

AGENDA



INNER WEST COUNCIL

COUNCIL MEETING

TUESDAY 13 MARCH 2018

6.30pm

Live Streaming of Council Meeting

In the spirit of open, accessible and transparent government, this meeting of the Inner West Council is being streamed live on Council's website. By speaking at a Council meeting, members of the public agree to being recorded and must ensure their speech to the Council is respectful and use appropriate language. A person who uses defamatory, discriminatory or offensive language may be exposed to liability for which Council takes no responsibility. Any part of this meeting that is held in closed session will not be recorded

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- your name;
- contact details;
- item on the Agenda you wish to speak to; and
- whether you are for or against the recommendation in the agenda.

Are there any rules for speaking at a Council Meeting?

The following rules apply when addressing a Council meeting:

- keep your address to the point, the time allowed for each speaker is limited to three minutes. This time limit applies, no matter how many items are addressed by the speaker;
- when addressing the Meeting you must speak to the Chairperson;
- the Chairperson may curtail public participation where the information being presented is considered repetitive or irrelevant; and
- only 3 speakers for and against an Agenda Item are allowed.

What happens after I submit the form?

Your request will then be added to a list that is shown to the Chairperson on the night of the meeting.

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An audio recording of this meeting will be taken for the purpose of verifying the accuracy of the minutes.

PRECIS

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9 Questions on Notice

Councillor Porteous has submitted the following question:

That Council be provided with an update on the development of a process of assessment of the General Manager's performance following the adoption of the resolution to establish a General Manager Performance Review Panel with members Byrne, York, Porteous, Stamolis and Raciti in October last year.

A response to this question will be provided in the Council Business Paper for the next meeting on 27 March.

Minutes of Ordinary Council Meeting held on 27 February 2018**Meeting commenced at 6.35pm****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
John Stamolis	Councillor
Louise Steer	Councillor
Anna York	Councillor
Rik Hart	General Manager
Elizabeth Richardson	A/Deputy General Manager Assets and Environment
Michael Tzimoulas	Deputy General Manager Chief Financial and Administration Officer
John Warburton	Deputy General Manager Community and Engagement
Nellette Kettle	Group Manager Civic and Executive Support, Integration, Customer Service and Business Excellence
Wal Petschler	Group Manager Footpaths, Roads, Traffic and Stormwater
John Stephens	Traffic and Transport Services Manager
Cathy Edwards-Davis	Group Manager Trees, Parks and Sports Fields
Ian Naylor	Manager Civic and Executive Support
Darcie Huisman	Business Paper Support Officer
Katherine Paixao	Business Paper Coordinator (Minute Taker)

APOLOGIES:**Motion (Lockie/Porteous)**

THAT Council accept apologies from Cllr Kiat and leave of absence be granted and apologies from Cllr Raciti be accepted.

Motion Carried

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

Against Motion: Nil

DISCLOSURES OF INTERESTS:

Cllr Stamolis declared a non-significant, non-pecuniary interest in Item 13 Notice of Motion: Friends of Callan Park 20th Anniversary, as he was previously the acting chair of Friends of Callan Park.

Cllr Hesse declared a non-significant, non-pecuniary interest in Item 2 Cottages at 9 and 11 Marion Street Leichhardt, as the author of the report is his partners cousin.

CONFIRMATION OF MINUTES**Motion: (Lockie/McKenna OAM)**

THAT the Minutes of the Council Meeting held on Tuesday, 13 February 2018 be confirmed as a correct record, subject to the following changes: -

- 1. Item 10 - Notice of Motion: Upgrade and Beautification of Haberfield Main Street / Shopping Village recording Clr Lockie voting againsts parts 1 and 2 of the motion.**

Motion Carried

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

Against Motion: Nil

C0218 Item 16 Mayoral Minute: Allocation of Sporting Grounds Policy and AFL at Birchgrove Oval**Motion: (Byrne)****THAT Council:**

- 1. Prepare a draft sporting field allocation policy. That the principles to be applied for the allocations of the sporting field be consulted with the sporting clubs, brought to a councilor briefing then brought to Council for council adoption. That following exhibition of the proposed allocation the final allocation also be brought to council for adoption. Allocation for all clubs should be made transparently available following the adoption of the policy;**
- 2. Note that as the upgrade of the Waterfront Drive playing fields surface has not been delivered there will be no additional weekday evening training capacity at the ground for the 2018 winter season;**
- 3. Allow Balmain District Football Club to maintain their existing use of training fields for 2018 with the allocation to be reviewed in 2019, following the completion of the upgrade of Waterfront Drive;**
- 4. Officers provide a report to Councillors on the status of the proposed Henson Park upgrade and the potential partnership between Council, the Newtown Jets and Sydney Swans;**

Motion Carried

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

Against Motion: Nil

- 5. Collaborate with AFL NSW/ACT on their proposal to host the state wide launch of Auskick (the AFL's junior development program) at Birchgrove Oval on 15 March.**

Motion Carried

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

Against Motion: Cr Passas

- 6. Allocate up to three Saturday games to Balmain AFL Club to play home games at Birchgrove Oval in 2018, with dates to be determined through consensus with the existing users. The capital and ongoing staff costs associated with the installation of AFL goal posts at Birchgrove Oval is to be given consideration as part of the**

2018/2019 budget process.**Motion Carried**

For Motion: Crs Byrne, Drury, Iskandar, Lockie, Macri, McKenna OAM, Stamolis and York

Against Motion: Crs Da Cruz, Hesse, Passas, Porteous and Steer

Suspension of Standing Orders**Motion: (Drury/McKenna OAM)**

THAT Council bring forwards Items 2, 3, 5, 6, 9, 10, 11 and 14 to be dealt with at this time.

Motion Carried

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

Against Motion: Nil

C0218 Item 2 Cottages at 9 and 11 Marion Street Leichhardt**Motion: (Porteous/Da Cruz)****THAT:**

1. Council resolves to retain and restore 9 and 11 Marion Street cottages, Leichhardt which are located in the Wetherill Estate Heritage Conservation Zone;
2. Council resolves to retain and protect for future generations the mural art works by Blak Douglas;
3. Council allocates an additional \$175,000 in the 2018/19 budget for works on the properties to be undertaken in the 2018/19 financial year. These funds to be identified from quarterly reviews;
4. Council resolves that its preferred use of the cottages is for them to be restored and refitted and converted to low-cost affordable housing and that a detailed report be brought to the next available council meeting outlining cost, approvals and refit options. That the options include low-cost single and small family accommodation; and
5. Should it prove that low-cost affordable housing is unable to be provided in the 2 cottages, that the cottages be restored, refitted and converted to be used as a permanent community space for the youth of Leichhardt or as a women's shed.

Motion Lost

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

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

Forshadowed Motion: (McKenna OAM/Drury)**THAT Council:**

1. Demolish the former cottages at 9 and 11 Marion Street Leichhardt and replace with a parking area under the SEPP (Infrastructure) 2007;
2. Identify a suitable permanent location for a Blak Douglas commissioned artwork; and
3. Provide a suitable budget for the artwork in the 2018/19 budget.

Motion Carried**For Motion:** Crs Byrne, Drury, Iskandar, Macri, McKenna OAM, Passas and York**Against Motion:** Crs Da Cruz, Hesse, Lockie, Porteous, Stamolis and Steer**C0218 Item 3 Ashfield Aquatic Centre Redevelopment - Project Update****Motion: (Drury/McKenna OAM)****THAT Council:**

1. Note progress on plans for the redevelopment of the Ashfield Aquatic Centre;
2. Endorse the design, capital budget and operating budget model for the Ashfield Aquatic Centre;
3. Endorse the inclusion of a spa, steam, sauna facility in the Stage 1 of the project;
4. Write to Water Polo NSW to accept offer to enter into a Memorandum of Understanding for ongoing use of the Ashfield Aquatic Centre;
5. Endorse the funding proposal for the upgrade of Ashfield Aquatic Centre as outlined in the Financial Implications section in this report; and
6. Amend the scope of works to include the operable floor in the multi-function pool.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York**Against Motion:** Cr Passas**Amendment (Steer/Hesse)****THAT Council amend the scope of works to further investigate shading options for the 50 metre and outdoor program pool without delaying the tender process.****Motion Lost****For Motion:** Crs Da Cruz, Hesse, Porteous and Steer**Against Motion:** Crs Byrne, Drury, Iskandar, Lockie, Macri, McKenna OAM, Passas, Stamolis and York**C0218 Item 5 Bangla New Year's Day Festival - Request to Hold Event at Tempe Reserve****Motion: (Drury/McKenna OAM)****THAT:**

1. The General Manager arrange for councils traffic management staff to urgently meet with the organisers of the festival or their representatives to consider how their traffic management plan can be amended in order for the event to go ahead and report back to the next council meeting; and
2. The General Manager also investigate with the organisers if Council resources (for example: use of council bus, council staff on duty on the day etc.) will help ensure the traffic management can be successfully managed.

Motion Carried

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

Foreshadowed Motion: (Hesse/ Iskandar)

THAT the General Manager arrange for councils traffic management staff to urgently meet with the organisers of the festival or their representatives to consider how their traffic management plan can be amended and approval given for the event to go ahead and report back to the next council meeting.

The Foreshadowed Motion lapsed.

Amendment (Stamolis)

THAT the event be approved subject to the event organiser providing council with a report addressing traffic management and safety in the next week.

This Amendment was withdrawn by Councillor Stamolis.

ADJOURNMENT

9.24pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

9.35pm – The Mayor, Clr Byrne resumed the meeting.

Clr Passas re-entered the meeting at 9.38pm

Clr Porteous re-entered the meeting at 9.40pm

C0218 Item 6 Local Traffic Committee Meeting held on 7 December 2017 and 6 February 2018

Motion: (Drury/Porteous)

THAT:

- 1. The Minutes of the Local Traffic Committee Meeting held on 7 December 2017 and 6 February 2018 be received and the recommendations be adopted; and**
- 2. Council as soon as possible organise a public meeting on the Lilyfield Road Cycleway proposal at which staff provide a full overview of the proposal and allow the community to ask questions in order to better understand what is being proposed. (Item 17 LTC0218)**

Motion Carried

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

ADJOURNMENT

9.50pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

9.55pm – The Mayor, Clr Byrne resumed the meeting.

C0218 Item 9 Notice of Motion: Better use of Banners

Motion: (Stamolis/Byrne)

THAT Council prepare a Banner policy or guidelines to better use banners in order to communicate with our community, to inform our community and to celebrate with our community. A short report should be prepared by Council to consider policy change and/or more efficient use of banner space.

Motion Carried

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

Against Motion: Nil

C0218 Item 10 Notice of Motion: Inner West Council Position on the Cruise Ship Terminal

Motion: (Stamolis/ Byrne)

THAT:

1. A report to be prepared for the March 2018 Ordinary Council Meeting detailing:
 - a) The current position of the Inner West Council in regard to the White Bay Cruise Ship Terminal; and
 - b) The work being done by the Inner West Council to try to resolve the impact of the cruise ships on its community.
2. Council write to the Federal Minister for Infrastructure and Transport Michael McCormack MP, NSW Minister for Roads, Maritime and Freight Melinda Pavey MP, NSW Minister for the Environment Gabrielle Upton MP, Port Authority of NSW and the NSW Environmental Protection Authority seeking the implementation of regulations mandating:
 - c) Cruise ships switch to low-sulphur fuel at least one hour prior to entering Sydney Harbour; and
 - d) All cruise ships that enter Sydney Harbour install scrubbers in exhaust stacks to reduce the impacts of fumes on the community; and
3. Write to the Port Authority of NSW and the NSW Department of Planning & Environment seeking clarification about the implementation of the Noise Mitigation Strategy, including details on how many residents have been offered noise abatement measures and how many residents have accepted those measures.

Motion Carried

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

Against Motion: Nil

Councillor Passas retired from the Meeting at 10:31 pm.

C0218 Item 11 Notice of Motion: Compensation from the NSW Government and Sydney Motorway Corporation for WestConnex damage**Motion: (Da Cruz/Porteous)****THAT:**

1. Council Officers prepare a report on the estimated cost, scope and process of making a compensation claim on the NSW Government and Sydney Motorway Corporation for the Infrastructure. Social and Health impacts of WestConnex on communities and council within the Inner West Council Local Government Area; and
e)
2. The report also include the opportunities for advocacy.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York**Against Motion:** Nil**Absent:** Cr Passas**C0218 Item 14 Notice of Motion: Athletics Australia Partnership****Motion: (Byrne/Hesse)****THAT Council:**

1. Endorse a partnership between Inner West Council and Athletics Australia for the purpose of developing a template that can make it easier for organisations to establish and manage fun runs and other athletics events;
2. Officers ensure that the Policy meets the needs of Inner West Council; and
3. Officers provide a report to Council on the final Policy, with recommendations on how it can be implemented in the inner west local government area.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York**Against Motion:** Nil**Absent:** Cr Passas**Motion: (Byrne/ Stamolis)****THAT Items 4 and 7 be moved en bloc and the recommendations contained in the reports be adopted.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York**Against Motion:** Nil**Absent:** Cr Passas

C0218 Item 4 Draft Dulwich Hill Station Public Domain Master Plan**Motion: (Byrne/ Stamolis)****THAT:**

1. The report be received and noted;
2. The draft Public Domain Master Plan for the Dulwich Hill Station precinct (ATTACHMENT 1) be placed on public exhibition for a period of 28 days and submissions be received for a further 14 days; and
3. The results of the public exhibition and community engagement process be presented to Council recommending further action.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Lockie, Macri, McKenna
OAM, Porteous, Stamolis, Steer and York**Against Motion:** Nil**Absent:** Cr Passas**C0218 Item 7 Investment Report as at 31 January 2018****Motion: (Byrne/ Stamolis)****THAT the report be received and noted.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Lockie, Macri, McKenna
OAM, Porteous, Stamolis, Steer and York**Against Motion:** Nil**Absent:** Cr Passas**Resumption of Standing Orders****Motion: (Byrne/ Porteous)****THAT standing orders be resumed.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Lockie, Macri, McKenna
OAM, Porteous, Stamolis, Steer and York**Against Motion:** Nil**Absent:** Cr Passas**C0218 Item 1 Shade Sails in Playgrounds****Motion: (Byrne/ Porteous)****THAT pending the adoption of the budget, Council install shade sails in 2018/2019 at the following playgrounds and further consider the rejected locations as part of its shade sails program review:**

- Campbell Street, Balmain;
- College Street, Balmain;
- J.F. Laxton Reserve, Union Street, Dulwich Hill;
- Marr Reserve, Cary Street, Leichhardt;
- Nestor Park, Hearn Street, Leichhardt;

- O'Connor Reserve, Rozelle;
- Pine Square, Leichhardt; and
- William Street, Ashfield.

Motion Carried

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

Against Motion: Nil

Absent: Cr Passas

Extension of Time

Motion: (McKenna OAM/ Drury)

THAT the meeting be extended for 15 minutes.

Motion Carried

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

Against Motion: Nil

Absent: Cr Passas

**C0218 Item 8 Panel Member Appointment - Sydney Eastern City Planning Panel
(‘SECPP’)**

Motion: (Byrne/Porteous)

THAT:

1. Council re-nominate its existing representatives for the Sydney Eastern City Planning Panel with existing rates of remuneration;
2. Council seek expression of interest from Councillors, former councillors, community representatives and persons with relevant expertise and local knowledge; and
3. Following the EOI process a report be brought back to council for Council to nominate its representatives for an expanded panel.

Motion Carried

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

Against Motion: Nil

Absent: Cr Passas

C0218 Item 12 Notice of Motion: Callan Park Landscape Structural Plan Consultation**Motion: (Porteous/Da Cruz)****THAT:**

The Mayor and General Manager of Inner West Council urgently write to the Minister for Environment and Heritage and the Chief Executive of OEH seeking the following:

- 1. The Government's written response to adoption and implementation of the 2011 Callan Park Masterplan and the establishment of the Callan Park and Broughton Hall Trust;**
- 2. Written clarification on the purpose and scope of the Landscape Structure Plan (LSP) for Callan Park;**
- 3. Noting that the consultants – TYRRELL STUDIO and TERROIR have done limited consultation with the community for the Landscape Structure Plan (LSP), that council and the community be provided with:**
 - a) An outline of all further community consultation planned and how that will be promoted widely across the community;**
 - f)**
 - b) A process outlined on how written submissions will be received and assessed by the consultants;**
 - g)**
 - c) A formal closing date for receipt for submissions;**
 - h)**
 - d) A commitment to put any preferred landscape plan on exhibition to allow for further consultation with the community; and**
 - i)**
 - e) The key elements of the Callan park master plan be reviewed by the OEHEO for incorporated into the landscape structure plan.**
- 4. Council reconfirms its commitment to the Callan Park Masterplan as adopted by**
Leichhardt Council in July 2011 and to the establishment of the Callan Park and Broughton Hall Trust; and
- 5. Request online maps be forwarded to Council.**

Motion Carried

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

Against Motion: Nil

Absent: Cr Passas

C0218 Item 13 Notice of Motion: Friends of Callan Park 20th Anniversary (1998-2018)**Motion: (Stamolis/Lockie)****THAT Council:**

- 1. Thank the Friends of Callan Park for their 20 years of service to the community;**

2. Purchase and install Friends of Callan Park 20th Anniversary banners across both Norton Street, Leichhardt and Darling Street, Rozelle. Wording on the banner should include:
 - Friends of Callan Park: 1998-2018; and
 - 20 years of Community Activism, Advocacy, and Achievement.
3. The budgetary implications of this resolution be considered at the next quarterly budget review.

Motion Lost

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

The Mayor Councillor Byrne used his Casting Vote against the **MOTION** and the **MOTION** was Lost.

C0218 Item 15 Notice of Motion: Making Sydenham Green Skate Park Key to the Australian Skating Community

Motion: (Byrne/Lockie)

THAT:

1. Council acknowledge the former Marrickville Council, Councillors and officers, for their excellent working in planning and funding the newly opened Sydenham Green Skate Park;
2. Council liaise with Skate Australia, the Australian Skateboard Federation, YMCA Action Sports and the Australian Institute of Sport with regards to using the Sydenham Skate Park as a venue for Olympic qualifying rounds and other skate competitions; and
3. A report be brought back to council outlining opportunities for Council and the Sydenham Park Green Skate Park to host amateur and professional skating competitions and other events to activate the facility.

Motion Carried

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

Extension of Time

Motion: (Drury/Stamolis)

THAT the meeting be extended a further 10 minutes.

Motion Carried

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

Urgency Motion - Signing of Friendship Protocol with Portugal

The Mayor, Cllr Byrne requested that the meeting consider an urgency motion with regards to the signing of a friendship protocol with Portugal.

Motion: (Byrne/Iskandar)

THAT the motion be considered as a matter of urgency.

Motion Carried

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

Against Motion: Nil

Absent: Cllr Passas

The Mayor, Cllr Byrne declared the matter to be urgent.

Motion: (Byrne/Iskandar)

THAT Council:

1. Sign the cooperation protocol between Inner West Council, the Ministry of Foreign Affairs of the Portuguese Republic, the Sydney Portugal Community Club and the Portugal Madeira Club ("Agreement") and, pursuant to clause 400(4) of the *Local Government (General) Regulation 2005*, affix the seal to the Agreement; and
2. Work with the local Portuguese community to identify ways Council can help preserve the Portuguese character of the Inner West.

Motion Carried

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

Against Motion: Nil

Absent: Cllr Passas

Meeting closed at 11.24pm.

PUBLIC SPEAKERS:

Item #	Speaker	Suburb
Item 2:	Cherie Thompson Dr. Crisetta Macleod John Lozano	Dulwich Hill Ashfield Haberfield
Item 3:	Rene Holmes Daniel Swinnerton David Collins-White Dr. Peter Earls	Ashfield Leichhardt Croydon Croydon
Item 5:	Dwayne Perera	Lakemba
Item 6:	Rene Holmes Richard Mazzeo	Ashfield Summer Hill
Item 9:	John Lozano	Haberfield
Item 10:	Kate Horrobin	Balmain
Item 11:	John Lozano	Haberfield
Item 14:	Jonathan Fletcher	Rozelle
Item 16:	Terry Wilkinson	Rozelle

Item No: C0318 Item 1

Subject: **PARKING METER OPERATIONS IN LEICHHARDT, ROZELLE & BALMAIN**

Prepared By: Manod Wickramasinghe - Coordinator – Traffic and Parking Services and
John Stephens - Traffic and Transport Services Manager

Authorised By: Wal Petschler - Group Manager Footpaths, Roads, Traffic and Stormwater

SUMMARY

At its 12 October 2017 meeting, Council committed to a policy of turning off parking meters in the former Leichhardt Municipality at 7 pm and requested a detailed report on the policy's cost, funding and implementation. This report addresses Council's resolution prior to engaging in community consultation.

RECOMMENDATION

THAT:

- 1. This report be received and noted;**
- 2. Council initiate consultation on the parking meter proposals with the impacted community including chambers of commerce, businesses and residents.**
- 3. The outcomes of the consultation be reported back to Council to inform its policy implementation.**

BACKGROUND

At its meeting of 12 October 2017, Council considered a Mayoral Minute and resolved that Council:

- 1. Commits to a policy of turning off parking meters in the former Leichhardt Municipality at 7:00pm, to be implemented responsibly after receiving advice from Council officers about the policy's cost, funding and implementation.*
- 2. Seek a detailed report from Council officers analysing the current state and options for improving main street across the Inner West Council area which includes;*
 - o Detailed modelling of the estimated costs of the implementation of turning parking meters off in the former Leichhardt Municipality and options for funding the revenue shortfall created.*
 - o Assessment of potential improvements to existing permits system which can facilitate increased visitation and economic activity on our main streets.*
 - o Assessment of the benefits, costs and impacts of extending 30 minute free parking to all meters in the former Leichhardt Municipality.*
- 3. Commit to a policy of no new parking meters anywhere in the Inner West Council area.*
- 4. Undertake detailed consultation with all chambers of commerce, main street businesses, residents and visitors about how to improve parking in all main streets across the local government area.*

Parking Meter Strategy

Parking meters in the former Leichhardt Municipality are located in the Leichhardt, Rozelle and Balmain town centres and were originally installed in 2001 to better manage the high demand for, and utilisation of, parking in each business area. The parking meters formed part of Council's parking management strategy with objectives to:

- Ensure on-street parking turnover
- Provide improved access to on-street carparking for business customers

- Discourage illegal / overstay parking
- Discourage commuter parking
- Encourage the use of public transport .

This approach recognised:

- There is generally a shortfall of car parking for the current mix of businesses.
- There is very limited capacity to increase off street car parking.
- Staff parking took up valuable parking spaces within the Town Centre parking schemes. However in recent years, the number of business permits issued has been reduced following the introduction of a fee and more strict limits.
- Balmain, Rozelle and Leichhardt are desirable places to visit that need an Integrated Transport Plan that focuses on a wide range of transport options, not just reliance and promotion of the motor car.

Historically, on-street parking surveys have demonstrated that the turnover created by the existing parking charges creates approximately 100 additional car parking opportunities in each of the town centres each evening between 7.00PM to 10.00PM.

Research suggests that the price of meter parking can regulate parking demand and that the price per hour for main-street parking should be higher than off-street parking in recognition that users are generally prepared to pay more for additional convenience. Council also offers free off-street parking in each of the business areas with typical restrictions of '2P 8am-6/8pm' (except Woolworths car park which is 2P 8am-Midnight) which caters for longer stay /unrestricted parking after 4pm or 6pm respectively through to the next morning.

These off-street car parks include:

- Merton Street car park, Rozelle (24 spaces)
- Hamilton Street car park, Rozelle (46 spaces)
- Victoria Road/Ellen Street car park, Rozelle (19 spaces)
- Marion Street car parks, Leichhardt (72 spaces)
- Hay Street car park, Leichhardt (61 spaces)
- Jarrett Street car park, Leichhardt (10 spaces)
- Beattie Street car park, Balmain (25 spaces)
- Woolworths car park, Balmain (67 spaces) – car park is council enforced but privately operated

Parking strategies within the LGA should consider the objectives of Council's Integrated Transport Plans, Employment and Economic Development Plans and Development Control Plans as these documents set long term planning principles to create a vibrant shopping village.

