

Minutes of Ordinary Council Meeting held on 21 November 2017**Meeting commenced at 6.36 pm****Present:**

Darcy Byrne	Mayor
Julie Passas	Deputy Mayor
Marghanita Da Cruz	Councillor
Mark Drury	Councillor
Lucille McKenna OAM	Councillor
Colin Hesse	Councillor
Sam Iskandar	Councillor
Pauline Lockie	Councillor
Victor Macri	Councillor
Rochelle Porteous	Councillor (6.38pm)
Vittoria Raciti	Councillor
John Stamolis	Councillor
Louise Steer	Councillor
Anna York	Councillor
Rik Hart	Interim General Manager
Peter Gainsford	Deputy General Manager Assets and Environment
Michael Tzimoulas	Deputy General Manager Chief Financial and Administration Officer
John Warburton	Deputy General Manager Community and Engagement
Tanya Whitmarsh	Group Manager Governance
Gill Dawson	A/Group Manager Strategic
Simon Lowe	Strategic Transport Planner
Ian Naylor	Manager Civic and Executive Support
Katherine Paixao	Business Paper Coordinator (Minute Taker)

APOLOGIES:**Motion (Da Cruz/Kiat)**

That Council accept apologies for lateness from Councillor Porteous.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

DISCLOSURES OF INTERESTS:**Motion: (Byrne/McKenna)**

That the following Disclosures of Interest be received and noted.

1. Councillors Macri and Iskandar declared a significant, non-pecuniary interest in Item 7 and Item 31 - 466-480 New Canterbury Road, 26-38 Hercules Street, Dulwich Hill - Planning Proposal and Matters Being Reported to the Sydney Central Planning Panel

for Determination, as they are members of the Sydney Central Planning Panel and may be required to determine this matter; and

2. Councillor Hesse declared a non-significant, non-pecuniary interest in Item 7 - 466-480 New Canterbury Road, 26-38 Hercules Street, Dulwich Hill - Planning Proposal, as his mother owns a property opposite the site.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Raciti, Stamolis, Steer and York

Against Motion: Nil

Absent: Cr Porteous

Councillor Porteous entered the meeting at 6.38 pm.

CONFIRMATION OF MINUTES**Motion: McKenna OAM/Drury**

1. That the Minutes of the Ordinary Council Meeting held on 24 October 2017 be confirmed as a correct record, subject to the following changes:
 - a. The deletion of the words 'Leave of absence granted' from the apologies;
 - b. Recording Councillor Drury voting against amendment in Item 25 – Making the Inner West a Leader in Renewable energy
2. That the Minutes of the Extraordinary Council Meeting held on 31 October 2017 be confirmed as a correct record, subject to the following changes:
 - a. The deletion of the words 'Leave of absence granted' from the apologies;
 - b. Recording Councillor Raciti voting against the Motion for point 3e in Item 2 - Local Government NSW Annual Conference.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C1117 Item 32 Mayoral Minute: Letter of Condolence to the Family of Malcolm Young**MOTION: (Byrne)**

THAT Council write a letter of condolence to the family of Malcolm Young, expressing our sadness at his passing and commending the contribution he made to the inner west community and music worldwide.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C1117 Item 30 Mayoral Minute: Bulk Transfer of Nominated General Staff**MOTION: (Byrne)****THAT Council:**

- 1. Complete the bulk transfer of the permanent positions within Footpaths, Roads, Traffic and Storm water; Trees, Parks, and Sports fields; Mechanical Services; Resource Recovery; Children and Family Services; Community Operations; and Recreational and Aquatics which have not yet been finalised through the organisational restructure. Notice of the awarding of these positions should be forwarded to all affected staff urgently to allow them to have certainty about the security of their employment prior to the end of 2017;**
- 2. Adopt a policy of allowing all employees of the Inner West Council to have the five year employment protection, from the date of the amalgamation, as was provided for the officers of the former Leichhardt Council. Furthermore, that efficiency savings identified through the restructure are to be achieved through natural attrition;**
- 3. Ask the General Manager to complete further harmonisation of employee conditions and service standards through consensus and collaboration between General Manager and Human Resources Group Manager, the officers of the Council and their industrial representatives; and**
- 4. Produce a report summarising the previous best practices of Ashfield, Marrickville and Leichhardt Councils and the local government sector, in relation to equal opportunity employment practices. This should include consideration of gender equity and women leadership programs, apprenticeships and proactive approaches to attracting, retaining and developing Indigenous people and people with disability.**
- 5. Receive a report at the February ordinary meeting on the implementation of the resolutions.**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil**Procedural Motion - Item 8 Victoria Road Precinct Planning Proposal****Motion: (Macri/Passas)****THAT Council defer Item 8 in order for Councillors to be briefed on the matter.****Motion Carried****For Motion:** Crs Byrne, Drury, Iskandar, Macri, McKenna OAM, Passas, Raciti and York**Against Motion:** Crs Da Cruz, Hesse, Kiat, Lockie, Porteous, Stamolis and Steer

