AGENDA



EXTRAORDINARY COUNCIL MEETING TUESDAY 5 FEBRUARY 2019

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

Pre-Registration to Speak at Council Meetings

Members of the public must register by 2pm of the day of the Meeting to speak at Council Meetings. If you wish to register to speak please fill in a Register to Speak Form, available from the Inner West Council website, including:

- 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.

Where Items are deferred, Council reserves the right to defer speakers until that Item is heard on the next occasion.

Accessibility

Inner West Council is committed to ensuring people with a disability have equal opportunity to take part in Council and Committee Meetings. At the Ashfield Council Chambers there is a hearing loop service available to assist persons with a hearing impairment. If you have any other access or disability related participation needs and wish to know more, call 9392 5657.

Persons in the public gallery are advised that under the Local Government Act 1993, a person may NOT tape record a Council meeting without the permission of Council.

Any persons found recording without authority will be expelled from the meeting.

"Record" includes the use of any form of audio, video and still camera equipment or mobile phone capable of recording speech.

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



PRECIS

- 1 Acknowledgement of Country
- 2 Apologies
- 3 Notice of Webcasting
- 4 Disclosures of Interest (Section 451 of the Local Government Act and Council's Code of Conduct)
- 5 Moment of Quiet Contemplation
- 6 Mayoral Minutes

Nil at the time of printing.

7 Condolence Motions

Nil at the time of printing.

8 Staff Reports

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Item No: C0219 Item 1

Subject: CODE OF CONDUCT COMPLAINTS STATISTIC REPORT

Prepared By: Suellen Bullock - Internal Ombudsman

Authorised By: Rik Hart - Interim General Manager

SUMMARY

To provide Council with a report on Model Code of Conduct Complaint Statistics as required by the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

RECOMMENDATION

THAT Council receive and note the report on the statistical data about Code of Conduct complaints relating to Councillors and the General Manager, and, that as required by the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, a statistical report has been provided to the Office of Local Government for the 12 months ending 31 August 2018.

BACKGROUND

Part 12 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW requires that Council's Complaints Coordinator must report annually to the Council and to the Office of Local Government on a range of complaint statistics within three months of the end of each September. The prescribed annual reporting period is from 01 September to 31 August each year. The Internal Ombudsman, Suellen Bullock, and Assistant Internal Ombudsman, Rodney O'Donahue, are Complaints Coordinators for Inner West Council. Under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, the requisite reporting relates to complaints about Councillors and the General Manager only, and not about other Council staff.

REPORT

As required by the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, the following information is provided to Council and has also been provided to the Office of Local Government for the reporting period of 01 September 2017 to 31 August 2018.

a) the total number of Code of Conduct complaints made about Councillors and the General Manager under the Code of Conduct in the year to September

There were ten (10) Code of Conduct complaints made against Councillors and no Code of Conduct complaints against the General Manager. It is important to note that two different complainants each made complaints about three individual Councillors and the conduct reviewer made a different determination in relation to each of the Councillors, the subject of the complaints. Advice from the Office of Local Government's Performance Team is that in circumstances where there was one complainant complaining about, for example, three different Councillors, with different preliminary assessment outcomes being determined by the conduct reviewer, then this should be considered to be three separate Code of Conduct complaints.

b) the number of Code of Conduct complaints referred to a conduct reviewer

There were eight (8) Code of Conduct complaints referred to a conduct reviewer for preliminary assessment. There were an additional two (2) complaints which



were not referred to a conduct reviewer but were resolved by alternative means at the outset by the General Manager.

c) the number of Code of Conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints

There were five (5) Code of Conduct complaints finalised at the preliminary assessment stage. Of these five (5) complaints, the conduct reviewer determined that three (3) complaints resulted in a determination that no action be taken. Two (2) complaints were resolved by the conduct reviewer dealing with them by alternative and appropriate means including informal discussion and explanation.

d) the number of Code of Conduct complaints investigated by a conduct reviewer

During the reporting period, one (1) complaint has been referred for a formal investigation following a preliminary assessment. This investigation is ongoing at the time of reporting.

e) the number of Code of Conduct complaints investigated by a conduct review committee

There have been no Code of Conduct complaints referred to or investigated by a conduct review committee.

f) without identifying particular matters, the outcome of Code of Conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures

As there have been no matters investigated by a conduct reviewer or a conduct review committee, there are no outcomes to report.

g) the number of matters reviewed by the Division and, without identifying particular matters, the outcome of the reviews

As a result of preliminary assessments by a conduct reviewer, two complaints were referred to the Division for consideration. At the time of reporting, no outcome has been advised by the Division.

h) The total cost of dealing with Code of Conduct complaints made about Councillors and the general manager in the year to September, including staff costs.

The total cost of dealing with Code of Conduct complaints is \$18,139.00.

Confidentiality

Clause 13.1 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW requires that information about Code of Conduct complaints and their management and investigation, is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under the Procedures.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

Nil.



PUBLIC CONSULTATION

Nil.

CONCLUSION

As required, the statistical data has been reported to Council and also submitted to the Office of Local Government. By providing this report, Council is notifying publicly the number, type, cost and progress on Code of Conduct complaints relating to Councillors and the General Manager.

ATTACHMENTS

Nil.



Item No: C0219 Item 2

Subject: CHANGE IN PARKING METER OPERATIONAL HOURS IN THE SIDE

STREETS OF LEICHHARDT, ROZELLE AND BALMAIN

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

Prepared By: Manod Wickramasinghe - Coordinator – Traffic and Parking Services

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

SUMMARY

Council at its meeting held 11 September 2018, considered a report on the results of the investigation into altering the parking meter operational hours and introducing 30min free parking into the side streets of Balmain, Rozelle and Leichhardt and requested that further analysis on the consultation be undertaken, and a further report investigating limiting the 30 minute free parking and turning off parking meters at 7.00pm to side street spaces in sections abutting businesses being brought back to Council.

This report recommends that parking meters in side streets not be switched off between 7pm and 10pm, due to:

- · Lack of resident support due to displacement of resident parking
- Potential for motorist confusion due to changes in paid parking hours within a single street with paid parking occurring further away from the main street
- Further decreases in parking turnover in side streets

It is also recommended that the 30 minute free parking not be extended into the side streets to limit shopper parking in residential side streets throughout operating hours of the parking meters. However, in order to provide consistency in the free parking tickets issued, it is recommended that the existing 15 minute parking ticket zones (11 parking meters) be converted to 30 minute free parking zones.

RECOMMENDATION

THAT:

- 1. This report be received and noted; and
- 2. Existing 15 minute free parking zones (11 parking meters) be converted to 30 minute free parking zones.

BACKGROUND

At its meeting held 12 October 2017, Council committed to a policy of turning off parking meters in the former Leichhardt Municipality at 7pm and requested a detailed report on the policy's cost, funding and implementation. At the Council meeting held 13 March 2018, Council resolved that the parking meters on the mainstreets within the former Leichhardt Municipality would be turned off at 7pm and to engage with the community on switching the side street parking meters off at 7pm in addition to extending the 30 minute free parking to the side streets.

Community engagement was completed on this proposal and showed that 61% of respondents supported turning off side street meters at 7:00pm and 69% of respondents supported extending 30 minute free parking to the meters in the side streets. However, it was



clear from the comments received that the objections are primarily from residents who are concerned that switching the meters off at 7pm and introducing 30 minute free parking tickets to the side streets would increase demand for parking in the residential areas and displace resident parking.

The results of the investigation including community consultation results were reported to the Council Meeting held Tuesday, 11 September 2018. Council subsequently resolved:

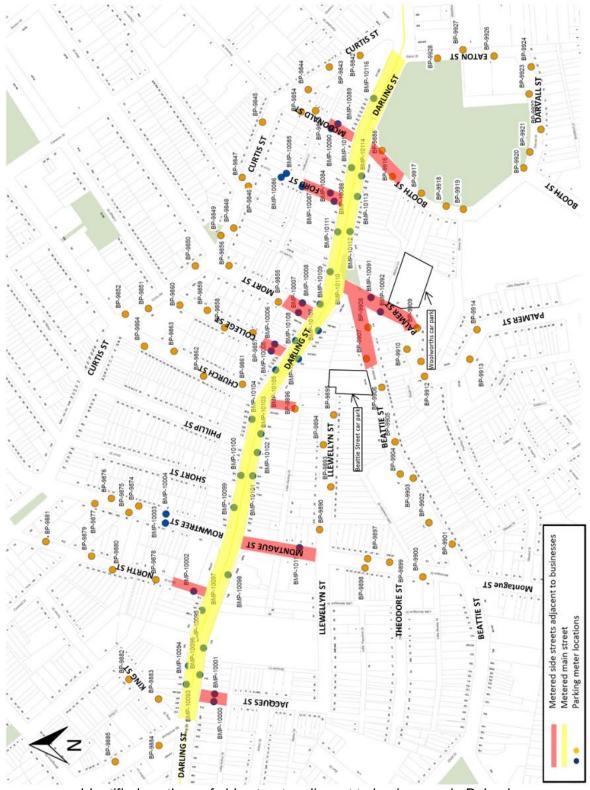
THAT:

- Council defer this matter to allow Council officers to investigate limiting 30 minute free parking and turning off parking meters at 7.00pm to side street spaces and abutting businesses; and
- 2. Further information be provided on the breakdown of submissions from residents of relevant side streets.

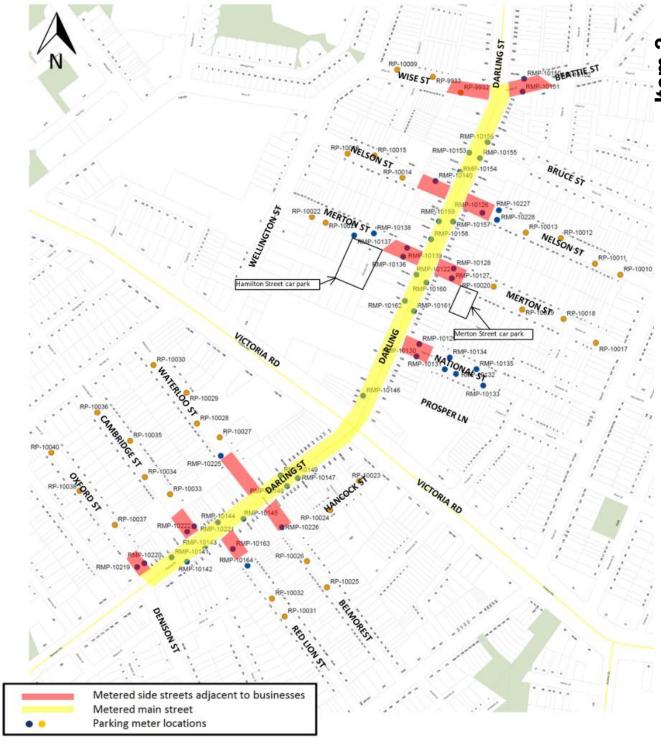
Side street spaces adjacent to businesses

The sections of side streets adjacent/abutting businesses in Balmain, Rozelle and Leichhardt have been identified and are shown on the following three plans.



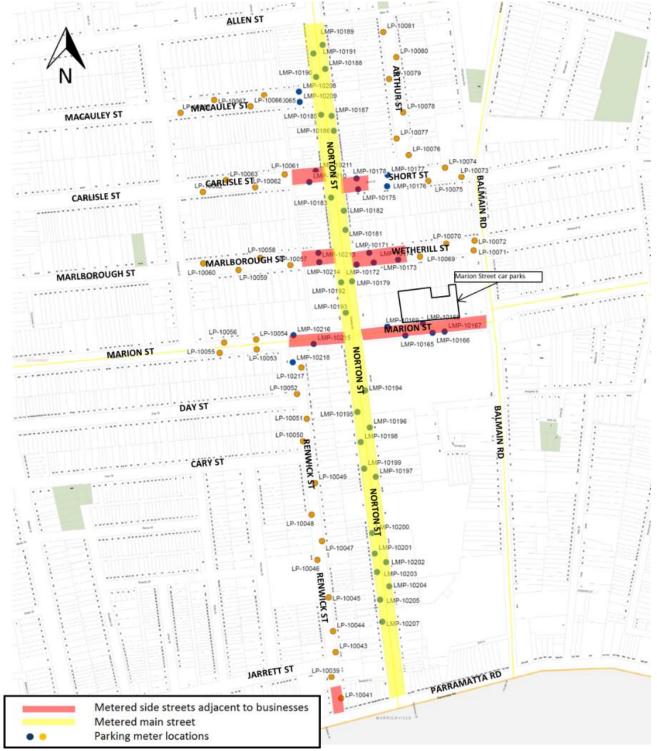


Identified sections of side streets adjacent to businesses in Balmain



Identified sections of side streets adjacent to businesses in Rozelle





Identified sections of side streets adjacent to businesses in Leichhardt

FINANCIAL IMPLICATIONS

In the 2018/19 financial year, Council budgeted to receive \$3,896,000 revenue from its parking meter management strategies following the reduction in operating hours of main street parking meters in Leichhardt, Balmain and Rozelle.

a) Turning off parking meters at 7pm (in sections of side streets adjacent to businesses)

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 and extrapolating potential losses over a year.



The modelling previously presented to the March 2018 Council Meeting has been updated to only consider meters in the identified sections of side streets adjacent to businesses and is shown in the following table.

	Side Streets
Estimated Meter Revenue	\$116,000
Potential Lost Fine Revenue	\$26,000
Total	\$142,000

A one-time additional cost of approximately \$8,000 would be required to re-program parking meters, change tariff labels, supply and install new signage.

This matter would also require Traffic Committee approval to alter regulatory signage in the side streets.

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

The potential parking meter revenue loss of extending 30-minute free tickets into the identified sections of 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 parking meter revenue loss of approximately \$64,000. This potential loss will increase if motorist behaviour 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 were for 'not displaying a ticket'.

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

Subsequently, the total per annum cost of implementing the proposed amendments of both switching off the side street meters at 7pm and extending the 30 minute free tickets into sections of side streets adjacent to businesses is estimated at \$206,000.

OTHER STAFF COMMENTS

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 car parking for business customers
- Discourage illegal / overstay parking
- Discourage commuter parking
- Encourage the use of public transport.



A number of nearby Councils in Sydney operate parking meter schemes including; City of Sydney, Waverley, North Sydney and Woollahra.

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.

Current Parking Meter Operation

Existing hours of operation of the parking meters in the main streets of Leichhardt, Rozelle and Balmain now span from 8.00am to 7.00pm, 7 days per week. Parking on the main-streets requires a motorist to display a paid or a 30-minute free ticket. There are 70 main street parking meters in Leichhardt, Rozelle and Balmain.

Existing hours of operation of the parking meters in the side streets of Leichhardt, Rozelle and Balmain span from 8.00am to 10.00pm, 7 days per week. Parking on the side streets requires a motorist to display a paid ticket, 15-minute free ticket (only operating for 11 parking meters in locations adjacent to the mainstreets) or valid parking permit. There are 214 side street parking meters in Leichhardt, Rozelle and Balmain. Residents in the metered side streets are eligible for parking permits which provide preferential parking by exempting them from parking meter payments and time limits on the parking control signs.

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. Between 2013 and 2017, 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. The 30 minute parking represents 86% of parking tickets currently issued on main-streets.

Parking Management Impacts

(a) Turning Side Street Parking Meters off from 7pm-10pm in sections adjacent to businesses

Advantages include:

- Allows additional free parking for resident visitors without requiring use of visitor parking permits
- Allows additional free parking for shoppers on the side-streets for night-trade businesses

Disadvantages include:

- Meter revenue loss is estimated at \$116,000 pa based on current user behaviour and is likely to also affect fine related revenue by \$26,000 pa.
- Proposal will encourage shopper parking in side streets and this will potentially displace resident parking.
- Creates inconsistency amongst side street parking meter restrictions which may lead to motorist confusion and resulting infringement notices.
- A motorist can currently obtain a parking ticket from any meter in the street. When a
 parking meter experiences a technical issue, this allows a motorist to obtain a ticket



from an adjacent meter. Without this functionality, it is likely that a motorist may assume parking meters are not working if they attempt payment from a meter within a zone with ticket parking finishing at 7pm, although the motorist parked outside this zone in an area restricted to 10pm.