Retail Study

Inner West Council undertook a study on consumer spend in Norton Street, Leichhardt in June 2017 and Darling Street, Balmain/Rozelle in May 2016. The retail study provided an insight into consumer spending habits and captured data including where shoppers came from and what they bought. This findings are summarized below:

Norton Street	<ul style="list-style-type: none"> a. Benchmark spend per capita is \$2,800 which is on par with the Sydney average. b. 39% of Norton Street retails sales come from residents. c. 27% of sales come from other suburbs within the Inner West LGA while
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Item 1

	<ul style="list-style-type: none"> d. 34% of retail sales come from out of the Inner West LGA. e. A vacancy audit conducted in November 2017 of Norton Street revealed that over the last 18 months there has been decrease in vacancy rates and seven new restaurants, two cafes and one new small bar are operating along the strip. f. Two large redevelopments are still occurring on Norton Street and making an impact on trading and vibrancy of the street.
Darling Street	<ul style="list-style-type: none"> a. Benchmark spend per capita is \$2,600 which is below Sydney average. b. 48% of Darling Street retail sales come from residents. c. 6% of sales come from other suburbs within the Inner West LGA while d. 46% of retail sales come from out of the Inner West LGA. e. A vacancy audit conducted in November 2017, of Darling Street shows the area has an acceptable vacancy rate.

The Study conclusions indicate:

- a) The retail industry globally is seeing shifts in the way business is done. Foot traffic has declined in urban centres with the growth in online stores and shift in consumer spend.
- b) Customers are looking for specialty stores with lots of personality. Businesses in our LGA are responding by creating a more personal and intimate retail and dining experience.
- c) The night economy is growing on Norton Street and is driven by restaurants, hotels, small bars and cinema.
- d) Darling Street, Balmain has a good night time economy that is also driven by restaurants, heritage pub scheme and small bars.
- e) The current parking arrangements ensure that there is a rotation of visitors to the area.
- f) The 30 minute free parking enables visitors to undertake a quick shop.

Current Parking Meter Operation

Existing hours of operation of the parking meters in Leichhardt, Rozelle and Balmain span from 8.00AM to 10.00PM, 7 days per week. Parking on the main-streets requires a motorist to display a paid or 30-minute free ticket. The majority of metered parking in side streets requires a paid ticket or resident parking permit to be displayed.

Current parking meter charges are as follows:

Mainstreets	\$4.00 per hr	2P 8am-6pm 4P 6pm – 10pm
Side Streets	<i>Up to 6pm:</i> \$4.00 per hr for 1 st two hrs \$2.00 per hr for 3 rd & 4 th hr <i>After 6pm:</i> \$4.00 per hr	4P 8am – 10pm
Side Streets	\$4.00 per hr	2P 8am – 10pm or 1P 8am – 10pm

Council introduced 30 minute free, ticketed parking along the main-streets of these suburbs to allow for short term parking to access businesses. This initiative has been popular and usage of the 30 minute free ticketed parking continues to increase. Over the last 5 years, the issue of paid parking tickets on main-streets has decreased from approximately 25,000 tickets per month to 19,000 whilst free parking tickets has increased from 80,000 to 112,500 tickets per month. Tickets issued for the free, 30 minute parking represents 86% of parking tickets currently issued on main-streets.

Parking meters are predominantly a parking management tool which encourages turnover of parking spaces and subsequently provides greater utilisation of existing parking resources. Revenue raised from parking meters was directed to infrastructure services and improvements.

A number of nearby Councils in Sydney operate parking meter schemes including; City of Sydney, Waverley, North Sydney and Woollahra. Their parking meter rates are shown in the following table and demonstrate that other tariff rates are comparable to the tariff rates in the Inner West Council area.

Council	Parking Meter Tariff Rates 2017-18
Inner West Council (former Leichhardt Council area)	\$2.00 (pro-rata) - \$4.00
City of Sydney	\$2.70 - \$7.00
Waverley Council	\$4.10 - \$7.40
North Sydney Council	\$3.10-\$8.70
Woollahra Council	\$4.00 - \$4.70

FINANCIAL IMPLICATIONS

In the 2017/18 financial year, Council budgeted to receive \$4,150,000 revenue from its parking meter management strategies. This includes the 26 parking meters in Newtown which are not part of the current commitment to turn meters off at 7pm.

The potential revenue losses associated with proposed meter changes have been estimated by analysing individual parking meter transactions and parking related infringement notices over a 3-month period (Sept – Nov 2017) and extrapolating potential losses over a year.

a) Turning off parking meters at 7pm

This modelling estimates that turning the parking meters off at 7PM may result in an estimated \$1.1million revenue loss consisting of both meter and fine revenue, as summarised in the following table.

	Potential Revenue Loss		
	Main Streets	Side Streets	Total
Meter Revenue	\$331,000	\$400,000	\$732,000
Lost Fine Revenue	\$278,000	\$88,000	\$366,000
Total	\$610,000	\$489,000	\$1,098,000

A one-time additional cost of \$10,000 will be required to re-program all parking meters, change tariff labels and alter signage.

b) Extension of 30 minutes free parking into the side streets

The potential parking meter revenue losses of extending 30 minute free tickets into the side streets has been estimated by analysing short term parking transactions in side-streets over a 3-month period and extrapolating potential losses over a year.

Based on current usage this modelling indicates that introducing 30 minute free parking into the side streets is expected to result in a revenue loss of \$221,000. This potential loss will increase if motorist behavior changes to make further use of the free parking.

Previous study into the introduction of 30 minute free parking into the main-streets indicated there was no overall decrease in the number of meter related fines in 2012/13. This may have resulted as a consequence of increased enforcement consistent with the findings of the previous parking study which identified that enforcement needed to be increased in all areas to ensure parking compliance. Approximately 75% of fines issued are for '*not displaying a ticket*'. The potential impacts of 30 minute free parking on fine related revenue will need to be reviewed over an extended period of time.

A one-time additional cost of \$7,000 will be required to re-program all parking meters, change tariff labels and alter signage.

OTHER STAFF COMMENTS

Parking Management Impacts

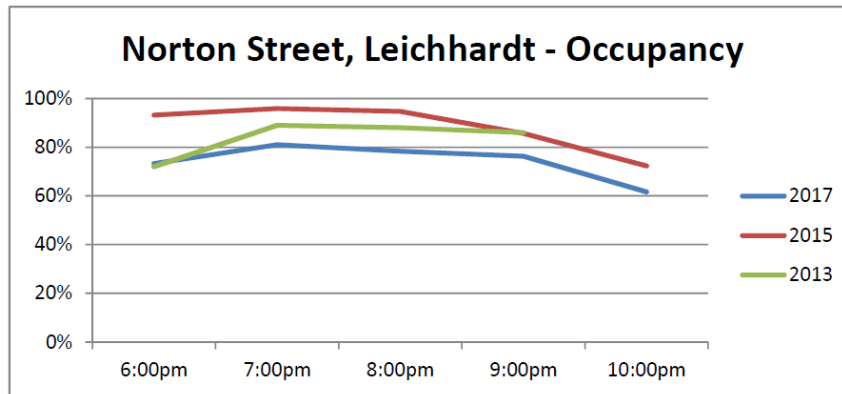
(b) Turning Parking Meters off from 7PM-10PM

In order to assess whether the existing parking meter fee is deterring motorists from parking in the shopping precincts, a parking study was undertaken in November 2017 to assess the

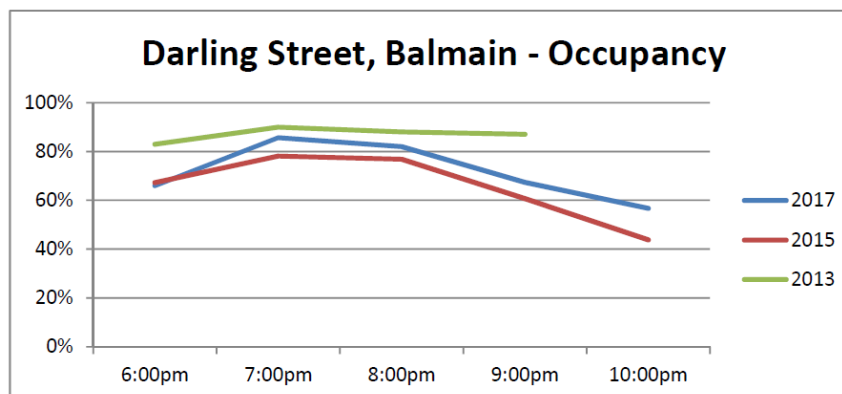
usage of metered parking spaces in the shopping precincts of Leichhardt, Rozelle and Balmain.

The results are summarised in the graphs below:

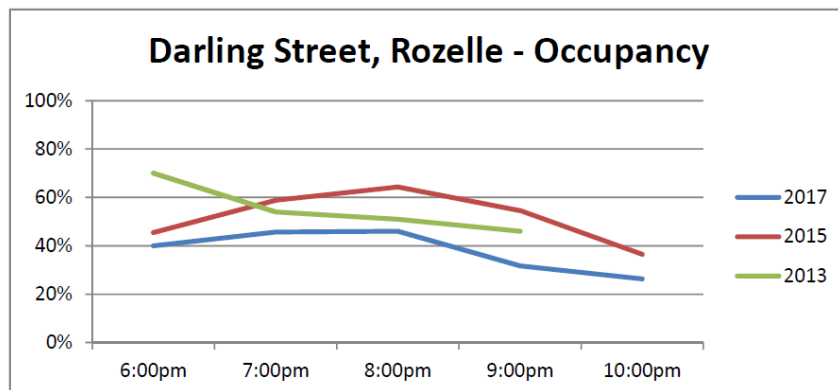
- Norton Street, Leichhardt – Supply approx. 91 parking spaces



- Darling Street, Balmain – Supply approx. 108 parking spaces



- Darling Street, Rozelle – Supply approx. 81 parking spaces



It should be noted that Rozelle has only a small number of businesses which operate at night which is reflected in lower occupancy rates compared to Balmain and Leichhardt.

As shown, the current parking occupancy studies have been compared to the previous Council parking studies conducted in 2013 and 2015 and the overall results show that, with the exception of Rozelle, parking occupancy rates have been consistently high over a number of years.

There is still a strong evening demand for parking within each of the mainstreet shopping centres and this needs to continue to be managed through effective parking management strategies. The high occupancies in Leichhardt and Balmain suggest that the current parking meter tariff is not necessarily deterring motorists from parking in each business centre.

Altering the operational hours of the existing parking meters to shut off from 7PM to 10PM will likely reduce parking turnover near the mainstreets as motorists would be able to park for free from 7PM to 8AM the following day. This opens the potential for both residents to park overnight on the mainstreet and for commuters to park and travel to the City without disincentive (noting Balmain to Sydney Town Hall is a 20min bus trip). The use of the mainstreet for employee parking is also likely to increase.

(c) Extension of 30min free tickets to all parking meters

Parking meters which issue 30 minute free parking tickets are limited to the mainstreets of Leichhardt, Rozelle and Balmain as well as a small number in commercially zoned side streets adjacent to the mainstreet. There are also 11 parking meters in side streets which issue 15 minute parking tickets. Extending the 30 minute free parking tickets to encompass all parking meters would have a number of advantages and disadvantages.

Advantages include:

- Allows short term parking for resident visitors without requiring use of visitor parking permits
- Allows short term parking for shoppers on the side-streets
- 30 minute free parking on the mainstreets has previously been shown to reduce the average length of stay for each vehicle from 51 mins (for 2P areas) to 41 mins.
- Creates consistency amongst all parking meters in the former Leichhardt LGA

Disadvantages include:

- Meter revenue loss is estimated at \$221,000 based on current user behaviour and is likely to also affect fine related revenue
- Proposal will encourage shopper parking in side streets and this will potentially displace resident parking.

(d) Potential Improvements to existing permit system on main streets

In order to improve visitor parking availability in Leichhardt, Rozelle and Balmain, Leichhardt Council introduced a fee on the 2nd and 3rd business parking permits issued in these suburbs to temper demand. This fee is currently \$110.00. Restrictions on the number of permits limited issue to maximum of 3 per commercial business. Permits were made transferrable to allow for greater flexibility in their use across multiple vehicles. Should Council wish to improve parking availability for customer parking to facilitate increased customer visitation, business parking permits could be further restricted to a maximum of 2 permits per business.

It is noted that the former Marrickville Council issues a maximum of 1 business permit for eligible businesses while the former Ashfield Council did not issue business permits.

The feasibility of introducing a permit system which would allow local residents only to park on main streets for free for a period of 2 hours was also reviewed. Under the current Road Rules there is no RMS approved parking restrictions which would allow this type of short-term preferential parking concession for a only select portion of the community. Under the current concessions available, any permits issued for the mainstreets would allow full-time unrestricted parking and thereby substantially reduce the parking capacity and turnover in the mainstreets.

Options for offsetting the revenue loss

Council's forward budget forecast is currently premised on the existing revenue income from parking meters and associated fines. The potential reduction in revenue of between \$1.1 and \$1.3 million from this policy initiative will necessitate additional revenue from other sources or a reduction in a current service or services.

Options include:

(a) Increases in Fees & Charges.

Increasing annual fees and charges for development related road occupancy permits above CPI. Forecast income from this source for 18/19 is approximately \$1.9 million based on normal CPI increases. Actual income from this area is however variable and difficult to predict in advance as it depends on the level of development activity which can vary substantially from year to year.

(b) Parking Permits

In excess of 22,000 annual parking permits are in place across the LGA. Of these approximately 14,500 are issued free of charge. When considering harmonization of its parking policies should Council move to a consistent parking permit scheme with common charges for resident, business and visitor permits this could generate new income as cost recovery for the planning, implementation and ongoing management of the resident parking schemes and provide an offset to the proposed parking meter revenue loss. This would have the added benefit of better managing demand for parking permits by recognising the value of preferential access to on-street parking across the inner west in areas of high parking demand.

(c) Service Reduction

As an alternate to, or in conjunction with, sourcing alternate forms of revenue to offset the forecast loss of revenue Council could consider reductions in expenditure through service reductions. Council's town centre upgrade program currently budgets approximately \$2 million per year, a portion of which is funded from restricted funds such as S94. Council could reduce this or other annual capital programs to offset revenue loss. Potential savings from operation service reviews may be identified at the conclusion of those reviews however it is likely that savings identified would be necessary to offset service harmonization costs.

(d) Alternate Parking Meter Options

Council could consider a limited introduction of the proposed parking meter changes as a trial to assess its success in facilitating increased economic activity in the main streets prior to rolling out across all the nominated areas. This would mitigate revenue loss in the short term pending the review of outcomes achieved. In lieu of introducing 'free parking' Council could trial a reduced tariff between the proposed hours of 7PM and 10PM.

PUBLIC CONSULTATION

Public consultation with the impacted community on the parking meter proposals outlined in this report will be undertaken to enable feedback to Council by June to enable implementation of adopted proposals commencing July 2018. In-line with Council's resolution community consultation including chambers of commerce, businesses and residents is also to be undertaken to identify options for the improvement to parking in main streets across the wider local government area. Staff are investigating options, methodologies and costs for this wider review. The outcomes from that public engagement will be the subject of a separate report back to Council.

CONCLUSION

Council has resolved to commit to a policy of turning off parking meters at 7 pm in the former Leichhardt municipality. The report reviews this option and the proposal to extend 30 minute free parking into the side streets. Implementation costs are estimated at approximately \$17,000 which can be funded from existing operational expenses. The proposals will however leave a potential budget revenue shortfall of approximately \$1.3 million including both meter income and fine revenue. Options are outlined for offsetting this revenue loss through additional revenue raised from other services, reduction in annual capital program expenditures on infrastructure upgrades or a combination of both.

It is proposed to initiate formal community consultation on the proposals and options for improvements to main street parking.

ATTACHMENTS

Nil.

Item No: C0318 Item 2

Subject: BOOSTING THE MICRO-BREWING SECTOR IN THE INNER WEST

Prepared By: Gill Dawson - Manager Strategy and Policy

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

The purpose of this report is to respond to Council Resolution C1117 Item 24 dated 21 November 2017 which required a number of matters be addressed in relation to boosting the microbrewery sector in the Inner West. These matters included:

- providing information on Council's options for making amendments to the planning controls which would increase the allowable floor space for tasting on site within microbreweries 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 in the Ashfield Local Environmental Plan 2013;
- options for updating and refining the definition of ancillary use for tasting rooms, within microbreweries;
- consulting with the Inner West Brewers Association (IWBA) and consider in the context of the 2018/19 Budget to establish or support 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
- working with local microbreweries, tourism operators and government agencies to promote brewery trails and tours as a tourist attraction in the Inner West Council local government area (IWC LGA).

Following consideration of these issues industry has expressed a need for harmonising the relevant controls in the three former Council Local Environmental Plans relating to industrial retail outlets (which includes tasting rooms) to help support the development of the microbrewery industry in the IWC LGA.

There is a risk that harmonisation proposals could have the unintended impact of giving rise to the potential loss of important employment land and available manufacturing space arising from a potential significant increase in gross floor area of all types of industrial retail outlets, and the potential for industrial lands to be used in a manner commensurate with pubs which are restricted to business lands. Consequently it is proposed that an Economic Impact Assessment is prepared to inform the consideration of harmonisation proposals to help manage these potential risks.

Council's Economic Development Unit has met with IWBA and will continue to assist and support it in its work to boost the micro-brewing industry in the IWC LGA, including the promotion of beer festivals and tours which the IWBA seeks to organise. Council officers have also met with Liquor & Gaming NSW (L&GNSW) who are keen to work with Council to explore options to better facilitate the microbrewery business model from a licensing perspective as it has a low risk profile under the liquor laws.

RECOMMENDATION

THAT:

1. **The report be received and noted;**
2. **An Economic Impact Assessment be undertaken to consider and assess the potential impacts on business and employment of amending the current planning controls relating to industrial retail outlets to support the micro-brewery industry, in particular relating to tasting areas, and funding of \$40,000**

be made available in the next budget quarterly review;

3. Subject to the analysis of the recommendations of the Economic Impact Assessment, a planning proposal be prepared to amend Clause 5.4(4) gross floor area requirements of the Ashfield LEP 2013, Marrickville LEP 2011 and Leichhardt LEP 2013;
 4. The Economic Development Unit continue to liaise with the Inner West Brewers Association (IWBA) and assist in the promotion of the industry, including the promotion of any beer festivals and tours which the IWBA seeks to organise; and
 5. Council continue to liaise with Liquor & Gaming NSW in their review of licensing options to support the development of the micro-brewery industry.
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BACKGROUND

This report responds to Council's Notice of Motion resolution C1117 (Item 24) dated 21 November 2017 which requested the following:

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 microbreweries 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 micro-brewery 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.*

Microbreweries

A micro-brewery is defined by the Macquarie Dictionary as

"A small-scale brewery which produces a limited number of barrels per year, usually with an emphasis on quality rather than quantity; a boutique brewery".

The Inner West is increasingly becoming known as a craft beer 'hotspot' with microbreweries being an industry that is growing throughout the area. The *Inner West Brewery Association* (IWBA) was established in June 2017, with the aim to reinforce Sydney's Inner West as the craft beer capital of Australia.

Council's Economic Development Unit has had discussions with the IWBA to assist the industry with growth and business development and to understand the concerns and challenges facing the industry in this area. In these discussions, it was noted that the industry had grown two-fold within the IWC LGA in the last three years.

It is estimated by Council that the industry generates around 50 full time equivalent jobs and there are nine (9) microbreweries known to Council to exist in the IWC LGA.

The existing microbreweries in the IWC LGA are largely located in the former Marrickville LGA, with one in the former Leichhardt LGA. There are no microbreweries currently known to exist in the former Ashfield LGA. These existing microbreweries, along with their location and land use zoning, are outlined in **Table 1**.

Table 1: Existing Microbreweries in the IWC LGA

Micro-brewery	Address	EPI	Zoning
Waywards Brewery	1 Gehrig Lane, Camperdown (also known as 74-76 Pyrmont Bridge Road)	Leichhardt LEP 2013	IN2
Young Henry's	76 Wilford Street, Newtown	Marrickville LEP 2011	B5
Willie the Boatman	202/76 Mary Street St, Peters	Marrickville LEP 2011	IN2
Grifter Brewing Company	1/391-397 Enmore Road, Marrickville	Marrickville LEP 2011	B7
Batch Brewing	44 Sydenham Road, Marrickville	Marrickville LEP 2011	IN1
Sauce Brewing Co	1A Mitchell Street, Marrickville	Marrickville LEP 2011	R4
BlackFont Brewhouse	92 Meeks Road, Marrickville	Marrickville LEP 2011	B7
Wildflower Brewing and Blending	11-13 Brompton Street, Marrickville	Marrickville LEP 2011	IN1
St Peters Brewery	15 May St, St Peters	Marrickville LEP 2011	B5

Concerns of the Industry

Staff met with the IWBA on 17 January 2018 and the following matters were raised:

- Preference for the tasting rooms to comprise a maximum of 40% of gross floor area (GFA) or 400 square metres, consistent with the controls under the former Ashfield Council;
- The ability to offer for sale beers from other local microbreweries/commercial breweries that are not manufactured on site; and
- Request to the Liquor and Gaming (L&GNSW) that they make changes to the NSW Wholesale / Producer License or create a Micro-brewery License. While Council cannot assist directly with those concerns, Council has since met with L&GNSW who are keen to work with Council to explore options to better facilitate the micro-brewery business model as it has a low risk profile.

General Strategic Planning Comments

To consider any potential amendments to the planning controls relating to microbreweries, and in particular to their associated tasting rooms, a review of the current planning controls is considered below. This analysis has been carried out in consultation with Council's General Counsel.

The planning controls for the IWC LGA are contained across three (3) separate Local Environmental Plans (LEPs), comprising the following:-

- *Marrickville Local Environmental Plan 2011* (Marrickville LEP 2011);
- *Leichhardt Local Environmental Plan 2013* (Leichhardt LEP 2013); and
- *Ashfield Local Environmental Plan 2013* (Ashfield LEP 2013).

All of these LEPs have been prepared using the Standard Instrument Local Environmental Plan (the Standard Instrument LEP), which aims to standardise LEPs across the State. The Standard Instrument contains a Dictionary of standard definitions relating to land uses and other terms relevant to the interpretation and application of LEPs.

The Standard Instrument LEP also contains mandated clauses, optional clauses and principal development standards. Councils can add local clauses that address specific local circumstances where justified, however, such clauses are discouraged and heavily scrutinised by the Department of Planning and Environment (DPE).

The DPE provides guidance on the preparation of the Standard Instrument LEPs in the form of LEP Practice Notes.

Characterising use as a micro-brewery

The term *micro-brewery* is not a defined use in the Dictionary to the Standard Instrument LEP and therefore is not a defined land use across any of the three principal environmental planning instruments applying to the IWC LGA.

The relevant definitions and defined land uses with respect to microbreweries, pursuant to these principal LEPs applying to the IWC LGA, include the following:

Industrial retail outlet means a building or place that:

- a) *is used in conjunction with an industry or rural industry, and*
- b) *is situated on the land on which the industry or rural industry is located, and*
- c) *is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located, but does not include a warehouse or distribution centre.*

Light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- a) *high technology industry,*
- b) *home industry.*

Note. Light industries are a type of industry—see the definition of that term in this Dictionary.

Industrial Activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the

research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

The process of making and/or brewing beer is considered to satisfy the definition of *Light Industry* as it involves an industrial activity, being the manufacturing and production of beer. *Light Industry* is a type of industry. The term *brewery* is not defined in the Standard Instrument LEP.

There are other land use terms defined in the Standard Instrument LEP which have been considered in this assessment, including *business premises, cellar door premises, commercial premises, food and drink premises, pub, restaurant or café, take away food and drink premises* and *retail premises*, including a *small bar*.

It is considered that the most appropriate planning definition for a micro-brewery is that of *Light Industry*.

The provision of a 'tasting room' and the associated retail sale of the brewed beer to the public on the premises is considered to satisfy the definition of an *industrial retail outlet*. As outlined above, this is a defined use in the Dictionary to each of the principal LEPs applying to the IWC LGA.