Suspension of Standing Orders:**Motion: (Byrne/McKenna OAM)****THAT Items 2, 5, 7, 10, 20, 24, 26 and 27 be brought forward.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil**C1117 Item 2 Draft Code of Meeting Practice****Motion (Drury/Macri)****THAT Council:**

- 1. Adopt the Draft Code of Meeting Practice shown as Attachment 1 subject to the following amendments:**
 - a. Delete reference to Public Forum from Clause 1.5 (1) a - Order of Business;**
 - b. Rename Clause 2.8 –Public Forum – Addressing Council ;**
 - c. Delete Clause 2.8 (2) and replace with:**

“Those people referred to in Clause 2.8.1 may address council before debate on an item that they have given notice they wish to speak on in accordance with Clause 2.8.5. Council shall permit a maximum of three speakers for and three speakers against per item of business.”
 - d. Delete the note at the end of Clause 6.1.5;**
 - e. Introduce a moment of quiet contemplation in the order of business prior to the consideration of reports;**
 - f. That Clause 2.12 (3) be amended to state that Councillors are allowed to speak for 3 minutes.**
- 2. Publish the Code of Meeting Practice on its website;**
- 3. Communicate the changes to the Code of Meeting Practice through its website, social media, newsletters, advertisements in the Inner West Courier and with a public notice in Council’s Libraries and Facilities; and**
- 4. Write to the persons who made submissions during the exhibition period and notify them of Council’s Decision.**

Motion Carried**For Motion:** Crs Byrne, Drury, Iskandar, Lockie, Macri, McKenna OAM, Passas, Raciti, Stamolis and York**Against Motion:** Crs Da Cruz, Hesse, Kiat, Porteous and Steer

Foreshadowed Motion (Porteous)**THAT:**

1. Council defers the decision to change the Code of Meeting practice until the new model Code of Meeting practice is released by the OLG ;
2. Until that time Council continue to use the Leichhardt Code of Meeting practice; and
3. From February 2018 Council meets twice a month.

This Foreshadow Motion lapsed.

Amendment (Stamolis/Lockie)**THAT Council:**

1. Adopt the Draft Code of Meeting Practice shown as Attachment 1 subject to the following amendments:
 - a. Remove Clause 2.3.(1) the words “Shall stand when speaking”;

Motion Lost

For Motion: Crs Da Cruz, Hesse, Kiat, Lockie, Porteous, Stamolis and Steer
Against Motion: Crs Byrne, Drury, Iskandar, Macri, McKenna OAM, Passas, Raciti and York

- b. That Clause 2.12 (3) be amended to state that Councillors are allowed to speak for 3 minutes.

Motion Carried

For Motion: Crs Da Cruz, Hesse, Kiat, Lockie, Iskandar, Porteous, Stamolis and Steer
Against Motion: Crs Byrne, Drury, Macri, McKenna OAM, Passas, Raciti and York

As this amendment was carried, it was included in the Primary Motion.

- c. Remove Clause 5.1(2c) “Councillors should not have to specify the source of funding for their motions”.

Motion Lost

For Motion: Crs Da Cruz, Hesse, Kiat, Lockie, Porteous, Stamolis and Steer
Against Motion: Crs Byrne, Drury, Iskandar, Macri, McKenna OAM, Passas, Raciti and York

C1117 Item 5 Amendments to Inner West DCP 2016**Motion: (McKenna OAM/Drury)****THAT:**

- 1. Council note the contents of the report;**
- 2. The General Manager be authorised to make minor clerical amendments to the DCP amendments which do not change the content and intent of the document;**
- 3. In accordance with Part 3, Clause 21 of the Environmental Planning and Assessment Act Regulation 2000, Council endorse and give public notice of the adoption of the amendments to Inner West Comprehensive DCP for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill as shown at Attachment 1;**
 - a. Council provide the Secretary of the Department of Planning and Environment a copy of the DCP amendments pursuant to Part 3, Clause 25 AB of EPA Act Regulation 2000; and**
 - b. That a briefing be prepared on the heritage controls of the former Council areas.**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil

Councillors Iskandar and Marci left the Meeting at 8:52 pm and took no part in the discussion or voting on Item 7 as they had declared an a significant, non-pecuniary interest.