(b) Extension of 30 minute free tickets to sections of side streets adjacent to businesses

Parking meters which issue 30 minute free parking tickets are limited to the mainstreets of Leichhardt, Rozelle and Balmain. There are also 11 parking meters in commercially zoned side streets adjacent to the mainstreet 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.

Disadvantages include:

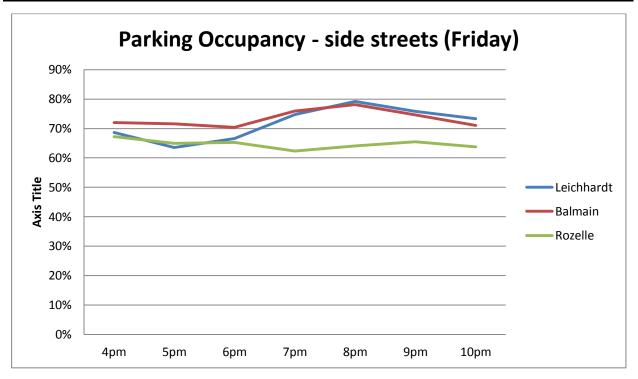
- Meter revenue loss is estimated at \$64,000 based on current user behaviour and may also affect fine related revenue
- Proposal will encourage shopper parking in side streets and this will potentially displace resident parking.
- Creates inconsistency amongst side street parking meters in the former Leichhardt LGA

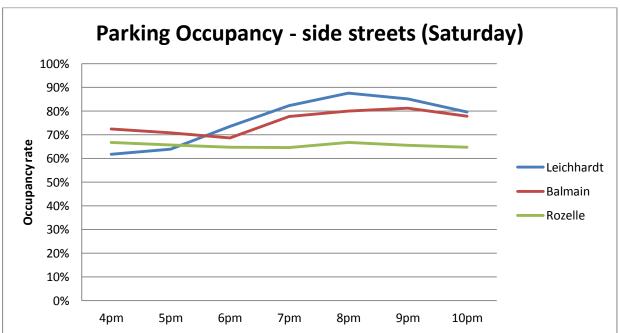
Parking Study

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 following graphs outline the parking occupancy rates in side streets of Leichhardt, Rozelle and Balmain on a Friday and Saturday night in ticket parking areas.







The graphs from the current parking survey shows that parking occupancy in the side streets of Leichhardt and Balmain are very high. 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.

There is still a strong evening demand for parking within each of the shopping centres and this needs to continue to be managed through effective parking management strategies.

Altering the operational hours of any of the existing parking meters in the side streets to shut off from 7pm will likely reduce parking turnover near the mainstreets as motorists would be able to park for free from 7pm to 8am the following day. Noting the side streets are predominantly residential, this may then displace resident parking.



PUBLIC CONSULTATION

Council previously engaged the local community on parking meter changes in Leichhardt, Balmain and Rozelle side streets.

The engagement was promoted through:

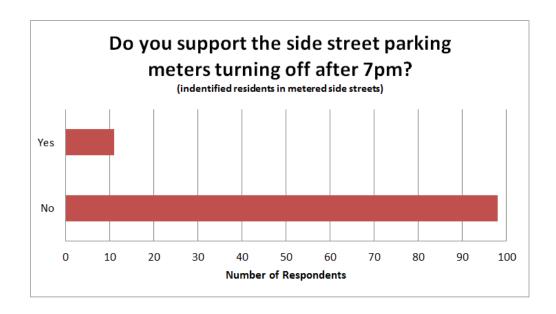
- Letter distributed to residences in Balmain, Leichhardt, Rozelle, Balmain East, Birchgrove, Lilyfield, Annandale and Haberfield (total 27,300).
- Letter distributed to businesses in Norton Street, Leichhardt and Darling Street, Balmain and Rozelle (total 1,200).
- Letter to Leichhardt/Annandale Business Chamber and Balmain/Rozelle Chamber
- Media release, social media
- · Council's column in the Inner West Courier
- · Council's enews and Your Say Inner West enews

The engagement was open from 3 April to 20 May 2018 and a total of 338 surveys responses were received.

A detailed Engagement Outcomes Report is included in **Attachment 1**.

A majority of respondents supported turning off meters at 7:00pm (61% of respondents) and a majority also supported extending 30 minute free parking (69% of respondents) to the meters in the side streets.

Further analysis of the detailed comments provided by respondents indicated that at least 109 of the 338 comments (32%) were from residents in the affected side streets of Balmain, Rozelle and Leichhardt. Of these submissions, only 10% supported switching off parking meters at 7pm in the side streets and 28% supported extending 30min free parking into the side streets. These results are shown in the following graphs.







Residents in the metered side streets are eligible for parking permits which provide preferential parking by exempting them from parking meter payments and time limits on the parking control signs.

These residents have commented that parking levels in the side streets are already at capacity and by removing the ticket parking restrictions at 7pm, residents would have to compete with visitors/shoppers for the remaining parking spaces.

Those who support the proposal mainly believe it will support local business, bring in visitors and help revitalise the main streets. The two local business chambers made submissions of support which are also shown in **Attachment 1**.

It should be noted that although the current investigation limits changes to the sections of side streets adjacent to businesses, there will still be an impact on resident parking in the side streets.

CONCLUSION

Based on the investigation and consultation outcomes three options are presented.

- Option A Retain existing metered parking restrictions in Leichhardt, Rozelle and Balmain and alter existing 15 minute free parking zones (11 parking meters) into 30 minute free parking zones.
- Option B Modify operational hours of parking meters in the side streets of Leichhardt, Rozelle and Balmain <u>adjacent to businesses</u> to switch off at 7pm to match the current operating hours of the main street parking meters and alter existing 15 minute free parking zones (11 parking meters) into 30 minute free parking zones.
- Option C Modify operational hours of <u>all</u> parking meters in the side streets of Leichhardt, Rozelle and Balmain to switch off at 7pm to match the current operating hours of the main street parking meters and alter existing 15 minute free parking zones (11 parking meters) into 30 minute free parking zones.

It should be noted that Traffic Committee review would be required for Council's referred option.

Although the community engagement showed that the majority of respondents supported turning off side street meters at 7:00pm and extending 30 minute free parking to the meters in the side streets, further analysis has shown that directly affected residents in the side streets



do not support the changes due to the increased demand for parking in the residential areas and subsequent displacement of resident parking. Although Option B limits the impact to sections of side streets adjacent to businesses, there will still be an impact on resident parking in the side streets.

From a parking management standpoint it is difficult to justify paid parking in side streets after 7pm whilst it remains free in the adjoining main streets. It is however acknowledged that restricting only sections of side streets may cause further confusion to motorists and could result in motorists being fined for not paying the meter.

It is also acknowledged that the change in main street meter operating hours was a significant change and the resulting disruption to parking turnover is still being assessed with a further report outlining the outcomes of the review to be presented to Council in 2019.

It is therefore recommended that parking meters in side streets not be switched off between 7pm and 10pm, and that 30 minute free parking tickets not be extended into the side streets adjacent to businesses due to:

- Lack of resident support due to displacement of resident parking
- Potential for motorist confusion due to changes in paid parking hours within a single street with paid parking occurring further away from the main street
- Further decreases in parking turnover in side streets

However, in order to provide consistency in the free parking tickets issued, it is recommended that the existing 15 minute parking ticket zones (11 parking meters) be converted to 30 minute free parking zones.

ATTACHMENTS

1. Engagement Outcomes Report - Parking Meters Changes - June 2018





Engagement Outcomes Report – Parking Meters Changes

Summary

Council engaged the local community on parking meter changes in Leichhardt, Balmain and Rozelle side streets. A majority supported turning off meters at 7:00pm and extending half hour free parking to the meters in the side streets, although there was also strong concern about possible impacts on already limited resident parking. The two local business chambers made submissions of support.

Background

On 13 March 2018 Council voted to turn off the main street parking meters after 7:00pm in Leichhardt, Rozelle and Balmain to help breathe new life into the dining and cultural precincts.

Council also voted to engage the community before considering whether to:

- Introduce 30 minutes free parking to meters in side streets
- Turn side-street meters off at night after 7.00pm

Meters are located in a number of side streets off Norton Street Leichhardt, Darling Street Balmain, Darling Street and Balmain Road Rozelle.

Promotion

The engagement was promoted through:

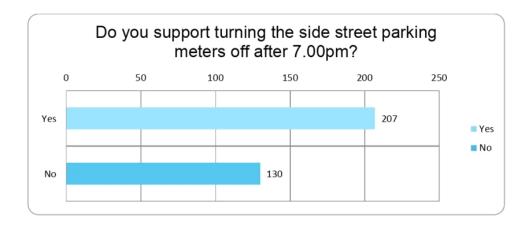
- Mayoral letter distributed to residences in Balmain, Leichhardt, Rozelle, Balmain East, Birchgrove, Lilyfield, Annandale and Haberfield (total 27,300).
- Mayoral letter distributed to businesses in Norton Street Leichhardt and Darling Street Balmain and Rozelle (total 1,200).
- Mayoral letter to Leichhardt Annandale Business Chamber and Balmain Rozelle Chamber
- · Media release, social media
- · Council's column in the Inner West Courier
- Council's enews and Your Say Inner West enews

The engagement was open from 03 April - 20 May 2018.



Engagement outcomes

In total 606 people visited the Your Say Inner West project page *Parking Meter Changes* and 338 surveys were completed. The vast majority of respondents were from local suburbs including Leichhardt, Balmain, East Balmain, Rozelle, Birchgrove and Lilyfield, (265), with the rest from other parts of the LGA (35) or outside the LGA (remainder).

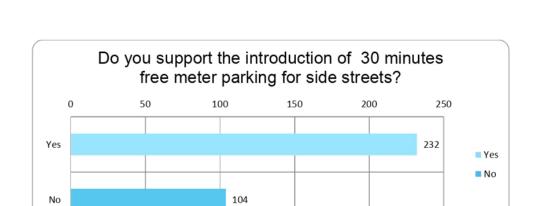


Comments:

Those who support the proposal mainly believe it will support local business, bring in visitors and help revitalise the main streets. There were also comments about the need for more disability spaces, more support for revitalisation, requests for earlier or total free parking, requests for additional parking restrictions or permits, and some calls for a trial.

Those who do not support the proposal believe it will make it even more difficult for residents to park, particularly those who don't arrive home until after 7:00pm. Other comments suggest limiting to one car only for each property including businesses and encouraging public transport.

All comments are listed at the end of the report.



Comments:

INNER WEST COUNCIL

Those who support the proposal mainly believe the extra half hour parking is an incentive to make a quick visit to businesses.

Those who do not support the proposal are concerned about limited resident parking.

All comments are listed at the end of the report.



Invitation letter to residents and business owners - front



Wednesday, 28 March 2018

Dear Residents and Business Owners

At the election, I promised to make parking fairer. Your newly elected Council is now delivering on that promise.

Free parking after 7:00pm for Norton Street Leichhardt, and Darling Street in Rozelle and Balmain

I'm very pleased to announce that Council will turn off main street parking meters after 7:00pm in Leichhardt, Rozelle and Balmain to help breathe new life into our dining and cultural precincts.

Council has also voted to support my policy of no new parking meters anywhere in the inner west.

This change to parking meters will send a clear message to visitors and residents that our area is open for business.

We must bring back the vibrant main streets the inner west has always been famous for

We have also made sure that the lost revenue will be funded through efficiency savings in 2017/18 Budget and not increases in parking or permit fees.

Turning off meters in side streets and extending 30 minutes free parking

Previously as Mayor of Leichhardt, I introduced 30 minutes free parking in our main streets

Council is now considering extending 30 minutes free parking to side streets and turning off parking meters in the these streets from 7:00pm.

This needs to be carefully considered to make sure residents are not adversely affected.

Our Community Engagement and Traffic and Parking teams are working together to conduct this consultation and we want to hear your views.

Residents and businesses are invited to provide feedback on the proposal by 13 May 2018. For more information about how you can have your say, please see the back of this letter.

I am very pleased to be able to deliver on this major promise to our residents and business owners, and I look forward to revitalising our night-time economy.

Yours sincerely

CIr Darcy Byrne Mayor Inner West Council



Invitation letter to residents and business owners - back

Further information

Meters are located in a number of side streets off Norton Street, Leichhardt and Darling Street, Balmain and Rozelle. View maps showing the parking meters and the Council reports online at www.yoursayinnerwest.com.au.

For further enquiries please contact John Stephens, Traffic and Transport Services Manager, Ph. 9392 5039.

Have Your Say

Council invites you to have your say on the proposed extension to meters in the side streets of:

- free parking after 7:00pm
- · 30 minutes free parking

Tell us whether you support either or both proposals and why.

There are two ways you can have your say:

- Online at <u>www.yoursayinnerwest.com.au</u>
- In writing to Council: Inner West Council PO Box 14 Petersham NSW 2049 Reference: 18/6347

Submissions close 13 May 2018.

Next steps

All feedback will be reported to a Council meeting where the decision will be made whether to turn off meters after 7:00pm and/or extend 30 minutes free parking to meters in side streets.



Your Say Inner West project page



Parking Meter Changes



Background

On March 13 2018 Council voted to turn off the main street parking meters after 7:00pm in Leichhardt, Rozelle and Balmain to help breathe new life into our dining and cultural precincts.

What is happening now?

Council is considering:

- Introducing 30 minutes free parking to meters in side streets
 Turning side-street meters off at night after 7.00pm

Meters are located in a number of side streets off Norton Street Leichhardt, Darling Street Balmain, Darling Street and Balmain Road Rozelle.

Maps showing location of the impacted parking meters:

- Parking meters_Balmain
 Parking meters_Leichhardt

Have your say

Council invites you to have your say on the proposed changes using the form below

The last day to provide feedback is Sunday 20 May 2018

What happens next?

All feedback will be reported to a Council meeting where a decision will be made whether to turn off meters after 7.00pm and/or introduce 30 minutes free parking to meters in side streets.

Contact details

For further enquiries please contact John Stephens, Traffic and Transport Services Manager on 9392 5039.

Parking meter changes 18/6347

Please use the form below to have your say on the parking meter changes. If you leave your email address we will let you know when the matter goes to Council.

CLOSED: This engagement has concluded. Thank you to everyone who contributed.



Decision by Council



All comments

Comments from those who support turning off meters at 7:00pm

I think that this is a very good idea to encourage dining.

Yes this is great but there are lots and lots of families that go out to dinners at 5:30 PM. It would be great if this starts at 5:30 instead. Just thinking about all the families going out earlier than 7PM.

Thanks

Because will help the business that opens after hours and family members that come to visit residents, saving the embarrassment of reminding them the parking meters to refill

Will help families and Business

I understand this has already been announced, and I think it makes sense. Free anything, particularly in non-peak periods, is welcome. However, a first best option would be to provide free or cheaper underground parking so that valuable street space is not clogged up by stationary cars. It would also be good to consider other reasons for flagging night life in the area, and provide a mix of access options (for those who live more than 5-10km away, parking is a key consideration, but it may be good policy to incentivise other options for local residents within walking or short cycling distance, to avoid unnecessary road congestion and increase foot traffic to businesses along the way). For example, it would be good if shared footpaths or separated cycle lanes were built to compensate for the loss of space on side streets from parked cars. Otherwise, cyclists for example will have to take up a traffic lane to avoid parked cars and the risk of dooring and this could annoy drivers.

The restaurants are empty and the nightlife is generally non existent. I live in walking distance to Leichhardt & Rozelle but even then would opt to drive to a more happening location. My friends don't want to meet around here because parking can add extra to an already expensive meal in a quiet/no atmosphere venue

I have lived in the area since the late seventies the meters and parking restrictions have definitely had a huge and negative impact on the local businesses.

They have also forced visitors to find parking in side streets thus making it much harder for residents without a carport/garage to park in the vicinity of home.

This is a wise decision and will hopefully ,as stated breathe new life into the area.

Hope it goes ahead as planned.

Please also note: there needs to be more disability parking spaces.

And the part-time loading zone outside Woolworths Balmain is very misleading to the general public and disability drivers in particular. It is generally thought of as a 'revenue raiser' by locals. The shops it services mostly have rear entrances.

It is definitely a good start and I fully support it.

We would go and eat locally more often if the meters were turned off at 7pm in the side streets as there isn't enough parking on the main streets to accommodate all the cars.