An *industrial retail outlet* is permissible in certain zones (see below). It is also a 'miscellaneous permissible use' pursuant to Clause 5.4(4) of the Standard Instrument LEP and is therefore covered by controls identified later in this report regarding floor area.

It is important to note that there are three criteria to the *industrial retail outlet* definition which must be satisfied for each tasting room proposed within a micro-brewery. These criteria are:

- That the tasting room must be used in *conjunction with an industry or rural industry* – that is, it cannot be solely used as a tasting room, on its own, as it must be part of the larger use on the site for a micro-brewery. Microbreweries are defined as a light industry which is a type of industry and therefore satisfies the criteria as an industry;
- The tasting room must be physically *situated on the land on which the industry is located*, in this case being the brewing of the beer; and
- The tasting room is only *used for the display and/or sale of only those goods that have been manufactured on the land on which the industry is located* – that is only the beer that has been manufactured on the land on which the industry (i.e. the micro-brewery) is located.

Therefore, for an *industrial retail outlet* to be permissible, or a tasting room in this case, it must be listed as permissible for the particular zone in the Land Use Table pursuant to Clause 2.3 of the relevant principal LEP and satisfy the definition as outlined above (including the three criteria listed above).

An important part of this definition is that only the beer which is brewed on that particular site can be sold through the industrial retail outlet, i.e. the tasting room. That is the selling and tasting of beer from other brewers, including other microbreweries and larger commercial breweries, is not permissible.

This is an important distinction following discussions with the IWBA, in which it was revealed that there was a request to allow the tasting and selling of beers brewed by other microbreweries in the IWC LGA to be carried out throughout the network of the microbreweries in the area. Such selling of other beers and products from other brewers would deem the premises to be a *pub, food and drink premises* or a *small bar* as that beer was not brewed on

the premises of that particular micro-brewery. The permissibility of pubs is outlined below for the zones within which microbreweries and tasting rooms are permissible uses.

Following consideration as to whether the proposed tasting room satisfies the definition of an industrial retail outlet, Clause 5.4(4) of the Marrickville LEP 2011, Leichhardt LEP 2013 and Ashfield LEP 2013 then provides additional controls in relation to the maximum amount of retail floor area which is permissible. It is this latter aspect of the 'tasting rooms' which is an important issue addressed in this report.

Permissibility of Microbreweries

In terms of permissibility, microbreweries with tasting areas are permissible in various zones under the three Principal LEPs applying to the IWC LGA as *light industry* and *industrial retail outlets* respectively as outlined in **Table 2**. The permissibility of *pubs* and *entertainment facilities* are also outlined for the zones within which microbreweries and tasting rooms are permissible.

Table 2: Permissibility of Microbreweries, Tasting rooms, Pubs and Entertainment Facilities

Use	Marrickville LEP 2011	Leichhardt LEP 2013	Ashfield LEP 2013
Micro-brewery (as <i>light industry</i>)	B4, B5, B6, B7, IN1, IN2	B1, B2, B7, IN2	B6, IN2
Tasting room (as <i>Industrial Retail outlet</i>)	B4, B5, B6, B7, IN1, IN2	B2, IN2	B4, B6, IN2
Pub (as <i>food & drink premises, retail premises or commercial premises</i>)	B4, B5, B6, (Prohibited in B7, IN1 & IN2)	B1, B2 (Prohibited in B7 & IN2)	B4 (as commercial premises) & B6 (as pub) (Prohibited in IN2)
Entertainment Facilities	B4, B5, B6, B7, IN1, IN2	B2, B4 (Prohibited in B7 & IN2)	B2, B4, B6, IN2

Once permissibility has been established, the amount of retail area has to be determined pursuant to Clause 5.4 of each of the Principal LEPs applying to the IWC LGA, as discussed below.

Amount of Retail Floor Space for Tasting Rooms

Clause 5.4(4) outlines the maximum amount of retail floor area which is currently permissible within these *industrial retail outlets*, which varies between the principal LEPs applying to the IWC LGA. The text of Clause 5.4(4) states the following, with the associated maximum percentages of GFA and the maximum GFA outlined in **Table 3** for each of these LEPs:

(4) Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- a) #%** of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
- b) * square metres,**

whichever is the lesser.

Table 3: Maximum GFA for Industrial Retail Outlets for Inner West LEPs

LEP	% of GFA (#)	Square metres (*)
Ashfield LEP 2013	40%	400m ²
Leichhardt LEP 2013	20%	100m ²
Marrickville LEP 2011	11%	400m ²

As can be noted from Table 3, the amount of retail floor space which can be used as a tasting room within a micro-brewery is currently the highest in the former Ashfield LGA (40% of GFA or 400m²), whichever is the lesser, while the former Marrickville LGA currently has the lowest percentage for the retail area at 11% but allows 400 square metres, whichever is the lesser. These differing amounts for the maximum amount of retail area are contributing to a lack of consistency across the merged area which now constitutes the IWC LGA.

It should be noted, however, that the former Ashfield LGA has only two (2) small areas of land zoned IN2. A small area in the north-west corner of the former LGA within Croydon and the small area in the eastern section within Summer Hill. There are also only minor areas of land zoned B4 and B6 in the former Ashfield LGA, largely along the main road corridors of Parramatta Road and Liverpool Road and are mostly smaller sized lots which are likely to involve more commercial, smaller scale land uses. These are the only areas of land within the former Ashfield LGA in which industrial retail outlets are permissible. There are no microbreweries located within the former Ashfield LGA.

On this basis the higher percentage of retail area currently permissible within '*industrial retail outlets*' appears unlikely to have any significant impact on industrial and business activity within this former LGA than if it applied in the former Leichhardt and Marrickville portions of the IWC area, within which there are larger industrial and business areas. The areas of industrially zoned land within each of the LGAs which now comprise the IWC LGA are outlined in **Table 4**.

As illustrated in Table 4 below, the amount of industrial zoned land is significantly higher in the former Marrickville LGA and slightly higher in the former Leichhardt LGA than in the former Ashfield LGA, with the latter having the highest maximum amount of GFA for a retail area within *industrial retail outlets*.

Table 4: Industrial zoned land within the IWC LGAs (Source: IWC GIS Officer)

LGA	Land Zoned IN1	Land Zoned IN2	Total	% of total
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				industrial land for IWC LGA
Ashfield	N/A	3.48Ha	3.48Ha	1.43%
Leichhardt	N/A	34.368Ha	34.368Ha	14.11%
Marrickville	161.243Ha	44.445Ha	205.688Ha	84.46%

MATTERS FOR REVIEW – NOTICE OF MOTION

The matters required to be addressed by the Notice of Motion are considered below.

1. **Planning Controls**

- 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***

There are various options to consider with respect to increasing the allowable floor space for tasting on site within microbreweries, including the following:

- (i) Amending Clause 5.4(4) - Controls relating to miscellaneous permissible uses;
- (ii) Insert new Local Clause (Part 6) to increase the allowable floor space for 'tasting rooms' on site;
- (iii) Addition of a new standard definition of 'micro-brewery' with an associated retail area for a tasting area; and
- (iv) Including specific controls within a Development Control Plan.

These options are considered in more detail below.

(i) ***Amend Clause 5.4(4) of the Principal LEPs***

Clause 5.4 provides controls for 'miscellaneous permissible uses', which sets out, among other matters, the maximum amount of floor space which can be used for retail areas within an industrial retail outlet. This is a compulsory clause which enables Councils to insert local numerical standards for certain types of development to reflect the characteristics of a local government area.

In this case, Clause 5.4(4) of the Principal LEPs applying to the IWC LGA provides the maximum GFA which can be used for retail activities such as tasting rooms, retail sales and the like with respect to microbreweries. As outlined in Table 3 above, there is currently variation between the Principal LEPs applying to the IWC LGA in relation to the maximum amount of retail area for an industrial retail outlet.

The Notice of Motion requests that possible amendments to increasing the allowable retail space for tasting rooms to 40% of GFA or 400m² be investigated. To undertake such, the following amendments could be undertaken:

- 1. Amend Clause 5.4(4) in the Marrickville LEP 2011 to state 40% of the gross floor area at a) instead of 11%; and
- 2. Amend Clause 5.4(4) in the Leichhardt LEP 2013 to state 40% of the gross floor area at a) instead of 20% and 400m² square metres at b) instead of 100 square metres.

If it was considered that 40% was inappropriate, an amendment to the Ashfield LEP 2013 would also be required.

This would require a planning proposal pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to amend Marrickville LEP 2011 and the Leichhardt LEP 2013 to be prepared by Council to amend the percentage of GFA or the total square metres to be used for the retail floor area.

While Clause 5.4 is a mandated clause, it is also a Clause to which Councils can add local content. Therefore, this option is likely to be the most appropriate given that such changes are permitted to be undertaken. However, careful consideration of whether such amendments sought by the Notice of Motion are appropriate from an economic and planning perspective is required as discussed later in this report. This option would result in the least amount of changes to the Principal LEPs applying to the IWC LGA and therefore would be the most efficient option to implement changes to the retail floor area.

(ii) ***Insert a new clause in Part 6: Local Provisions of the principal environmental planning instruments for the Inner West***

Under the Standard Instrument LEP, Councils can add local clauses that address specific local circumstances where justified. Such circumstances could be as a result of relevant planning components of council's local strategic planning, or required under a section 117 direction, or regional or metropolitan strategy. However, as discussed below, this option is unlikely to be supported by the DPE in this instance.

The DPE administers the use of these local provisions and states that any such local clauses are not to be inconsistent with, and should not undermine the effect of, the mandated clauses in the Standard Instrument LEP, the permissibility or otherwise of a land use as detailed in the Land Use Table or any other relevant State and regional policies, strategies or directions.

To assist in preparing Standard Instrument LEPs, the DPE provides model local provisions that cover a range of common requirements. These include matters relating to (among other things) foreshore access, foreshore building line, location of sex services premises, acid sulphate soils, active street frontages, flood planning, airspace operations, aircraft noise, terrestrial biodiversity and earthworks.

For example, some of the included 'additional local provisions' in the principal LEPs applying to the IWC LGA (apart from those listed above) include:

- *Marrickville LEP 2011 (Part 6)* – Location of boarding houses in business zones, development on certain land at Victoria Road and residential accommodation as part of mixed use development in certain business zones, use of existing non-residential buildings in residential zones and use of dwelling houses in business and industrial zones;
- *Leichhardt LEP 2013 (Part 6)* – Business and office premises in Zone IN2, use of existing buildings in Zone R1, adaptive reuse of existing buildings in Zone R1, residential accommodation in Zone B1, Zone B2 and Zone B7, diverse housing and development on certain land in Rozelle, and
- *Ashfield LEP 2013 (Part 6)* - Converting serviced apartments to residential flat buildings, and development on land in Haberfield Heritage Conservation Area.

This option would involve inserting a new clause in Part 6 (Local Provisions) of the Principal LEPs applying to the IWC LGA. Such a Clause could include a definition of a micro-brewery and associated tasting room with a maximum percentage of GFA or a maximum GFA for the

retail/tasting area. Such a clause could also include the zones within which such a use would be permissible.

However, in the Practice Notes to the Standard Instrument LEP (Ref No PN 11-001 & PN 11-003), the DPE makes it clear that there shall be no new land use definitions added as a local provision. The standard definitions must be used wherever a land use would fall within an existing land use definition. In this case, microbreweries fall within the definition of *light industry* while any tasting room portion would fall within the definition of an *industrial retail outlet*.

The DPE also clearly states that Council would need to justify why such a clause cannot be written using common language words. In this instance, the term '*micro-brewery*' is adequately defined within the Macquarie Dictionary, and is provided for within the existing land use terms in the Dictionary and land use zones to Standard Instrument LEP (as *light industry*). If the DPE agrees that a new definition is warranted, the term would be set out within the local clause and would apply only for the purpose of interpreting that clause. Therefore, there is a high level of justification needed to insert a new definition, even within the local provisions.

It appears unlikely that the DPE would support inserting a new local clause with an associated new definition for microbreweries and their associated tasting rooms.

(iii) *Addition of a new definition of micro-brewery with an associated retail area for a tasting area to the Dictionary of the Standard Instrument LEP*

This option would involve inserting a new definition of 'microbreweries' into the Dictionary of the Standard Instrument LEP. This new definition could also include a maximum percentage of GFA to be used as a retail area, or tasting room in this instance. This option would involve adding the new definition of micro-brewery to the Dictionary as well as updating the land use tables for each zone in which microbreweries were to be made permissible in all three of the Principal LEPs applying to the IWC LGA.

As outlined for option (ii) above, this option is unlikely to be supported by the DPE given its unwillingness to add new definitions.

It is DPE's policy that there are to be no new definitions added to the Dictionary. The key objective of the Standard Instrument LEP is that a particular land use should be categorised the same way in every LEP, which will make plans easier to understand across the State.

The key principles in relation to definitions as outlined in DPE's LEP Practice Note (PN 07-001 dated 26 March 2007) are:

- The standard definitions are to be used wherever they apply;
- The common meaning of a term (e.g. as can be ascertained from consulting the Macquarie dictionary) is to be used wherever a term is not defined in the Standard Instrument; and
- Local provisions may not define new land use terms for use in zoning tables.

A proposal for a new term to be added to the Dictionary would need to very clearly explain the planning issue to be addressed and how the proposed new term would relate to the existing defined terms. A justification would be required as to how the new planning issue is not already addressed in the existing definitions and controls.

Accordingly, it is considered unlikely that the DPE would support the insertion of a new definition of micro-brewery into the Standard LEPs as such a land use is adequately provided for within the existing Dictionary as well as the miscellaneous permissible uses clause with respect to the maximum amount of GFA for the associated retail area.

(iv) ***Specific Controls in a Development Control Plan***

An option for clarifying the controls in relation to the operation of microbreweries and their associated tasting rooms is to include specific controls in a Development Control Plan (DCP) which relate only to microbreweries. DCPs provide the more detailed controls for development.

Such controls could cover the industrial nature of the brewing, such as loading and unloading requirements, car parking, noise, equipment and pollution control matters. Specific controls could also include the requirements on the tasting room aspect of the microbreweries.

The DCP controls, however, would need to be consistent with the Principal LEPs applying to the IWC LGA pursuant to Section 74C (5) of the EP&A Act which states that a DCP has no effect to the extent that is it the same, or substantially the same, as a provision of an LEP or is inconsistent or incompatible with a provision of any such instrument.

The consistency of Clause 5.4(4) of the Principal LEPs applying to the IWC LGA would still need to be undertaken in the first instance.

Concerns with Amending the Planning Controls

There are a number of potential concerns in relation to increasing the allowable floor space for tasting areas within microbreweries to 40% of the GFA or 400m², as this would then apply to all industrial retail outlets, not just microbreweries:

- *Loss of industrial floor space* – An increased potential industrial retail area may result in the loss of industrial floor space if operators seek to maximise the amount of dedicated retail floor space in industrial retail outlets. These areas can provide a significant income stream. The industrial processes carried out on the sites would then be likely to be reduced as there would be less space for such industrial activities.

This is potentially a significant issue in the former Marrickville and former Leichhardt LGAs where the percentage of land within industrial land use zones is significantly greater than the industrial land within the former Ashfield LGA. This issue needs to be considered in greater detail in an Economic Impact Assessment to ensure all possible economic impacts of such a change to the industrial zoned lands within the IWC LGA is thoroughly considered.

This potential expansion of retail floor areas may also be contrary to some of the industrial zone objectives including providing a *wide range of light industrial, warehouse and related land uses* and to support and protect *industrial land for industrial uses*. Allowing a larger area to be set aside for retailing within industrial zones is inconsistent with providing a range of industrial/or warehouses uses to be undertaken in these zones and may need to be carefully managed to enable the protection of industrial land for industrial uses. This potential retailing expansion may also be contrary to the objectives relating to *encouraging employment opportunities* and *supporting the viability of centres*.

The potential loss of industrial space is a significant issue in this consideration given microbreweries are generally permissible in the general and light industrial zones as well as some of the business zones. While industrial retail outlets are permissible in other zones, aside from the industrial zones, the main focus of the micro-brewery industry is the industrial zones and it is these zones which have the potential to suffer the greatest impact from an increased amount of retail floor area.

- *Applicability to all other industrial retail outlets* - It is important to note that any changes to the controls for *industrial retail outlets* will change the controls for all industrial retail outlets across the IWC LGA as well as other zones where industrial retail outlets are

permissible. This could erode the amount of potential floor space which would be available for industrial uses within any of the industrial zones across the IWC LGA, in a way that is inconsistent with the industrial zone objectives. As the analysis in this report notes, it seems unlikely that the DPE will allow the use of new terminology that would allow the expansion of retail areas in industrial retail outlets to be confined only to microbreweries.

- *Negative impact on business and growth* – The potential increase in retail floor area may also have a negative impact on business growth and jobs given the loss of manufacturing and industrial floor space. This aspect needs further consideration in the context of an Economic Impact Assessment and has particular regard for the amount of industrial land in each of the former LGAs which make up the IWC LGA (refer to Table 4).
- *Car parking* – Additional car parking would be required for the additional people likely to visit sites for the tasting room since industrial uses have a lesser car parking requirement (1/100m² approximately) than the shops/retail uses (1/40m² approximately). Expanding the retail areas within existing industrial premises is likely to result in a shortfall in car parking.
- *Conflict with existing industrial activities* – An increased retail area may result in conflicts with the existing industrial activities which are occurring on the site. These industrial activities could include the loading and unloading of goods and materials, the storage of materials and equipment used in the manufacturing process and the ability to store any waste materials which may arise throughout the manufacturing process.
- *Disruption to the industrial area* – An increased retail area may disrupt the surrounding business and industrial areas within which the microbreweries are located. The potential impacts could include patrons/customers coming and going from the premises (noise, litter, aggressive behaviour, vehicles and general disturbance), increased traffic through the industrial area, lack of public transport in these areas and a lack of appropriate management of the premises including security, hours of operation and customer complaints handling.
- *Amenities and accessibility* – An increased retail area is also likely to result in the need for additional amenities and facilities within these existing industrial premises. In particular, there is likely to be a need for additional toilets, including accessible toilets, as well as accessibility to the tasting area, which if located on the upper level would require significant building alterations to achieve.
- *Increased presence in industrial buildings* - An expansion of retail floor areas within industrial uses also raises the issue of increasing the number of people within industrial buildings, which are unfamiliar with the layout and use of the building. This could result in safety concerns, particularly from a fire safety and exits perspective.

Having considered the potential concerns with amending the controls to increase the allowable retail floor space for a 'tasting room' within microbreweries, it is considered that an Economic Impact Assessment should be undertaken and analysed before proposed amendments to the three former council LEPs are considered. This Economic Impact Assessment would duly consider the potential economic impacts of different potential changes to the planning controls.

Comparison with Other Council's Controls

A comparison of the planning controls for surrounding LGAs in relation to the amount of retail space for industrial retail outlets is outlined below in **Table 5**. This analysis highlights the varying amounts of retail space which is permissible as part of industrial retail outlets.

Table 5: Analysis of Retail Floor Space Limits for Industrial Retail Outlets for Surrounding LGAs

LGA	Retail Floor Area (Industrial retail outlets)	Permissible in zones (Industrial retail outlets)
Burwood LEP 2012	40% of GFA or 400m ² (whichever is the lesser)	B6 (Enterprise Corridor) & IN2 (Light Industrial).
Canada Bay LEP 2013	43% of GFA or 400m ² (whichever is the lesser)	B1 (Neighbourhood Centre) B4 (Mixed Use), B6 (Enterprise Corridor) and IN1 (General Industrial).
Canterbury LEP 2012	15% of GFA or 100m ² (whichever is the lesser)	B6 (Enterprise Corridor), IN1 (General Industrial) & IN2 (Light Industrial).
Rockdale LEP 2011	30% of GFA or 400m ² (whichever is the lesser)	B6 (Enterprise Corridor) & IN2 (Light Industrial).
Botany Bay LEP 2013	10% of GFA or 400m ² (whichever is the lesser)	B4 (Mixed Use), B7 (Business Park), IN1 (General Industrial) & IN2 (Light Industrial).
Sydney LEP 2012	20% of GFA or 400m ² (whichever is the lesser)	B4 (Mixed Use), B5 (Business Development), B6 (Enterprise Corridor), B7 (Business Park), B8 (Metropolitan Centre) & IN1 (General Industrial).
Hurstville LEP 2012	20% of GFA or 400m ² (whichever is the lesser)	IN2 (Light Industrial)
Kogarah LEP 2012	10% of GFA or 100m ² (whichever is the lesser)	B1 (Neighbourhood Centre), B2 (Local Centre), B4 (Mixed Use) & IN2 (Light Industrial).
Sutherland Shire LEP 2015	10% of GFA or 100 m ² (whichever is the lesser)	B1 (Neighbourhood Centre), B4 (Mixed Use), B5 (Business Development), B6 (Enterprise Corridor), B7 (Business Park), IN1 (General Industrial), IN2 (Light Industrial), IN3 (Heavy Industrial) & IN4 (Working Waterfront)

The allowable floor space areas for *industrial retail outlets* varies from LGA to LGA.

To adequately consider potentially increasing the maximum GFA controls further, and to ensure consistency across the IWC LGA, an Economic Impact Assessment is required. This assessment is needed to understand the potential impacts of changing these controls (either increasing or decreasing the maximum floor area as the case may be) as well as the potential impact on business and industrial activity (manufacturing) in the IWC LGA resulting from such changes. This Economic Impact Assessment should also consider the maximum retail area which is appropriate for the IWC LGA having regard to the role and function of our industrial areas and the standards adopted in the surrounding LGAs.

Depending on the outcomes from the Economic Impact Assessment and their analysis suitable LEP amendments could then be prepared to harmonise the controls.

- 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 micro-brewery operators.***

“Ancillary use” is not a term that is defined in any of Council's planning controls. It is a concept derived from judicial decisions handed down in the planning law field over many decades.

In such circumstances, there is no scope for refining the definition of ancillary use.

At its most basic, an ancillary use is a use of land that is subsidiary or subordinate to a principal use and is, therefore, cloaked with the character of that principal use. For example, the use of a garage within a house for parking of vehicles is ordinarily considered to be subsumed within the use of a house as opposed to having some separate character related to carparking.

Having said that, even where a use is “ancillary” to a principal use, it may nonetheless be considered to be an independent use (and, therefore, not truly ancillary) if the facts and circumstances warrant such a conclusion.

Unhelpfully, the caselaw makes it clear that it is always a question of fact and degree as to whether a use is ancillary and whether, if it is, it is independent. In this light, it is not possible to provide “greater certainty” around this concept.

In the context of micro-breweries and tasting rooms, it is generally considered that the sale of beer manufactured at the premises will constitute an ancillary, but independent use, given the quantities of beer likely to be sold by the breweries. Accordingly, the tasting room/sales will need to be characterised to determine its permissibility.

If the tasting room/sales area satisfies the definition of an industrial retail outlet, it will be permissible and subject to the area limitations in clause 5.4(4). If the tasting room does not satisfy the definition of industrial retail, for instance, because it proposes to sell beers other than what it manufactures, or sells things other than beer (e.g. food) then it will likely be a use other than industrial retail and may be prohibited depending upon the applicable zoning.

Determining whether a proposed tasting room use is permissible can only be viewed on a case by case basis having regard to the circumstances of the use proposed. As stated above, whilst this will not provide certainty to proponents, it is an unhelpful but necessary consequence of the planning law system that it is always a question of fact and degree as to whether a use is ancillary.

2. Consultation 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***

Council's Economic Development Unit works to support and assist local businesses to develop and grow their business through a range of advisory services including workshops and networking opportunities.

In this instance, the ongoing aim of Council's Economic Development Unit is to facilitate and foster a relationship between the microbrewers and the major outlets in the IWC LGA so that

they can promote their businesses together, take advantage of economies of scale and match the uniqueness of their products to the distinctiveness of the town centres and high streets.

In relation to a beer festival, Council's Economic Development Unit has met with the IWBA in relation to assisting the micro-brewery industry within the Inner West. These discussions have revealed that the IWBA is keen and well positioned to deliver its own beer festival and is planning to partner with an event company to deliver a festival in the near future.