C1117 Item 7 466-480 New Canterbury Road, 26-38 Hercules Street, Dulwich Hill - Planning Proposal**Motion: (Drury/Stamolis)****THAT Council:**

- 1. Receive and note this report;**
- 2. Accepts the role of Relevant Planning Authority for the Planning Proposal at 466-480 New Canterbury Road & 26-38 Hercules Street, Dulwich Hill;**
- 3. Request the Department of Planning and Environment delegate to Council the Plan Making functions to make the LEP amendment;**
- 4. Submits the Proponent's Planning Proposal to the Department of Planning and Environment for a Gateway Determination; and**
- 5. Council reiterates our view that the maximum building height be no greater than 5-6 storeys alongside Dulwich Grove light rail station, and that any planning**

proposal on the subject land should seek to protect Dulwich Hill public school from overshadowing and privacy impacts.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

Absent: Crs Iskandar and Macri

Amendment (Porteous)**THAT:**

1. The Councillors appoint an appropriately qualified consultant to prepare a Councillors' submission to the planning proposal which puts particular focus on issues of concern to the community and the Councillors regarding this planning proposal.
2. Councillors be consulted on which issues they want included in this submission.

This Foreshadowed Motion lapsed.

Councillors Macri and Iskandar returned to the Meeting at 8:58 pm.

C1117 Item 10 Sydney Metro (Sydenham to Bankstown) EIS Submission

Motion: (Drury/Hesse)

THAT:

1. Council does not accept that the case for the Sydney Metro has been adequately made. Our community is not prepared to accept the disruption that would be caused by this project, that we are not convinced will benefit our community or Sydney as a whole;
2. Furthermore we request the council staff amend the report prior to submitting it, in order to;
 - a. Make clear that one of the cumulative impacts which has not been addressed in the EIS is the impact of additional pressure being placed on the Bankstown line, while it is at reduced capacity from 2019 to 2024, due to additional housing being forced on communities by the Sydenham to Bankstown urban renewal strategy;
 - b. Make clear that the cumulative impact of current development under the 2011 LEP and existing new housing needs be taken into consideration;
 - c. Stress community concern regarding traffic impacts both during general construction and shutdown periods, including the potential for rat-running in local streets;

- d. Call for the individual Temporary Transport Plans to be exhibited before any rail line shutdown period; and
 - e. Request a specific amount of money to control parking impacts.
3. Should the state government persist with this project then the Inner West Council advises that if the government does not want to create more chaos then it should place an embargo on planning “upzonings” in the Sydenham to Bankstown Urban Renewal Corridor (SBURC) until after the proposed completion of the of the Metro Line.

Failing this the government should arrange for a detailed assessment of the cumulative impacts of private construction due to the SBURC and public infrastructure construction for the Metro rail line be undertaken and exhibited, before any approval is given for the Metro line, given that this assessment is not included in the EIS; and

4. Council receives and notes the report and formally submits the attached submission to the Department of Planning and Environment.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

Amendment (Da Cruz/Porteous)**THAT Council:**

1. Amend the plans to incorporate shade in the form of structures, trees and vegetation around pedestrian pathways; and
2. Incorporate water management systems to replenish soil moisture levels.

Motion Lost

For Motion: Crs Da Cruz, Hesse, Kiat, Lockie, Porteous, Stamolis and Steer

Against Motion: Crs Byrne, Drury, Iskandar, Macri, McKenna OAM, Passas, Raciti and York

Councillor Drury left the Meeting at 9:26 pm.

Councillor Drury returned to the Meeting at 9:35 pm.

**C1117 Item 20 Notice of Motion to Rescind: Cottages at 9 and 11 Marion Street
Leichhardt****Motion: (Porteous/Steer)**

THAT Council’s resolution of C0417 Item 14 Cottages at 9 and 11 Marion Street Leichhardt at the April 2017 Ordinary Meeting be rescinded.