I believe it is essential to bring back life to suburbs like Leichhardt and Balmain. Expensive parking we have here now is one of the main reasons people choose to dine elsewhere.



This will ensure consistency with the parking meter arrangements on Norton St, and minimize confusion. It is great to see Council implement these long over-due changes to revitalize the area

I think it will help bring people back to Leichhardt in the evenings. Leichhardt used to be such a vibrant place and it would be good to see the strip return to that vibe.

It will assist to return Leichhardt to it's former glory!

This will encourage residents and villagers to frequent restaurants, bars and pubs in the area. I want our local businesses to thrive

Otherwise you will create congestion & competition as people fight for Main Street free parking after 7pm. Make it fair for all people & encourage more people to park in side streets.

I think this would support the Business night life of the area - particularly the eateries that cater for families

A great idea, and will bring more people into the restaurant precincts at night.

Parking is always at a premium on Darling Street so this will help.

Leichhardt has be choked of all life by the introduction of harsh parking restrictions. Parking restrictions outside of business hours should de eradicated to welcome visitors and business for restaurants which are constantly closing due to a non-existent night time pedestrian traffic. Although I support this move, I am very disappointed about the newly added parking restrictions on my street (now the whole street) which has a 2 hour limit until 10 pm, 7 days a week. This is preposterous and is a hypocrisy to the planned measures mentioned above. It means I can't have visitors over after business hours without them watching the clock and in fear of getting fined. It is ruining a once vibrant and great place to live.

People from other areas avoid coming to Balmain to dine, as they need to keep feeding greedy parking meters

As long as there remains a 2 hour limit unless a resident.

This will definately make me dinning much more often in Rozelle, Balmain, Leichhardt, which I rarely do, due to having to pay for parking. I just can't afford it.

I think this should be as a trial only, say, for 6 months to determine the impact of this change through a reassessment

Thank you, i can now have dinner and park on the mainstreet

I will definitely visit these areas at night time now that parking is free

Yes, restaurants have been dying on a regular basis and parking is prohibitively expensive for people to come and enjoy our neighbourhood.



Excellent thing to do. This measure makes visiting the shopping precincts of the area more attractive.

Because for the people have a business they can have a customer after 7pm free parking.

This would be amazing. I often cannot park in my own street after 7 and have to then pay for parking on the next street just to park and go home. It is crazy that I cannot park on my own street because of the different zoning and doing this would resolve this issue.

FINALLY SOME ACTION FROM COUNCIL TO BRING PEOPLE BACK, WE NOW ALSO NEED 1 HOUR FREE INSTEAD OF 30 MINUTES TO GET PEOPLE BACK DURING THE DAY SHOPPING, ALSO PLEASE INTRODUCE A WAY TO ADD THE FREE 30 MINUTES TO YOUR PAYMENT IF YOU PLAN TO STAY LONGER THAN THE FREE PERIOD............. THIS WILL ALSO ENCOURAGE LOCALS AND VISITORS BACK....

It will help attract patrons for businesses such as the cinema in Leichhardt, and restaurants.

This would be great as currently friends from other suburbs are reluctant to join us for dinner in Leichhardt because they will have to pay for parking

Leichhardt is dead since the meters were introduced the vibrancy disappeared Shopkeepers are struggling considering they pay approx 6times more Visitors don't come due to getting booked from over zealous parking officers Hoping our present council can work through this

Great idea.

Although it might be harder for residents on weekend nights it would also be good for us having guests to not have meters on at night. Only problem is we are near the hospital and parking needs to be available for emergencies

Great idea. I hope it works.

hi, im lauren. ive lived in balmain since 2006 with my mum. we live together and love sharing a meal at any of the many restaurants balmain has to offer. it would be so beneficial for many people like me and my mum to go out more often.

Thank you!!

Wonderful idea

The worst thing is to be enjoying your dinner and having to run out and put more money in the meter. Great work Council

I would be much more likely to visit these areas if the parking was free

Great idea 👈



Quite frankly it is at least 10 years too late. The area has been dying for the last 10 years and it mostly has to do with the Gestapo type behavior of parking meter personnel on orders from Leichhardt Council. There are probably KPI's for parking! I have observed them (2 together) putting a ticket on the only car parked on that part of Norton Street, in the middle of winter, on a freezing cold night with no one around. When I asked them what they were doing they said the person was out of time. I said, "continue doing that and you will be out of time". That was 3 yrs ago. There is carpark off Catherine Street and the parking personnel come in cars to catch people parking front to kerb because 'there is a bike track' in the most ridiculous place. No one on a bike would ever ride there. It is straight out revenue raising. You could not go to the movies and have a meal because of the strictness of the parking personnel. I feel sorry for the businesses in Leichhardt but unfortunately its a bit like Telstra, who treated customers poorly. We have moved on and will not be going back. There are lots of other local places to go now. Norton Street is doomed. It has lost the Italian flavor that people loved to go there for, thanks to decisions and behavior of Leichhardt Council management. It used to be a fun, busy and exciting place to go. Now it is sad and dying bit by bit every week.

We are extremely surprised that such a large council has still not installed container recycling machines under the NSW government's "Return and Earn" scheme. Every single shopping centre in this council's jurisdiction should have such a recycling machine at the entrance to the shopping mall. A good spot in Ashfield would be just outside the entrance to the mall and library. People can then deposit recyclable containers before entering the mall or library which would result in less rubbish in street bins which currently overflow and look unsightly. Children in particular are very disappointed at not being able to obtain their refunds and help save the planet at the same time.

Parking for local restaurants without the stress of thinking you may get a ticket. Encourages people to come and support local businesses at night

It is essential that local residents who are too far from home to walk have the benefit of visiting local restaurants and pubs without being penalised by the cost of parking in their own area.

The Mayor's letter doesn't state what time the parking meters will then switch back on in the morning? Also for consideration, are the streets further away that have 2 hour parking limits set for evenings eg. Francis St has a parking limit of 2 hours between 6pm-10pm, 7 nights of the week. These parking limits should also be lifted completely.

The main problem is during the day. 30 minutes free parking near norton st is not long enough it should be one hour. I tried to buy shoes for my two kids at billy lous in Leichhardt and it took 40 mins. So stressful returning to car and meant I could not stop for bread or at chemist. The shops on norton st are suffering.

dear sir this is a good start there is lots more that can be done

The number of actual parking spaces on the names streets is very limited. The few side street parking areas which have the exact same parking conditions as those on the main streets should also be treated the same and turned off after 7pm.

It would be far more enticing / relaxing when dining in the area



Conditionally (in relation to side streets).

- 1. What measures can Council put in place to ensure that the people using these car parks are actually going to restaurants/shops? the unintended consequence is that the spaces are taken up by people visiting the area for different reasons that do not add value to the community
- 2. Lines need to be painted to maximise the number of parking spaces we do not want people parking with little regard to others (it is very frustrating that there are no lines and a chronic undersupply of spaces simply because people take more space than they need). This still needs to be policed by regulatory service officers.
- 3. The trial is reviewed after a period of time what criteria does council consider appropriate to determine whether this decision is driving the outcomes that are envisaged and when can it be measured? The restaurants need to commit to provide data to support this assessment (ie patronage or revenue, by day/time). Does Council have benchmarks to measure against?

Dont live there but would imagine residents need exemption permits. Even after 6.00pm might allow families with young children to frequent the area?

our visitors should be able to park for free if they want to stay overnight. We should also be getting free additional visitor parking passes.

This will encourage people back to these areas for dinner.

Great idea. Makes using facilities in these areas more affordable.

This is needed for king street Newtown

It should be from 6pm not 7pm to encourage patronage of local businesses and to breathe life back into the area which has suffered with draconian metered parking and over zealous parking rangers. People have avoided coming to Norton St for this reason.

This is great news for the area and will be welcomed by businesses and visitors alike.

Doing so would mean that we return to the restaurants in Norton St.

There are very limited parking spots on norton st, hence the need to turn off the meter on side streets to make this initiative effective.

Good when accessing the area for dinner/movies etc at night time.

should be extended ato newtown as well

Also recommend that the side street parking should be FREE after 7pm.



Also recommend that the side street parking should be FREE after 7pm

Helps evening trade

I would turn off the parking meters from 16.00 - having them on until 19.00 serves no purpose. If the purpose of turning off parking meters is to encourage locals to go out and about and spend money with local businesses, then having the parking meters on until 19.00 excludes any families with younger kids, who may want to be getting the kids home by about 19.00, not setting off for a night out at 19.00.

if it helps local restaurants it is a good thing

I agree with the initiative. It would encourage more activity at night and liven up Leichhardt again. I would like to see the meters turned off after 6pm so people with young families can also embrace Leichhardt dining.

It is very costly to park on the side streets, and this just pushes the traffic further out to the free parking streets anyway. It doesn't reduce the amount of parking as the public transport isn't great to Norton street, so customers need to drive. Also, picking up restaurant takeaway is not easy as have to park far away and walk or have someone wait in the car.

People should be encouraged to come to the area and spend their money on businesses

Residents who do not have parking permits have no where to park

Leichhardt use to have a vibrant restaurant atmosphere. Norton street was a great place to go out and have access to great food. In the past 10 years this has dropped significantly and it's such a shame because Leichhardt is a shell of its former self. Turning off parking meters after 7 might encourage people to come back to the suburb (but it has to be widely advertised). We also need more restaurants. The Italian Forum also requires activities/restaurants to bring people back to it

As a resident of balmain and not entitled for a parking permit, this would help out so some degree. Restriction should be reduced for weekends on the side streets that are not so central to the main strip of balmain.

Meters should be turned off at 6pm everywhere in Leichhardt precinct. Residents should have access to parking permits equal to the number of cars registered to a Leichhardt address.

There are not always enough parks on Norton St or Darling St in the evening when you want to go and eat at a restaurant so you would have to pay to park in the side street thus defeating the purpose of turning the meters on the main streets off. Plus people who would normally park on the side streets would park on the main street to avoid paying for parking and take away many of the spots that restaurant, cafe and cinema goers would otherwise use.



Great initiative.

How about placing restricted park in all Leichhardt streets (Edith Street in particular). Parking is getting worse and will continue to do so given the mega development on the corner of Flood and Allen Streets. Restricted parking is the only option and will stop cars being left in the street for weeks on end and limit households with 4 + cars and on street parking only. Eg 116, 108, 103, 102, 100 Edith Street.

Although the main street meters going off at 7pm is wonderful, it's not enough parking for the number of people your trying to attract to these areas. Palace cinema on Norton street, for example, attracts hundreds of people at a time, many of whom like to go for food before/after their movie. Opening up side streets to free parking after 7pm would greatly enhance a night out, and enliven the area and boost local businesses

I totally agree with turning off the meters and wish they weren't there at all . 6pm would be better as to have friends and family pay to park when visiting or have to park quite a way away if they don't want to pay is ridiculous. I have paid rates since late 1988 and feel that having meters in side streets a money making scheme rather than an initiative that supports your residents in any way that is positive.

The ability to park for free in areas close to cafés, restaurants, pubs and other shops provide a huge incentive to make the effort to drive to these locations.

There is something wrong with your website/this page. This is the fourth time I've tried to get through. Last time in mid reply the page disappeared.

I'm an over 65 yr old female, reluctant to hang about bus stops waiting for busses so I go to dinner with friends and Town Hall meetings using my car. Darling/Norton Streets can be difficult to park in due to traffic and capacity. Side streets work better for me.

Keeping the system consistent with the main street.

This will definitely help when spots are not available in Darling Street

Yes, it is hard to have guests come to our house in the evening or stay over when there is timed and metered parking. One local business owner has said to me even after 5pm, as is after business hours would be a help also.

People should be able to attend restaurants etc or have visitors over at night with our parking restrictions

As a younger person living in Balmain it can be quite lonely as the majority of people my age are being forced to move further away. It would be nice to have friends over more often as most people are turned off visiting due to parking meter expenses.

Its very confusing for everyone to have some areas off and some areas on - council needs to either have all off at 7pm, or all on at 7pm. A car parked on the Darling st side of the Unity Hotel in Balmain pays for parking where a car on the Beattie st side has to pay!

Side street businesses at the weekend need customers to relax at dinner and a drink without having to go top up meters , its killing Balmain



yes if the main streets are turning off, makes sense that the side streets do.,

I have observed the decline of patronage to Leichhardt restaurants over the past 5 or more years. The intimate family operated Italian restaurants that were "Leichhardt" have disappeared and not been replaced. Leichhardt as an Italian venue for gastronomy has died a slow death. Witness the Italian Forum, once a thriving Italian inspired eatery, now a sad reflection on it's former glory.

What happened ? Easy, the Leichhardt council's shortsighted introduction of after hours meter parking no doubt brought about by a hasty grab for cash.

Well done council you have killed the restaurant trade in Leichhardt! Now it's "let's save the restaurants in Leichhardt". Is it too late? No it can be revived but don't be parsimonious switch the meters off at 6pm and give the 30 minutes free parking in the side streets.

Don't do it by stealth to cover councils mistakes from the past. Advertise loud and wide that council has switched off the meters and welcomes diners who can park freely.

Councils rewards will come with a re-awakening of the restaurant scene and a re-introduction of life to Norton street. When I walk down the street I will see busy restaurants not half empty ones like now.

It's absolutely imperative, Main Street is not enough. Secondly you should turn them off from 6pm if you are really serious. Young families head out to dinner earlier

Great for patrons of restaurants

This would attract people to Leichhardt for dinner and the cinema. I live in walking distance too Norton St but friends who would need to drive to Leichhardt are currently reluctant to have dinner here due to the cost of parking. This would make a big deal fference.

You have made a good start but need to go one step further and turn off the side street meters after 7pm as well. Also the 30 minute free parking needs to be extended to side streets. This is the only way you are going to encourage business back to the area and make these main streets a vibrant hub for dining, shopping and stopping for a drink or coffee.

Great idea. The parking in Norton Street is limited, so alleviating this demand by making the side streets also free would be great.

As a resident of many years when driving home I sometimes want to make a quick stop at the shops under 30 mins.lf I can find a park in the 30min Main Street zone I stop.

If I cannot I keep going not wanting to fiddle around with coins or card and resenting somewhat that I have to pay for the privalage of shopping locally.

It's a great idea for businesses around the area and for people going out to these restaraunts at night.

Meters on side streets have been effective during the day. There is no need for them at night.

In the Leichhardt CBD there is very little room for parking on Norton Street anyway because of bus stops, entrances, etc. I noticed, on a recent Saturday night at the movies, Wetherill Street (for instance) where the meters were still active, had more than half empty spaces. It seemed to me then, in terms of rejuvenating the commercial strip, there was little point in turning off the meters in the main street only without extending it to these side streets also.



There is insufficient parking on the main streets to meet the needs of people using restaurants, cinemas etc.

Popping out for a drink or dinner or shopping I still often have to park in side streets after 7.00 pm. Turning the side street metres off would be a help!!

I would be happy to parking meters to be removed completely from Oxford Street.

It would be good for visitors not to need to feed the meter after 7pm.

Yes this is important as there is limited parking available on Darling St. We need to keep supporting these local businesses. This isn't going to stop local residents being able to park, it will hopefully go a little way to help make Balmain and Rozelle vibrant again like it used to be before the parking meters. It is a graveyard after dark.

It is important to have easy access to shops.

This would help considerably to restore the restaurant culture of the inner-city.

It's ludicrous that a meter 5 meters away from another one isn't exempt.

It would mean we could restart meeting friends for a meal at at local restaurant. After the problem with parking in the evenings due to meters we went elsewhere.

I think would be far better for local businesses to take away the parking expense. Its important to keep the streets in Leichhardt, Lilyfield, Rozelle, Balmain vibrant and enjoyable

If you guys were serious about making norton st and the Leichhardt/Balmain area something of what it was, then you'd turn off the meters around the whole district after 6pm! This is one of the big factors as to why these areas have gone to shit in the first place!

It will encourage more people to visit local businesses/restaurants & pubs at night.

This will help support local businesses

But why are the efficiency changes linked to this, does Byrne accept an inefficient council unless there is a photo op in it for him?

Anything we can do to bring more people back to Darling St, the better. The more free parking, the more people will come.

This is a fabulous initiative! Local businesses and restaurants have been decimated by the high charges for parking in our local streets. We need to attract more patrons to restaurants in Leichhardt and this will help.



Support local business and encourage people to go out.