Council has indicated to the IWBA that it will support such a festival, including assisting the IWBA in promoting the event and working with local business chambers to make the event part of their annual schedule of promotional activities.

b) Working with local microbreweries, tourism operators and government agencies to promote brewery trails and tours as a tourist attraction in the Inner West

The IWC LGA is well known for its heritage pubs and craft brewery tours. There are currently four (4) tours operating within the IWC LGA, with these tour operators using a range of marketing tools to promote their business. The market for these pub tours and craft brewery trails are locals, people from the greater Sydney area as well as tourists from interstate. Tourists, as well as beer connoisseurs looking for a unique experience, appear to be the most likely people to undertake these tours.

Council's Economic Development Unit has liaised with Destination NSW to discuss these tours and will assist the IWBA in facilitating meetings with any relevant stakeholders to ascertain any support which could be offered to enhance tourism visitation.

Furthermore, Council's Economic Development Unit, as part of its strategic planning, will be developing an Economic Development Strategy to act as a framework to help realise the vision that businesses identify in Council's new Community Strategic Plan, which is currently being drafted. This Strategic Plan will help to optimise the economic potential of the key sectors and locations across the IWC LGA, including the micro-brewery industry.

For a number of years, Council's Economic Development Unit has been encouraging food and beverage outlets throughout the IWC LGA to adopt local craft beer offerings as part of their unique branding strategy. Batch Brewery, for example was set up not just as a brewery but as a brand that would reflect the nature of the Inner West pub and small bar experience.

Council's Economic Development Unit will continue to assist and support the IWBA in its work to boost the micro-brewing industry in the IWC LGA, including the promotion of any beer festivals and tours which the IWBA seeks to organise.

Liquor and Gaming NSW

On 22 February 2018 Council officers met with representatives of L&GNSW to discuss challenges facing micro-breweries establishing and operating within Inner West Council area. L&GNSW advised they are considering a new licence which would allow brewers to sell their products direct to the public for consumption on premises without the need for it to be defined as a 'tasting', a land use ancillary to the primary function of the site as an industrial premises. They are also interested in looking at potential options to allow microbreweries to sell alcoholic beverages on their premises made by other producers.

Council officers reiterated support for the micro-brewery operators within the Inner West and outlined some of the legislative difficulties through Council's LEPs relating to how a micro-brewery is undefined by the NSW government's LEP Standard Template and therefore premises must apply for consent through industrial retail outlet provisions. The need to preserve the integrity of industrial zoned land from being converted to increasingly retail premises, and the difficulty with changing the retail offering to anything other than an ancillary use secondary to production were discussed, as was the issue of allowing alcohol from other

companies to be sold on-site and the concern that this could result in micro-breweries changing from a production facility to a hospitality venue.

Liquor and Gaming committed to undertaking further work with local producers and Council towards establishing a better licensing outcome.

FINANCIAL IMPLICATIONS

This report recommends that Council engages an appropriately qualified consultant to undertake an Economic Impact Assessment to consider and assess the potential impacts on business and employment in the IWC LGA of amending the current planning controls relating to industrial retail outlets to support the micro-brewery industry, in particular relating to tasting areas. This report is likely to cost in the order of approximately \$40,000 and is unfunded. As the report will assist in the consideration of potential changes to relevant planning controls to assist the development of the microbrewery industry, the industry could also be asked to make a financial contribution towards the cost of the report.

OTHER STAFF COMMENTS

Council's Economic Development Unit and General Counsel have assisted in the preparation of this report.

PUBLIC CONSULTATION

There has been no public consultation at this stage as the Notice of Motion has sought advice only. If any changes are subsequently proposed to the planning controls, relevant public consultation will be undertaken in accordance with the EP&A Act.

CONCLUSION

Council generally seeks to support local businesses, and is seeking to assist the expanding micro-brewery industry in the IWC LGA. Council supports the IWBA's request to review the current planning controls for microbreweries and, in particular, tasting rooms, to ensure consistency across the IWC LGA to help support the continuing development of the industry.

However, in considering potential amendments to the former Council LEPs consideration must also be given to the potential wider impacts of such amendments on employment and the supply of industrial land.

For this reason, it is considered that Council should undertake an Economic Impact Assessment of the potential impacts of any changes, in particular of potential changes to the maximum retail floor area allowable under Clause 5.4(4) for industrial retail outlets. The Economic Impact Assessment will need to investigate the potential impacts of changes across all types of industrial retail outlets, given such a land use term extends to any industry which seeks to sell or display their products in a retail setting from their manufacturing premises, and how these could be managed if it is considered appropriate. Following analysis of the outcomes from the Economic Impact Assessment consideration can be given to the preparation of suitable LEP amendments.

It is noted that having considered the DPE regulations regarding changes being made to the Standard Instrument LEP it is unlikely that changes may be made to definitions or land use terms, particularly for those that are adequately covered in the existing planning instruments. This is particularly the case for *industrial retail outlets* which are a defined land use term and a nominate use within the land use tables in the Principal LEPs applying to the IWC LGA.

It has been established that 'tasting rooms' within microbreweries are generally an ancillary, but independent, use and that there is no scope to alter or amend the definition or controls surrounding ancillary uses to support the industry in this respect as is outlined in this report.

Council's Economic Development Unit has met with the IWBA and has liaised with other State Government departments to assist the industry with their future craft beer festival and pub tours vision. Such assistance will be an on-going undertaking, being the core business of Council's Economic Development Unit, which is to assist local businesses.

Council officers have met with L&GNSW who are keen to work with Council to explore options to better facilitate the micro-brewery business model from a licensing perspective as it has a low risk profile under the liquor laws. It is proposed to continue to progress this issue to support the development of the industry.

ATTACHMENTS

Nil.

Item No: C0318 Item 3

Subject: GLEBE ISLAND MULTI-USER FACILITY - REVIEW OF ENVIRONMENTAL FACTORS

Prepared By: Steve Roseland - Senior Strategic Planner

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

A Review of Environmental Factors (REF) has been on public exhibition for a proposal to construct a multi-user facility at Glebe Island for the off-loading, storage and handling of sand, aggregate and other dry bulk construction materials.

This report assesses the potential impacts of the proposal and recommends that a submission be made to the Port Authority of NSW identifying concerns relating to the cumulative impacts of the proposal and other developments and infrastructure projects around the Bays Precinct/White Bay area and traffic, noise, air quality, visual and public access to the foreshore impacts.

RECOMMENDATION

THAT:

1. Council receive and note this report;
2. Council endorse the submission to the Port Authority of NSW (**see Attachment 1**) including:
 - a. The proposal should take into consideration the construction of all major development projects in the immediate vicinity of the proposed multi-user facility over approximately the next ten years, including the following transport infrastructure projects WestConnex, Western Harbour Tunnel and the M4-M5 Link (should the latter two projects proceed).
 - b. a request for further traffic modelling be undertaken to take in to consideration all the construction and proposed major transport infrastructure projects in the immediate vicinity of the proposed multi-user facility over the next ten years including WestConnex and the Western Harbour Tunnel (should it proceed) and determine full cumulative impact.
 - c. a detailed Construction Traffic Management Plan for the whole of the Bays Precinct should be prepared in consultation with Inner West and City of Sydney Councils to provide a coordinated and staged approach to the delivery of The Bays Precinct in a manner which minimises detrimental impacts on sensitive areas within Sydney's Inner West.
 - d. a coordination group, including representatives from the Inner West and City of Sydney Councils and Transport for NSW/Sydney Buses, should be established to oversee and advise on traffic management measures during the overlapping construction phases of the Bays Precinct, M4-M5 Link and Western Harbour Tunnel (should the latter two projects proceed).
 - e. no access to the site must be provided via Robert Street, Rozelle.
 - f. the M4-M5 Link White Bay Marshalling Yard must not gain access to Robert Street under any circumstances due to likely additional heavy vehicle traffic in residential areas in the southern sections of Balmain Peninsula.
 - g. ongoing noise and air monitoring mechanisms be put in place to enable enforcement of conditions of consent should they be required.
 - h. further investigation of foreshore public access arrangements for the site be incorporated into the final proposed design.
 - i. all proposed structures on-site should seek to minimise and mitigate visual amenity impacts upon surrounding residential and public recreation areas.

BACKGROUND

In 2013 Sydney Ports Corporation assessed and determined (SPC ref No. C13/115) the use of Glebe Island Berths 1 and 2 as a multi-user facility for the unloading/loading of products including dry bulk materials, as well as other occasional port related uses. The multi-user facility was assessed under Part 5 of the EP&A Act, and a Review of Environmental Factors was prepared for the activity.

In November/December 2017 the Port Authority of New South Wales asked Council for any comments as to the content of a future Review of Environmental Factors being prepared for a proposed multi-user facility at Glebe Island.

Council officers assessed and considered the available details for the proposed facility and requested that the following issues relating to specific elements of the proposal be addressed in any future REF:

- Cumulative developments around the Bays Precinct / White Bay and preparation of Masterplan (including Cruise Passenger Terminal, the proposed Glebe Island Sand Storage and Distribution Facility, Rozelle Superyacht Facility, Baileys Marine Refuelling Facility and the Concrete Batching Plant).
- Traffic generation and truck movements (including intersection modelling for all affected roads during WestConnex construction/operation and cumulative pressure on roads such as James Craig Road which are already serving other facilities in the Precinct).
- Intensification of vessel movements in the Bays Precinct including potential adverse impacts upon passive recreational users of the Bay and alienation of a public waterway
- Challenged the assertion that there will be no adverse noise, air quality or visual impacts as premature given that no detailed review has been undertaken.
- Requested ongoing noise and air quality monitoring options be examined and mechanisms be put in place to enable enforcement of conditions of consent should they be required.
- Investigation of foreshore public access arrangements for the site be incorporated into the proposed design.
- Ensure all proposed structures on-site are of high quality urban design and low-rise to minimise and mitigate any visual amenity impacts upon surrounding residential and public recreation areas.

Current Proposal

As the site is designated an existing port facility the proposed development can be carried out without development consent under the Infrastructure State Environmental Planning Policy (SEPP). However the operations and potential impacts do have to be assessed under the Environmental Planning and Assessment Act and this is the purpose of the current consultation on the Review of Environmental Factors.



FIGURE 2 - SITE LAYOUT (INDICATIVE)



The publically exhibited REF proposes to involve the following:

- Construction of a multi-user facility as a short to medium term land use including a ship off-loading, storage and dispatch building for the handling of sand, aggregate and other dry bulk construction materials. The facility would consist of an enclosed bulk material storage building and associated plant and equipment.
- Operation of the multi-user facility up to 24 hours per day, seven days per week as required. The facility would handle the offloading of dry bulk construction material into the building and uploading of material into trucks inside the building.

An initial assessment of the 2018 REF indicates that the differences between the 2013 REF and the current proposal are as follows:

- It is proposed to erect, and operate from, a material storage and handling building, whereas the previous approval envisaged dumping dry bulk products directly on the wharf or into hoppers for loading onto trucks to be moved elsewhere.
- It is specifically proposed to provide for sand and aggregate to be handled at the facility, whereas the previous proposal refers more generally to dry bulk materials.

Photographic representations of the proposed building are at **Attachment 2**.

The 2013 REF and Part 5 determination assessed and approved up to 600 trucks daily (1,200 one-way movements) associated with loading/unloading operations occurring at Glebe Island berths. The current REF does not cover in detail the potential truck movements but asserts that the current proposal would not generate truck movements above that assessed in the 2013 REF, and therefore notes that no further modelling of potential traffic impacts is necessary.

As the site has very limited access to public transport it can be anticipated that few, if any, employees will travel by public transport.

Based on the information currently available and assuming the potential approval of both the M4-M5 Link and Western Harbour Tunnel (WHT) it can be anticipated that James Craig Road will carry the total traffic burden associated with the M4-M5 Link's White Bay (construction vehicle) Marshalling Yard (which may, in the future, expand to accommodate additional vehicles associated with construction of the WHT) as well as heavy vehicles associated with the Glebe Island Multi-User Facility. Since the 2013 REF there has been a proposal for the relocation of the Blackwattle Bay concrete batching works to Glebe Island. If that proceeds traffic serving that facility, when it has been constructed, will also use James Craig Road.

In summary, the likely heavy vehicles usage of the access road to the site is assumed to be as follows:

- the Multi-User Facility will be an even mix of laden (leaving the facility) and unladen (coming to the facility) totalling approximately 1,200 movements/day;
- the new White Bay Concrete Batching Works will include approximately 250 movements/day;
- the M4-M5 Link will total approximately 280 vehicle movements/day (all empty);
- the WHT construction phase (based on estimates contained in the M4-M5 Link Preferred Infrastructure Report - PIR) will generate some 20 heavy vehicle movements during peak hours (equating to approximately 130 heavy vehicles movements per day).

Consequently, it can be anticipated that over 1,800 heavy vehicle movements/day (one-way) will accrue on James Craig Road each weekday, with approximately 210 being during the morning peak hour (7.30am – 8.30am).

Combining with these heavy vehicles will be over 100 worker vehicles/day, taking the total traffic on James Craig Road to over 1,900 vehicle movements per day (excluding existing uses fronting Rozelle Bay's northern foreshore – uses such as Sydney Superyacht Marina and RMS Maritime).

While a volume of 1,900 vehicles/day would, generally, not be a concern for a street with adequate width with limited frontage uses, the high proportion of heavy vehicles and the already congested nature of the adjacent street network should be considered in assessing its impacts. Modelling included in various analyses (e.g. M4-M5 Link) indicates limited impact on the adjacent street network and absence of intrusion into sensitive (e.g. residential, recreational or institutional) areas.

Consequently, provided that access can be guaranteed for existing uses that require James Craig Road, the proposal's traffic impacts will be isolated specifically to the uses generating the traffic (i.e. the Multi-User Facility, M4-M5 Link Marshalling Yard and White Bay Concrete Batching Works).

A key advantage of the proposed site for the multi-user facility is its ability to accommodate waterborne delivery of raw materials, significantly reducing the number of heavy motor vehicles accessing the site and consequently reducing the overall number of heavy motor vehicles using the Inner West's street network.

The vessel movements proposed as part of the 2013 REF were approximately 30 vessels per year, with the caveat that more would be permitted if market demand increased. At present the current REF does not propose to exceed the approved vessel movements.

Assessment

Council officers have reviewed the current REF on public exhibition and raise the following matters for consideration.

Current and Future Land Use and Cumulative Impact of Developments and Infrastructure Projects around the Bays Precinct / White Bay

The subject site is not included within the former Leichhardt Municipality Local Environmental Plan (LEP) 2013. It is included within the area known as City West covered by the Sydney Regional Environmental Plan No. 26 – City West (SREP 26).

Under SREP 26 the proposed site is zoned 'Port and Employment' which aims to facilitate the continuation of commercial port uses, encourage development on Glebe Island and land adjoining White Bay that compliments this land use and to generate employment opportunities, particularly in relation to port and maritime uses.

The former Leichhardt Council was supportive of the continued function of port and maritime uses in the Bays Precinct prior to the preparation of a Masterplan. The current proposal for a multi-user facility is compatible with the zoning and desired land uses for the site.

Council's long standing position in relation to the Bays Precinct, including White Bay / Glebe Island, is that the cumulative impact of all developments in the area such as the Cruise Passenger Terminal, Rozelle Superyacht Facility, Baileys Marine Refuelling Facility and the Concrete Batching Plant need to be assessed and taken into consideration through a Master plan approach. This has not occurred.

Glebe Island is identified in the "Transformation Plan: The Bays Precinct" (October 2015) as a longer term priority precinct, with Glebe Island currently an integral part of Sydney's logistics capability for essential construction materials and working harbour services. Glebe Island and White Bay are the only deep-water wharves west of the Sydney Harbour Bridge. The transformation of the Bays Precinct could provide an opportunity to support both "blue" economic activities of port and maritime industries and a new mixed use innovation district (White Power Station site).

However planning for the White Bay Power Station site is currently on-hold following the cessation of negotiations with potential tenants for the core of the technology and innovation hub.

There is a concern that short to medium term plans for the site should therefore be carefully considered in relation to the complex range of current and proposed future uses in the area and the impacts of their potential interactions.

The current proposal should take into consideration the construction of all major development projects in the immediate vicinity of the proposed multi-user facility over approximately the next ten years, including the following transport infrastructure projects WestConnex, Western Harbour Tunnel and the M4-M5 Link (should the latter two projects proceed).

The possible construction of elements of the Bays State Significant Precinct (SSP) over the same period that may incorporate mixed use development including residential uses, public domain connections and adaptive reuse of the State-listed heritage White Bay Power Station should also be included in the review to minimise and mitigate any adverse impacts upon local residents and future longer term proposals for the precinct.

Traffic

The siting of the Multi-User Facility on Glebe Island, adjacent to the proposed M4-M5 Link Marshalling Yard, will result in a significant increase in heavy vehicle activity on James Craig Road and increased congestion at the intersection of James Craig Road and The Crescent. Further, it is likely to inconvenience other users of the northern foreshore of Rozelle Bay (e.g. Sydney Superyacht Marina and RMS Maritime Offices).

A review of other possible sites for a similar facility indicates that an alternative approach (e.g. establishing several smaller facilities, a number of which would not have harbour access) would likely result in a significantly larger number of heavy vehicle movements many of which would be movements along regional roads throughout the Inner West. This would be due to the absence of waterborne raw materials delivery and the sites' increased remoteness from the target area (the Bays Precinct).

While concern is expressed that the ultimate cumulative impact has not been fully assessed, as it has not been possible for the project's analysis to include traffic associated with the Western Harbour Tunnel, it is considered that, provided on-going access can be guaranteed for users of the northern foreshore of Rozelle Bay, the confining of construction vehicle impacts to this one area does have some potential wider benefits for the area, including:

- Minimised impact on sensitive uses (e.g. residential premises, recreational and institutional) as there are no such uses fronting James Craig Road;
- With the exception of Rozelle Bay northern foreshore uses, congestion impacts are likely to be isolated to the Multi-User Facility, Concrete Batching Works and potential M4-M5 Link/WHT Marshalling Yard; and
- Relocation of the Multi-User Facility is likely to result in multiple heavy vehicle approach and departure routes which would spread the traffic burden across a significantly larger area.

Notwithstanding this there are important issues that must be examined to assist in ameliorating local traffic issues associated with the Glebe Island Multi-User Facility. Consequently it is suggested that:

- Access should not be permitted to Robert Street, as additional traffic particularly heavy vehicles, as using Robert and Mullens Streets would be likely to:
 - o Significantly increase conflict, particularly at the Robert/Mullens Street and Robert Street/Victoria Road Intersections;
 - o Reduce access to the Passenger Cruise Terminal;
 - o Reduce access to residential areas on the southern side of the Balmain Peninsula; and
 - o Detrimentally impact on the reliability of bus services using Mullens Street and possibly Victoria Road.
- For the reasons listed above, the State Government should also guarantee that the M4-M5 Link White Bay Marshalling Yard will not gain access to Robert Street under any, other than emergency, circumstances;
- A detailed Construction Traffic Management Plan for the whole of the Bays Precinct should be prepared in consultation with Inner West and City of Sydney Councils, designed to provide a coordinated, staged approach to the delivery of The Bays Precinct in a manner which minimises detrimental impacts on sensitive areas within Sydney's Inner West;
- A coordination group should be established to oversee and advise on traffic management measures during the overlapping construction phases of the Bays Precinct, M4-M5 Link and Western Harbour Tunnel (should the latter two projects proceed). Such a group should include representatives from the Inner West and City of Sydney Councils, as well as Transport for NSW/Sydney Buses. This group's scope should include regular monitoring of community concerns, traffic and transport issues, noise impacts and air quality impacts; and
- To minimise further amplification of construction impacts the State Government should avoid overlapping construction phases of the M4-M5 Link and the southern component of the Western Harbour Tunnel.

Amenity

The REF notes that the key environmental impacts attributed to the proposal shall be:

- Noise during the construction of the facility; and
- Visual impact of the facility during operation including the building itself and stackers/conveyors.

The site will be subject to Construction and Operational Management Plans as part of the Project.

It is acknowledged that there will be noise impacts during construction and operation. The applicant notes that the design of the facility aims to manage and mitigate any acoustic and air quality impacts and that operational noise emissions have been assessed to comply with the NSW Environmental Protection Authority's Noise Policy for Industry for the nearest residential dwellings.

It is anticipated that a purpose built facility will reduce adverse air and noise amenity impacts when compared with potential loading and unloading of building materials directly on to the wharf areas exposed to the elements. To ensure compliance with relevant environmental standards Council will request that ongoing monitoring mechanisms be put in place to enable enforcement of conditions of consent that regulate these impacts.

The building and operating machinery will be visible from residential areas in both Inner West Council and the City of Sydney Council areas. While it is noted that the proposed land use is consistent with the site's history and current use of the property as an operational port facility, it is important that all proposed structures on-site should seek to minimise and mitigate visual amenity impacts upon surrounding residential and public recreation areas.

Public access to the Harbour Foreshore

Public access to the Sydney Harbour foreshore and increasing that access are stated objectives for both Council and the NSW government, including within Sydney Regional Environmental Plan No. 26 – City West.

Council will request that the final proposed design examine opportunities to allow for public access to the Harbour foreshore, for both pedestrians and cyclists, while ensuring the potential operations of the facility are not compromised and public safety is ensured.

FINANCIAL IMPLICATIONS

Nil.

PUBLIC CONSULTATION

Council has been consulted on the Review of Environmental Factors being prepared for a new version of the proposal with the public exhibition running from 31 January until 28 February 2018.

A number of drop-in information sessions have been held at the Pyrmont Community Centre:

- 11am to 1pm, Wednesday 7 February 2018
- 6pm to 8pm, Monday 12 February 2018
- 11am to 1pm, Wednesday 14 February 2018



On the 22 February 2018 the Port Authority of NSW extended an invitation to Council offering a further briefing on the current development proposal at Glebe Island.

CONCLUSIONNext Steps

Council officers have requested an extension of the public consultation deadline to allow for the matter to be reported to the March Ordinary meeting.

A draft submission has been forwarded to the Port Authority of NSW (**Attachment 1**). It is proposed that the Port Authority will be advised of the views of Council on the proposal following its consideration of this report.

ATTACHMENTS

1.  Council's submission to Port Authority of NSW
2.  Applicant's computer-generated images of proposal

**INNER WEST COUNCIL**

Contact: S.Roseland
Phone: 9367 9279

28 February 2018

Att: Mr Joe James
Executive General Manager
Bays Development
Port Authority of New South Wales
PO Box 25
MILLERS POINT NSW 2000

RE: GLEBE ISLAND MULTI-USER FACILITY - REVIEW OF ENVIRONMENTAL FACTORS

Thank you for the opportunity to provide comments on the public exhibition of the Review of Environmental Factors (REF) prepared for the proposed Glebe Island Multi-User Facility. The following comments are provided for your consideration, and are provided subject to their endorsement by Council at its next meeting.

It is noted that as the proposed site is designated an existing port facility this development can be carried out without development consent under the Infrastructure State Environmental Planning Policy (SEPP). However the Council is concerned that the operations and potential impacts are carefully assessed under the Environmental Planning and Assessment Act 1979 and notes that this is the purpose of the current consultation on the Review of Environmental Factors.

The Council is concerned that short to medium term plans for the site should be carefully considered in relation to the complex range of current and proposed future uses in the area and the impacts of their potential interactions.

It is possible that the construction of elements of the Bays State Significant Precinct (SSP) over the same period that the use is proposed may involve mixed use development including residential uses, public domain connections and adaptive reuse of the State-listed heritage White Bay Power Station. These are issues that need to be considered when the proposal is assessed to minimise and mitigate any adverse impacts upon local residents and future proposals for the precinct.

Customer Service Centres

Petersham | P (02) 9335 2222 | E council@marrickville.nsw.gov.au | 2-14 Fisher Street, Petersham NSW 2049

Leichhardt | P (02) 9367 9222 | E leichhardt@lmc.nsw.gov.au | 7-15 Wetherill Street Leichhardt NSW 2040

Ashfield | P (02) 9716 1800 | E info@ashfield.nsw.gov.au | 260 Liverpool Road Ashfield NSW 2131



The former Leichhardt Council's long standing position in relation to the Bays Precinct, including White Bay / Glebe Island, is that the cumulative impact of all developments in the area such as the Cruise Passenger Terminal, Rozelle Superyacht Facility, Baileys Marine Refuelling Facility and the Concrete Batching Plant need to be assessed when a new proposal is considered. This has not been undertaken.