Motion Carried

For Motion: Crs Da Cruz, Hesse, Kiat, Lockie, Passas, Porteous, Raciti, Stamolis and Steer

Against Motion: Crs Byrne, Drury, Iskandar, Macri, McKenna OAM and York

Motion: (Porteous/Steer)

THAT a report be brought to the February 2018 Ordinary meeting on the opportunity, costs and timeline for conversion of cottages 9 and 11 Marion St to a community purpose. The consideration on what that community purpose that should be to include: a Community Centre for Leichhardt Youth; artist studios and art gallery/cultural space; a general community space, housing for low income housing or other appropriate community uses.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C1117 Item 24 Notice of Motion: Boosting the micro-brewing sector in the Inner West

Motion: (Byrne/York)

- 1. Investigate and report to the February ordinary meeting on:**
 - a. Possible amendments to planning controls which would increase the allowable floor space for tasting on site within micro-breweries to the level of 40% of the gross floor area or 400 square metres, whichever is the lesser, as adopted by the former Ashfield Council; and**
 - b. Options for updating and refining the definition of ancillary use for tasting rooms, within microbreweries, to provide greater certainty for proponents about the meaning and limits of ancillary use. This should be produced in consultation with local microbrewery operators.**
- 2. Consult with the Inner West Brewers Association and consider in the context of the 2018/19 Budget the following initiatives:**
 - a. Establishing or supporting an annual Inner West Craft Beer Festival, in conjunction with local breweries, pubs and small bars, with the aim of making it one of the premier craft beer festivals in Australia; and**
 - b. Working with local microbreweries, tourism operators and government agencies to promote brewery trails and tours as a tourist attraction in the Inner West local government area.**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

Against Motion: Cr Passas

Councillor Passas left the Meeting at 10:27 pm.

C1117 Item 26 Notice of Motion: WestConnex Noise Issues**Motion: (Lockie/Hesse)****THAT Council:**

1. **Write urgently to the Premier, Minister for WestConnex and Minister for Planning to:**
 - a. **Express major concern about the unacceptable noise impacts of construction works in St Peters, Haberfield and Ashfield, where residents have faced weeks of night works on top of daily construction noise;**
 - b. **Demand that night works should not take place on an ongoing basis, as has been happening in recent weeks;**
 - c. **Insist that if night work is unavoidable, affected residents must be offered alternative accommodation or other meaningful noise mitigation measures, even if night works do not take place on consecutive nights, and regardless of whether they have been classified as “sensitive receivers” by WestConnex contractors;**
 - d. **Demand that WestConnex contractors act immediately to deliver their at-property noise treatment obligations as outlined in the *WestConnex The New M5 Construction Noise and Vibration Plan* (October 2016).**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil**Absent:** Cr Passas

Councillor Passas returned to the Meeting at 10:40 pm.

C1117 Item 27 Notice of Motion: Investigation into New Council Committees**Motion: (Stamolis/Lockie)****THAT Council:**

1. **Consider options for broader community attendance at its committees;**
2. **Consider local sub-committees of Council Committees which would enable greater local engagement as well as greater accessibility to meetings; and**
3. **Consider establishing sub-committees as part of the new Committee framework to address specific community priorities (such as Climate Change, Bicycle Use, Heritage and Sports Participation).**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil

MOTION: (Byrne/Stamolis)

THAT the following Items be moved en bloc and the recommendations contained in the reports be adopted: Items 3, 9, 13, 14, 17, 25 and 28.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C1117 Item 3 Audited Financial Reports as at 30 June 2017

Motion: (Byrne/Stamolis)

THAT:

- 1. Receives and notes the report; and**
- 2. Receives the final audited reports for the Inner West Council for the reporting period ending 30 June 2017 (ATTACHMENT 1).**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C1117 Item 9 Greenway shared path through Arlington Grove development

Motion: (Byrne/Stamolis)

- 1. Pursuant to section 55(3)(i) of the Act, the Council resolves that a satisfactory result would not be achieved by inviting tenders for the provision of a shared path through the Arlington Grove Development, to a suitable standard for use as the Greenway shared path, due to the following extenuating circumstances:
 - a. The land in question is owned by the developer of the Arlington Grove development.**
 - b. Council has no entitlement other than with the permission of the developer to enter the land and construct the shared path.**
 - c. Accordingly, the developer is the only party with whom the contract can be struck. An open tender process is of no utility in such circumstances.****

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C1117 Item 13 Dockless Bike Share Schemes

Motion: (Byrne/Stamolis)

THAT Council receives and notes the report.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C1117 Item 14 Fee Waiver Applications in relation to community use of Council facilities in 2018

Motion: (Byrne/Stamolis)

THAT Council:

1. Approve the fee waiver applications submitted by regular annual hirers for use of Council venues and facilities in 2018 as listed in Attachment 1;
2. Note this a continuation of practice at the former Leichhardt Council; and
3. Note that Council Officers will be undertaking a review of Fees & Charges and policies for fee waiver and concessions with a view to consistency, equity and transparency across the Inner West LGA.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C1117 Item 17 Investment Report as at 31 October 2017

Motion: (Byrne/Stamolis)

THAT the report be received and noted.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C1117 Item 25 Notice of Motion: Urgent Action needed to improving Air Quality