If the main reason for having parking meters in residential streets is to stop people parking there and then continuing their commute via public transport, then there is no need to continue metered parking past core business hours. Turning the meters off in the evening should entice more people to use the high street businesses.

Will expand the benefits of the existing initiative, and reduce the amount of cars driving along Norton St looking for a free park.

This will encourage people to come. If it stays just in the Main Street there will not be enough parking as there is limited parking spaces on Darling Street. Residents who are saying it will impact their parking. This is not a factual statement. These residents chose to live where the property does not provide parking. Street parking does not just belong to residents. They can't have the increased business and parking exclusively for them. They have not purchased this parking and it belongs to the whole Community. Thanks

Comments from those who do not support turning off meters at 7:00pm

Prior to allowing this, there MUST be a provision that each property "nominate" only ONE car for this ability (motor cycles excluded)- this will prevent congestion. There are many who park their truck/business ,company, boats and trailers together with their private car.

It should be 6pm.

It's going to take a lot more than free parking to revive Norton Street after the destruction caused by pathetic planning by council. What did you think would happen if you introduced parking meters on the street and then allowed a huge shopping complex with free parking. People drive straight into the shopping centre and don't leave it. THAT is why the rest of the street is dead. Surprise, surprise! Norton Street is finished. The food is terrible, all the old Italian delis and specialist businesses have gone all due to terrible planning and there's no going back. Even the streetscape is ruined by corruption and total lack of imagination on council's part. You haven't even been able to fix the constant traffic problem that has arisen from allowing both lanes to turn into the shopping centre carpark. Who's idea was that I wonder!

Because I live in Elswick Street and for 15 years you have been ignoring our request for resident parking while every other street has it .

Get your priorities right - look after residents first not visitors from out of area. Elswick Street is a dumping ground for drop and run out of towners

Parking in our area around Oxford/Cambridge and Park St in Rozelle is difficult at the best of times. I wholeheartedly applaud turning off meters after 7pm on the High St as it will support the local businesses, but extending to the side streets will adversely affect the residents. Many of us do not come home until well past 7pm to an already tight state of parking; to allow people to park unrestrictedly after that time will massively add to resident parking pressures.



I am a resident living on Darling Street. My house is a terrace, and like many built in the late 19th century / early 20th, no consideration was given to off street parking. I have no choice to park on the street. It is already very challenging finding a space and opening up parking to more people from outside of the area will make it impossible to find a spot close by.

It is already difficult to find a side street park, turning off the metres would make it worse

This will add extra stress to residents finding parking spots for overnight parking.

Residents currently begin returning to park outside their homes about the same time that retail shops are closing, so there is a good balance between daytime use and reasonable residents' access. However on "dining out" nights like Friday and Saturday, the last residents home - say 8pm - often have to park streets away as diners have taken spots. Moving the current 8pm end forward to 7pm will make this more of a problem for residents.

I am a resident at 18 Macauley Street, Leichhardt.

*** I DO NOT AGREE with turning the parking meters off in the side streets to Norton Street ***

I DO agree to switching the parking meters off in Norton Street ONLY.

The reason for this is

The parking situation in the stretch of Macauley Street between Cromwell St and Norton Street is already at capacity levels with residents, visitors, and the business owners who also park in our street. There are times when it is impossible to get a park in our section of our street near our home especially on a Friday, Saturday or Sunday. The addition of numerous other visitors will impact on our rights as residents to have parking near / outside our home.

SOLUTION

My suggestion is

Keep the parking meter restrictions within the orange section on your proposed map Remove or disable after 7pm the parking meters on Norton St

Remove or lessen the parking restrictions on the outer streets which are not subject to your current proposal (ie in the orange section). By this I mean remove the 2hour or 4 hour restrictions in these areas outside of the 6pm time frame. For example make the section of Macualey Street between Cromwell and Elswick Street less restricted in the parking time frames. There are far more homes in that area with driveways which allow for those residents to have parking and allow visitors to park within a short walk to Norton Street.

Just to recap - I DO NOT AGREE with the proposal to turn off the parking meters in the side streets as proposed.

I look forward to receiving a response from you about my email.

Regards

Natasha Fairfax



I am strongly against turning off meters after 7pm. I live on Curtis Road Balmain, between Mort Street and Clayton Street. It is already difficult to park here in the evenings and on weekends. We are very close to Darling Street and even with meters we currently get a large number of non-residents who park here and walk up to Darling Street and even with meters on, parking can be difficult during peak times. Turning off parking meters will mean reduced parking places as cars from non-residents will park in much greater numbers and residents like me will not be able to find parking without great difficulty.

PLEASE DO NOT TURN OFF METERS. I can only assume that whoever is making this proposal has never lived in my area as it is quite frankly a proposal that brings only detriment to residents in my area. I urge whoever made this proposal to consider why meters where installed in the first place. The answer is -demand exceeds supply and a mechanism is needed to reduce demand to free up parking for residents.

never lived in my area as it is quite frankly a proposal that brings only detriment to residents in my area. I urge whoever made this proposal to consider why meters where installed in the first place. The answer is - demand exceeds supply and a mechanism is needed to reduce demand to free up parking for residents and that is what a meter does, reduce demand. If the Council truly wants to put the requirements and needs of residents first it will not support this proposal that if implemented reduces parking for residents. PLEASE PLEASE DO NOT TURN OFF METERS!!!!

It is important to remember the reason side street parking meters were introduced in the first place: to enable local residents (voters and ratepayers) to be able to park within a reasonable distance from their own homes. I live in Curtis Rd, one block from Darling St. It is already hard enough for me to find a parking spot within a block when I return from work around 6.30-7pm each day - this will only get worse if the side street meters are turned off at 7pm.

Residents should have preference in parking in side streets.

We live in Red Lion St Rozelle. There is a pub either end of our small narrow street and numerous restaurants at the top of our street. Although I support turning off meters on darling street, I really worry about residents finding a park in our street as parking is already very limited.

as resident who doesn't work normal business hours I find it hard enough trying to get a park on the street I live on, and often have to try a find a park on adjacent streets. If the parking meters are turned off after 7 this would become even harder.

Please don't do this!

Homeowners and residents, not outsiders should be entitled to free parking after 7pm. I completely agree that Darling St should be available for free, but between that, Woolworths and the council car park I believe that should be enough.

These streets are full of houses which are full of residents, residents are entitled to park for free relatively close to their homes. I lived on Mullens st and it was always difficult to park there because people would park and take a bus into town. Please do not turn the meters off they make it difficult for people - half of our street still isn't home from work by 7pm so please don't assume that makes it a non issue.

There is wasted land that is not utilised for parking. We need to advertise the parking at back of the post office more. What about the Old Tigers area? can that not be tidied up so you can at least use the car park. Let's get focused on real actions and target that monolith.

Please do not make this change. We the residents will have nowhere to park for the night. It is difficult already. Thanks. Lois blakemore



We the residents will not have after work parking spaces please dont supply these spaces to others as getting a park is difficult enough.

There is already an issue of limited parking in the side streets. I have an infant and I am often not able to get a park in my street due to people parking there for the day and going up to Parramatta Road to catch public transport to work. Our street is a 2P limit but people park there all day and on the weekends most of the night. I (as well as several of my neighbours) have reported this to council a number of times.

I live in rozelle and parking is a constant issue with so many people in the area without parking/ garages/ car space. We rely heavily on any free space we can get in our very narrow one way side streets, off Darling Street. My street is sandwiched between The Green Lion hotel and 3 Weeds Pub - we already have enough issues with people parking on our door step in no parking areas. Opening free street parking will leave NOTHING for residents.

I heavily oppose this.

We live on a major side street and have no off street parking. It is already difficult in the evening and weekends to find parking. Turning off the parking meters will make it even more so. If you want to turn off meters turn off the ones on darling street where residents don't park.

In response to the Council's proposal to: Turning off meters and extending 30 minutes free parking to side streets of Rozelle.

As a resident we already have constant issues finding parking in Merton Street. With two small children, it can be so difficult at times. There is a worry for safety. As a residence of Merton Street we already put up with so much traffic and limited parking caused by following:

- Rozelle Public School pick up times
- Rozelle Markets on the weekend impossible almost, many times we are force to park streets away
- Business parking permits Typically there are 15-20 business permits being used in Merton Street
- IGA delivery truck zone.

As a rate paying resident we feel we are given very little assistance from the council to ensure that we the residence of the street have parking available to us.

There is a car park available already for the general public in our street. This offers 2 hours free parking (8am-6pm) and has no time restrictions after 6pm. The car park is more than half empty most evenings.

We believe the above along with the recent changes to the meters in Darling Street should be sufficient and the proposed changes would indeed affect the residents of Merton Street.

Therefore we ask the council to not approve the changes proposed and protect the limited parking available to the residence.



The residential streets of Balmain are currently flooded with cars, taking the parking spaces of residents and

bringing noise pollution to our suburb. As residents living one block from the Riverview pub, and 2 blocks from many restaurants, we are frequently forced to park a long way from our house.

We arrive home from work after 8pm, and cannot park. So, we definitely do not support your idea of 'vibrancy' which is to the disadvantage of residents who pay high rates and are entitled to have our needs taken into consideration, above and beyond the economic gains of businesses.

This will only effect residents of these streets with already minimal parking options. There is sufficient parking on the main st for people coming into Balmain/rozelle

As a resident of one of those side streets, without off street parking, I am concerned about loss of parking spaces (for myself, visitors or service providers) of an evening if the meters are turned off or if free time is introduced.

Nelson St is one of the busiest side streets in Rozelle. Each night BEFORE 7pm, parking is full with residents cars. Residents who do and have for years supported local businesses. Already there are times where we park in surrounding streets during the day and of an evening as there are no spots. Darling St remains empty of an evening but we can't park there. As it is, the rangers don't police this street enough. With after 7pm parking, what is to stop visitors to the area leaving their cars overnight, leaving no parking for residents? This street can not be treated like other side streets. I look forward to attending the resident consultation Darcy speaks about. I hope it's after 7pm.

It is hard enough for residents (rate payers) to park themselves at the best of times.

As you are aware typical Balmain residences are terrace houses with no off street parking.

My wife and I have a baby and it is hard enough finding parking at the moment close to our home. If we lose further parking it will make life very difficult for us, especially unloading prams and other baby items.

I often return from work after 7pm. So that time doesn't work for our family.

We have lived in the area for many years. We need a fair approach to this.

You have done Darling Street now. But unrestricted parking on the side streets is really taking this too far.

Conceivably I will end up circling the block or parking many blocks away.



There is absolute disquiet among DAYTIME RETAIL /PROFESSIONAL businesses which have been absolutely ignored in this conversation and survey. They operate 8-10 hrs daily, businesses are by nature more stable and less changeable than bars and restaurants.

i walked into a daytime service business this week where staff and owners furious as customers who typically can stay 1,2 or 3 hours must rush off to top up meters or worse many have been fined.

It is myopic and cherry picking to favour nightime rather daytime retail businesses . No explanation or apology has been given to daytime business because it is not justified to ignore their parking needs too. And dont forget that bars and restaurants serve alcohol and either should not drive and park and anyway could catch a bus/taxi.

For heavens sake Council should bite the bullet and offer more public parking in a central location eg reactivate a previous and long shelved plan at Leichhardt Town Hall for more parking servicing both ends of Norton St rather than continue to clog that carpark with all day admin staff parking. Underground carparking spaces could be offered to public and Admin staff could park at a remote all day location.

Our public transport system needs to improve. I use public transport of an evening to eat out in Balmain, Rozelle, Lilyfield and Leichhardt, rather than using a car. By improving the bus service and light rail service more people will be able to get to the area to dine out. Bus stops have already removed and turned into parking spots - we don't need more cars in this area. Residents are rate payers as well. Those who live in metered parking streets and who must use their cars in the evening will come home and have nowhere to park.

We currently live on Evans Street on a section (despite being surrounded by 2 hr restricted parking zones) with no restricted parking and, as such, are only entitled to a visitors parking permit to park in these areas when unable to park near our home - which is often. I feel that if parking meters were turned off it would lead to a flow on affect. Drivers unable to park in Darling St would then park in a side street, those residents unable to find parking in their street would park in another street, etc..

We experienced this when we previously lived in a street in Rozelle with restricted parking during the day

We experienced this when we previously lived in a street in Rozelle with restricted parking during the day that ceased at 6.00 pm. The street led off Darling Street and was near popular restaurants and exercise places. When we went out in the evening, particularly, at a weekend, we were frequently unable to park in our street. I think it would be unreasonable to local residents to turn meters off at this at least gives a fighting chance of parking in your own street - particularly as most of us don't have off-street parking. As a local resident if I'm eating out in Darling Street I walk rather than drive. I don't know that I am supportive of encouraging more cars driving in and out of the peninsula and trawling around streets looking to park. The area is well provided with ferries, buses and taxis.

while I think it's an excellent plan to have free parking on Darling Street after 7.00.p.m, I think to do the same thing on side streets would advresely affect the residents of those streets

As residents of a side street (9 Llewellyn St, Balmain), with NO off street parking, we are entirely reliant on street parking for our single vehicle. Even with meters in operation in our street until 10 PM, we frequently find it difficult to find a parking space, at ANY time of day, including the 7-10 PM time slot. Like us, a large number of other residents of our street do not have off street parking and rely on street parking. The space in the lane (Little Darling St) behind our property is NO PARKING so we do not have that as an alternative. We support sending the message that Balmain is "open for business" - but not at the expense of great inconvenience to residents - who, by the way, put up with A LOT from the restaurants we back on to!



I am a health professional and as such have on-call commitments and if I cannot park my car near my home which already happens often on returning after 7 pm I will have to walk quite a distance (and remember where I parked) in the middle of the night to drive to the hospital to attend to an emergency. I feel that residents rights warrant protecting as well.

Residents should have some rights as well as small business. I have no off street parking in Short St & have to park in the street. I have a sick husband & need to be able to park somewhere in my street so that I can get him to hospital easily. On Thursday, Friday & Saturday night it is already Very difficult to park after 1830. The meters at least ensure a turnover of cars.

We live at 6-B Llewellyn Street. There is virtually no off-street parking for houses on Llewellyn Street. Residents must rely on street parking for themselves and for visitors. It can be difficult, sometimes impossible, to find a parking spot on the street at any time of day, particularly after 7:00 pm, when people have parked there to go to a restaurant. Visitors to our home for dinner can use a visitor's parking permit but often cannot find space for their car. While stating that Balmain is "open for business" - it should not be at the expense of and inconvenience to residents.

We have one car and already find it difficult on weekends to find a park near our house. Perhaps reduced fees might be better than turning them off altogether? Or an hour free, followed by a lower fee.

Think turning the parking meters off anywhere is a dumb idea. Makes finding a short term parking spot even harder. Having parking meters encourages locals to walk and not take the car. If you need to just drop into a shop it is much better to have the 30 minutes free. Much higher chance to find a spot.

Rate paying residents find it hard enough to find parking in our streets now, with extended hours for medical practices operating till 9pm at night. People using the street as long term parking, when they go on holidays.

Commuters parking in residential streets.

Schools that had in their DA offstreet parking, them getting that changed, so now the teachers are parking in the residentail streets. Now the school thatgot off street parking removed from their DA, park a mini bus on the premises in the space that they said was going to be used as a playground for the children. Come on get real.

Parking for residents is difficult enough as it is.

What if side streets get to full.

Could have places/stations at dining and cultural precincts to maybe validate a ticket to so that streets don't get full.

Maybe have parking meters off even later...

Parking in Arthur St Leichhardt after work and on weekend nights is already quite challenging. Prior to the introduction of meters we often had to park a number of blocks away. Most properties do not have off street parking.



It's hard enough for residents to park in their own street as it is, without encouraging other people to drive to Balmain/Rozelle.

The Council should consider the following instead:

- directing drivers to car parks just off Darling Street by signposting them more effectively
- opening up unused areas for car parks such as the disused Tigers site, Essential Ingredient's car park, both currently closed at night
- increasing public transport along Darling st and surrounds at night to encourage people to use public transport instead of driving

Hi,

We live on College Street, and have one car. We love the location as we can walk to everything, but clearly it's also a prime spot for people to park when hitting the shops/ going to the Royal Oak, so we accept that we often have to park down the road/ around the corner quite regularly (it gets worse in the lead up to Christmas every year). We bought the house knowing that with the benefit of being close to things, we need to accept that others will park on the road.