The available details of the proposed facility have been reviewed and we advise that we would like to see the following issues addressed.

Full cumulative impact of developments and infrastructure projects around the Bays Precinct / White Bay

The proposal should take into consideration the construction of all major development projects in the immediate vicinity of the proposed multi-user facility over approximately the next ten years, including the following transport infrastructure projects WestConnex, Western Harbour Tunnel and the M4-M5 Link (should the latter two projects proceed).

The possible construction of elements of the Bays State Significant Precinct (SSP) over the same period that may incorporate mixed use development including residential uses, public domain connections and adaptive reuse of the State-listed heritage White Bay Power Station should also be included in the Review to minimise and mitigate any adverse impacts upon local residents and future longer term proposals for the precinct.

To help achieve this the following is requested:

- Further traffic modelling be undertaken to take in to consideration all the construction and proposed major transport infrastructure projects in the immediate vicinity of the proposed multi-user facility over the next ten years, including West Connex and the Western Harbour Tunnel to determine full cumulative impact;
- A detailed Construction Traffic Management Plan for the whole of the Bays Precinct be prepared in consultation with Inner West and City of Sydney Councils to provide a coordinated and staged approach to the delivery of The Bays Precinct in a manner which minimises detrimental impacts on sensitive areas within Sydney's Inner West;
- A coordination group, including representatives from the Inner West and City of Sydney Councils and Transport for NSW/Sydney Buses, should be established to oversee and advise on traffic management measures during the overlapping construction phases of the Bays Precinct, M4-M5 Link and Western Harbour Tunnel (should the latter two projects proceed).
- No access to the subject site to be provided via Robert Street, Rozelle; and
- The M4-M5 Link White Bay Stabling Yard must not gain access to Robert Street under any circumstances due to likely additional heavy vehicle traffic in residential areas in the southern sections of Balmain Peninsula.

Customer Service Centres

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Ashfield | P (02) 9716 1800 | E info@ashfield.nsw.gov.au | 260 Liverpool Road Ashfield NSW 2131

**Noise and air quality impacts and monitoring**

The applicant notes that the design of the facility aims to manage and mitigate any acoustic and air quality impacts and that operational noise emissions have been assessed to comply with the NSW Environmental Protection Authority's Noise Policy for Industry for the nearest residential dwellings.

Notwithstanding this Council requests that the REF carefully considers the potential noise and air quality impacts of the development on the amenity of local residents, and ensures that effective ongoing monitoring mechanisms are put in place to enable the enforcement of suitable conditions of consent that regulate these impacts.

Visual impacts

The building and operating machinery will be visible from residential areas in both Inner West Council and the City of Sydney areas. While it is noted that the proposed land use is consistent with the site's history and current use of the property as an operational port facility Council is concerned that all proposed structures on-site should seek to minimise and mitigate visual amenity impacts upon surrounding residential and public recreation areas.

Further investigation of foreshore public access arrangements for the site be incorporated into the final proposed design

Increasing public access to the Sydney Harbour foreshore are stated objectives for both Council and the NSW government, including within Sydney Regional Environmental Plan No. 26 – City West.

Council requests that the final proposed design examine opportunities to allow for public access to the Harbour foreshore, for both pedestrians and cyclists, while ensuring the potential operations of the facility are not compromised and public safety is ensured.

Should you wish to further discuss this submission please contact Steve Roseland, Senior Strategic Planner on 0367 9279 or email steve.roseland@innerwest.nsw.gov.au.

Yours sincerely



David Birds
GROUP MANAGER – STRATEGIC PLANNING

Customer Service Centres

Petersham | P (02) 9335 2222 | E council@marrickville.nsw.gov.au | 2-14 Fisher Street, Petersham NSW 2049

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Glebe Island Multi-User Facility
Review of Environmental Factors

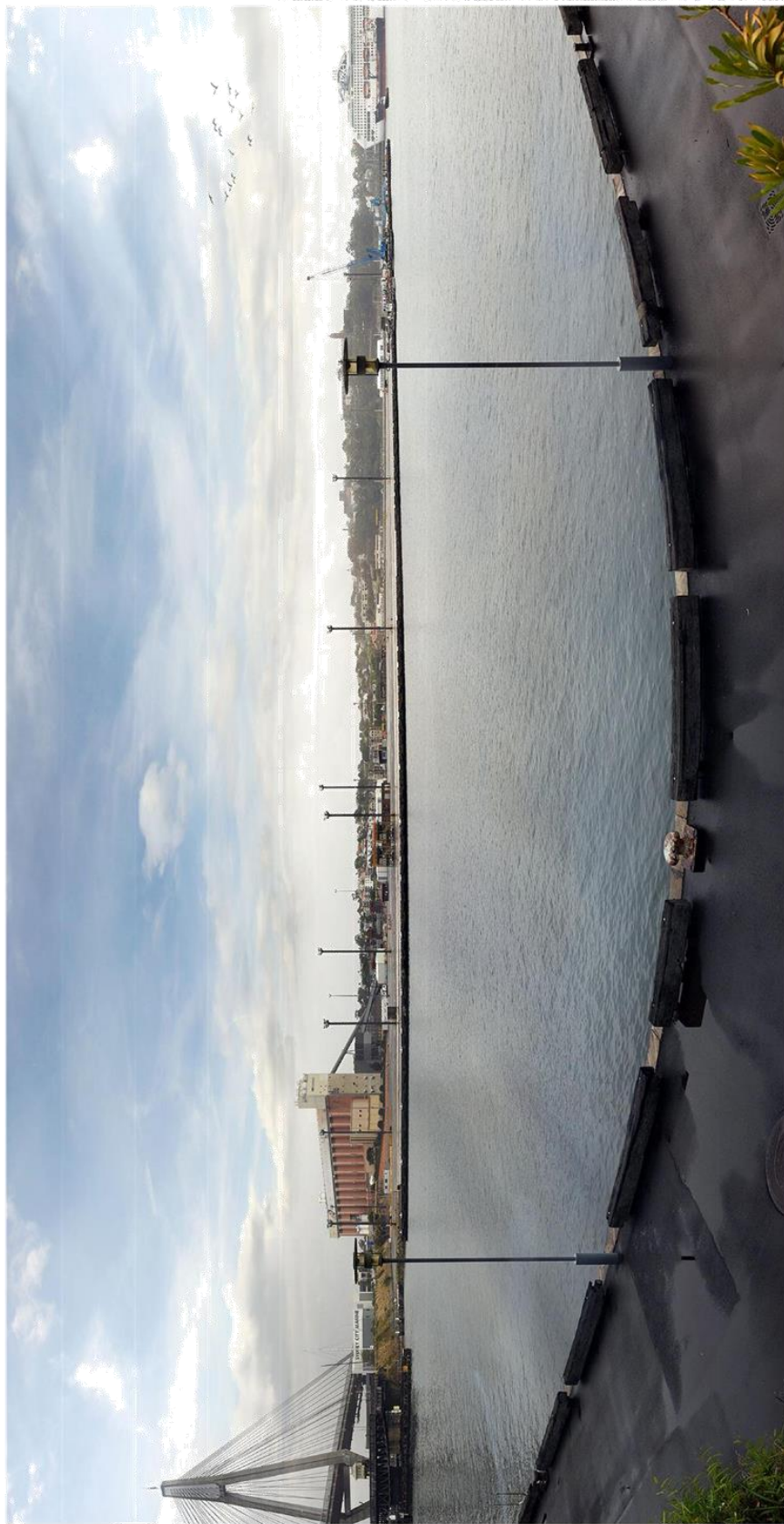
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Item 3

Appendix H

Artist's Impressions

Attachment 2



PUBLIC DOMAIN (PYRMONT) VIEW OF GLEBE ISLAND (EXISTING CONDITIONS)



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**ARTIST'S IMPRESSION - PUBLIC DOMAIN (PYRMONT) VIEW OF GLEBE ISLAND WITH
PROPOSED MULTI-USER FACILITY**



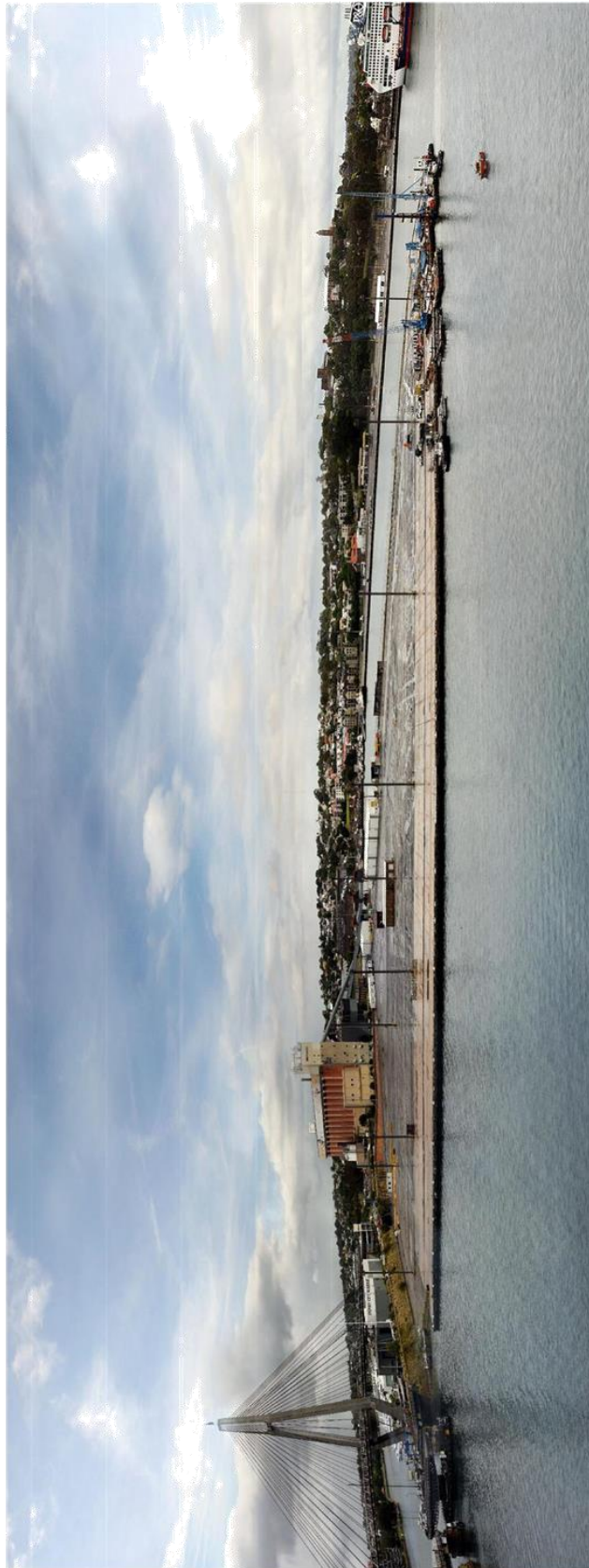
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ARTIST'S IMPRESSION – PUBLIC DOMAIN (PYRMONT) VIEW OF GLEBE ISLAND WITH PROPOSED MULTI-USER FACILITY AND HANSON'S PROPOSED CONCRETE BATCHING PLANT



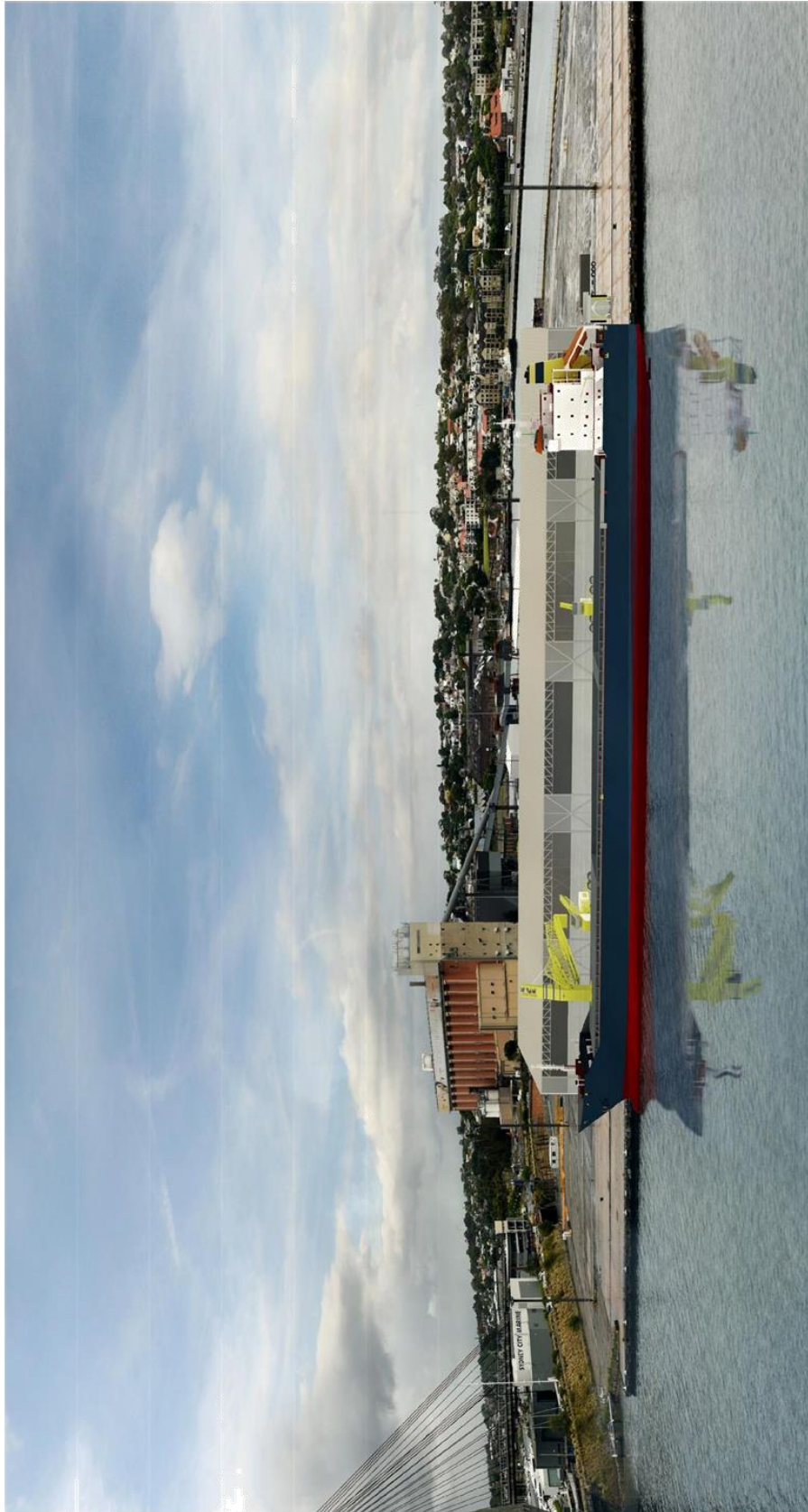


VIEW OF GLEBE ISLAND (EXISTING CONDITIONS) FROM LEVEL 11, 24 REFINERY DRIVE (PYRMONT)



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ARTIST'S IMPRESSION - LEVEL 11, 24 REFINERY DRIVE (PYRMONT)
WITH PROPOSED MULTI-USER FACILITY



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ARTIST'S IMPRESSION – LEVEL 11, 24 REFINERY DRIVE (PYRMONT), WITH PROPOSED MULTI-USER FACILITY AND HANSON'S PROPOSED CONCRETE BATCHING PLANT



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Item No: C0318 Item 4

Subject: MEDIA AND SOCIAL MEDIA POLICIES

Prepared By: Laura Stevens - Group Manager Communications, Engagement and Events

Authorised By: John Warburton - Deputy General Manager Community and Engagement

SUMMARY

The purpose of this report is to adopt new media and social media policies for Inner West Council. The policies have been approved by Council's executive and incorporate feedback from the Internal Ombudsman. Councillors have been briefed on the policies and they were endorsed at Council's Joint Consultative Committee on 28 February 2018.

RECOMMENDATION

THAT Council:

- 1. Adopt the media and social media policies;**
- 2. Publish the policies on its website and intranet; and**
- 3. Communicate the policies to staff through induction, Code of Conduct, key messages for managers and other relevant training sessions.**

BACKGROUND

Since the creation of Inner West Council, Council has established a number of new policies. However, Council does not yet have policies outlining clear and consistent guidelines around media relations and use of social media. Most government and corporate organisations have such policies.

It is essential that Inner West Council has media and social media policies to:

- Outline clear and consistent guidelines to ensure appropriate use and behaviour;
- Provide accurate and relevant Council information to the community;
- Help Council maintain a positive image in the community, and protect the reputation of Council and Councillors;
- Minimise the risk of issues such as negative media coverage, customer complaints and defamation; and
- Support Council in achieving its strategic objectives.

These new policies apply to Council officials, including Councillors and Council staff, administrators, Council committee members, delegates of Council, contractors and volunteers. Both policies are consistent with existing policies such as the Code of Conduct.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

Summary of Media Policy

- Coordinated approach required for media liaison throughout the organisation (print, broadcast, online);
- All operational or other media enquiries are to be referred to the Media and Communications Coordinator;

- All mayoral media enquiries are to be referred to the mayoral media unit in the first instance;
- The Mayor and General Manager are Council's official spokespeople on all matters, and may delegate to others as required;
- Approvals process in place to ensure responses are consistent, timely, accurate and appropriate;
- Council officials should not comment on any confidential matters (such as staff, personal information, legal advice and commercial-in-confidence);
- Council officials should treat media representatives as Council customers, with promptness, transparency and respect; and
- Media comments must abide by Council's Code of Conduct.

Summary of Social Media Policy

- All information posted on social media sites is public and may reflect on Council;
- Council staff are responsible for all content and management of Council's official social media channels;
- Councillors are responsible for the preparation and posting of all material on their personal social media platforms;
- Council officials should not post offensive, sensitive, confidential or personal information; and
- Council officials should be mindful of their obligations under the Code of Conduct.

PUBLIC CONSULTATION

Not applicable as the policies do not affect members of the public.

CONCLUSION

Nil.

ATTACHMENTS

1. [↓](#) IWC Media Policy
2. [↓](#) IWC Social Media Policy



Media policy

Summary

This policy informs Council officials – which includes Councillors and Council staff, administrators, Council committee members and delegates of Council – of processes, guidelines and issues relating to media relations to ensure a coordinated and consistent approach is taken to media liaison throughout the organisation.

Policy background

Inner West Council strives to maintain a positive image in the community. Our public image is influenced by the way we communicate and all media relations should support Council in achieving our strategic objectives.

Inner West Council welcomes enquiries from the media, and works proactively with media outlets to inform the public about Council's activities and advocacy.

A mutually beneficial and trusting relationship between Council and the media is essential in maintaining and protecting Council's reputation. All media representatives are to be treated in the same manner as any other customer of Council, with promptness, transparency and respect.

Any media comment made by a Council official must abide by Council's Code of Conduct.

Policy purpose

The purpose of this policy is to:

- Ensure all communication with the media is consistent, timely, accurate and appropriate;
- Protect and enhance the reputation of Council;
- Maintain and maximise positive relations with media;
- Establish consistent protocols, guidelines and an approvals process for managing communication to the media;
- Clearly indicate Council's authorised spokespeople; and
- Minimise miscommunication and potential adverse consequences.

Who this policy applies to

This policy applies to all Inner West Council officials including Councillors, staff, contractors and volunteers in relation to communications with the media.

Related legislation, policies and procedures

Related policies:

- Social Media Policy;
- Inner West Council Crisis Communications Guidelines;

- Public Access to Information Policy;
- Community Engagement Framework;
- Code of Meeting Practice;
- Public Interest Disclosures Policy;
- Complaint Handling Policy;
- Local Government Guidelines on Investigations; and
- Council's Code of Conduct.

Related legislation:

- *Government Information (Public Access) Act 2009 (GIPA Act);*
- *Local Government Act 1993;*
- *Independent Commission Against Corruption Act;*
- *Anti-Discrimination Act 1977 NSW;*
- *Privacy and Personal Information Protection Act 2009 NSW;*
- *State Records Act 1998;*
- *Workplace Health and Safety Act 2011;*
- *Model Code of Conduct for Local Councils in NSW 2015;*
- *Copyright Act 1968 Cth; and*
- *Copyright Amendment (Digital Agenda) Act 2000 Cth.*

Policy

1 Definition of media

For the purpose of this policy, media comprises all print, broadcast and online media.

2 Responding to media enquiries

All operational or other media enquiries are to be referred to the Media and Communications Coordinator in the Communications team. The Media and Communications Coordinator is responsible for the coordination of responses to all operational enquiries, and will inform and liaise with the General Manager, the Mayor's unit and relevant Council staff as required.

All mayoral media enquiries are to be referred to the mayoral media unit (Mayoral Media and Communications Coordinator or Mayoral Policy and Media Relations Manager) in the first instance, or the Media and Communications Coordinator if the mayoral media unit is unavailable. The Mayoral Media and Communications Coordinator is responsible for the coordination of responses to all mayoral enquiries, and will inform and liaise with the General Manager, the Communications team and relevant Council staff as required.

In dealing with the media, Council officials must be careful to communicate accurate information.

3 Guidelines for Council officials**Do ...**

- Refer any request from media to provide comment on any issue relating to Council to the Media and Communications Coordinator;

- Notify your manager of any media enquiries received, including the date and time of the enquiry, who made the enquiry and the nature of the enquiry;
- Tell the media respectfully but firmly that their enquiry will be handled by the Communications team; and
- Let the Communications team know of any potential media issues.

Don't ...

- Communicate with media unless expressly authorised to do so; or
- Comment on any confidential matters (such as staff, personal information, legal advice and commercial-in-confidence).

Council officials may access media outlets in their personal capacity as residents or ratepayers but they should be mindful of their obligations under Council's Code of Conduct.

When acting in a personal capacity, Council officials should be aware of their association with Inner West Council and ensure that their actions are consistent with our values of flexibility, integrity, respect and spirit of team. They must not imply that they are speaking on behalf of Inner West Council or discuss their work or any matter relating to Council.

Council officials who have a genuine concern about something at Inner West Council are encouraged to raise this with their manager or Human Resources in the first instance.

4 Contractors, volunteers and other service providers

Contractors or service providers employed by Council are not authorised to speak on behalf of Council, and must refer all media inquiries relating to Council to the Media and Communications Coordinator.

5 Council's authorised spokespeople

Comments to the media should only be made through authorised spokespeople. In the first instance, the Mayor and General Manager are Council's official spokespeople on all matters.

At their discretion, the Mayor and General Manager can nominate other Council officials to act as a Council spokesperson, such as a Media and Communications Coordinator, Councillors or senior staff. No Council staff are permitted to speak to media without the express written authorisation of the General Manager.

Councillors may be quoted in media releases relating to motions for which they are responsible.

6 Mayor and Councillor contact with media outlets

The Mayor may issue media releases on mayoral letterhead. If other Councillors wish to have a media release issued as part of a Council decision this instruction must be included as part of a Council resolution.

Individual Councillors can make personal comments to the media, but must not speak on Council's behalf or make comments in relation to Council staff. Councillors must always



Last reviewed: 6 February 2018

be mindful of their general conduct obligations under the Code of Conduct and the requirement not to damage Council's reputation.

All Councillors will be provided with copies of general Council media releases for their information.

7 Process and approvals

Media comment

Only the General Manager, Mayoral media unit and Communications team are permitted to directly contact the media. Any media enquiry in relation to the Internal Ombudsman Shared Service should be referred in the first instance to the Internal Ombudsman who, as appropriate, will liaise with the General Manager, Media and Communications Coordinator or mayoral media unit.

The Media and Communications Coordinator can provide simple factual information in response to operational questions from by media, attributable to a Council spokesperson. All such comment and responses must be approved by the Group Manager Communications, Engagement and Events and relevant staff before being issued.