Motion: (Byrne/Stamolis)

THAT Council submit a motion to the Local Government Association Conference calling on the NSW Government to:

1. Develop legislation to allow local councils to follow the NSW Chief Medical Officer's advice and phase out Wood Heaters;
2. Introduce effective education and incentive program commensurate with the \$8 billion health cost of residential wood heating pollution in NSW that will create widespread understanding of the benefits of switching to non-pollution heating; and

- 3. Provide effective powers for councils to take action against unhealthy levels of wood smoke pollution, including local exceedances of National PM2.5 Air Quality Standards.**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C1117 Item 28 Notice of Motion: Cabcharge for Councillors

Motion: (Byrne/Stamolis)

THAT in the interests of public accountability, transparency and safety, the Councillor Expenses and Facilities Policy be amended to include cabcharge cards to those Councillors who request this.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

Motion: (Byrne/Stamolis)

THAT Items 1, 4, 6, 11, 12, 15, 16, 18, 19, 21, 22, 23 and 31 be brought forward for consideration and dealt with at this time.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C1117 Item 1 Councillor Support Staff

Motion: (Stamolis/Hesse)

THAT a Councillor briefing be held in early 2018 to consider all options for Councillor support.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

The Mayor, Councillor Byrne left the Meeting at 11:07 pm.
The Deputy Mayor, Councillor Passas Assumed the Chair.

PROCEDURAL MOTION: (Raciti/McKenna OAM)

THAT an extension of time be granted to deal with the confidential item – Item 29

Motion Carried

For Motion: Crs Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

Absent: Cr Byrne

REPORTS WITH CONFIDENTIAL INFORMATION**C1117 Item 29 General Manager's Contract of Employment**

Motion: Passas/Stamolis

THAT Council moves into closed session to deal with this matter as the information contained in CONFIDENTIAL ATTACHMENTS 1 of this report are classified as confidential under the provisions of Section 10A (2) (a) of the Local Government Act 1993 for the following reasons:

- a. personnel matters concerning particular individuals (other than councillors);

And in accordance with Sections 10A (4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

The Deputy Mayor, Councillor Passas moved into closed session at 11.07pm to allow Council to consider items of business containing confidential information. Members of the public were asked to leave the Chamber.

The Mayor, Councillor Byrne returned to the Meeting at 11:12 pm as assumed the Chair.

Motion: (Drury/Stamolis)

THAT Council return to open session to read out the recommendations from the Closed Session.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

The Mayor read out to the Meeting the recommendation from the Closed Session of Council.

Motion: (Drury/Hesse)

THAT Item 29 – General Manager's Contract of Employment be deferred for consideration at the next Ordinary Council Meeting.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

Meeting was adjourned at 11.55pm.

The Following Items will be considered at the next Ordinary Council Meeting on 12 December 2017, Items 4, 6, 11, 12, 15, 16, 18, 19, 21, 22 and 23. Item 31 will not be considered at the next Council Meeting as it related to a decision of the Sydney Central Panel to be held on 28 November 2017.

The meeting was resumed on 12 December 2017 at 6.34 pm

Present:

Darcy Byrne	Mayor
Julie Passas	Deputy Mayor (10.02pm)
Marghanita Da Cruz	Councillor
Mark Drury	Councillor
Lucille McKenna OAM	Councillor
Colin Hesse	Councillor
Sam Iskandar	Councillor
Pauline Lockie	Councillor
Victor Macri	Councillor
Rochelle Porteous	Councillor
Vittoria Raciti	Councillor (7.17pm)
Louise Steer	Councillor
Anna York	Councillor
Rik Hart	Interim General Manager
Peter Gainsford	Deputy General Manager Assets and Environment
John Warburton	Deputy General Manager Community and Engagement
Nellette Kettle	Group Manager Civic and Executive Support, Integration, Customer Service and Business Excellence
Joe Strati	Group Manager Legal
David Birds	Group Manager Strategic Planning
Gill Dawson	Manager Strategy and Policy
Kendall Banfield	Manager WestConnex Unit
Harjeet Atwal	Manager Planning Operations
Wal Petschler	Group Manager Footpaths, Roads, Traffic and Stormwater
Ian Naylor	Manager Civic and Executive Support
Katherine Paixao	Business Paper Coordinator (Minute Taker)

APOLOGIES:

Motion (Macri/Lockie)

That apologies from Councillor Stamolis and lateness from Councillors Raciti and Passas be accepted.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Steer and York

Against Motion: Nil

DISCLOSURES OF INTERESTS: Nil

Suspension of Standing Orders (Byrne/Macri)