However, that due to the fact that there are parking meters, there is a flow of traffic that generally allows us to park somewhere near our home (within the block - or around the corner 9 times out of 10)

Only two houses on our block have off street parking.

I applaud the decision to turn off meters on Norton and Darling Street, and love the attempt to bring people back. I even added my words of congratulations to Darcy's Facebook post! These are for the most part NOT residential streets (where the meters are) so rate paying residents are not impacted. However if you turn off the meters outside the hundreds of homes on the side streets that have been highlighted with the aim of getting more people to park their cars there all evening, then where do we the residents park when we get home after a long day at work/ car loads of shopping/ tired children? There are already people paying to park, and it would be very rare to find a spot to park on our block after 8pm - even with residents and meter payers using the street.

Of course I know that the greater part of the electorate will want this (the comments on Facebook all said this) - but I'd love to know what they would do if they were told that they couldn't park near their homes in the evening - which is what this change would basically lead to.

I truly hope that this decision will not be made.

Resident parking is already very difficult. This would drive us out if the Inner West

Many of the streets in Balmain are already incredibly narrow when parked cars are stationary. There are multiple streets (eg. all of Beattie street, Montague Street, etc.) where there is simply not enough room for parked cars on both sides plus cars going in both directions. Often cars need to pull over to let buses or larger cars drive in the opposite direction. I would actually like to see Council buy up some land off these main streets for car parking and have the spaces removed from these bottlenecks.

I understand that you want to help local businesses and I support that in principle but I think there are other ways to do this.

For example, the shopping strip along Darling Street has footpaths that are absolutely filthy. I understand that City of Sydney regularly cleans footpaths with similar paving and the difference is obvious.

By the way, what data do you have to support the idea that changing the parking meters will bring more trade to local businesses?

Also, this initiative is very costly and I understand savings will need to be made in other areas. I think that the budget for ensuring public domain is up to scratch is already stretched too thin. For example, Loyalty Square has a number of newly installed sandstone pillars broken already and this isn't being fixed.



Would like side street meters turned off from 6pm so patrons who may be older or have kids or those who just prefer, will be able to eat earlier. Restaurants open from 6pm so parking from 6pm would be fairer.

In the evenings our street is almost always completely parked out under the existing rules, and often we have to go blocks away to find a spot. Opening up the parking even further would make the situation even more untenable for residents.

On a related matter, there are a considerable number of phony 'driveways' in our area, where never a car ever enters, but the space is blocked by a specific house with a notice saying 'no parking'. So when these residents are not home or away even for a week or so, the parking space remains unoccupied. This is extremely annoying for other residents who do not have this effectively 'dedicated' space (i.e. dedicated by the house owner!). A change to this could release a number of generally available parking spaces.

We live on Church Street, and already in the evenings it is hard to find parking near home after 7pm.

Very hard to park in evenings, when living in side streets we are not always hone by 7pm, then where do residents park?

Side streets in Balmain are already at full evening capacity, particularly problematic at around 6pm on a weekday evening when residents return home. Turning meters off at 7pm here will restrict access to rate paying residents significantly. Houses to the eastern end of Curtis Road in particular have very limited off street parking.

I am very supportive of the Main Street changes and think 30 minutes free parking is a reasonable introduction also on side streets. But not unrestricted after 7pm. I also do not think it needs be the same for all suburbs eg. just because it is less preferable in Balmain does not necessitate the same outcome in Leichhardt.

No action should be taken at all until the impact of the Main Street changes have been assessed - ie. is it working and will side street extension add value.

As a council that rejects WestConnex in favour of public transport, why are you now attributing the death of Norton St to a lack of parking and trying to encourage more cars into the area? You can't have it both ways!

We already struggle with insufficient parking in Marion Street after the last 2 decisions to change parking zones. 5 parks were lost to the day care centre on the corner of Renwick St and 4 parks were lost to the changes in parking restrictions on Marion after the bus stop. These changes are not in the interest of residents in this area. We already struggle with insufficient parking in the area due to the number of permits allocated to businesses. The time after 7pm is when we might actually have a chance to find a park and now the council is looking to change that as well. PLEASE RECONSIDER!

My rates are too high now and would only support if if rates remained the same or lower

I oppose turning off the meters in side streets in the evenings because there will be even more pressure on parking in these streets. I live in one of these metered side-streets and parking within a block of our house in the evenings is hard enough now.



I live in Church St Balmain (I am a 1 car household) and currently I cannot park my car anywhere in my street (between Darling and Cameron sts) after 7 pm any day of the week. I usually have to go two blocks away to Spring or Short or Mort Sts to park (as this is B1 and B2 areas-otherwise I risk a parking fine.). Furthermore, most non resident car parking after 7 pm currently does not reduce until after 10.30 -11 pm in the residential areas. This then means I must park in another neighbourhood car space which then means the residents of this street must part in another street, so on and so on.

These are also major inconveniences if you have shopping, children or elderly parents living in or visiting.

Hard to find a park already after 7pm especially on the weekend

I often can't find a parking space within 2 streets of my house on Waterloo Street between 4:30pm and 6pm on a weeekday. I usually wait at work until after 6pm, knowing it will be much easier to park. Turning the meters off at 7pm will negatively affect residential parking on our street, which is already under an enormous amount of pressure.

We have a yoga studio around the corner on Darling Street that attracts a large amount of cars and classes don't finish until 8:30pm. The studio is close to capacity in terms of patronage and I don't believe that the parking meters stop people from using the centre. I do believe that switching them off will encourage more people to drive to it.

I support the measure of turning off the meters on Darling St but please don't switch them off on Waterloo Street, they are there for a good reason, to ameliorate parking issues for residents!

I am a resident of Cambridge Street in Rozelle. The dimensions of residential blocks varies but in aggregate a lot is only one car space in width. Car ownership of households in this street is progressively increasing with several properties parking more than one car in the street. As a consequence I have returned from work at Baulkham Hills after 7.00pm and been unable to find parking in Cambridge Street.

Furthermore parking space in adjoining Moodie and Waterloo Streets is more limited than that in Cambridge Street, obliging me to park in Oxford Street.

Prior to the introduction of parking meters commuters were parking in Cambridge Street and then continuing onto the city by bus, returning after work hours and preventing residents from parking in this street

Parking demand in the area is excessive on Saturdays, when families attend Little Athletics events in King George Park, and patrons attend the yoga school and take breakfast at cafes in Darling Street. At this time residents are forced to park in adjoining streets thereby inconveniencing other streets' residents.

There is insufficient capacity after 7.00 pm in Cambridge Street for overspill parking from the high street, and relaxation of the parking controls will exacerbate the difficulties which residents already must contend with. For this reason I strongly object to the proposal to introduce free (unmetered) parking after 7.00 pm.



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As Council traffic studies show parking in Booth st is dominated by residents cars. If meters are off after 7.00 pm residents will not be able to park because of overflow from Darling st

We live in Wetherill Street and we have no off street parking at all so have to park on the street. The street is always busy with traffic and our parking is already greatly impacted by the Jenny's child care centre on the corner of Balmain Road which has designated parking spaces for certain times of the day Monday to Friday. More often than not we cannot park anywhere near our house and have to park in alternative streets. We also have the situation that neighbours who have 3 cars nearly always park 2 of their cars in front of houses, 32, 34, 36 and 38, they take up 3 spaces for the 2 cars, and these cars are rarely moved which makes it even more difficult for us to find street parking. Turning off the meters after 7pm would make it virtually impossible for local residents to park in their own street.

I would prefer it if the previous system of 30 minute free parking continued on Darling Street, Balmain, around Woolworths and other busy shops in that area. Having no parking restrictions after 7pm encourages people to leave their cars there for long periods after 7pm, reducing the turnover of spaces and actually making it more difficult for patrons to access the businesses there - probably the opposite effect of what was intended. If people want to stay longer they can park in side streets where there are fewer restrictions, or choose to pay the metered rate.

Businesses unfairly blame parking meters on falling revenues but they are an important component of discouraging car use in the area. If we feel parking spots are being under utilised then why not consider using the space for wider pavements, alfresco seating, more greenery that would beautify the area and encourage patrons.

There is no evidence that this proposed change is part of an integrated long term plan for the revitilsation of a night time economy in Balmain and Leichhardt.



- * It is already difficult for residents in our community to park near their home.
- Turning off meters will add to this problem. Residents in parking metered streets will be forced to park in non metered streets, which will in turn put more pressure on more streets.
- * Council policy seems to be against allowing residents to access possible off street parking further adding to the problematic issue of resident parking.
- * Is there any evidence to show that turning off the meters on the main streets has helped the local businesses?
- * How do the results compare during 9am-5pm and after hours?

Driving should be discouraged in our communities.

We have 37 houses in our street only 6 with off street parking. A number of residents have 2 cars and many use the visitors passes for guests, and a small number use business passes. This already makes parking difficult in our street and further easing of parking restrictions would mean parking further down the street, or in Moodie Street, and consequently pushing people in those areas further away from their home

I live in Ford St Balmain off Darling St. where homes do not have garages or car space and need to park in the Street and if parking meters are turned off it will be difficult to park if we return home after 7pm

Absolutely not, College street, church street and mort street to only name these are absolutely packed, it's almost ever time that we have to turn around a few times before finding a parking at this time already. It would simply become impossible!



While I support Council's decision to provide 30 minutes free parking and turning off the parking meters after 7pm on Norton and Darling Sts themselves, I and my wife (owners of a house in one of the affected side streets and ratepayers) do not support the proposal to turn off parking meters in certain side streets after 7pm for the following reasons:

- 1. The benefit of doing so is likely to be limited. Dining and cultural attractions and shops open after 7pm in our area (Balmain / Rozelle) are found mainly on the main streets, and in our experience as residents on-street car parking on Darling Street is freely available after 7pm, even during busy periods (mainly Friday and Saturday nights).
- 2. The main premises open for business along the side streets after 7pm in Balmain and Rozelle are pubs (most restaurants are on Darling Street itself). The safety and amenity issues of offering free car parking for pub goers needs to be considered: potentially more drink-driving incidents and therefore more accidents in side streets that see high pedestrian activity, including small children; more noise from pub goers.
- 3. The impact on residents of this proposal needs to be considered. Aside from the aforementioned safety and amenity issues, on street car parking is the most common car parking in the side streets off Darling Street: most houses in those side streets do not have off street car parking. Car parking for residents such as my wife and me after 5pm on all days, and all day on weekends, is already a major issue: there is often not a single car park available on our street and we have at times parked several hundred metres and several streets away from our house, which is a real problem with small children, shopping to carry and/or in bad weather. Our resident parking permits are not valid for parking on Darling St itself (which after 5pm on all days, and in the evening on weekends, often has the most free space for parking), therefore adding further cars to our side streets will simply exacerbate what is already a major issue and detraction from quality of life for local residents in those side streets.
- 4. There is also a fairness issue: residents in those side streets pay some of the highest council rates in the country. Why should these side streets become free overnight car parks for non-residents of the area who may choose to leave their cars there to, for example, access the convenient and quick public transport to the CBD or other areas for an evening out, or to leave commercial vehicles on our side streets if they are working in the area the next day?

Car parking in the side streets of Balmain and Rozelle is enough of a problem that we have on several occasions contemplated moving out of the Inner West Council area to a suburb of Sydney that is less congested. Please don't add to this problem with this proposal, which is unnecessary in terms of meeting your policy aims (attracting more patrons for the dining and cultural life in these areas) and will simply detract further from residents' quality of life.

Its already very difficult to park relatively close to ones home now without this change. Allowing free parking will only exacerbate and already problematic issue for Balmain residents with parking permits. Too often we need to park several blocks away or double park with hazards on if we are bringing home groceries or other bulky goods that cannot be purchased by walking to the store. This is also a highly unsustainable proposal for a council purporting to be 'green' and environmentally conscious. I highly recommend reading Donald Shoup's book, The High Cost of Free Parking: https://www.amazon.com/High-Cost-Free-Parking-Updated/dp/193236496X If the council wishes the Inner West to be a 21st century progressively governed urban community, then the opposite proposal should be supported. Free parking leads to increased auto-dependence, traffic congestion. air pollution and ultimately climate change. The only real winners if this proposal passes will be the medical industry when we see increased asthma rates in our children due to poor air-quality. This measure would put us backwards and pretty much buck the trend of mature, progressively governed global cities (think Paris). If Sydney wants to be a global city, attract talent and be investor-ready, than act like it and don't send out 20th century car dependent proposals like this. Its embarrassing and tamishes the brand of the council.



There is currently very limited parking in the the side streets for Balmain residents. Offering 30 minutes free parking and switching off parking meters after 7:00 pm will exacerbate the problem. There are many families with small children who come home after 7:00 pm and will need to park several blocks from home and walk in the dark to their homes. This has the risk of injury or death if residents have to walk several blocks at night after parking their vehicle to get home.

Strongly opposed.

I live at 8 Church St and we cannot park after 6pm most nights so this would create more hassle for the people living there. I know this is life and Balmain is a great suburb so I am not sure what the solution is. EXCEPT BIG ISSUE - stop giving or letting them the shops buy parking permits becuase I can could from 4 to 10 cars a day owned by Darling St shop workers/owners A DAY parked in the 1st block of our street. They complain people don't come to Balmain then they park in the 1st block when further down the street and near Mort Bay has more empty spaces to park. For example Sushi Man has about 3 cars parked at the top part of Church St. They are lovely and I support their business but I am getting sick of them parking from early morning to later in the day when they don't need their cars and could park further down the Church Street or in Phillip or College St.

I do not agree with the proposal of turning off the parking meters in the side streets of Balmain as being a resident it is hard enough to find a parking spot in the tops section of our street (nearest darling st) which is where i live (day or night). Apart from the residents cars there are always a number of cars which belong to the shop owners which have permits and park in the section closest to Darling st. So if the shop owners are complaining about customer parking maybe they should not have permits and could park 100m away where there are more spots available and there are no meters. This would free up parking for customers nearer the shops.

As a resident of Mort St Balmain, with no off street parking (in the block nearest to darling St) - I already have trouble finding parking places near my own own. The metered parking does help in this matter as people who come to use pubs or restaurants are more inclined to come by public transport (to avoid the meter costs), or they park in the designated parking areas off Beattie st. Free parking after 7pm would make parking for residents of side streets a nightmare.

I own a home in Mort St and it is very difficult to find parking as it is. Few homes have off street parking and if parking were free in side streets it would be even more difficult for residents to find parking. I understand the importance of encouraging business in Darling St but the side streets are all residential streets and so the free parking should not be extended to these streets.

I live on one of the streets in which you propose to turn off meters and don't have access to off street parking (like most people who live in the area). Some days and evenings it is already impossible to find a park for the one car in our multi-adult household on our street or even on a nearby side street. Perhaps instead of unrestricted parking in residential streets the council could consider making specific visitor and resident parking so that residents are not crowded out by visitors, or improving the existing visitor parking areas.

As a resident, it is already difficult to get a parking spot near home if you do it at the wrong time ie mid afternoon to early evening. If you turn off the meter after 7 I believe as you encourage visitors to stay longer you make it even harder for residents to park later.



I am a resident on Rowntree St and, like many, I don't have offstreet parking. Also, like many, I have young children (age 2 and 3). Already, I often have to park my car very far from my house and walk with my children, carrying my shopping, because there is often no parking available.

I have lived here for 5 years and it is increasingly difficult to find parking. This area of Balmain is becoming increasingly high-density, with multilevel residential dwellings (like the Bijou complex at 2a Rowntree st) recently going up or being proposed (like the conversion of the old hardware store, next to the fire station). The Rowntree St/Darling St corner is already a relatively hostile place to live. Buses idle at low revs at the bus stop, many trucks service the new QE grocery store, cars often accelerate to beat the lights at the intersection. Making it even harder for residents to find parking near their own homes will only make it worse.

I strongly oppose this proposal.

I live in North Street Balmain, it is already very difficult for residents to obtain a parking space in the street with the current parking restrictions. If meter free parking after 7pm was available in the evenings this would make it hard for rate paying residents to park near their home overnight.

Can't get a park as it, this would be another push for businesses at the expense of residents - rate payers are not being looked after well enough.

