5 WestConnex Stage 1 (M4 East) Draft Urban Design & Landscape Plan

Administrator determined that Council:

1. Receives and notes this report;
2. Forwards to the WestConnex M4 East project team any comments additional to those made in the Council submission (in two parts at Attachments 1 & 2) as a late addendum to the submission; and
3. Consistent with recommendation 2 above, forwards the following comments to the WestConnex M4 East project team: *“Council has concerns about construction and operational (traffic) noise impacts on properties on the western side of Wattle Street near its intersection with Parramatta Road, Haberfield. Council is particularly concerned about impacts on residents of dwellings at 14 to 24 Wattle Street, who currently endure significant construction impacts. They will also have no physical or other type of protection against noise from six lanes of traffic on Wattle Street when WestConnex is operational. It would appear these six dwellings will continue to suffer significantly greater noise impacts than others in the area as these dwellings (including bedrooms) are directly adjacent to heavy traffic – now and into the future. Council requests the WestConnex M4 East project team to re-examine the road alignment and landscape designs in this area to minimise construction and operational noise impacts on these dwellings. This could include physical or other forms of noise barriers between these dwellings and traffic on Wattle Street.”*

C1016 Item 6 Minutes of LRAC Briefing held 11 October 2016

Administrator determined that the Minutes of the LRAC Briefing held on 11 October 2016 be noted.

Procedural Motion

Administrator determined that Item 1 be considered at this time and asked Council's External Auditor, Dennis Banicevic from PricewaterhouseCoopers to speak to the Draft Financial Statements.

C1016 Item 1 Draft Financial Statements for the Period Ending 12 May 2016

Administrator determined that Council:

1. Receives and notes the report;
2. Resolves, in anticipation of receiving the Auditor's Report, to set the date to that of the December 2016 Council Meeting at which the final Annual Financial Reports for the former Ashfield (Attachment 1), Leichhardt (Attachment 2) and Marrickville Councils (Attachment 3) be presented to the public.
3. Approves to carry forward the unspent budgets for the former Ashfield (Attachment 4), former Leichhardt (Attachment 5) and former Marrickville (Attachment 6) Councils to be incorporated into the 2016/17 Inner West Council Budget.

C1016 Item 7 Fenwick Building, Weston Street, Balmain – Assessment Criteria For Selection Of Lessee

Administrator determined that:

1. The information to be included in the invitation for expressions of interest from potential lessees include that the applicant need not seek to lease all the building nor seat the maximum permitted by the development consent.
2. Council approves the Assessment Criteria for expressions of interest for the lease being:
 - (a) *Ability to operate a successful café business in these premises.*
 - *Experience*
 - *Qualifications*
 - *Financial history and position*
 - *Business Plan*
 - *Sample menu and indicative pricing.*
 - *Staffing and supervision and training of staff*
 - (b) *Proposals for allowing the public to appreciate the heritage building and other social benefits for the whole municipality.*
 - *Proposals for the gallery space (beyond the minimum requirements in the lease.)*
 - *Proposals for community members to visit the heritage building (beyond normal patronage of the café.)*
 - *Proposals for the provision of promotional and information material on Balmain, its attractions and heritage, and public transport options.*
 - *Sample menu and indicative pricing.*
 - *Proposals or possibilities for addressing local training and employment needs, including opportunities for socially vulnerable groups. This could include opportunities which are based on a social enterprise model, and/or employment opportunities for young people, immigrants, refugees or individuals who may have development, access or impairment difficulties.*
 - (c) *Rent offered.*
 - (d) *Compliance and Practices*
 - *Insurance*
 - *WHS systems*
 - *Industrial relations*
 - *Environmental practices and initiatives*

C1016 Item 8 Establishment of Alcohol Free Zones - Ashfield LGA

Administrator determined that:

1. Council adopt the establishment of Alcohol-Free Zones for a 4 year period operating 24 hours 7 days per week at the following locations:-
 - Chessell Lane, Ashfield;
 - Fox's Lane, Ashfield;
 - Hercules Street, Ashfield;
 - Summer Hill Car Park;
 - The Esplanade, Ashfield;
 - Directly outside the Exodus Foundation on Liverpool Road, Ashfield; and
 - Directly outside the Catholic Club on Station Street, Ashfield (including from the intersection of Elizabeth and Charlotte Streets)
2. Council adopt the establishment of Alcohol Prohibited Areas for a 4 year period operating from 9pm to 7am 7 days per week at the following locations:-
 - Bill Peters Reserve;
 - Darrell Jackson Park;
 - Allman Park;
 - Ashfield Park;
 - Centenary Park;
 - Hammond Park;
 - Pratten Park; and
 - Yeo Park.
3. Council adopt the establishment of Alcohol-Free Zones for a 4 year period operating 9pm to 7am 7 days per week at Summer Hill Fountain.
4. A review be undertaken after 12 months.