THAT Items 4 and 21 be brought forward and dealt with at this time.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Steer and York

Against Motion: Nil

C1117 Item 4 Post Exhibition Report - Sydenham Station Creative Hub Planning Proposal**Motion (York/Byrne)**

THAT Council:

1. Note:

- a. The existing Sydenham Creative Hub proposal has been endorsed repeatedly by the former Marrickville Council and the NSW Department of Planning;
- b. The large body of work that has been dedicated to the development of the policy for the Sydenham Station Creative Hub involving input from a wide range of stakeholders over a substantial period of time, and the careful consideration of the development of that policy by the former Marrickville Council;
- c. The independent support for the policy from academic and planning experts including the City Futures Research Centre, Professor Peter Phibbs and SGS Economics in their 2014 Study of Marrickville Employment lands;
- d. The very large proportion of submissions received during the consultation process in support of the existing proposal; and
- e. The original intent of the Sydenham Creative Hub proposal, which was to protect current industrial uses in the precinct, by adapting our planning Instruments to ensure emerging additional artistic and creative uses are permitted, as a means of securing the vibrancy and visitation to the area.

2. Defer consideration of the matter pending further investigation into options to achieve the original intent of the proposal, by further specifying and limiting new uses, including potentially;

- a. Removing office space from the list of permissible uses;
- b. A narrower focus on live performance and artistic uses to operate after existing businesses hours;
- c. Further limiting the scope for small bars and restaurants;
- d. Mandating a review period for the proposed controls following adoption;

and

- e. Further measures to mitigate the perceived risks identified in the most recent SGS report.

Motion Lost

For Motion: Crs Byrne, Drury, Hesse, Iskandar, McKenna OAM and York
Against Motion: Crs Da Cruz, Kiat, Lockie, Macri, Porteous, Raciti and Steer

Foreshadowed Motion (Porteous/ Da Cruz)

THAT:

1. Council amend the planning proposal as follows:
 - i. Confine the land to which the planning proposal relates to the properties fronting Marrickville Road, Marrickville between Railway Parade and Sydney Street and the 2 properties fronting Railway Parade between Marrickville Road and Buckley Lane (being the properties 21-71 Marrickville Road and 101-103 Railway Parade, Marrickville respectively); and
 - ii. Limit the additional permitted uses on such land to “cafes, restaurants and small bars”.
2. The Department of Planning and Environment be advised accordingly and Council request a 6 month extension of time to finalise the LEP; and
3. The amended planning proposal be publically exhibited and a further report be prepared for Council’s consideration following the conclusion of the community consultation.

Motion Carried

For Motion: Crs Da Cruz, Hesse, Kiat, Lockie, Macri, Porteous, Raciti and Steer
Against Motion: Crs Byrne, Drury, Iskandar, McKenna OAM and York

C1117 Item 21 Notice of Motion: Affordable housing for the Inner West

Motion: (Kiat/Steer)

THAT:

1. The General Manager in consultation with the Housing Affordability Strategic Reference Group provide Council a strategic report for the consideration of the community and Councillors (Report);
2. The Report present options on how Council in collaboration with local communities, state and federal governments, and/or non-government organisations, will identify appropriate sites and properties in the LGA for development as affordable housing projects;

3. The Report assess the viability of Council identifying and developing affordable housing projects in partnership with relevant stakeholders and community partners;
4. The Report present options on how Council can create an Empty Dwellings Levy, by which Council would raise funds for affordable housing projects and increase rental supply by imposing a levy on residential properties left empty for an extended period (e.g. by tripling rates on properties left empty for at least 12 months);
5. The Report identify where funds generated by Council's affordable housing projects are directed, and present options as to how such funds can be set aside for spending within Council's affordable housing portfolio;
6. The Report present options on how Council will work toward the following affordable housing targets at 5 and 10 year periods:
 - a. 30% of all new housing stock in new developments to be affordable housing;
 - b. 50% of all Crown or Council land that is zoned residential to be affordable housing; and
 - c. 10% of total housing stock to be affordable housing.
7. The Report should reflect the wide diversity of needs when it comes to housing, including with reference to the life cycle of residents; and
8. The Report should include assessment of the current strategic and staff resources available to deliver identified potential affordable housing initiatives.