In my street (Short St Leichhardt) availability of parking is already an issue after 7pm. Encouraging more cars will negatively impact residents further and disappoint visitors to the area due to lack of parking availability.

The issue is the availability of parking rather than the cost.

In Short Street there are shops and a medical centre that attracts additional parking needs already. They also bring rubbish, waste, dumped trolleys, noise and traffic to the area. Despite scores of complaints to council nothing is done to manage this. It's absolutely disgusting in the street at times. I don't support bringing more traffic to Short Street.

- it would have been better to keep paid parking on Norton Street and use the money to build additional levels on the public car park behind the town hall.
- another option could be a free shuttle bus from the light rail on Friday's and Saturdays.
- the empty shops are not good. Surely that's not down to parking issues. More likely greedy landlords. They shouldn't be able to have them empty. Make it attractive for small businesses.

It's already difficult enough to find/access resident parking on/near Curtis Road if returning home after the evening peak hour, or even on the weekends in the evening. Please don't make it any more difficult! I'm sure that the current small parking fee would not be a significant deterrent for genuine restaurant guests who are likely paying large amounts of money for a meal on Darling Street. Such a measure may also discourage people from using public transport.

As a resident in Church Street Balmain trying to find a park in proximity of my house now is hopeless at night time so these measures would make it a lot worse.



You only seem to be focussing on economics of this discussion, and before you make any decision on this, I think the discussion should be widened to include other aspects that will be impacted by changes to the parking meters.

Firstly: Parking fees raise money to pay for much needed community services, maintenance of parks and sports fields, upgrading footpaths etc. Before we ask the question whether or not we want changes to current parking meters, can you first please provide information on how much revue the meters raise and then how you propose to make up for this loss of revenue. Cutting in community services? That certainly doesn't have my vote.

The second issue that should be considered is the environmental aspect of this discussion. When there's free parking, I will just drive up the road to get take away, instead of walking. These short distances in the car are a huge polluter. A change to the parking meters, will have a negative impact on the environment and cause more pollution.

As a resident of Church street close by to Darling street and a worker Monday to Friday, I regularly have difficulty parking when I arrive home from work. After a long day of work and often arriving home later than 7pm walking often some distance after finding in a park and carrying computers and luggage is difficult enough now. We are in a residential street not a commercial street and we pay rates which should enable us to park in our street. This will also increase the traffic noise in the street and the vocal noise leaving the venues at night.

Parking is at a premium now. It will just make it worse

There is very often no parking available in the R2 zone of Nelson St (city end) from 6pm in the evening as residents return from work, with little turnover of spaces. By 7pm there is always plenty of parking on Darling St (R3 zone), which is unavailable as overflow for residents of side streets. I would not support further changes to current arrangements until there is evidence of unmet demand on Darling St after 7pm. I understand there are different circumstances for different locales but feel strongly that the changes are not warranted in my immediate neighbourhood.

I support turning off parking meters on the MAIN STREETS after 7pm. On side streets, residents need to park and it is already getting hard to find a spot.



I am a Leichhardt resident that lives in Arthur Street, one of the streets in question with parking meters. My husband and I have lived in Leichhardt for 3.5 years, with the vibrant local community and Norton Street one of the things that initially drew us to the area. We ourselves support local businesses by frequently visiting the shops and restaurants on Norton St, so we understand the importance of access to support the local community.

However, the existing parking situation in Arthur St is already significantly strained, with many of our neighbours having two cars each and no off-street parking. It is a frequent situation to have no available parking within 100m of my home. I work late and usually arrive home from 9pm+, whereby I frequently am forced to park in either Derbyshire Rd or Short St, given there are no available parking spaces left on Arthur St. There has also been a significantly noticeable increase in higher traffic and reduced parking availability since the meters were turned off on Norton St, with Friday and Saturday night parking in Arthur St now near impossible.

Whilst I understand the need to make supporting our local businesses easier, this should not be to the detriment of local residents and neighbouring properties, which are already being adversely affected. I urge the Council to not pass these changes, and engage with the community to look at other ways to improve foot traffic. I am available and would enjoy the opportunity to discuss further.

I would like to know the plan for residents without off street parking. Without understanding that I can't support this. I think this is a popularist measure with no data to show that turning the meters off actually supports local businesses.

Because I live here and there are barely enough parking spots for residents

We live on college street and are a couple with one car. We are increasingly finding it difficult to find a park on our block. We have noticed more and more 'Business Permits', and have often had to park more than a block down our street, both on weekends and weekdays. This is very inconvenient when bringing heavy shopping etc home. We already have parking issues in the area, please do not make parking more accessible at the expense of residents.

Dear Council Members I ask that you do not continue with this proposal as parking for residents in these side streets off Darling Street is already difficult. Having vehicles able to be parked unrestricted past 7pm will further increase this problem. I do thank the council for looking at options to increase local trade, however believe that this initiative won't drive more trade after hours as most businesses close around 6pm in Balmain. Further I believe the unrestricted parking on Darling Street after 7pm is adequate. If the local businesses were genuinely concerned with driving more visitation, they would not take up so many parking spots with business permits. We lose around four spaces per day in College Street (nearest to Darling) due to 'business permits'. To improve overall visitation, I recommend that: (a) parking in areas close to Darling Street be restricted to two hours at all hours, to allow greater turn over of vehicle spaces rather than allowing cars to park unrestricted; (b) business permits be restricted from parking in zones closest to Darling Street to allow priority to genuine visitors and residents; (c) parking lines be painted on the roads to increase capacity (much space is wasted by poor parking); and (d) increase the frequency of inspectors to ensure parking rules are maintained. Thanks for your consideration. Clint Walker



Already struggle to find parking when I return from work. This will make it more difficult.

I am a resident on Church Street and we struggle to find parking as is. I am a single girl, living alone, and I already have lots of anxiety, if I come home late at night, about having to park too far away from my house and walking alone at night back home - if the timed meters are switched off after 7pm there is no doubt that there will unlikely be any parking for residents arriving back home after 7pm (for me, this is a serious safety issue). Due to the majority of late night parking, from non-residents, being the result of pub and restaurant traffic (where people are normally drinking), these cars will likely be left overnight - additionally, it is a convenient place to leave your car for a night out in the city. There is just not enough parking for current residents to open up all-night parking to non-residents.

no. this is safety issue for me as it would make it almost impossible for me to get a park on my street at night, leaving me to have to walk back alone at night back home. This is a hugely important issue for me and was part of my decision making when deciding to move to balmain - ensuring I would not be left walking alone at night, past pubs and drunk people (which is what would happen if I needed to park more than 1 block away from my house). It will result in me feeling too anxious to go out at night as I would be scared I would be stranded a few blocks away, having to walk too far late at night, which is just not acceptable for me. It would severely limit my ability to be independent and free moving.

It's difficult enough at the moment to park close to my house. If the parking meters are shut off after 7.00pm, then it will be impossible to find a park close to my house. If I have heavy shopping to carry, the lack of parking will make it very difficult. If people want to visit restaurants after 7pm, then they they can park in Darling St.

I don't believe this will "breathe new life" into the area. Better to create car free restaurant strips after 7 pm and encourage Active Transportation.

Current best practices for healthy and sustainable urban design all call for reducing private car ownership and use. This is reflected with Council's draft community strategic plan "Our Inner West 2036", in particular both Strategic Direction 1 (An ecologically sustainable Inner West) and Strategic Direction 4 (Caring, happy, healthy communities). Every car trip is bad for our climate, our environment, our mental health, and our physical health.

Offering free parking is equivalent to Council subsidising private car ownership and use and hence encouraging same, and will clearly lead to more people taking trips in cars. This is in direct conflict with these best practices and runs against at least two key directions from Council's strategic plan.

As such, Council should reject any measures that will increase private car ownership and use, and so should be reducing the amount of free parking, rather than increasing it, per this proposal.



This means more than those streets will be affected as people move into other streets to find parks. The issue for business in Balmain is that many don't do enough market research to find the make up is vastly different than it was five and ten years ago. The businesses that take families into account as the main purveyors of retail are doing well.

PLEASE reserve the side streets for local residents at night. Those side streets in Rozelle are all residential streets.

It is difficult enough for residents to find parking. This would make it even more difficult. The Council has an obligation to support the local community.

I support 30 mins free parking but you can never get a park after 7pm in your own Street if people are at the hotel or restaurants. It's a great idea to turn parking off on the main streets to bring back life to the community but not agreed with side streets for home parking. It's not a commercial area.

I am unclear if turning of the metres mean parking periods are still limited. I live near Darling St and park in the side streets. Parking is not always easy and while I support metres being turned off in Darling St I think some timed parking will ensure that there is some movement in potential parking.

No to turning off metres after 7 pm. Parking on side streets is tight at present and shouldn't be impacted any more. Is is no joke to come home with a load of shopping with no where to park in reasonable walking distance from home.

It's already difficult to park outside our house or sometimes even in our street. I object to the turning off of side street parking meters.

Very bad idea Darcy.

The majority of people living in Balmain do not want the area turned into a so called vibrant night time mecca.

The inner west is awash with restaurants, who now face competition from other recently gentrified areas. Their problem is not availability of parking but lack of a proper business plan'

Residents in Balmain and their visitors need to be able park outside or at least close to their property . See page 05 of this weeks Inner West Courier and note the comments of a young visitor to the inner west, especially the last paragraph of the article

Kind Regards

Ken Corden

The noise from people coming back to their cars late at night is bad enough now (my bedroom and living room faces onto King St Balmain)



Please, please, NO.

Parking is difficult enough for residents now and is very often impossible.

Residents should be first priority in residential streets.

Residents already have difficulty with parking, this will add to the problem. Happy for darling street meters to be turned off but not side streets. Happy to have 30mins or 1hr free parking on side streets though to promote dining/shopping in the area

As a resident, parking in side streets after 7pm is already very tricky. I often end up parking not in my street which isn't ideal after dark for a woman.

Having lived here for 27 years, with no off street parking, when meters were introduced in side streets and Curtis Rd, It was the best thing for residents. I did not have to walk 3 blocks with my groceries or kids anymore. It will have a negative impact on residents returning home from work only to find no street parking for residents until the next morning at 8am when you turn the meters back on. A better suggestion would be ticketed paying meter parking until 8pm and then 2 hr parking between 8 and 10 pm like in other suburbs like Camperdown and the inner city. I am against turning them off for the inconvenience it will cause residents who have no parking, The other thing that has nmade residents lives easier is blocking the streets on New Years Eve, It was always a nightmare that day, no more.

As a local, those side street spots are my only option for home parking

Even with the meters as they are now, we struggle to park near our house on Carlisle street. Please don't remove the meters!!

Think meters are a good idea. Revenue is good for ratepayers plus parking spots turn over is good for shops. Think they should be turned in again in darling street.

We would like to know if turning the meters off in Darling Street has helped to 'breathe new life into our dining and cultural precincts'. Council must have researched this since March and these results need to be released

Council gives locals parking permits to park for free in their street. To allow everyone to park in these streets takes away the parking available for locals, especially as streets are narrow.

This community consultation should be made public to all in the area. This was hard to find and we live in the area affected and had received no notification.

If the businesses are struggling maybe rents need to be looked at and the prices in the retail/restaurants, as many are high priced compared with other areas.



While I appreciate this is an attempt to support local businesses this is a terrible idea for local residents who live on the side streets. It is already difficult to get a car park in our street (Carlisle Street Leiichardt) after 6pm. Bringing in free parking at 7pm will just mean people will park and not leave until late at night making it even more difficult for residents in these side streets to find a car spot.

I've lived on Carlisle st for 10 years. I am very familiar with the parking patterns and peak times. I now have a young family (1 and 6 year old). Parking 2 or 3 streets away from our house because we can't get a park in our street isn't particularly safe.

Thank you for taking local resident views into consideration. I imagine those on the side streets are not in favour and those who are not, are. Great that you are consulting.

I don't believe it's necessary to turn off side street parking meters after 7pm because this is already available on the main street (i.e. Darling Street in Balmain). Turning off meters on side streets will disadvantage fee paying residents as it will encourage those living in apartments and their guests to park in resident parking spots. With the limited parking available in Balmain, encouraging non-residents and those in apartments to consume parking spots local residents often struggle to access already.

Comments from those who support extending half hour free parking

Yes definitely! Norton St shops/restaurants, businesses in general need the customers, an one hour free parking would be perfect.

to peak up someone or something from home or business

There is often insufficient half hour free parking in the side streets near the main street, which certainly discourages me from stopping to do guick shopping.

I rarely bother using the smaller shops or grabbing take away food on main street unless I miraculously can find one of the free half hour spots. I'm not paying to quickly grab a pizza. Therefore I drive to Coles, park for free & grab a microwave meal. Change the system, I'll spend more money at the local high st shops. I'm sure others will too.

Yes, I do. I live in Balmain and parking is a problem for those living in apartments that do not have the luxury of a parking space. This would be great for them. BTW I do have a parking spot within the Bijou but I do feel bad for those within the complex who do not have any.

The main street parking in busy/popular areas is often not enough.

This is a good idea. When the kids were small enough to need to be dropped off at school, paid parking meters were always a problem. We were in zone for the school, but not in the same parking zone and often the parking on the side streets was the only parking available. It felt rather unfair that the parking on the Main Street was free, while hunting for change, for the 10 mins required to get the kids to morning lines.



There were so few free 30 minute parking spaces that they were of limited benefit. This will allow more shoppers to drop into the area without incurring a parking surcharge

This will encourage people to shop in Leichhardt as they can pop down to buy something quickly without adding the cost of parking to their purchase.

This will provide people with a good feeling towards Leichhardt as a fair trading place, which welcomes drop-in customers!

It is getting harder to get street parking in Darling Street and it will assist in encouraging people to do their quick shopping. Woolworths car park is totally inadequate forcing their customers to street parking.

This would be very useful.

The facility to park, nip into a couple of shops and hop back in the car, is very good. Often only for 15 minutes.

I think the 30 mins free is a great option for those with families and limited mobility to drive to the space, get what they need and leave within an accessible timeframe

Again, a great idea.

Great idea

yes, Allow people time to shop and explore without the threat of parking fines. Often I don't bother stopping because of paid parking, and when I do I make sure I do everything quickly and get out of there. This is not conducive to shopping, exploring, or relaxing.

This will give local residents who need to use q car time to shop locally instead of heading for commercial centres where they get free perking

As a Balmaim resident who lives on a street without metered parking means I am not entitled to an Area (whatever it is maybe 2) parking ticket allowing me to park as long as I want. 30 minutes is long enough to go and get shopping with a toddler kicking and screaming and not have to worry if my parking has run out

At certain times there is no parking available to do visit shops on Darling street or Beattie street car park so having the half hour available on the side street would help. 15 Minutes is too short.



Will help to create more parking when current Darling St 30 min parking is full, and also encourage people to use the side streets, rather than sitting and holding up traffic and buses on Darling Street waiting for someone to leave a space.

This will definately make me dinning much more often in Rozelle, Balmain, Leichhardt, which I rarely do, due to having to pay for parking. I just can't afford it.

I think this should be as a trial only, say, for 6 months to determine the impact of this change through a reassessment.

There are lots of side streets with businesses and it should be extended, especially off darling street balmain

I think this is fair as residents still need to be able to find spots to park

This will hopefully encourage more people to frequent our smaller shops and cafes.

Also an excellent thing to do. For example, I often visit the library in Balmain and need to park for up to 15 minutes in a street nearby. Not having to pay parking fees for this short time is very welcoming. The sooner you do this the better.

Also a very good thing to do. I often do short sharp visits to Balmain and other areas so this move is very welcomed.

SHOULD BE FREE AFTER 7 TOO OTHERWISE DARLING ST WILL BE TOO HARD TO FIND PARKING ON

Maybe it should be on a trial basis to see how it works. However, in principle, yes

It's good for people who are making a quick trip to the shops and will help small businesses in the area.

This would be very helpful if we need to just duck into a couple of shops quickly and don't want to have to try and find parking in the large car parks

Yes it should be the same as high street

Great idea.



It could be further extended along Marion St for an extra block, as most of these so called 'free spots' are in fact taken up by driveways, disabled parking, bus stops, and no parking zones, which means that it will in fact only provide for a very small handful of parking spots. It takes close to 15 mins to walk from Marion St to Norton Plaza or to the cafe's at the other end of Norton St, let alone anytime to eat or buy anything, so 30 mins will be next useless in terms of preventing the demise of Norton St. (R.I.P The Forum ..)