Written comment which quotes the Mayor, the General Manager or Council officials must be approved by that person or their nominated representative before being issued. In the case of Council staff, quotes must also be approved by their relevant manager and the Group Manager Communications, Engagement and Events.

In the interest of openness and accountability, where possible, all reasonable media enquiries will be responded to, except those dealing with confidential matters (such as staff, legal advice, personal information and commercial-in-confidence), or the Internal Ombudsman Shared Service. All media inquiries regarding the Internal Ombudsman Shared Service are to be directed to and addressed by the Internal Ombudsman.

Council staff are required to promptly assist the Media and Communications Coordinator with any media enquiries to ensure media deadlines are met.

Where a Council employee is authorised to speak with representatives of media outlets, appropriate training and/or advice will be provided by the Media and Communications Coordinator.

The Media and Communication Coordinator will ensure that other relevant areas of Council are kept informed of any approved Council message, especially frontline staff.

Media releases

The Media and Communications Coordinator is responsible for preparing and issuing media releases about Council's activities, decisions and plans. All staff are required to proactively pass on information to the Media and Communications Coordinator which could be used as the basis for a media release, such as public Council events and positive initiatives. Wherever possible and practicable, Council will provide a spokesperson for comment or interview in support of a media release at the request of a media outlet.

5

Communications material pertaining directly to the Mayor, using his quotes or image – including media releases, 'Mayoral Messages' for the Council page in the *Inner West Courier*, Council newsletters and forewords for reports – will be provided to the mayoral media unit for the Mayor's approval prior to publication.

8 Media access to Council information and property

Allocated seating will be provided for media outlets at all Committee and Council meetings. Media representatives must adhere to Council's Code of Meeting Practice for Council meetings.

Requests from media outlets to film or photograph Council staff, facilities, meetings and events must be referred to the Media and Communications Coordinator for determination by the General Manager in consultation with relevant Council staff.

9 Record keeping

Council's Media and Communication Coordinator is to maintain a record of media inquiries and responses.

All media releases will also be posted to Council's website.

10 Media liaison in crisis or emergency situations

Only the Mayor and General Manager or their delegate/s are authorised to speak to the media during a crisis or emergency situation.

Publishing information will be the responsibility of the Communications team with approval from the General Manager or their delegate.

All crisis communications must abide by the Inner West Council Crisis Communications Guidelines.

13 Social media and other external communications

Social media use by staff and Councillors must abide by the Inner West Council Social Media Policy and Code of Conduct. Any requests to publish information on Council's social media channels should be directed to the Communications team.

Staff must seek prior approval from their manager to speak at any external conference or presentation, and should only speak publicly about their area of expertise.

Where possible, external communications that may attract media attention – such as newsletters, presentations, media releases, advertisements and other publications – should be brought to the attention of the Communications team prior to release.

Documents designed with Inner West Council branding should also be provided to the Communications team for approval to check accuracy, quality and corporate style prior to dissemination.



Last reviewed: 6 February 2018

Staff are reminded that when engaging with external stakeholders as a representative of Inner West Council they should reflect Council's values of flexibility, integrity, respect and spirit of team.

11 Breaches of this policy

Breaches of this policy by Council officials may result in an investigation of the alleged breach in line with the council's complaint handling policy and the Local Government Guidelines on Investigations, which may result in disciplinary action, up to and including termination of employment.

Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

12 Policy review

This policy will be reviewed regularly as required and may change at any time.



Social media policy



Last reviewed: 22 January 2018

Summary

This policy informs Council officials – which includes Councillors and Council staff, administrators, Council committee members and delegates of Council – of processes, guidelines and issues relating to the use of social media.

Policy background

Inner West Council recognises that social media is an essential communication, engagement and customer service channel. However, clear and consistent guidelines are required to ensure its appropriate use by Council officials.

This policy is consistent with existing policies, such as the Code of Conduct, media policy and policies on the acceptable use of information technology.

Council's Code of Conduct states that Council officials must not conduct themselves in a manner that is likely to bring Council or holders of civic office into disrepute and this applies to the use of social media.

Policy purpose

The purpose of this policy is to:

- Identify the parameters around and process for managing Council's use of social media;
- Guide Council officials on the personal and professional use of social media sites;
- Protect the reputation of Inner West Council; and
- Ensure up-to-date, relevant information to the community, and provide an effective platform for engagement and customer service.

Who this policy applies to

This policy relates to the use of social media channels by Council officials at all levels of the organisation, including contractors and volunteers, in both an official and personal capacity.

This policy applies to the use of social media during work time or outside of work, on Council devices or personal devices.

The policy provides guidance on the use of social media for:

- Council officials who access Council's social media channels;
- Council officials who have been approved to create and moderate social media channels on behalf of or as a representative of Inner West Council;
- Council officials who create and/or moderate external sites themselves in a personal capacity that may refer to Council;

- Council officials using social media in a personal capacity; and
- Mayor and Councillors using social media in an official or personal capacity which reflects on their position as a Council official.

Related legislation, policies and procedures

Related policies:

- Media Policy;
- Inner West Council Crisis Communications Guidelines;
- Public Interest Disclosures Policy;
- Council's Code of Conduct;
- Code of Meeting Practice; and
- Community Engagement Framework.

Related legislation:

- *Local Government Act 1993 NSW*;
- *Independent Commission Against Corruption Act 1988 NSW*;
- *The Government Information (Public Access) Act 2009 NSW*;
- *Anti-Discrimination Act 1977 NSW*;
- *Privacy and Personal Information Protection Act 1998 NSW*;
- *Work Health and Safety Act 2011 NSW*;
- *Model Code of Conduct for Local Councils in NSW 2015*;
- *Copyright Act 1968 Cth*; and
- *Copyright Amendment (Digital Agenda) Act 2000 Cth*.

Policy

1 Definition of social media

Social media facilitates the creation and sharing of information and ideas via virtual communities and online networks. It invites communication, collaboration, discussion and debate. It also enables the development of social and professional networks, groups, followers and contacts.

For Inner West Council, social media provides an opportunity to disseminate relevant and timely information to, and engage with, the community in a simple, cost effective, immediate and easily accessible way.

Council uses social media to:

- Reach a wide, diverse and engaged audience;
- Raise awareness, educate, inform and entertain;
- Encourage dialogue between Council and the community;
- Enable Council to gain insight into the community and its needs via public feedback; and
- Respond to questions and service requests on Council's webpage.



Last reviewed: 22 January 2018

This policy relates and applies to Inner West Council's established social media platforms, including but not limited to:

- Facebook;
- Twitter;
- Instagram;
- Your Say Inner West;
- YouTube;
- LinkedIn;
- Council's Intranet;
- Blogs; and
- Video podcasts.

This includes Council's main 'pages', as well as pages for Council services such as libraries and aquatic centres.

Council may also add new and additional platforms in future, such as Google+ or Snapchat, and this policy will apply to any new platforms.

2 Roles and responsibilities of Council officials

Council officials should be aware that any social media activity or interaction, either official or personal, is public, permanently available, traceable and able to be reproduced elsewhere.

Council officials should also be aware that whether they intend it or not, what they post online in a private capacity may reflect on Inner West Council, their employment/elected position, and they should therefore behave in a way that upholds the values and reputation of Council, consistent with the Code of Conduct and other policies. Council officials are reminded that all information posted on social media sites is public and should reflect community values.

Council's official social media platforms are administered by the Communications team to ensure consistency of content, tone and style. However, additional moderators may be authorised to post on Council's behalf.

The following rules apply to Inner West Council officials when using and accessing social media:

Official use of social media

- Council officials are responsible for all content and management of Council's official social media channels;
- Council officials who are posting on any social media as a representative of Council must have first gained consent and approval from their manager and the Group Manager Communications, Engagement and Events;
- Council officials must not express personal or political opinions when using social media for official purposes which may damage Council's reputation;
- Posts on Council's official social media channels are to be non-political in nature unless stating a resolved position of Council;
- Council officials should be fair, objective and courteous in all social media posts, reflecting our values of integrity and respect;

- When referencing Council, posts must not contain any statement or comment that will bring Council or any of its Council officials into disrepute;
- Council officials must ensure that they do not commit Council to any action or initiative without appropriate authority/Council resolution;
- Council officials should seek relevant approvals where appropriate; for example, mayoral approval for any posts using the Mayor's image or quotes; and
- The creation of any new Inner West Council social media accounts must be approved by the Group Manager Communications, Engagement and Events, including a clear strategy and dedicated resources.

Personal use of social media

Where a Council official is identified on their social media as working for or a Councillor of Inner West Council, they must ensure that their use of social media complies with, but is not limited to, the following:

- Council officials must not make negative references to Inner West Council, other Council officials, services or any business-related individual or associated organisation;
- Council officials must not post material that is obscene, pornographic, defamatory, threatening, harassing or discriminatory to any individual, group or organisation;
- Council officials must not disclose official, personal or confidential information that is not publicly available;
- Council officials will ensure that any use of social media is conducted in a professional, polite and respectful manner at all times;
- Council officials will not speak on Council's behalf (unless with express authority) when posting on other sites, making clear that any views are their own personal opinions and not those of Council;
- Council officials can only comment on a Council matter if authorised to do so; and
- Council officials may access personal social media accounts at work as long as the use is infrequent and official work is not disrupted.

Council officials are also reminded that 'shares', 'likes' or 'retweets' may be viewed as an endorsement of the original post.

Council advises that you don't identify yourself as a Council official in your profile. If you choose to do so (or if your position is one that makes you recognisable to the public), it is advisable to refrain from public debate regarding Council.

3 Guidelines for Council officials using social media

Do ...

- Follow Council's social media channels to stay in touch with what's happening, and feel free to like and share our posts;
- Remember everything you say and do is public, and you can be identified as an official of Inner West Council;
- Pause before you post – would you be comfortable with this information being shared with your family, friends, work colleagues, media and the broader community, and is the information likely to bring you or Council into disrepute?;
- Share your ideas with the Communications team so we can keep the community informed of what we're doing at Council;



Last reviewed: 22 January 2018

- Respect people's privacy; and
- Report any violations of this policy to the Communications team, Human Resources and/or the Internal Ombudsman.

Don't ...

- Post content and/or images with the potential to impact Council's reputation, including sensitive, confidential or personal information;
- Make negative or inappropriate comments about Council and/or Council officials; or
- Use social media excessively while you're at work.

4 Mayor and Councillor use of social media

Councillors are responsible for the preparation and posting of all material on their personal social media platforms.

The Mayor can issue material in line with official media releases issued on mayoral letterhead on his/her separate mayoral social media platforms. The Mayor should also approve any posts by Council officials on official Council social media channels using his/her image and/or quotes.

Councillors must always be mindful of their general conduct obligations under the Code of Conduct and the requirement not to damage Council's reputation. Councillors can make personal comments on their social media platforms, but must not speak on Council's behalf, commit Council to any action, pre-empt official Council announcements or post any confidential Council information. In line with the Code of Conduct, they also must not direct staff to post content.

Councillors must not use Council's computer resources or other mobile devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage Council's reputation.

Councillors must not use social media to post comments, photos, sound recordings or other information that:

- a) Compromises their capacity to perform official duties in an unbiased manner;
- b) Has the potential to have a negative impact on their working relationships within the Council or with external parties;
- c) Is offensive, humiliating, threatening or intimidating to other Council officials or those that deal with Council;
- d) Has the capacity to damage Council's reputation or contains content about Council that may be misleading or deceptive;
- e) Divulges confidential Council information;
- f) Breaches the privacy of other Council officials or those that deal with Council;
- g) Contains allegations of suspected breaches of the Code of Conduct or information about the consideration of a matter under this Code; or

- h) Could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment.

5 Resourcing, moderation and tone of voice

Social media sites require frequent moderating and updating, so appropriate resourcing must be provided for official Council social media channels. The style and content of each platform should be tailored according to its audience.

In terms of moderation, constructive criticism or negative comments should not be blocked or removed, unless they are overtly offensive and defamatory or incite hatred and violence.

Council officials must communicate on social media in a transparent and authentic way. We encourage the community to have their say and respond in an open forum where appropriate.

Council officials should use plain English and a friendly, less formal tone, but refrain from abbreviated writing; for example, 'How RU?' or 'CU l8r'. Council officials should ensure all information being posted is factually and grammatically correct.

6 Emergencies

In the event of an emergency, publishing information on social media sites will be the responsibility of the Communications team with approval from the General Manager or their delegate.

7 Breaches

Inner West Council will use the same policies, procedures and legislation that guide misconduct such as the Code of Conduct, Email and Internet Usage Guidelines, and Council's Disciplinary Policy and Disciplinary Action.

Council officials who breach this policy by engaging in inappropriate online behaviour may face disciplinary action, up to and including termination of employment, and/or Code of Conduct inquiries.

Councillors may be the subject of a complaint of a breach of Council policy including the Code of Conduct which, if proven, can result in serious sanctions.

Inappropriate behaviours may include, but are not limited to:

- Misusing social media or accessing inappropriate content while at work;
- Using social media to ridicule, vilify, harass, cyberbully, discriminate against or bring into disrepute other Council officials or community members;
- Use of social media which may bring Council into disrepute;
- Posting content that is deemed to be offensive, including obscene or sexually explicit language;
- Using official or personal social media channels to post/provide confidential, personal or sensitive information relating to Council; and
- Poor performance related to lost productivity due to time spent on social media platforms while at work.



Last reviewed: 22 January 2018

7 Privacy

There is no such thing as a 'private' social media site. Posting information online is a public activity and no different from publishing information in a newspaper. Council officials are advised to not post anything to social media sites that they would not be comfortable with if quoted in the media.

Everything posted or received on social media is public property. Once something is published online, control of it is lost forever and it cannot be withdrawn. Search engines can find posts years after publication, while archival systems save or cache information even if deleted.

Information about other Council officials should not be shared. Posts – even deleted posts – are considered 'publication', and are subject to the same defamation laws as any other media.

Council officials are responsible for any information they release relating to Council, Councillors or Council officials. Claiming that comments/images are published on private pages is not defensible.

8 Communication

The Social Media Policy will be provided to all new employees and Councillors through the induction program, made available on Council's Intranet, and the use of social media will be included in learning and development programs.

9 Policy review

This policy will be reviewed regularly as required and may change at any time.

Item No: C0318 Item 5

Subject: **PROPOSAL FOR THE USE OF PARKS AND OPEN SPACES TO PROVIDE FREE OUTDOOR RECREATION PROGRAMS FOR THE INNER WEST COMMUNITY.**

Prepared By: Peter Montague - Coordinator Recreation, Planning and Programs

Authorised By: John Warburton - Deputy General Manager Community and Engagement

SUMMARY

This report proposes that Council facilitate a healthier Inner West by authorising Live Life Get Active to use parks and open space without charge to deliver a recreation program providing free fitness classes to the community.

RECOMMENDATION

THAT:

- 1. Council authorises the use of 36th Battalion Park without charge to Live Life Get Active (LLGA) to deliver free group fitness classes to the Inner West community as outlined in this report; and;**
- 2. Subject to a positive evaluation of the initial program, Council delegates the General Manager to authorise additional LLGA recreation programs at appropriate locations in the Inner West Council area.**

BACKGROUND

Council has been approached by Live Life Get Active (LLGA) proposing a recreation program delivering free fitness classes to the community in parks and open space. LLGA has been operating since 2014 and currently operates throughout Australia.

To deliver this recreation program, LLGA have two partners, the local Council who provide use of a park or open space and a corporate funding partner who is sourced by LLGA to fund the free fitness classes. The corporate partner is acknowledged during the sessions with a teardrop flag with LLGA and the corporate partner's logo.

The initial approach from LLGA was for the use of Pioneer Memorial Park in Leichhardt, however, this use is not allowable under the Conversion of Cemeteries Act 1974. Further options were investigated and the first LLGA free fitness sessions are proposed to commence at 36th Battalion Park on 19 March 2018, subject to endorsement by Council.

Organisations currently involved in the program include City of Sydney, Royal Botanic Gardens Trust, City of Canterbury Bankstown, Bayside Council, Auburn City Council, Cumberland Council and Sutherland Council and facilitate the LLGA program in 33 locations. The majority of participants are female (although male participation reaches 40% in central business districts) and ages range from 18 to 78 years of age with an average of 37 years.

The LLGA program runs for 40 weeks in the year made up of 4 x 10 week terms. The classes are 45 minutes and take place from Monday to Friday excluding public holidays and offer a variety of sessions including cross training, boxing training and yoga. All equipment is supplied and maintained by LLGA. LLGA's trainers are appropriately qualified and have relevant insurance cover. Participants receive a tailored nutrition plan based on the information they have supplied and their personal goals. Each participant has to complete a full medical

screening before they attend the fitness classes. The privacy of the participant's personal information is appropriately protected. Twice a year a comprehensive report detailing the achievements and health issues of the program is provided together with member stories.

LLGA has testimonials indicating how they have assisted and addressed social isolation, low confidence, depression, diabetes, pre-diabetes, injury recovery, exercise in pregnancy, obesity, stroke and cancer recovery, insomnia, stress, anxiety, dementia and neurological issues.

LLGA also report the following statistics from the program:

- 57,600cm was lost from around the waist of their participants at risk;
- 26,469 kilos was lost in weight; and
- Mature participants have experienced on average a 20% improvement from being at 'risk' to being in the normal range of health according to the Heart Foundation.

LLGA has indicated their intent to grow the program to other locations in the Inner West. Subject to the success of the initial program it is proposed that Council Officers work with LLGA to identify appropriate future locations which will facilitate participation by disadvantaged residents and do not compete directly with similar services provided by Council's recreation and aquatic facilities.

Officers will work with LLGA to ensure that the specific site is varied at 36th Battalion Park to avoid excessive wear to the natural grass.

FINANCIAL IMPLICATIONS

Nil - Officers will work with LLGA to ensure that the specific site is varied at 36th Battalion Park to avoid additional maintenance costs due to excessive wear to the natural grass surface.

OTHER STAFF COMMENTS

Staff from Recreation and Aquatics and Trees Parks and Sportsfields have been engaged in the preparation of this report.

PUBLIC CONSULTATION

Nil - subject to Council's endorsement, the program will be promoted to the local area through LLGA, on Council's website and through Recpost.

CONCLUSION

The Live Life Get Active recreation program will promote a healthier Inner West through increased physical activity opportunities for the community as well as increasing opportunities for disadvantaged residents. The proposed LLGA program provides a multipurpose use of open space without cost to the community and Council.

ATTACHMENTS

1. [1](#) ATTACHMENT 1 - LLGA background information



About us and our Offering

A valued proposition

Live Life Get Active is a social enterprise that specifically looks to address the health, fitness and happiness issues facing people today. Issues such as heart disease, diabetes, stroke, stress, depression and hip, knee and bone deterioration. We also seek to address the growing issue of social disconnection by bringing all sorts of people together and providing them with a sense of belonging.

Our proposition is simple, get people up, moving and having fun in a group in a local park. Make them aware of their health issues, their lifestyle behaviours and get them to review how they eat. Live Life Get Active does this by providing FREE daily activity camps, which are non-threatening because they are for real people. FREE professionally tailored nutritional programs and FREE face-to-face personal fitness coaching to support a true path of positive change. They have proven to be highly effective. Live Life Get Active is also now issuing Doctors across Australia with a "Positive prescription -(free exercise) pad" that they can use to prescribe LLGA free exercise classes to their patients.

Live Life Get Active launched in the market in February 2014 after a year of development and testing. Most of 2014 was about refining our offering and streamlining our delivery and reporting capabilities. We can now launch a camp in a remote rural community with as much rigor as a camp in any capital city.

A growing footprint and a loyal membership base

The current Live Life Get Active member base stands at more than 20,000 members

There are currently around 100 camps/locations in 6 states, with new camps launching regularly. This will take our member base to 30,000. Our forecast is to reach 250 by end of 2017. With a member base of circ. 100,000

We have an extraordinarily loyal following, the majority (95% of our base) of which are women. This profile changes to 60:40 in CBD areas.

The age profile of our members is completely cross-generational with members ranging from 18 to 78 years of age. And we are quite unique in our ability to capture and maintain the interest and attention of such an enormous span of ages. Average age across the base is 37.

We are appealing to all cultures and have camps where nationality representation is similar to that of the UN. We have covered trainers and multi linguists in those suburbs that require that offering.

Live Life Get Active interacts with 60% of our base every 30 days, 30% weekly and 10% daily.

Live Life Get Active is building a real time health map of our members that includes physical and mental monitoring. We can map risk profiles (as defined by WHO), we can monitor the changes in a risk profile and amongst other things, we know the frequency and extent to which they stress across the six key pillars of life. Family, work, home, health, finances and a sense of belonging

Achievements

We have full testimonials that explain how we have provided a solution to assist and address social isolation, extreme low confidence, depression, diabetes, pre diabetes, injury recovery, exercise in pregnancy, obesity, stroke recovery, cancer recovery, gradual and sustained weight loss, insomnia, stress, anxiety, dementia and neurological issues. We have increased positivity, re connected relationships and provided a safe non confrontational environment in the heart of diverse communities right across Australia.

Live Life Get Active Pty Ltd ABN 53152823071
aking@livelifegetactive.com



About us and our Offering

It may look like a shopping list but this is what regular exercise in a group, real social connection and good nutrition does to a human being.

And the stats back up the stories. At the end of 2016, 85 camps achieved the following:

57,600 cm was lost from around the waists of our members at risk

26,469 kg was lost in weight

And mood on average increased from feeling good 50% of the time to feeling good 70% of the time.

In our more mature camps we have seen the effect we can have on risk. On average 20% shift from being at risk to being normal.

(risk definitions are those used by the heart foundation and the WHO)

Description of Live Life Get Active camp offering and compliance strategy

- LLGA camps run for 40 weeks in the year. The period is made up of 4 x 10 week terms
- The camps take place each weekday, Monday to Friday unless there is a public holiday or unless agreed with the partner and or council. The camp operates 200 days in the year
- 2 x days are dedicated to Cross Training, 2 x days for Boxing and 1 x day for Yoga
- During the session times 27 people can participate in Cross Training, 28 in Boxing and 30 in Yoga
- Groups are contained within a defined area
- Each session lasts for 45 minutes
- All equipment is supplied including one set of boxing inners. Inners will be charged for thereafter. Equipment is maintained by LLGA and replaced if not up to standard
- Branding is given at the camp and on our site
- Every person that signs up to the camp also receives a tailored nutrition plan based on the information they have supplied and the personal goals
- Twice a year a comprehensive report detailing the achievements and health issues of the camp is provided together with member stories
- A full risk management plan is provided for each site
- \$20 million public liability insurance is taken out for the site naming the partner and the council will be taken out by us naming both yourself and the corporate partner
- All Live Life Get Active trainers are certified to Cert III and Cert IV and our Yoga trainers are all Yoga Australia Approved. **Both are recruited locally**
- All Trainers and Yoga teachers have full first aid certification including CPR which has to be renewed annually
- Trainers and Yoga instructors also have full insurance cover to \$10 million public liability
- All trainers are Government approved to work with children in states where this is mandatory
- Each member has to complete a full medical declaration before they attend the camp
- All members have to book in and a roll call is taken at the beginning of each session ensuring only those registered can take part. It also enables us to monitor activity at a member level
- At the beginning of each session the trainer also asks about new members and injuries and makes modifications accordingly

Live Life Get Active Pty Ltd ABN 53152823071
aking@livelifegetactive.com



About us and our Offering

Our Nutritional advice

All nutrition plans and the means by which we assign profiles is developed and overseen by Dr. Joanna McMillan. The concept is based on a plate strategy and delivered according to a person's energy level. There are 15 different plates and these can be segmented by profile e.g. normal, vegetarian and gluten free. They are not prescriptive, they are there as a guide to improve the eating habits of our members, but we do provide inspiration through examples and recipes that we send out at regular periods during the year

Partners

In setting up a camp we usually have two partners. One being the local council, who provides free use of the land and grants all the permits. The other is the funding partner. This may be the council, or they may jointly fund a camp or a camp is funded solely by a corporate partner. Our commercial partners include the likes of Westpac, IGA, Stockland, Mirvac, Payce, Fraser, Lend Lease, Aqualand, AMART, St Vincent's retirement, Genesis Care, and our council partners increase weekly.