Motion Lost**For Motion:** Crs Da Cruz, Hesse, Kiat, Lockie, Porteous and Steer**Against Motion:** Crs Byrne, Drury, Iskandar, Macri, McKenna OAM, Raciti and York**Foreshadowed Motion (Byrne/Drury)****THAT Council hold a briefing session for Councillors on Councils adopted policies on affordable housing and the body of research which has been undertaken to support it.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Steer and York**Against Motion:** Nil**Motion (Byrne/McKenna OAM)**

That standing orders be resumed.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Steer and York**Against Motion:** Nil

C1117 Item 6 469-483 Balmain Road, Lilyfield - Planning Proposal**Motion (Byrne/McKenna OAM)****THAT Council:**

1. Adopt a position of opposition to the rezoning proposed, based on the objections submitted previously by Council officers;
2. Note that the NSW Government Greater Sydney Commission and the Planning Panel have failed to undertake community consultation prior to progressing the proposal to this stage; and
3. Write to the above mentioned agencies seeking that any further consideration of the proposal be deferred until proper community notification and consultation has taken place.

Motion Carried**For Motion:** Crs Byrne, Drury, Iskandar, Macri, McKenna OAM, Raciti and York**Against Motion:** Crs Da Cruz, Hesse, Kiat, Lockie, Porteous and Steer**Foreshadowed Motion (Porteous/Da Cruz)****THAT Council:**

1. Receive and note this report;
2. Accepts the role of Relevant Planning Authority for the Planning Proposal at 469 – 483 Balmain Road, Lilyfield;
3. Request the Department of Planning and Environment delegate to Council the Plan Making functions to make the LEP amendment;
4. Submits the Proponent's Planning Proposal to the Department of Planning and Environment for a Gateway Determination; and
5. The failure of Council to respond appropriately within the required timeframe to the Dept of Planning and Environment and therefore to lose the option to take on the role of consent authority and the failure to provide accurate and timely information to Councillors regarding this matter be referred to the Audit and Risk Committee for investigation and a report.

This Foreshadowed Motion lapsed.

C1117 Item 11 Council Submission to Review of Environmental Planning and Assessment Regulations 2000**Motion (McKenna OAM/Lockie)****THAT Council:**

1. Receives and notes this report including the draft submission (Attachment 1); and

2. Endorses the submission.**Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Steer and York**Against Motion:** Nil**C1117 Item 12 Draft Future Transport Strategy 2056 - Council Submission****Motion (York/McKenna OAM)****THAT:**

- 1. This report be received and noted;**
- 2. Council endorse the draft submission included in this report and that it be lodged as such with Transport for NSW/RMS;**
- 3. The study proposed for Parramatta Road should be extended to include Strathfield;**
- 4. The strategy should include clearly defined mode share targets;**
- 5. To ensure equitable access throughout the Sydney Region it is essential that public transport is owned and operated by the State Government;**
- 6. The strategy should include fully integrated, frequent, high speed public transport links to regional/rural centres;**
- 7. To encourage reduced travel demand there should be an integrated and on-going alignment between the geographic distribution of job placement and residential developments, with transport infrastructure provision;**
- 8. There should be detailed examination of the likely impacts of the conversion of inner Sydney service industries and warehousing to residential and commercial uses. This should particularly address the increased travel demand created as higher rental rates force such industries to more remote locations;**
- 9. The current three cities policy ignores the previous five centres approach and also proposes the creation of a city around the Western Sydney Airport (the "Aerotropolis") at the expense of other parts of western and south-western Sydney (eg Penrith, Liverpool and Campbelltown). World-wide experience shows that airports are not suitable anchors for cities as they are clearly incompatible with residential development and tend to only attract air freight and air travel related industries;**
- 10. Consideration should be given to the provision of demand management tools including comprehensive road pricing, parking pricing strategies, congestion pricing and removal of station user levies on the T8 airport rail line;**
- 11. Provision should be made for the funding of separated cycleways and pedestrian paths within the budget of all major road projects;**

12. Transparency of all infrastructure funding (including toll collection) should be ensured; and
13. A Councillor briefing be held on GETS and the impact of bus privatisation, including removal of bus stops in the Inner West.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Steer and York

Against Motion: Nil

C1117 Item 15 Naming of new lane between Grove and Alfred Streets, and perpendicular to Albion and Rolfe lanes, St Peters**Motion (Macri/Lockie)****THAT:**

1. The unnamed lane running between Grove and Alfred Streets, and perpendicular to Albion and Rolfe lanes, St Peters be named *Lata Lane*;
2. A suitable notice be published in the NSW Government Gazette and local newspaper;
3. The relevant statutory bodies and emergency services be notified; and
4. Persons who made submissions and landowners and residents whose property adjoins the lane be notified of Council's determination.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Steer and York

Against Motion: Nil

ADJOURNMENT

9.54pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

10.02pm – The Mayor, Clr Byrne resumed the meeting.