As long as it doesn't adversely affect local residents who do not have off street parking options.

30 mins is a coffee with a friend, its a pop to the shops with the ability to chat to an old friend.

I would be much more likely to use the local businesses: dry cleaners, pharmacy, charity shops etc. if the parking was free for 30 minutes

30 mins is not long enough to have a cup of coffee with a friend when there are other local places to go without having to pay money into parking meters. Thank goodness!

I believe this would help ease congestion on Darling Street.

Parking in side streets should be free for two hours at a time each day because it's impossible to attend to matters in town centres in less time because queues are so long in banks, council chambers, the library, chemists, doctors' surgeries, shops and other places.

It is ridiculous that can't stop and make quick purchases at local businesses without paying when live 2 streets away (for over 25 years). Means I do not support my local shops and businesses.

When Darling Street is full of cars, I use side streets to park and spend my money locally. I love the 30 minute free parking provision and welcome it in side streets.

i think council can do a lot more.

This is already the case for some side street parking off Norton St. It is therefore surprising these are not also free after 7pm.

It makes complete sense if businesses are to survive



No issues with this - this helps on a number of fronts (such as tradesman coming to provide a quote) Please stop siphoning money from the public when we are simply trying to do normal everyday activities. Parking is not a privilege it is a right and charging for it is a contrived way of a council making money. We, the public, essentially own and already pay for the roads existence. Why should we pay the council for parking when we already pay our rates for the running of council.? It is illogical. we should not be paying for parking. It has added costs to our business that hasn't been recouped Great idea Seems fair. Should be for all shopping strips in inner west especially King st Newtown Very supportive. Good when going for a quick coffee. Also recommend that the side street parking should be FREE after 7pm Also recommend that the side street parking should be FREE after 7pm Helps drop in trade Definitely. Great idea. 1 hr would be even better I know this is not directly relevant to this particular survey but could council please also review the 2 hr parking limit in Allen Street. I currently have a major injury and it is difficult for me to get down the 2 flights of stairs to get to my car space in my unit (28/69 Allen St). If I Park longer than 2 hrs in Allen Street I cop a parking fine. Many thanks, Deborah It makes sense to allow half an hour free parking. This should not be accompanied by increase in number of parking inspectors very useful for residents looking for short term parking options



Leichhardt needs more public car parks to encourage visitors. Meter rates should drop by at least 60% to encourage visitors.

This would enable you to get a coffee or gelato or pick up some food or groceries without having to pay for parking.

How about placing restricted park in all Leichhardt streets (Edith Street in particular). Parking is getting worse and will continue to do so given the mega development on the corner of Flood and Allen Streets. Restricted parking is the only option and will stop cars (belong to non-residents) being left in the street for weeks on end and limit households with 4 + cars and on street parking only (there are 5 houses at the Nth end of Edith Street that fit that description).

Again, this would benefit local businesses and shoppers. The number of times people want to have a quick coffee of grab a few groceries would be huge I'd imagine. If they're a thing like me, I don't want to pay for parking just for a quick errand or 'time out', so I'd go to a shopping centre with free parking, and not explore other little gems in the area.

Love the meters to go completely but if that isn't going to happen, this is an essential change that needs the happen.

I'm an over 65 yr old female, who shops locally. It is difficult to park in the main streets of Darling/Norton due to traffic pressure and capacity. Side street parking for free 30mins would mean I could more easily pop here and there to shop.

Keeping the system consistent with the main street.

The over-vigilance of parking police is currently a huge disincentive to visit the area. I used to visit restaurants & bars in Leichhardt much more frequently but after 3 parking tickets, I now avoid the area. Free parking after 7pm is a sensible idea & will boost the night-time economy as people like me come back.

Turning off the meters after 7.00pm in Darling Street is the best news however the biggest problem is the lack of respect by drivers parking their vehicles over the marked lines taking two car spots making less spots available to use. The council car park next to the public school has a sign which states PARK IN MARKED SPACES SECTION 650. It also states STAND IN OCCUPIED MARKED PARKING SPACES. Why is it illegal to park across two spaces in a car park and not in Darling Street? I have seen rangers ignore cars parked in two spaces with 30 minute parking stickers. Surely it is time for signs to go up in Darling Street with the same rules as your car park and book offenders. Ask any shop owner who constantly see cars drive off because they can't find a spot



Yes, for guests who quickly drop by that would be awesome and much appreciated.

Yes its sensible to encourage and allow people enough time to get to the shops briefly

This would also benefit darling street business. Allowing people to briefly park when they have to run quick errands or pop into cafes, when Darling Street is full.

Have some consistency with policy - think like a customer!

Often main st parking not available

100% yes!!

Great idea, the 30 minute parking really helps us get to the local shops.

Provided residents living locally are safeguarded I think side street 30min parking will increase trade at local business and service the needs of residents.

Any extension to the 30 minute free scheme would give greater access to the shops.

Not so important as first question.

Parking fees have killed our shops/small businesses and community. People won't pay to come here.

As a resident I often go to the shops for 20 minutes or so to get bread or something small. 30 mins free would be a great help. I was booked recently as I had no coins to put in the metre and was only a few minutes away from my car but was booked anyway!

Absolutely. Ridiculous for quick visitors to have to pay for a parking ticket.

It should be free parking on all side streets all day and night. If the council is concerned they should issue all 2041/2039 residents with a resident permit that allows them to park for free.

There aren't enough parking spots on Darling st. It's safer with kids to park on the side st.

It makes parking spaces available more often.



half hour parking introduction means that it is once again possible to conduct 'drop in' shopping in Balmain. Paying for short stops in the main street led to me shopping elsewhere.

Will allow the quick stop to buy things/do business without worrying about the parking meter - again - good for business in the area

Even longer. 1 hour.

Definitely! When 30 min free parking is unavailable on the Main Street I keep on driving. As a local, I shouldn't have to pay to visit my local shops.

Great idea and will help with going out at night

At the very least, IWC rate payers should have access to 30 minutes free.

I think parking should be free all of the time!

This would also help high street businesses, by catering for the overflow of cars that cannot find a spot on Darling St, but who still want to use the local shops.

Benefits business, encourages local shopping

Comments from those who do not support extending half hour free parking

I would strongly support a 15 minute free parking period but 30 minutes seems excessive to me.

This also has been announced, but I am not sure how this aligns with the aim of breathing new life into dining and cultural precincts, since half an hour sounds more like a drop off time. There are already a lot of cars parked in side streets which reduces space/visibility issues for other road users and moving traffic, slowing everyone down.

There is already an issue of limited parking in the side streets. I have an infant and I am often not able to get a park in my street due to people parking there for the day and going up to Parramatta Road to catch public transport to work. Our street is a 2P limit but people park there all day and on the weekends most of the night. I (as well as several of my neighbours) have reported this to council a number of times.



I think 30 minutes is good for the Main Street when you can pop in to a business and out but not needed on side streets as it's too hard to monitor

we need more paring metres... far more Moore street for one seems to be a place where people park their cars during the day...all day... this does not help local business as anyone wanting to shop cannot park and when you are disabled this can mean the difference between shopping and not

People having dinner is not going to finish in 30 mins, free after 7 is the only way

Only the main street as the traffic is in/out quickly, The side streets have people parking there longer.

I don't think this is fair for residents

Business group submissions

Leichhardt Annandale Business Chamber submission

I am writing to submit my Support for the following:

- · Introducing 30 minutes free parking to meters in side streets
- Turning side-street meters off at night after 7.00pm

I believe since the change to 7pm cut off Norton street has seen a change for the better in both business increase but also a positive spirit amongst the business community. In discussions I have had with immediate businesses it is definitely concurred that we have all seen a increase through the week along with weekends and customers returning to the area due to the initiative.

With the further change to meter restrictions through side streets off Norton St and other areas I believe this will have a positive effect for business but also local residents with guests of residents visiting also benefiting from the reduction in metered hours of parking.

Again, as a local businessman, resident and President of the Business Chamber in Leichhardt and Annandale, I would support further reduction in metered parking in side streets and the introduction of 30 minute free also in side streets.

Kind Regards, Mark Chapman

President - Leichhardt Annandale Business Chamber



Balmain Rozelle Chamber of Commerce submission



John Stephens Traffic and Transport Services Manager Inner West Council PO Box 45 Leichhardt NSW 2040 Dear Sir,

Parking Meter Changes -Survey

I refer to Council's call for feedback on possible changes to parking meter arrangements which would extend recent changes to parking meter arrangements in Darling Street.

Balmain Rozelle Chamber of Commerce has long campaigned for more business friendly parking arrangements in Balmain and Rozelle and welcomes the extension of 30 free parking and the turning-off parking meters at 7 pm along Darling Street.

The Chamber has surveyed businesses in both Balmain and Rozelle to gauge their views on the proposed extension of the Darling Street parking meter arrangements to side streets. The results of that survey are set out in the attached Report.

As can be seen there is overwhelming support for the proposed extension to be pursued. Importantly responding businesses report they expect the changes would have a positive impact on their business.

There can be no doubt businesses in Balmain/Rozelle suffer from significantly less than ideal parking arrangements. It is acknowledged more complete solutions to the parking challenges in Balmain and Rozelle will not be easily achieved however a more business friendly parking meter regime would be a further step in the right direction and provide much needed help to the local business community.

Yours faithfully

Kate Moriarty Vice – President Balmain Rozelle Chamber of Commerce

CC:

Clr Darcy Byrne Clr Rochelle Porteous Clr John Stamolis

Attachment: Balmain Rozelle Chamber of Commerce_ PROPOSED CHANGES TO PARKING METER ARRANGEMENTS BALMAIN ROZELLE_LOCAL BUSINESS SURVEY RESULTS_MAY 2018



Item No: C0219 Item 3

Subject: MULTICULTURAL POLICY IMPLEMENTATION

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

Prepared By: Simon Watts - Social and Cultural Planning Manager

Authorised By: Erla Ronan - Group Manager Community Services and Culture

SUMMARY

On 13 November 2018 Council approved the Multicultural Policy and requested further advice on whether or not the proposed position Multicultural Policy Project Officer could be funded as full time. Noting funds of \$113,000 have been allocated to implement the policy on an ongoing basis, this report recommends a staged implementation with additional resources in the first six months to gain momentum.

RECOMMENDATION

THAT Council:

1. Endorse the proposed Community-led Celebration Day Grant Guidelines for exhibition;

2. Approve:

- a. Recruiting a Multicultural Policy Project Officer position four days per week as a permanent position; and
- b. Allocating funds for an additional day per week until 30 June 2019 to give traction to policy implementation.

BACKGROUND

C1118(1) Item 3 Multicultural Policy

THAT Council:

- 1. Endorse the Multicultural Policy:
- 2. Reallocate \$113,000 in 2018/19 and subsequent financial years within the Community Services and Culture Group to deliver the Multicultural program priorities:
- a. Employing a part time Multicultural Policy Project Officer (\$84,000 per annum):
- b. Developing and delivering a multicultural small grants program enabling community-lead celebrations of culture \$29,000;
- c. Initiating the Multicultural Advisory Committee commencing 29 November 2018;
- d. Initiating the Inter-Faith Reference Group commencing first quarter 2019
- e. Continuing translation of key Council documents into community languages as required;
- f. Developing the framework and protocols supporting community to community relationships; and
- g. Identifying a prospective Chinese city with which to form a community to community relationship.
- 3. Note that the following Multicultural program priorities are not recommended to proceed in 2018/19 and are unfunded:



- a. Additional investment in expanding Lunar New Year celebrations
- b. Investment in an anti-racism film competition and festival.
- 4. A report be brought back at the December 2018 Ordinary Council meeting on funding the multicultural project officer as a full time position; and
- 5. A report be brought back in 12 months on a review of the achievements of the Multicultural Project Officer.

This report addresses items 2 b. and 4 above.

Draft Community-led Celebration Day Grant Guidelines (Multicultural Communities) are proposed for Council approval (Attachment One).

FINANCIAL IMPLICATIONS

Council is advised that to increase the proposed four day per week Multicultural Policy Project Officer up to five days per week would cost an additional \$16,800 per annum. This funding is available in 2018/19 due to under expenditure in the Multicultural Policy allocation, however no additional funding for a fifth day is available beyond 30 June 2019.

CONCLUSION

Implementing the Multicultural Policy is a priority project. The first six months of the position needs to achieve significant new outcomes. It is therefore proposed that Council recruit a Multicultural Policy Project Officer position four days per week as a permanent position; and allocate funds for an additional day per week until 30 June 2019 to give traction to policy implementation.

This approach enables Council to achieve significant outcomes, including delivering the Community-led Celebration Day Grants, in 2018/19.

ATTACHMENTS

1. Community-led Celebration Day Grant Guidelines





Draft

Community-led Celebration Day (Multicultural Communities) Grants

2019 Guidelines

Introduction

Inner West Council's Multicultural Policy provides financial support to plan and deliver celebrations of national cultures or national days of cultural significance in local communities across the Inner West.

Applications must propose community benefits for the residents of the Inner West Council area.

Applicants are encouraged to familiarise themselves with Inner West Council's Community Strategic Plan and Multicultural Policy by reviewing the information at the web addresses provided:

https://www.innerwest.nsw.gov.au/contribute/grants https://yoursay.innerwest.nsw.gov.au/creating-our-inner-west-2036

Timeframe

The Community-led Celebration Day Grant Program will be offered for the first time in 2019

- Community-led Celebration Day Grants will be offered in early 2019 and key dates, including opening and closing dates, will be notified on Council's website.
- Grant funding will be allocated for projects to be undertaken, between 1 April 2019 and 30 December 2019.

Objectives

The objective of the Community-led Celebration Day Grants Program is to provide financial support to plan and deliver celebrations of national cultures or national days of cultural significance in local communities across the Inner West. In 2019 these grants are available for celebrations for the following communities: Chinese, Cypriot, Greek, Indian, Italian, Lebanese, Maltese, Nepalese, Portuguese and Vietnamese.



Grants of up to \$3,000 are available for each community.

Eligibility criteria

- Applicants must be incorporated community organisations
- · Organisations must be based in the Inner West Council area
- Applications must be for a specific project for celebrations of national cultures or national days of cultural significance
- Projects must be able to demonstrate that the grant would be for a project in the public interest and in accordance with Council policy and regulations
- Applications must address Council's Community Strategic Plan and address one or more of Council's strategic directions
- · Only one application per organisation may be submitted
- Applicants must have completed the Evaluation report (and acquitted the project) from
 previous grants from IWC and/or the former Councils of Leichhardt, Ashfield and
 Marrickville, where projects have been completed and have no outstanding debts to
 Council. Should acquittals not be due, a progress report must have been submitted as
 requested by Council.

Not eligible

- Projects that have already been completed funding cannot be applied for and used retrospectively
- · Capital works including renovations to buildings
- Grants to political parties or groups formally linked to a political party
- · Activities that could be perceived as divisive within the community
- State or federal government departments (including schools or tertiary institutions), or projects which fall under the responsibility of another tier of government.

Assessment criteria

The following criteria will be considered in the process of assessing applications:

- Impact and quality of the project that contributes to Council's Multicultural Policy
- Cultural benefits to Inner West communities
- · Capacity to deliver a well-planned project including concept, plan and experience
- Realistic budget
- Merit of the application in comparison to the other applications.

Assessment process

Following the closing date, applications will be evaluated by relevant staff against the eligibility and assessment criteria. Applications which meet the eligibility and assessment criteria will be considered by a selection panel comprised of Council staff and Multicultural Policy experts. Following the outcome of the Panel's evaluation, a report will be provided to Council including a brief assessment of each application and recommendations for funding. Council will subsequently determine the funding of applications. All decisions are final. All applicants will be advised as to whether they have or have not been successful within one week of Council's decision.



Item No: C0219 Item 4

Subject: PORTUGUESE COMMUNITY COLLABORATION PROTOCOLS

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

Prepared By: Simon Watts - Social and Cultural Planning Manager

Authorised By: Erla Ronan - Group Manager Community Services and Culture

SUMMARY

On 27 February 2018 Council agreed to enter a collaboration protocol between the Portuguese Republic, the Sydney Portuguese Community Club and the Sydney Madeira Club (Attachment One). Council is now asked to approve the next phase of this work, agreeing on specific projects to create to give effect to this collaboration intent.