Key Personnel

Amanda King – CEO and Managing Director

Jane Flemming – Ambassador and Director



Our vision

We would like to be in 1000 communities right across Australia within 5 years. With over 500,000 members. All we need are forward thinking corporates like the ones coming on board now, collaborative councils like the ones helping us today with not only land and fee free permits but also those pushing us in the direction of interested corporates to fund our activities. We believe that we will make a measureable difference to the health of this country and specifically women.

Live Life Get Active Pty Ltd ABN 53152823071
aking@livelifegetactive.com

Item No: C0318 Item 6

Subject: 2017/18 SECOND QUARTER BUDGET REVIEW.

Prepared By: Daryl Jackson - Financial Partnering and Analytics Manager

Authorised By: Pav Kuzmanovski - Group Manager Finance

SUMMARY

Clause 203 of the Local Government (General) Regulation 2005 requires that a quarterly budget review be considered by Council, which shows revised estimates for income and expenditure for the year, indicates whether Council's financial position is satisfactory and makes recommendations for remedial action where needed.

The Quarterly Budget Review Statements (QBRs) are prepared in accordance with the requirements of the Code of Accounting Practice and Financial Reporting. This report provides a comprehensive high level overview of Council's financial position as at 31 December 2017 in accordance with the Code, together with supplementary information. **Any forecast results are projections as at 30 June 2018.**

RECOMMENDATION

THAT:

- 1. The report be received and noted; and**
- 2. Council approves the budget adjustments required.**

DISCUSSION

This report provides an overview of Council's quarterly financial position as at 31 December 2017. The QBRs report is prepared in accordance with the Code of Accounting Practice and Financial Reporting. It includes information on Council's Operating, Capital and net budget position as at 31 December 2017.

Review of the Operating Budget and Capital Budget

Budget adjustments made during the quarter include both operating and capital budget adjustments. These are summarised in **Table 2** with detailed explanations provided under **Table 2**.

Council's projected operating budget result (**Table 3 – Summary Profit and Loss Statement**) is now a surplus of \$4.6 million including capital revenue. Excluding capital revenue, Council's deficit is projected to be \$6.2 million. This movement is primarily due to the accounting treatment of the advanced payment of the Financial Assistance Grants (\$2.8m) received in June 17 relating to the 17/18 financial year. Further adjustments will be made at the next quarterly budget review statement.

The capital budget will be reviewed during the remainder of this financial year on an ongoing basis with capital works managers. Cash flow forecasts of major projects will be monitored to ensure that expenditure is in line with budget. December year to date capital expenditure totals approximately \$15.6 million.

Report by the Responsible Accounting Officer of Council

Section 203 (2) of the Local Government (General) Regulation 2005 requires a report by Council's responsible accounting officer regarding Council's financial position at the end of each quarter.

The responsible accounting officer is of the opinion that the Quarterly Budget Review Statement for the Inner West Council for the quarter ended 31 December 2017 indicates that Council's projected financial position at 30 June 2018 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

FINANCIAL IMPLICATIONS

The proposed budget adjustments will see a net increase in Council working funds of \$535k. Any projects that have requires a budget adjustments to represent works rephased from the 2016/17 financial year into the 2017/18 budget will be completed during the year.

OTHER STAFF COMMENTS

All relevant staff have been consulted during the budget adjustment process.

PUBLIC CONSULTATION

Nil

1) Primary Financial Statement

	Original Budget	Q1 Sept 17 Approved Changes	Proposed Adjustments	Forecast Budget	YTD Actuals
Income					
Rates and Annual Charges	\$ 153,381	\$ -	\$ -	\$ 153,381	\$ 75,609
User Fees and Charges	\$ 43,512	\$ 189	\$ -	\$ 43,701	\$ 21,795
Interest Income	\$ 5,041	\$ -	\$ -	\$ 5,041	\$ 3,142
Other Income	\$ 24,099	\$ 256	\$ 150	\$ 24,505	\$ 11,577
Operating Grants	\$ 12,855	\$ 20	\$ 4,209	\$ 8,626	\$ 1,036
Capital Grants and Contributions	\$ 10,699	\$ 60	\$ 253	\$ 11,012	\$ 6,793
Net Gain - Disposal of Assets	\$ 51	\$ -	\$ 201	\$ 150	\$ 922
Total Income from continuing operations	\$ 249,638	\$ 485	-\$ 4,007	\$ 246,116	\$ 120,875
Expenditure					
Employee Benefits and Oncosts	\$ 126,368	\$ 0	\$ 244	\$ 126,613	\$ 56,029
Interest Expense	\$ 904	\$ -	\$ -	\$ 904	\$ 306
Materials and Contracts	\$ 61,673	\$ 324	\$ 2,237	\$ 59,760	\$ 23,934
Depreciation	\$ 26,130	\$ -	\$ -	\$ 26,130	\$ 13,070
Other Expenses	\$ 27,778	\$ 140	\$ 142	\$ 28,060	\$ 11,526
Total Expenses from continuing operations	\$ 242,852	\$ 464	-\$ 1,850	\$ 241,466	\$ 104,863
Net Operating Result from continuing operations	\$ 6,786	\$ 21	-\$ 2,157	\$ 4,650	\$ 16,011
Capital Expenditure					
Capital Expenditure - IPPE	\$ 65,477	\$ 373	\$ 1,622	\$ 64,229	\$ 13,044
Loan Repayments	\$ 4,704	\$ -	\$ -	\$ 4,704	\$ 2,546
Total Capital Expenditure	\$ 70,182	\$ 373	-\$ 1,622	\$ 68,933	\$ 15,590
Funding					
Net Working Capital Drawdown	\$ 35,006	\$ 352	\$ 535	\$ 35,894	\$ 5,744
Depreciation Contra	\$ 28,390	\$ -	\$ -	\$ 28,390	\$ 13,070
Total Funding	\$ 63,396	\$ 352	\$ 535	\$ 64,283	\$ 18,813
Net Budget Position	\$ -	\$ 0	-\$ 0	-\$ 0	\$ 19,234

2) December 2017 QBRs Summary Budget Movements

Item	Description	\$'000 Movement
	<u>Income</u>	
	Other Income	
1	Increased Revenue - WHS/Injury StateCover Incentive Payment	\$ 150
	Operating Grants	
2	Decreased Revenue - 17/18 Financial Assistance Grant receive in 16/17 financial year	-\$ 2,844
3	Decreased Revenue - RMS Block Grants - Traffic Facilities Program	-\$ 175
4	Decreased Revenue - Lilyfield Road Cycleway Project	-\$ 1,190
	Capital Grants & Contributions	
5	Increased Revenue - Additional LATM Projects	\$ 100
6	Decreased Revenue - Capital Projects Rephased to Future Years	-\$ 287
7	Increased Revenue - Urban Amenities Improvement Program	\$ 440
	Net Gain - Disposal of Assets	
8	Decrease Revenue - Proceeds of Sale Plant & Equipment Rephased to future years	-\$ 201
	Total Income	-\$ 4,007
	<u>Operating Expenditure</u>	
	Employee Benefits and Oncosts	
9	Increased Expenditure - Salaries & Wages Reforecast	\$ 244
	Material and Contracts	
10	Decreased Expenditure - Mobile Garbage Bin Rollout	-\$ 3,500
11	Increased Expenditure - Restricted Grants budgets carried forward from 16/17 Financial year	\$ 1,264
	Other Expenses	
11	Increased Expenditure - Restricted Grants budgets carried forward from 16/17 Financial year	\$ 142
	Total Expenditure	-\$ 1,850
	<u>Capital Expenditure</u>	
3	Decreased Expenditure - RMS Block Grants - Traffic Facilities Program	-\$ 175
4	Decreased Expenditure - Lilyfield Road Cycleway Project	-\$ 1,500
5	Increased Expenditure - Additional LATM Projects	\$ 100
6	Increased Expenditure - Waterfront Drive	\$ 70
6	Increased Expenditure - Denman Ave - New raised crossing at School	\$ 50
6	Increased Expenditure - Camperdown Park picnic, play area, basketball court up	\$ 60
6	Decreased Expenditure - Public Art for Meriton Site	-\$ 115
6	Decreased Expenditure - Ashfield Aquatic Centre	-\$ 2,950
6	Decreased Expenditure - Dawn Fraser Pool	-\$ 200
6	Decreased Expenditure - Booth Street Bridge - Investigation, Design and Replace	-\$ 290
6	Decreased Expenditure - Marrickville Town Hall	-\$ 240
6	Decreased Expenditure - St Peters Town Hall	-\$ 395
6	Decreased Expenditure - Steel Park Community Room	-\$ 250
6	Decreased Expenditure - Marrickville Rd (EAST) Design & Implementation	-\$ 50
6	Decreased Expenditure - Skate Park in Callan Park - Construction	-\$ 476
6	Decreased Expenditure - Greenway Missing Link N - Leichhardt Northern Feeder	-\$ 30
6	Decreased Expenditure - Property Services Projects Rephased to Future Year	-\$ 2,680
6	Decreased Expenditure - Roads, Footpath, Stormwater Projects Rephased to Future Year	-\$ 2,706
6	Decreased Expenditure - Parks, Tree and Sportfields Projects Rephased to Future Year	-\$ 2,031
6	Decreased Expenditure - Capital Projects Rephased to Future Years	\$ 12,870
7	Increased Expenditure - Urban Amenities Improvement Program	\$ 440
8	Decreased Expenditure - Plant & Equipment	-\$ 1,124
	Total Capital Expenditure	-\$ 1,622

Item	Description	\$'000 Movement
	Net Working Capital Drawdown	
2	Increase - 17/18 Financial Assistance Grant receive in 16/17 financial year	\$ 2,844
4	Decreased - Lilyfield Road Cycleway	-\$ 310
6	Decrease - Capital Projects Rephased to Future Years	\$ 924
8	Decrease - Proceeds of Sale Plant & Equipment Rephased to future years	-\$ 923
9	Increase - Salaries & Wages Reforecast	\$ 94
10	Decreased - Mobile Garbage Bin Rollout	-\$ 3,500
11	Increase - Restricted Grants budgets carried forward from 16/17 Financial year	\$ 1,406
	Total Net Working Capital Drawdown	\$ 535

Item 1 - WHS/Injury Incentive income from StateCover

Increased Other Income \$150K

The increase in revenue from StateCover was a result of the income not being included in the original budget. The funds have been allocated to fund various WHS programs and also included in the Long term Financial Plan.

Item 2 – Reclassification of Financial Assistance Grant

Decreased Other Income \$2,844K

Decreased Capital Expenditure \$2,844K

This adjustment is an accounting reclassification as a result of Council receiving a portion of its 17/18 Financial Assistance Grant in late June 2017 (16/17 financial year). The funds were quarantined as a part of the Annual Financial Statements to be included as a part of the 2017/18 financial year. There is no net impact on Council's working funds for this adjustment.

Item 3 – Traffic Facilities Program

Decreased Operating Grants \$175K

Increase Drawdown Net Working Capital \$175K

This reduction is a result of rephased traffic facilities works that won't be completed during the current financial year. The works have been included in future years capital works.

Item 4 – Lilyfield Road Cycleway Project

Decreased Operating Grants \$1,190K

Decreased Net Reserve Drawdown \$310K

Decreased Capital Expenditure \$1,500K

This reduction is a result of partially rephased Lilyfield Road Cycleway project that won't be completed during the current financial year. The works have been included in future years capital budget pending successful grant funding.

Item 5 – Local Area Traffic Management (LATM) Works

Increased Capital Grants Revenue \$100K

Increased Capital Works Expenditure \$100K

This increase is a result of additional capital grant funds received during the year. The funds have been allocated to LATM works forecast to be completed by the end of this financial year.

Item 6 – Rephased Capital Works**Decreased Capital Works Expenditure \$12,870K****Decreased Working Funds (Including Capital Grants) \$12,870K**

This reduction is a result of partially rephased capital projects that won't be completed during the current financial year. The projects listed as Item 6 in Table 2 are those highlighted as flagship capital projects identified in the 2017/18 Operational Plan. The budgets for these projects have been included in future years capital works.

Item 7 – Urban Amenities Improvement Program**Increased Capital Grants \$440K****Increased Capital Expenditure \$440K**

This increase is a result of additional capital grant funds received during the year relating to the Parramatta Rd Urban Amenities Program. The funds have been allocated to complete works in-line with the allocated funds by the end of this financial year.

Item 8 – Capital Plant (Fleet) Rephasing**Decreased Net Gain on Asset Disposal \$201K****Decreased Net Reserve Drawdown \$923K****Decreased Capital Expenditure \$1,124K**

This decrease is a result of reviewing the Plant Replacement schedule during the quarter. The review has resulted in extending the current useful life of some of the capital plant items that are now being scheduled to be replaced in the next financial year.

Item 9 – Salaries and Wages Reforecast**Increased Employee Benefits and On-costs \$244K****Increased Net Working Capital Drawdown \$94K**

This increase in expenditure is a result of aligning budgets to endorsed structures to capture the cost of the relevant service units. This increase in expenditure is offset by a drawdown of net working capital (\$94K) and additional general revenue identified in Item 1 (\$150K).

Item 10 – Mobile Garbage Bin Rollout**Decreased Materials and Contracts \$3,500K****Decreased Net Working Capital Drawdown \$3,500K**

This decrease in expenditure is a result of deferring the mobile garbage bin rollout for a part of the former Leichhardt LGA until services are reviewed. The proposed rollout was funded by Domestic Waste Reserve and will see the funds remain in the reserve until they are required to be utilised.

Item 11 – Release of Restricted Grants**Increased Materials and Contracts \$1,264K****Increased Other Expenses \$142K****Increased Net Working Capital Drawdown \$1,406K**

This increase in expenditure is a result of bringing to account unexpended grants monies not spent during the 16/17 financial year. These funds were quarantined as a part of the 16/17 Annual Financial Statements (adopted by Council) to be used as a part of the 17/18 financial year.

3) Summary Profit & Loss Statement

	Original Budget	Q1 Sept 17 Approved Changes	Proposed Adjustments	Forecast Budget	YTD Actuals
Income					
Rates and Annual Charges	\$ 153,381	\$ -	\$ -	\$ 153,381	\$ 75,609
User Fees and Charges	\$ 43,512	\$ 189	\$ -	\$ 43,701	\$ 21,795
Interest Income	\$ 5,041	\$ -	\$ -	\$ 5,041	\$ 3,142
Other Income	\$ 24,099	\$ 256	\$ 150	\$ 24,505	\$ 11,577
Operating Grants	\$ 12,855	\$ 20	\$ 4,209	\$ 8,626	\$ 1,036
Capital Grants and Contributions	\$ 10,699	\$ 60	\$ 253	\$ 11,012	\$ 6,793
Net Gain - Disposal of Assets	\$ 51	\$ -	\$ 201	\$ 150	\$ 922
Total Income from continuing operations	\$ 249,638	\$ 485	\$ 4,007	\$ 246,116	\$ 120,875
Expenditure					
Employee Benefits and Oncosts	\$ 126,368	\$ 0	\$ 244	\$ 126,613	\$ 56,029
Interest Expense	\$ 904	\$ -	\$ -	\$ 904	\$ 306
Materials and Contracts	\$ 61,673	\$ 324	\$ 2,237	\$ 59,760	\$ 23,934
Depreciation	\$ 26,130	\$ -	\$ -	\$ 26,130	\$ 13,070
Other Expenses	\$ 27,778	\$ 140	\$ 142	\$ 28,060	\$ 11,526
Total Expenses from continuing operations	\$ 242,852	\$ 464	\$ 1,850	\$ 241,466	\$ 104,863
Net Operating Result from continuing operations	\$ 6,786	\$ 21	\$ 2,157	\$ 4,650	\$ 16,011
Net Operating Result before Capital Items	-\$ 3,964	-\$ 39	-\$ 2,209	-\$ 6,212	\$ 8,296

4) Service Unit P&L Summary

	Original Budget	Q1 Sept 17 Approved Changes	Proposed Adjustments	Forecast Budget	YTD Actuals
Income					
Children and Family Services	\$ 18,199	\$ -	\$ -	\$ 18,199	\$ 7,983
Community Events	\$ 90	\$ -	\$ -	\$ 90	\$ 73
Community Services and Culture	\$ 2,112	\$ 316	\$ 35	\$ 2,463	\$ 721
Corporate Services	\$ 7,161	-\$ 290	-\$ 222	\$ 6,649	\$ 4,617
Corporate Support Services	\$ 124,166	\$ -	-\$ 2,844	\$ 121,322	\$ 80,652
Development Assessment	\$ 3,926	-\$ 391	\$ -	\$ 3,535	\$ 2,557
Environment and Sustainability	\$ 473	-\$ 180	\$ 10	\$ 283	\$ 26
Footpaths, Roads, Traffic and Stormwater	\$ 16,067	\$ 241	-\$ 1,421	\$ 14,886	\$ 4,628
Library and Historical Services	\$ 573	\$ 90	\$ -	\$ 663	\$ 81
Recreation and Aquatics	\$ 10,278	\$ 55	\$ 440	\$ 10,773	\$ 5,647
Regulatory Services	\$ 16,695	\$ 431	\$ -	\$ 17,126	\$ 7,569
Resource Recovery	\$ 40,768	\$ 189	\$ -	\$ 40,957	\$ 5,560
Strategic Planning	\$ 1,224	\$ 52	\$ 15	\$ 1,291	\$ 535
Trees, Parks and Sportsfields	\$ 7,905	-\$ 28	\$ 0	\$ 7,877	\$ 227
Total Income from continuing operations	\$ 249,638	\$ 485	-\$ 4,007	\$ 246,116	\$ 120,875
Expenditure					
Children and Family Services	\$ 18,075	-\$ 375	-\$ 238	\$ 17,462	\$ 7,792
Community Events	\$ 1,165	-\$ 55	\$ -	\$ 1,110	\$ 759
Community Services and Culture	\$ 9,933	\$ 301	\$ 148	\$ 10,381	\$ 4,497
Corporate Services	\$ 63,282	\$ 9	\$ 159	\$ 63,450	\$ 31,480
Corporate Support Services	\$ 8,523	-\$ 103	\$ 155	\$ 8,575	\$ 2,109
Development Assessment	\$ 5,982	\$ 174	\$ -	\$ 6,155	\$ 2,673
Environment and Sustainability	\$ 4,469	\$ 63	\$ 132	\$ 4,664	\$ 1,643
Footpaths, Roads, Traffic and Stormwater	\$ 37,764	\$ 17	\$ 902	\$ 38,683	\$ 16,033
Library and Historical Services	\$ 10,247	\$ 114	-\$ 4	\$ 10,357	\$ 4,474
Recreation and Aquatics	\$ 11,570	\$ 166	\$ -	\$ 11,735	\$ 5,884
Regulatory Services	\$ 13,683	\$ 265	\$ -	\$ 13,948	\$ 6,520
Resource Recovery	\$ 34,450	\$ 10	-\$ 2,750	\$ 31,710	\$ 10,800
Strategic Planning	\$ 4,409	-\$ 56	\$ 576	\$ 4,929	\$ 2,323
Trees, Parks and Sportsfields	\$ 19,301	-\$ 66	-\$ 929	\$ 18,306	\$ 7,876
Total Expenses from continuing operations	\$ 242,852	\$ 464	-\$ 1,850	\$ 241,466	\$ 104,864
Net Operating Result from continuing operations	\$ 6,786	\$ 21	-\$ 2,157	\$ 4,650	\$ 16,011

5) Capital Expenditure Statement

	Original Budget	Q1 Sept 17 Approved Changes	Proposed Adjustments	Forecast Budget	YTD Actuals
<u>Capital Expenditure</u>					
Plant & Equipment	\$ 6,824	\$ -	-\$ 1,124	\$ 5,700	\$ 748
Office Equipment	\$ 4,595	\$ -	\$ 653	\$ 5,248	\$ 652
Land Improvement (Depreciable)	\$ 12,047	\$ 198	-\$ 2,619	\$ 9,626	\$ 1,731
Buildings	\$ 16,503	\$ 115	\$ 2,508	\$ 19,126	\$ 4,073
Aquatic Facilities	\$ 1,630	\$ -	\$ 170	\$ 1,800	\$ 94
Local Roads	\$ 1,826	\$ -	\$ 915	\$ 2,742	\$ 707
Regional Roads	\$ 1,270	\$ -	\$ -	\$ 1,270	\$ 102
Bridges	\$ 670	\$ -	-\$ 290	\$ 380	\$ 25
Footpaths	\$ 2,109	\$ -	-\$ 270	\$ 1,839	\$ 516
Traffic Devices	\$ 10,320	\$ -	-\$ 161	\$ 10,159	\$ 3,258
Car Parks	\$ 485	\$ -	\$ -	\$ 485	\$ 158
Storm Water Drainage	\$ 4,567	\$ 60	-\$ 38	\$ 4,589	\$ 199
Bicycle facilities	\$ 2,632	\$ -	-\$ 1,366	\$ 1,266	\$ 782
Principal Repayments	\$ 4,704	\$ -	\$ -	\$ 4,704	\$ 2,546
Total Capital Expenditure	\$ 70,182	\$ 373	-\$ 1,622	\$ 68,933	\$ 15,591
<u>Funding</u>					
Rates and Annual Charges	\$ 274	\$ -	\$ -	\$ 274	\$ 13
Operating Grants	\$ 2,483	\$ -	-\$ 1,365	\$ 1,118	\$ 86
Capital Grants and Contributions	\$ 2,409	\$ 60	\$ 253	\$ 2,722	\$ 79
Net Gain - Disposal of Assets	\$ 51	\$ -	-\$ 201	-\$ 150	\$ 537
Net Working Capital Drawdown (incl. Depreciation contra)	\$ 64,964	\$ 313	-\$ 309	\$ 64,969	\$ 14,875
Total Funding	\$ 70,181	\$ 373	-\$ 1,622	\$ 68,933	\$ 15,590
Net Budget Position	\$ 0	\$ 0	-\$ 0	\$ 0	\$ 0

Capital projects are reviewed on a monthly basis with a view to aligning cash flow budgets with deliverables.

6) Cash & Investments – Restrictions Held

	Opening Balance - 1 July 2017	Adopted Movements - Sept 17 Budget Review	Proposed Adjustments	YTD Proposed Movements	Forecast Closing Balance	YTD Balance
Externally Restricted						
Developer Contributions	\$58,287	\$ 12,006	\$ 2,372	\$ 9,634	\$48,653	\$ 52,756
Specific Purpose Unexpended Grants	\$24,652	\$ 13,954	\$ 119	\$ 14,072	\$10,580	\$ 24,047
Domestic Waste Management	\$16,672	\$ 532	\$ 4,388	\$ 3,856	\$20,528	\$ 13,858
Stormwater Management	\$1,819	\$ 1,736	\$ 350	\$ 2,086	-\$267	\$ 1,503
Green Living Centre	\$59	\$ -	\$ -	\$ -	\$59	\$ 59
SRV Income	\$3,466	\$ 2,485	\$ 1,286	\$ 1,199	\$2,267	\$ 2,177
Debbie and Abbey Borgia Sinking Fund	\$421	\$ -	\$ -	\$ -	\$421	\$ 421
Mainstreet Levy	\$395	\$ 12	\$ -	\$ 12	\$383	\$ 395
3.5% Levy	\$151	\$ 110	\$ -	\$ 110	\$261	\$ 204
Total Externally Restricted	\$105,922	\$ 30,614	\$ 7,577	\$ 23,037	\$ 82,885	\$ 95,420
Internally Restricted						
Employment Leave Entitlements	\$32,537	\$ 500	\$ -	\$ 500	\$33,037	\$ 32,537
Deposits Retentions	\$12,532	\$ -	\$ -	\$ -	\$12,532	\$ 12,532
FAG	\$2,844	\$ -	\$ 2,844	\$ 2,844	\$0	\$ 2,844
Total Internally Restricted	\$47,913	\$ 500	\$ 2,844	\$ 2,344	\$ 45,569	\$ 47,913
Unrestricted	\$50,971	\$ 33,635	\$ 4,198	\$ 40,338	\$10,633	\$ 76,675
Total Funds	\$204,806	-\$63,749	\$535	-\$65,719	\$139,087	\$220,008
Total Investment Portfolio As at 31 December 2017						
						\$220,008

Council's cash position sees an unrestricted balance of \$76.7million as at 31 December 2017. The unrestricted balance will diminish as Council expends it on operational expenses and capital projects during the financial year. The funds have been invested in accordance with Council's investment portfolio which saw Council's non fossil fuel investment at approximately \$168.3m or 80% of its total portfolio at the end of December 2017.