C1016 Item 9 Water Street Balmain – Part Road Closure - Classification

Administrator determined that:

1. Upon closure as road by gazettal, Public Notice be given under section 34 of the *Local Government Act, 1993* of a proposed resolution to classify as community land that part of Water Street Birchgrove shown as Lot 1 in the stamped plan under approved development application D/2016/233, except for the part of the proposed lot 1 containing the traveller/inclinators to the proposed lot 2 which will remain as operational land; and
2. A further report be brought to Council on the submissions received following the giving of public notice of the proposed resolution to classify.

C1016 Item 10 Open Space and Recreation Draft Interim S94 Contributions Plan

Administrator determined that:

1. Table 15: Acquisition and Embellishment Works Schedule 1 (Costings, Apportionment and Priority) included as Attachment 4 of this report be adopted to form the Open Space and Recreation Developer Contributions Plan Interim Update (2016); and
2. A public notice be placed in a local newspaper in accordance with the Environmental Planning & Assessment Regulation 2000 advising of Council's decision.

C1016 Item 11 Inner West Council Grant Program 2016/17

Administrator determined that Council approve the funding recommendations for Inner West Council Grants Program 2016/17 contained in Attachment 2.

C1016 Item 12 Proposed Rooftop Open Space Facility on TfNSW Commuter Carpark, Ashfield

Administrator determined that this matter be deferred to allow further discussion at the LRAC meeting in November.

C1016 Item 13 Planning Proposal – 101-103 Lilyfield Road, Lilyfield

Administrator determined that:

1. The attached Planning Proposal be forwarded to the Minister for Planning for a Gateway determination in accordance with Section 56 of the *Environmental Planning & Assessment Act 1979*;
2. The Department of Planning and Environment be requested to delegate the plan making functions, in relation to the subject Planning Proposal, to Council;
3. Following receipt of a Gateway determination, and compliance with any conditions, the Planning Proposal and supporting documentation be placed on public exhibition for a minimum of 28 days and public authorities be consulted on the Planning Proposal in accordance with the Gateway determination; and
4. A report be presented to Council at the completion of the public exhibition period detailing submissions received and the outcome of consultation with public authorities.

C1016 Item 14 Classification of Operational Land, 78 - 90 Old Canterbury Road, Lewisham

Administrator determined that Council classifies land at Lot 34, 35, 36, 37 and 135, 78 - 90 Old Canterbury Road, Lewisham as operational land for the purposes of the *Local Government Act 1993*.

C1016 Item 15 Tabling of 2015/16 Annual Disclosure of Interest Returns for Designated Persons

Administrator determined that Council note the tabling of Pecuniary Interest Returns of Designated Staff for the return period 1 July 2015 to 30 June 2016.

C1016 Item 16 Inner West Council Investment as at 30 September 2016

Administrator determined that the report be received and noted.

The Administrator moved into closed session at 9.40pm 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 9.44pm to read out the recommendations from the Closed Session and resolve as follows in relation to Items 17 and 18.

5. Reports with Confidential Information**C1016 Item 17 Mandatory Reporting of Fire Safety Reports Referred to Council from Fire and Rescue NSW**

Administrator determined that Council:

1. Resolves that Confidential Attachment 1 to the report be treated as confidential under the provisions of Section 10A (1) of the Local Government Act 1993 as it relates to a matter specified in Section 10A (2) (g) of the Local Government Act 1993 and as such should be confidential;
2. Note the correspondence provided by Fire and Rescue NSW for development on land 102-104 Elswick Street Leichhardt; 268 Darling Street, Balmain; 402 Catherine Street, Lilyfield (also known as 33 Lonsdale St, Lilyfield); and 138-152 Victoria Road, Rozelle (Balmain Leagues Club) has been tabled for the purposes of s121ZD of the Environmental Planning and Assessment Act 1979; and
3. Note and endorse the Council Officer's use of statutory powers (and discretion as appropriate) under s121B of the Environmental Planning and Assessment Act 1979 to require upgrades to buildings to the satisfaction of Council's Fire Safety Officer in order to:
 - improve the provisions for fire safety at the premises;
 - improve the provision of fire safety awareness;
 - improve the adequacy of the premises to prevent fire;
 - improve the adequacy of the premises to suppress fire or prevent the spread of fire; and
 - improve the safety of persons in the event of fire

C1016 Item 18 Review of Insurances for Inner West Council

Administrator determined that:

1. Council resolves that Confidential Attachments 1 and 2 to the report be treated as confidential under the provisions of Section 10A (1) of the Local Government Act 1993 as they relate to a matter specified in Section 10A (2) (d)(i) of the Local Government Act 1993 and as such should be confidential;
2. Pursuant to section 55(3)(i) of the *Local Government Act 1993* the Council determines that a satisfactory result would not be achieved by inviting tenders for the provision of insurance services due to the following extenuating circumstances:
 - a. The local government sector is predominantly insured via mutuals as opposed to the commercial insurance market;
 - b. There are only 2 Mutuals servicing the sector;
 - c. Those 2 Mutuals currently service the insurance needs of the Council due to their relationship with the predecessor councils;
 - d. The Council wishes to remain with a mutual insurance provider;
 - e. There is, in any event, insufficient time to undertake a general tender process as current insurance expires on 31 October 2016; and
 - f. There would be no better outcome by proceeding to open tender given the desire of Council to remain with a mutual insurance arrangement.
3. Council endorse the process that has been undertaken and endorses Statewide to be Council's provider of general insurances.
4. The General Manager is authorised to finalise the final terms of the Insurances to best meet and protect Council's long term risk, insurance and financial position.

Meeting closed at 9:45pm.

Public Speakers:

Item 1:	Mark Drury, Ashfield LRAC Lucille McKenna, Ashfield LRAC Alex Lofts, Ashfield LRAC	Ashfield Summer Hill Summer Hill
Item 2:	Victor Macri, Marrickville LRAC Rosana Tyler, Marrickville LRAC Jo Haylen MP James Gilronan Kosmos Papadopoulos Louise Dwyer	Marrickville Tempe Summer Hill Dulwich Hill Not supplied Sydenham
Item 4:	Chris Woods, Marrickville LRAC	Marrickville
Item 5:	Victor Macri, Marrickville LRAC Lucille McKenna, Ashfield LRAC Alex Lofts, Ashfield LRAC Daniela Arlotta John Lozano Ted Cassidy, Ashfield LRAC	Marrickville Summer Hill Summer Hill Haberfield Haberfield Haberfield
Item 6:	Darcy Byrne, Leichhardt LRAC Mark Drury, Ashfield LRAC Lucille McKenna, Ashfield LRAC Alex Lofts, Ashfield LRAC Janet Bustall Leon Fry-Kontaxis Sharon Page Richard Walsham Richard Archer Matthew Howard Ted Cassidy, Ashfield LRAC Simon Emsley, Leichhardt LRAC Don Smith John Lozano	Leichhardt Croydon Summer Hill Summer Hill Lilyfield Annandale Lilyfield Enmore Annandale Not supplied Haberfield Leichhardt Ashfield Haberfield
Item 7:	Gary Saunders	Balmain East
Item 8:	Alex Lofts, Ashfield LRAC Mark Drury, Ashfield LRAC Ted Cassidy, Ashfield LRAC Rene Holmes	Summer Hill Croydon Haberfield Ashfield
Item 10:	Darcy Byrne, Leichhardt LRAC John Jobling, Leichhardt LRAC Ted Cassidy, Ashfield LRAC	Leichhardt Rozelle Haberfield
Item 12:	Mark Drury, Ashfield LRAC Lucille McKenna, Ashfield LRAC Ted Cassidy, Ashfield LRAC	Croydon Summer Hill Haberfield
Item 13:	James Gilronan	Dulwich Hill
Item 16:	James Gilronan Mark Drury, Ashfield LRAC	Dulwich Hill Croydon