Councillor Passas entered the meeting at 10.02pm

Councillors Drury and Porteous left the Meeting at 10.02 pm.

C1117 Item 16 Local Traffic Committee Meeting held on 2 November 2017 and Extra-Ordinary Local Traffic Committee Meeting held on 3 November 2017**Motion (McKenna OAM/Byrne)**

THAT the Minutes of the Local Traffic Committee Meeting held on 2 November 2017 and the Minutes of the Extra-Ordinary Local Traffic Committee Meeting held on 3 November 2017 be received and the recommendations be adopted subject to amending the recommendation of Item 13 of the 2 November 2017 Meeting to:

THAT Council:

1. Install a resident parking scheme “2p 8am-10pm Mon-Fri, Permit holders excepted, area A1” on the west side of Edith Street, Leichhardt (South of Marion Street); and
2. Limit the number of permits per eligible households to a maximum of 2 residential permits only.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Steer and York

Against Motion: Crs Passas and Raciti

Absent: Crs Drury and Porteous

Councillors Drury and Porteous returned to meeting at 10.07pm.

Councillors Passas and Raciti left the meeting at 10.08pm.

C1117 Item 18 Targeting a Non Fossil Fuel Investment Portfolio for Inner West Council

Motion: (Byrne/Macri)

THAT the report be received and noted.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Steer and York

Against Motion: Nil

Absent: Crs Passas and Raciti

Councillors Passas and Raciti returned to the meeting at 10.15pm.

C1117 Item 19 Pensioner Rebates

Motion (Passas/Drury)

THAT:

1. Council receive and note the report; and
2. Council officers prepare the 2018/19 Domestic Waste Management Charge (as a part of the 2018/19 budget process) based on the former Leichhardt voluntary pensioner rebate model.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Steer and York

Against Motion: Nil

C1117 Item 22 Notice of Motion: Ensuring an Affordable, Quality Early Education and Childcare Place for Every Child**Motion: (Kiat/Steer)****THAT:**

1. The General Manager provide Council an early education and childcare (EEC) strategic report (Report) for the consideration of the community and Councillors;
2. The Report include an analysis of current and projected EEC supply and demand for Council residents;
3. The analysis of current and projected EEC supply to include assessment of cost, location, service type, and number of places. This analysis should include a breakdown by operator type (ie Council, community and private); and
4. The analysis of current and projected EEC demand to include assessment of number and type of places required, accessibility and affordability issues, preferred location of services, and community preference by operator type (ie Council, community or private).

Councillor Kiat withdrew his Motion.

Foreshadowed Motion (Byrne/Passas)

THAT Council note that the Council already well advanced in commissioning a detailed childcare needs analysis to be reported in mid-2018.

This Foreshadowed Motion lapsed.

C1117 Item 23 Notice of Motion: Rainbow Tunnel**Motion: (York/McKenna OAM)****THAT Council:**

1. Notes that:
 - a. The pedestrian underpass tunnel at Phillip St Enmore is maintained by Sydney Trains with regular painting, and is the site of frequent graffiti and tagging; and
 - b. Sydney Trains maintains the tunnel regularly as a graffiti 'hot-spot' and have advised Council that if the rainbow mural is reinstated, Council would also need to take on responsibility for regular maintenance of the tunnel, at a cost to Council.
2. Write to Sydney Trains to request Council's preference, on behalf of the community, that the rainbow be reinstated and maintained, in recognition of the marriage equality campaign and YES vote which was supported by residents in

the area, and celebrated by the rainbow mural;

3. Note that, should Sydney Trains decline this request, Council staff investigate alternative options for a mural in support of marriage equality, preferably in the nearby area; and
4. Write to Sydney Trains about the graffiti along the Railway Crescent wall at Lewisham and request that it be repainted.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Steer and York

Against Motion: Nil

Meeting closed at 12.06 am.

PUBLIC SPEAKERS:

Item #	Speaker	Suburb
Item 2:	Anne Bickford Paul Greenland Andy Graham	Lilyfield Leichhardt Leichhardt
Item 4	Harry Souris Paddy Coughlan Kat Dopper John Wardle	Marrickville Newtown Redfern Ultimo
Item 5:	Rene Holmes	Ashfield
Item 7:	Adam Flohm	Woollahra
Item 10:	Heather Davie Peter Olive	Marrickville Marrickville
Item 20:	Anne Bickford Adam Hill John Lozano	Lilyfield Redfern Haberfield
Item 24:	Peter Phillip	Camperdown
Item 26:	Sharon Laura Jacinta Green Tamara Regan John Lozano	Haberfield St Peters St Peters Haberfield
Item 27:	John Lozano	Haberfield