7) Contract Listing

Contractor	Contract Detail & Purpose	Contract Value (EXC GST)	Commencement Date	Duration Contract	Budgeted (Y/N)
Mcgregor Coxall unit trust	Greenway Missing Links Master Plan	388,243	18/10/17	12 months	Y
Mcgregor Coxall unit trust	Cooks River Parklands design consultancy Tender	318,970	24/10/17	2 years	Y
Court Craft (Australia) P/L	Sydenham Green Stage 2 basketball court and lighting	311,136	28/11/17	17 Weeks	Y
Civil Works (NSW) P/L	Illoura Reserve Stone Retaining Wall Works	174,182	19/12/17	8 Weeks	Y
Ballyhooly Civil Pty Ltd	Leichhardt Oval Stage 1 Civil Works (Screen Path)	136,737	10/11/17	1 week	Y
Taylor Development Strategists	Greenway Missing Links Detail Survey	133,400	21/11/17	3 months	Y
Shore Contracting Pty Ltd	Marrickville Water Play Park	130,980	6/09/17	3 months	Y
Beca Australia Pty Ltd	West Connex Stage 3 M4 to M5 link EIS Peer Review	121,545	15/08/17	3 months	Y
Road Surgeon Pty Ltd	RFQ 28/17 - Concrete Road Slab Pressure Grouting on on Unwins Bridge Rd from Railway Parade to Bedwin Rd	115,300	4/12/17	3 weeks	Y
Oni Air Pty Ltd	Air-conditioning system for co-generation plant at AKAC	112,946	25/11/17	4 months	Y
Cred Community Planning	Consultant for 2017-2018	109,600	27/10/17	1 year	Y
Abraxa Management Consulting	Efficiency Services Review	108,100	1/12/17	6 months	Y
Tanner Kibble Denton Architects Pty Ltd	Architectural Services Dawn Fraser Pool	94,845	25/09/17	on going	Y
Construction Pty Ltd	Seaview St Hall Renewal Works T2017/18 Property Buildings Program	93,235	8/01/18	4 weeks	Y
Boden Pty Ltd	Luna Community Centre Fitout	82,727	29/12/17	1 week	Y
Clarkson Chas	IWC Christmas Tree Install, Dismantle and Transport/ to be carried out across 10 nominated IWC sites	75,207	5/11/17	8 weeks	Y
Hyper Constructions Pty Ltd	Demolition of two cottages at 9-11 Marion Street Leichardt	69,000	13/11/17	one week	Y
Wilken service Pty Ltd	Relocate street lights Cnr Marrickville Rd & Despointes St Marrickville	57,265	9/11/17	4 weeks	Y
Synthetic Grass & Rubber Surfaces Australia Pty Ltd	Pioneer Park playground softfall replacement including disposal of existing softfall, temporary fencing, security, and installation of new softfall.	55,824	11/10/17	2 weeks	Y

Above is a listing of contracts Council entered into during the period 1 October – 31 December 2017.

8) Consultancy & Legal Expenses

Expense	Expenditure YTD	Budgeted (Y/N)
External Legal Fees	\$ 632	Y
Consultancy Fees	\$ 2,581	Y

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Where any expenses for Consultancy or Legal Fees (including Code of Conduct expenses) have not been budgeted for, an explanation is to be given. Report on external expenses only (not internal expenses).

ATTACHMENTS

Nil.

Item No: C0318 Item 7
Subject: NOTICE OF MOTION TO RESCIND: CO218 ITEM 2: COTTAGES AT 9 AND 11 MARION STREET LEICHHARDT
From: Councillor Rochelle Porteous, Councillor Tom Kiat, Councillor Louise Steer, Councillor Marghanita Da Cruz and Councillor Colin Hesse

MOTION:

We, the abovementioned Councillors, hereby submit a Notice of Motion to rescind Council's resolution of 27 February 2018 - Item 2: Cottages at 9 and 11 Marion Street Leichhardt and if supported propose the following alternative motion:

THAT:-

1. Extensive and comprehensive consultation and engagement with the local and wider community of the Inner West on what the residents would like the cottages used for in the future. Options to include in this consultation to include a womens' shed; a drop-in centre for young people; low cost artist studios; an art gallery; a cultural space; low-cost affordable housing and parking should also be included as one of the options. The heritage study should also be made publically available.
 2. A cost-benefit analysis be undertaken for the different use options for the cottages and this information be provided as part of the consultation and engagement with the community.
 3. Valuations of the properties be undertaken with before and after restoration valuations assessed.
 4. A parking study on the use of the Leichhardt Town Hall council car park be undertaken to establish usage and turnover; to understand the occupancy rates and the users – staff, local businesses and the community. Investigations also be undertaken as to how the underground car park of the Administration Centre can be used after hours by the public.
 5. Valuations be obtained for the art works on the cottages. Undertake consultation with the artists and the ATSIC community regarding the future uses of the cottages and the preservation of the art works.
 6. That following consultations; work on the cost-benefit analysis; parking study and valuations – a report containing this information be brought to Council for consideration on the future use of cottages 9 and 11 Marion Street, Leichhardt.
 7. On consultation with relevant staff it is estimated that all the above are actions can in part be funded through the existing department programs. Additional costs being : an estimate 2,000 to 3,000 for the parking study; up to 10,000 for the cost-benefit analysis and art valuations and 2,600 additional costs for the consultation. Total additional funds \$15.600. These funds to be identified in the next quarterly budget review.
-

Background

Council resolved the following at its Meeting of 27 February 2018 in relation to Item 2: Cottages at 9 and 11 Marion Street Leichhardt:-

THAT Council:

- 1. Demolish the former cottages at 9 and 11 Marion Street Leichhardt and replace with a parking area under the SEPP (Infrastructure) 2007;**
- 2. Identify a suitable permanent location for a Blak Douglas commissioned artwork; and**
- 3. Provide a suitable budget for the artwork in the 2018/19 budget.**

Reasons for the Rescission:

- Despite the fact that these cottages are in the Civic Precinct of Leichhardt; are located in a heritage conservation zone – the Wetherill Estate Heritage Conservation Zone. Noting also that they are located across the road from Leichhardt Public School and next to Leichhardt Town Hall, the heritage report has not been made a public document, there has only been very limited consultation conducted by the traffic committee specifically related to the creation of additional car parking spaces. The community was not asked how they would like the cottages to be used in the future but rather did they want more car parking spaces or not. The community deserves to be able to have their say on the future of these cottages and this has not happened. A rescission motion would allow that to proceed.
- There has been no cost-benefit analysis done on what is proposed. The value of the cottages, the value of the land, the improved value of the properties once building works to restore them are complete - none of these have been assessed nor has there been any comparison provided to council on the longer term benefits to the community of retaining the cottages as compared to demolishing them.
- There has not been a parking survey done at the Leichhardt Town Hall car park since 2013. A new parking survey needs to be undertaken to understand current occupancy rates and uses by staff, local businesses and the community.

There has been no valuation undertaken on the value of the art works on the cottages – two of which are by BLAK DOUGLAS. There has been no consultation with the artists nor has the ATSIC community been consulted.

ATTACHMENTS

Nil.

Item No: C0318 Item 8
Subject: NOTICE OF MOTION: DONATIONS AND FINANCIAL ASSISTANCE POLICY
From: Deputy Mayor, Councillor Julie Passas

MOTION:

THAT:

- 1. The General Manager urgently develops a small donations/financial assistance policy with an identified funding source for consideration by the Council at the earliest opportunity.**
 - 2. Council withhold from providing any further ad hoc small donations, financial assistance or fee waivers until the policy is developed and approved by Council.**
-

Background

Council has in place a generous and well governed annual Inner West Council Grants Program, which provides over \$390,000 each year in Council funding to support a range of community driven initiatives. Council's grant program supports a wide cross section of projects through five grant streams including community, arts, recreation, environment and local history initiatives. Council's support for these initiatives has been supplemented in the past two years through the state government funded Stronger Communities Grants, which will have contributed an additional \$1,000,000 to local projects across the Inner West by the end of 2018.

Council's grants program is supported by a strong governance framework which includes wide advertising, transparent criteria, a formal panel assessment and a reporting and acquittal process to ensure that Council funds are appropriately spent for the reasons provided in the grant applications and the planned contribution to community outcomes are achieved. Council also assists local initiatives through the provision of a range of fee subsidies for the use of Council's town halls and other venues. Once again there are application forms, assessment processes and guidelines to govern this process which groups applying for discounted venue hire are subject to.

However, no such process exists for the ad hoc small donations, financial assistance and fee waivers which are provided by Council to support community initiatives on a reasonably regular basis.

Whilst these small donations and ad hoc requests are generally for much smaller amounts, without a proper governance framework in place these ad hoc donations/requests are a 'back door' way for people and/or groups to receive Council funds. This brings about a lack of consistency and has the potential to undermine Council's more formalised grant and fee subsidy processes, whereby applicants must compete for Council's finite resources. Without published guidelines, criteria and assessment processes, these small donations/requests are open to politicisation.

It is unclear how these ad hoc requests are currently funded. Possibly out of budgets for other Council activities, with associated potential impacts on the delivery of programs in Council's operational plan.

Council has a duty of care to ratepayers to ensure that Council funds and venues are accessed, provided and used in a responsible manner in pursuit of strategic community objectives; and that there is a fair and transparent process for everyone.

Officer's Comments:**Comment from Group Manager Community Services and Culture:**

This motion, if adopted, can be implemented within existing staff resources and will take approximately 21 hours, including internal consultation. This will require re-prioritising existing policy, research and planning work.

ATTACHMENTS

Nil.

Item No: C0318 Item 9
Subject: NOTICE OF MOTION: PRIDE SEATS - CELEBRATING COUNCIL'S
SUPPORT OF MARRIAGE EQUALITY AND LGBTIQ RIGHTS
From: Councillor Pauline Lockie

MOTION:

THAT:

1. Council accepts the donation of five (5) Pride Seats from Street Furniture Australia, with a view to installing one (1) in each ward of the Inner West Council;
 2. Council works with Street Furniture Australia to determine the exact specifications required for each Pride Seat;
 3. Council determines where Pride Seats should be installed in consultation with our local LGBTIQ community;
 4. Each Pride Seat be dedicated to a different person, people, group or organisation from the Inner West LGA that has campaigned for or contributed to LGBTIQ rights (including marriage equality), and that this dedication be recognised with a plaque and/or signage at each seat;
 5. The selection process for the dedication of each Pride Seat be open to public nominations through Council's Your Say Inner West Engagement Portal, and conducted in consultation with members of our LGBTIQ Working Group; and
 6. The budgetary implications of this resolution be considered as part of the 2018/19 budget process.
-

Background

Council is an active supporter of our LGBTIQ community and was a strong supporter of the campaign for marriage equality, along with all three of our former Councils (Ashfield, Leichhardt and Marrickville).

In recognition of this support, Street Furniture Australia has offered to donate five (5) rainbow Pride Seats to Council to celebrate the legalisation of marriage equality. The donation is intended to recognise and celebrate Council's long-term advocacy on behalf of our LGBTIQ community, and provides an opportunity to obtain quality new street furniture at a significant upfront cost saving.

Because the Inner West occupies a central place in Australia's LGBTIQ history, I'm also proposing that we dedicate each Pride Seat to a group or individual/s that have campaigned for or contributed to LGBTIQ rights to recognise our local activists and changemakers, and that we allow our local community to be involved in this process. The normal pricing of each Pride Seat would be as follows:

- 1-seater \$560
- 3-seater \$970
- 4-seater \$1,430

Street Furniture Australia has suggested that the 3 or 4 seater options are likely to be most appropriate, but are happy to work with Council to plan the appropriate specifications. Seats are coated with extra UV protection for fade-resistance, and are suitable for outdoor / public use conditions. They are made from finished metal, making them low maintenance. Street Furniture Australia is an approved Local Government Procurement supplier. In the last year, Council has purchased over \$44,000 of garbage bins and bollards from the company under the Local Government Procurement Contract. These bins and bollards have been installed at numerous locations throughout the municipality.

There is no expectation this donation will influence future procurement decisions by Council. More details of the Pride Seat options on offer can be found in **Attachment 1**. For more about Street Furniture Australia, see their website: streetfurniture.com/au/

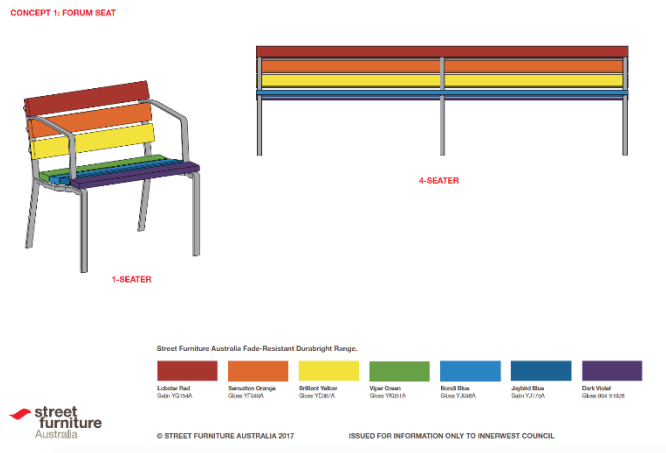
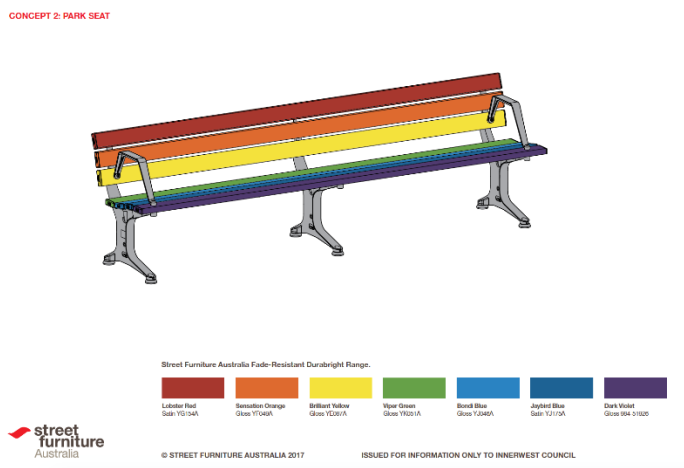
Note: I will be disclosing a non-significant, non-pecuniary interest in this Motion due to a friendship with the Marketing Manager of Street Furniture Australia. Any benefit from this motion is by way of a donation to Council and the community.

FINANCIAL IMPLICATIONS

Street Furniture Australia propose to donate the five seats. Council staff will organise the public nomination process in consultation with the LGBTIQ community and install the seats at the appropriate locations. The staff time and installation costs will be approximately \$6,700. The maintenance and renewal of these seats will be added to Council's asset management plans.

ATTACHMENTS

1. [↓](#) Pride Seats

Attachment 1: Pride Seat options on offer
Image 1: Pride Seat prototype

Image 2: Sample Pride Seat concepts

Image 3: Sample Pride Seat concept

Item No: C0318 Item 10
Subject: NOTICE OF MOTION: SYDNEY METRO LAND TITLE ISSUES IN NEWTOWN
From: Councillor Pauline Lockie

MOTION:

THAT Council writes to the Minister for Transport and Infrastructure and the Minister for Finance, Services and Property to ask them to:

- 1. Act urgently to ensure the removal of the reference to an ‘unregistered dealing’ that now sits on the land titles of residents in Lord St Newtown as a result of substratum acquisitions that took place under their properties for the Sydney Metro City and Southwest project; and**
 - 2. Enact measures that would allow residents who have suffered negative financial impacts as a result of this issue to be fairly compensated for their losses.**
-

Background

I was contacted in late February by residents in Lord St Newtown who had discovered they had an ‘unregistered dealing’ on their land titles as a result of unfinalised acquisitions of land under their properties (substratum) for the Sydney Metro City and Southwest tunnel. This is despite some residents having received written notice that the resumption of substratum on their properties is complete.

As long as this issue remains unresolved, it will impact Lord St residents who try to sell or refinance their homes, as well as prospective buyers, as the ‘unregistered dealing’ creates a risk for banks and other mortgage lenders.

This situation has already negatively impacted residents. One resident who contacted me was unable to refinance his mortgage at a significantly cheaper rate with a new bank due specifically to this issue. Another resident recently tried to sell his home, and was told at least one prospective buyer had their loan application rejected due in part to this issue.

Residents were initially told that the recently privatised NSW Land Registry Services (LRS) was waiting on information from Transport for NSW (TfNSW) before it could finalise the titles. However, residents have subsequently been told TfNSW has supplied this information, but LRS has yet to process it (see **Attachment 1**).

Whatever the cause, this issue must be resolved as a matter of urgency. I have contacted the Project Director of the Sydney Metro about this issue, and Newtown MP Jenny Leong has also written to the Minister for Transport and Infrastructure to ask for urgent action. At the time of writing, the problem is still yet to be resolved, which is why I am moving that our Council adds its voice by advocating on behalf of our affected residents.

ATTACHMENTS

1. [Information on Unregistered Titles in Lord St Newtown](#)

ATTACHMENT 1: Information supplied by the office of Andrew Constance MP on 2 March 2018 to the office of Jenny Leong MP for distribution to Lord St residents.

2 March 2018

**Information on the unregistered titles on properties in
Lord Street, Newtown due to delays by the NSW Land Registry Services****Background**

Once the reference design and alignment for the Sydney Metro tunnel were finalised, survey plans were drafted and put into a registrable form. The draft plans were submitted by Transport for NSW to the NSW Land Registry Services (LRS) for pre-examination to see if they were satisfactory for acceptance.

The LRS examined the plans and requested details to confirm the title root for every property and road on the plan back to the first time it was ever gazetted. This included searching chain of title, original gazettals and deeds behind those gazettals (eg, road widenings, splay corners, changes in properties).

Transport for NSW has provided the LRS with this information however it still needs to be processed. Until all requested information is provided to LRS and the plan is finalised/accepted, the reference to an 'unregistered dealing' will remain on the property title.

Once the plan is finalised to the satisfaction of the LRS, Transport for NSW will request that the LRS issue the title excluding the land acquired – this process removes the wording 'unregistered dealing'.

Why did it happen?

The reference to an unregistered dealing on any property title cannot be removed until an acquisition plan is registered. In order to register an acquisition plan, the LRS requires a full historical record of any change to any part of the land affected. This includes road survey information (ie, changes to adjacent roadways if a road was widened).

These changes and delays are not due to Transport for NSW or Sydney Metro and Transport for NSW and Sydney Metro have no control over the timeframes. The delays are a consequence of the LRS.

What are we doing?

The Minister for Transport and Infrastructure, the Hon Andrew Constance MP has referred this matter to the Minister for Finance, Services and Property, the Hon Victor Dominello MP (as the Minister responsible for the regulation of the LRS). The matter has been accorded the highest priority by the Registrar General of the LRS.

Transport for NSW and LRS are happy to speak to any potential purchasers or mortgagees to answer any additional questions they might have about the substratum acquisition process.

Transport for NSW and LRS will also prepare a formal letter and fact sheet that can be provided to affected owners to help clarify the final stages of the registration process with the LRS.

The NSW Government sincerely apologises for any inconvenience caused to residents.

EMAIL sydneymetro@transport.nsw.gov.au
PHONE 1800 171 386
WEB sydneymetro.info



Item No: C0318 Item 11
Subject: NOTICE OF MOTION: WESTCONNEX NOISE AND AIR QUALITY CONCERNS
From: Councillor Pauline Lockie

MOTION:**THAT:**

1. A report be prepared for an Ordinary Council Meeting in April 2018 that:
 - a) Details the costs and other resources that would be required for Council to monitor noise and air quality in the areas around current and proposed WestConnex construction sites in the Inner West;
 - b) Reviews and assesses the current noise and air quality monitoring processes being undertaken for the WestConnex projects by the Sydney Motorway Corporation (SMC) and its contractors, the Department of Planning & Environment (DPE), and the Environment Protection Authority (EPA);
 - c) Identifies any other opportunities that exist for Council to take action to reduce the noise, dust and air pollution residents are being exposed to as a result of WestConnex construction.
2. Council writes urgently to the Premier and relevant Ministers to:
 - a) Communicate the lack of confidence and trust residents in the Inner West have in the Sydney Motorway Corporation and relevant government agencies to protect them from the severe air quality and noise impacts caused by the WestConnex projects;
 - b) Explain that Council has been asked by residents and community groups to investigate conducting its own noise and air quality monitoring as a result;
 - c) Note that responsibility for such monitoring should sit with the state government and its relevant agencies and contractors;
 - d) Ask that they take urgent action to reduce the unacceptable noise and air quality impacts of the WestConnex projects on residents, and improve the processes responsible for the monitoring and regulatory enforcement of these impacts.

Background

Council has received numerous complaints about excessive construction noise, dust pollution, and other air quality issues caused by the WestConnex projects.

These have been raised with the SMC, DPE, EPA and relevant state government ministers on numerous occasions by Council, residents and community groups, yet the issues have continued.

The response to our community from the SMC's contractors has been bland assurances that noise, dust and air quality levels are within approved limits, but residents have no way of verifying this. Council has also acknowledged in its submission to the WestConnex Stage 3/M4-M5 Link project that the conditions set for Stages 1 and 2 (the M4 East and New M5 respectively) can lead to residents experiencing unacceptable impacts even if the conditions are not breached.

The understandable frustration, distress and health issues residents have experienced as a result of not having these serious impacts addressed, coupled with a lack of trust in government authorities to “do the right thing” when it comes to WestConnex, have led residents and community groups to ask Council to conduct its own noise and air quality monitoring in order to verify whether incidences of noise or air pollution are indeed within acceptable limits. These appeals have been made at Council’s own public meetings on WestConnex Stage 3 impacts in Haberfield/Ashfield and St Peters, as well as within the WestConnex Community Liaison Forum convened by Council.

For this reason, I am proposing Council produce a report detailing what this would require in terms of financial and other resources to inform Council as to how to move forward in the best interests of affected residents, and to communicate this to our community.

In preparing this motion, I have consulted with Council officers, who have advised this kind of monitoring is likely to require substantial resources. As a result of these discussions, I am also proposing that as part of this report, Council looks at other ways we could achieve the same objective by analysing existing monitoring processes, and identifying areas where Council may be able to advocate more effectively for our residents to reduce WestConnex’s impacts.

Officers Comments:

Comment from Group Manager Strategic Planning:

As is noted in the background, Council officers have advised that monitoring noise and air quality in the areas around current and proposed WestConnex construction sites would require a substantial budgetary commitment. There is currently no provision made for this work which is currently being carried out by SMC, DPE and EPA. If Council was to take on this work it would potentially duplicate that work.

Council can prepare an overview report on the current processes and the costs and resources that would be required for Council to carry out these activities. This can examine the potential for those processes to be improved. A more detailed report would require a budgetary allocation to be made for expert advice on the issue and would cost approximately \$10,000.

ATTACHMENTS

Nil.

Item No: C0318 Item 12
Subject: NOTICE OF MOTION: DELEGATIONS OF INNER WEST COUNCIL
From: Councillor Rochelle Porteous

MOTION:

That a briefing on delegations be held during March for Councillors followed by a report with recommendations on the delegations that the elected Inner West Council should adopt to come to the first council meeting in April.

Background

The delegations of the Inner West Council have not been reviewed since July 2016, just after the council was forcibly amalgamated. The Administrator chose to delegate everything that he was allowed to delegated under the Local Government Act to the General Manager. This level of delegation is much more extensive that any of the 3 council which were forcibly amalgamated have every entertained and the fact that it has continued with the present democratically elected council means that decisions that should be being made in open council by Councillors are instead being made by staff and the General Manager internally. This needs to change urgently.

Officers Comment

Comment from General Manager:

All available dates for briefings in March have been filled and the next available briefing dates would be 5 or 17 April.

ATTACHMENTS

Nil.