RECOMMENDATION

THAT Council:

1. Receive and Note this report;

2. Agree to explore further:

- a. The potential community health and wellbeing initiatives that might better meet the needs of people of Portuguese backgrounds;
- b. Potential renaming of Audley Street Petersham between New Canterbury Road and Trafalgar Streets to a name with greater cultural significance to the Portuguese community;
- c. Explore the potential for street art created by Portuguese artists; and
- d. Further liaison with Roads and Maritime about inclusion of Portuguese elements in the Petersham Station access improvements.

BACKGROUND

Inner West Council has provided long-standing support to the Portuguese communities in the city. Council affirms the socio-cultural and economic contribution of the Portuguese community in Petersham and the broader city.

Petersham is referred to as Little Portugal and has been the geographic heart of Portuguese-Australian culture in Sydney since the 1960's. Council is investing in the Petersham Public Domain Master Plan and this will guide incorporation of Portuguese art and design elements in future works. This is an opportunity to integrate the local Portuguese community in a way that enhances design outcomes and build strong connections to the local community.

These collaboration projects are proposed to be a further development in planning and working in cooperation to strengthen the existing ties and implement new means of cooperation for the benefit of the Portuguese community in Sydney.

FINANCIAL IMPLICATIONS

These projects will be undertaken within existing Council resources and plans.



PUBLIC CONSULTATION

Collaborative engagement with Portuguese community representatives has led to the identification of the following issue for further work:

- Community health and wellbeing initiatives that might better meet the needs of people of Portuguese backgrounds
- The potential renaming of Audley Street Petersham between New Canterbury Road and Trafalgar Streets to a name with greater cultural significance to the Portuguese community
- Explore the potential for street art created by Portuguese artists, potentially traditional stone art or more contemporary artistic expressions by younger Portuguese artists
- Further liaison with Roads and Maritime about inclusion of Portuguese elements in the Petersham Station access improvements.

CONCLUSION

Council is requested to note the advice and to endorse further work on developing these projects.

ATTACHMENTS

1. Portuguese Community Collaboration Protocol 2018



List of Inner West Council Current Awards Program

Inner West Council Awards Program Details	
Award	Citizen of the Year Awards
Date held	January
Facilitated by	Major Community Event team
No. of applications received	12+ (across three categories)
No. of attendees at award ceremony	300 (includes Citizenship Ceremony with 60 new citizens, their families and friends)
Budget allocation	NIL – covered under Australia Day budget.
Staff resources	NIL – cover in event planning for Australia Day event (6 months lead time, 1 staff member x 3 hours per week)
Aims/ Objective	The Inner West Council Citizen, Senior Citizen and Young Citizen of the Year Awards aim to recognize outstanding contributions from individuals within the inner west community.
Target Demographic	Residents, business owners, community leaders – all age groups who contribute to the local area.
Achievements - What works	Good local recognition of contributions valuable to the cultural fabric and community.
Challenges	Struggles to gain significant submissions each year. Application period has been extended in previous years, opening in May and closing in November annually.
Linked to	Australia Day
Can the award be combined with another Council award/event? If Yes or No why?	No The Citizen of the Year Awards is linked to key national campaign to recognise achievements of locals.
Award	Volunteers Awards
Date Held	May
Facilitated by	Community Service & Culture
No. of applications received	25
No. of attendees at award ceremony	100
Budget	\$7,000
Staff resources	1 staff member to organise, 2 on the night

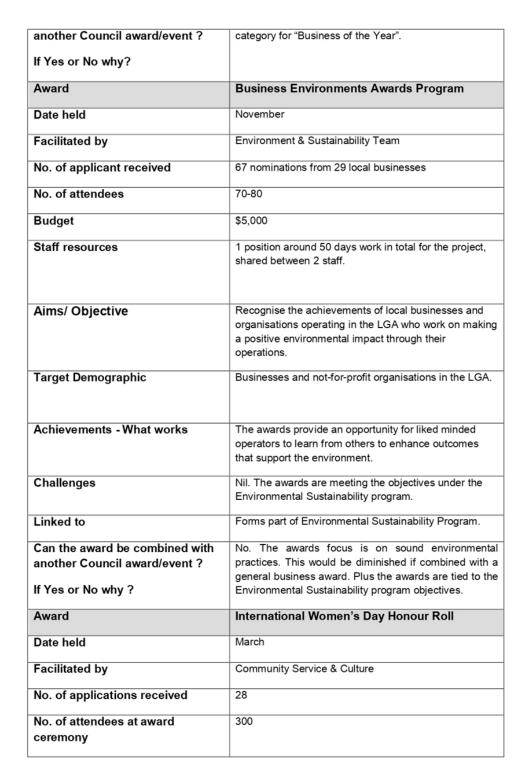
INNER WEST COUNCIL

Aims/ Objective	Acknowledge outstanding volunteer contributions to local
	families, organisations, programs and individuals in need.
	To celebrate and acknowledge all volunteers for their
	work in the Inner West Council LGA.
Target Demographic	Community members and residents
Achievements - What works	Works to highlight volunteering opportunities and
	promote volunteering as an empowering and healthy way
	to live and give back to the community. Also used as a
	means to thank volunteers for their contribution.
Challenges	Receiving nominations – only second event
Linked to	National Volunteer Week 2018. Theme - Give a little.
	Change a lot. "Celebrate the volunteers who make a profound impact in the Inner West community and on
	society, through giving a little time".
	society, unough giving a little time .
Can the award be combined with	No
another Council award/event ?	As linked to key national campaign.
If Yes on Newbor 2	As linked to key hational campaign.
If Yes or No why?	
Award	Built Environment Awards
Date held	May
Date held	
	May Major Community Event team
Date held	
Date held Facilitated by No. of applications received	Major Community Event team 200+ (across three categories)
Date held Facilitated by No. of applications received No. of attendees at award	Major Community Event team
Date held Facilitated by No. of applications received	Major Community Event team 200+ (across three categories)
Date held Facilitated by No. of applications received No. of attendees at award	Major Community Event team 200+ (across three categories)
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation	Major Community Event team 200+ (across three categories) 300 - 400 NIL – covered under Built Environment
Date held Facilitated by No. of applications received No. of attendees at award ceremony	Major Community Event team 200+ (across three categories) 300 - 400 NIL – covered under Built Environment NIL – covered under Built Environment Awards. (10
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation	Major Community Event team 200+ (across three categories) 300 - 400 NIL – covered under Built Environment NIL – covered under Built Environment Awards. (10 month lead time, 1 staff member (pre-production) x 1
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation	Major Community Event team 200+ (across three categories) 300 - 400 NIL – covered under Built Environment NIL – covered under Built Environment Awards. (10
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation Staff resources	Major Community Event team 200+ (across three categories) 300 - 400 NIL - covered under Built Environment NIL - covered under Built Environment Awards. (10 month lead time, 1 staff member (pre-production) x 1 hour per week x 8 months, 2 staff (event preparations) 20 hours per week x 2 months
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation	Major Community Event team 200+ (across three categories) 300 - 400 NIL - covered under Built Environment NIL - covered under Built Environment Awards. (10 month lead time, 1 staff member (pre-production) x 1 hour per week x 8 months, 2 staff (event preparations) 20 hours per week x 2 months The Built Environment Award recognises the contribution
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation Staff resources	Major Community Event team 200+ (across three categories) 300 - 400 NIL – covered under Built Environment NIL – covered under Built Environment Awards. (10 month lead time, 1 staff member (pre-production) x 1 hour per week x 8 months, 2 staff (event preparations) 20 hours per week x 2 months The Built Environment Award recognises the contribution sustainable architecture and building works make to our
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation Staff resources	Major Community Event team 200+ (across three categories) 300 - 400 NIL – covered under Built Environment NIL – covered under Built Environment Awards. (10 month lead time, 1 staff member (pre-production) x 1 hour per week x 8 months, 2 staff (event preparations) 20 hours per week x 2 months The Built Environment Award recognises the contribution sustainable architecture and building works make to our community while the Urban Photography Competition
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation Staff resources	Major Community Event team 200+ (across three categories) 300 - 400 NIL – covered under Built Environment NIL – covered under Built Environment Awards. (10 month lead time, 1 staff member (pre-production) x 1 hour per week x 8 months, 2 staff (event preparations) 20 hours per week x 2 months The Built Environment Award recognises the contribution sustainable architecture and building works make to our community while the Urban Photography Competition encourages residents to engage with the Inner West
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation Staff resources Aims/ Objective	Major Community Event team 200+ (across three categories) 300 - 400 NIL – covered under Built Environment NIL – covered under Built Environment Awards. (10 month lead time, 1 staff member (pre-production) x 1 hour per week x 8 months, 2 staff (event preparations) 20 hours per week x 2 months The Built Environment Award recognises the contribution sustainable architecture and building works make to our community while the Urban Photography Competition encourages residents to engage with the Inner West Council urban landscape.
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation Staff resources	Major Community Event team 200+ (across three categories) 300 - 400 NIL – covered under Built Environment NIL – covered under Built Environment Awards. (10 month lead time, 1 staff member (pre-production) x 1 hour per week x 8 months, 2 staff (event preparations) 20 hours per week x 2 months The Built Environment Award recognises the contribution sustainable architecture and building works make to our community while the Urban Photography Competition encourages residents to engage with the Inner West
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation Staff resources Aims/ Objective	Major Community Event team 200+ (across three categories) 300 - 400 NIL – covered under Built Environment NIL – covered under Built Environment Awards. (10 month lead time, 1 staff member (pre-production) x 1 hour per week x 8 months, 2 staff (event preparations) 20 hours per week x 2 months The Built Environment Award recognises the contribution sustainable architecture and building works make to our community while the Urban Photography Competition encourages residents to engage with the Inner West Council urban landscape. Architects, designers, owner occupiers, residents,



Achievements - What works	Great local recognition of conservation, sustainable design and visual imagery of the local built environment.
Challenges	Could attract further submissions for the Marrickville Medal for Conservation and Sustainable Building Awards categories each year.
Linked to	Awards incorporate three separate categories that contribute to and celebrate our understanding of the inner west's built heritage and sustainable practices and includes the Marrickville Medal for Conservation, Sustainable Building Awards and Urban Photography Competition. The Marrickville Medal for Conservation has been awarded annually since 1995 and was one of the first of its kind in NSW. It celebrates Inner West's rich cultural and architectural heritage.
Can the award be combined with	No The Built Environment Awards should remain as
another Council award/event ?	stand-alone award program, with a delivered event.
If Yes or No why?	
Award	Inner West Local Business Awards
Date held	June
Facilitated by	Economic Development Unit
No. of applications received	Over 300
No. of attendees at award ceremony	500
Budget	\$5,000
Staff resources	1 staff 7 hours work in total
Aims/ Objective	Recognise the outstanding business performance & customer service
Target Demographic	Small business owners
Achievements - What works	Enables Council to be associated with a recognised brand with a good marketing campaign. Minimal work required by Council staff
Challenges	Nil as minimal work required by Council staff.
Linked to	Precedent Productions Awards Program
Can the award be combined with	Yes Suggest may be opportunity to revamp & combine with Business Environment awards program by adding

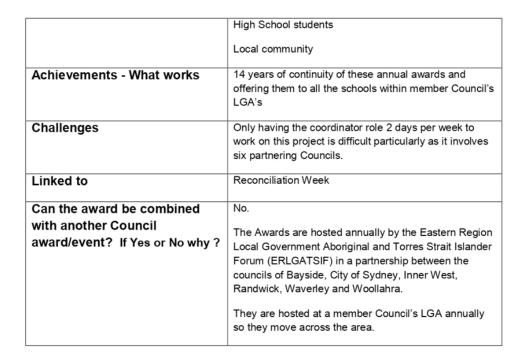
INNER WEST COUNCIL





Budget	\$2,500
Staff resources	1 x coordinator
Aims/ Objective	Celebrate women making an outstanding impact strengthening social justice
Target Demographic	Inner West women who strengthen social justice
Achievements - What works	Running in conjunction with IWD. Captive and appropriate audience
Challenges	Low number of applications received
Linked to	International Women's Day
Can the award be combined with another Council award/event? If Yes or No why?	This has been running since 2012 and occurs every second year in conjunction with International Women's Day. Specifically honours women in line with IWD theme
Award	Pauline McLeod Award for Reconciliation
Date held	May
Date held	May
Date held Facilitated by No. of applications received No. of attendees at award	May Community Service & Culture Over 100 Primary School Art Works
Date held Facilitated by No. of applications received	May Community Service & Culture Over 100 Primary School Art Works Over 15 Pauline McLeod Community Nominations
Date held Facilitated by No. of applications received No. of attendees at award	May Community Service & Culture Over 100 Primary School Art Works Over 15 Pauline McLeod Community Nominations 150 Primary Art Competition
Date held Facilitated by No. of applications received No. of attendees at award ceremony	May Community Service & Culture Over 100 Primary School Art Works Over 15 Pauline McLeod Community Nominations 150 Primary Art Competition 70 PMA's
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget	May Community Service & Culture Over 100 Primary School Art Works Over 15 Pauline McLeod Community Nominations 150 Primary Art Competition 70 PMA's \$10,000
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget	May Community Service & Culture Over 100 Primary School Art Works Over 15 Pauline McLeod Community Nominations 150 Primary Art Competition 70 PMA's \$10,000 Aboriginal Programs Team = 4 from Inner West Aboriginal workers and Councillors from member
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget Staff resources	May Community Service & Culture Over 100 Primary School Art Works Over 15 Pauline McLeod Community Nominations 150 Primary Art Competition 70 PMA's \$10,000 Aboriginal Programs Team = 4 from Inner West Aboriginal workers and Councillors from member Councils To acknowledge work of community members in

INNER WEST COUNCIL





Item No: C0219 Item 5

Subject: GAMBLING HARM MINIMISATION

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

Prepared By: Simon Watts - Social and Cultural Planning Manager

Authorised By: Erla Ronan - Group Manager Community Services and Culture

SUMMARY

To report back on the Gambling Harm Minimisation Mayoral forum and the proposed features of a Gambling Harm Minimisation Compact for 2019.

RECOMMENDATION

THAT Council:

- 1. Note the outcomes of the Gambling Harm Minimisation Mayoral forum; and
- 2. Approves negotiating an Inner West Gambling Harm Minimisation Compact based on the following points:
 - a. Engaging a high profile ambassador for promoting harm reduction
 - b. Improved training for staff in venues provided by the industry
 - c. Targeted support from Office of Responsible Gambling.

BACKGROUND

Notice of Motion (C0818 (1) Item 35) Gambling Harm Minimisation:

THAT Council:

Convene an Inner West Gambling harm minimisation round table with representatives from the Alliance for Gambling Reform, experts in gambling harm minimisation, local clubs and pubs, other interested organisations and Councillors. The aim of the round table would be to discuss making a local gambling compact with local strategies we as a community could agree on to reduce the problem gambling and assist those who experience this problem.

A Gambling Harm Minimisation Mayoral forum was held on 7 November 2018 with key stakeholders from the Alliance for Gambling Reform, local hotels and clubs, Clubs NSW, Australian Hotels Association, Bet Safe, a leading academic, and Council officers. Participants outlined a range of perspectives on the issue of gambling harm minimisation. Participants discussed three elements that might be included in a compact and committed to further work on these options. This report provides a brief summary of key issues from the meeting and a potential approach for a compact for 2019.

INTRODUCTION

Gambling is a lawful activity and Australians are the world's most prolific gamblers.

The most popular form of gambling is the purchase of a lottery ticket – almost 30 % of Australians reported spending money on lottery games, like Powerball or Oz Lotto, in a typical month. Just 8% of Australians report spending money on poker machines, 6 % on the horses and 3% on other sports betting. Last year Australians lost nearly \$24 billion to gaming, more than half on poker machines at pubs and clubs across the country. 39% of Australians aged



18 years or older are estimated to engage in at least some form of gambling activity on a regular (at least monthly) basis.

8 per cent of Australian adults report some form of adverse consequence from gambling including almost 60 per cent of this group, for example, report at least sometimes betting more than they can afford to lose, and almost 40 per cent admitted to at least sometimes thinking they might have a gambling problem. 200,000 Australians are problem gamblers.

Men, Indigenous Australians, people with lower levels of educational attainment, and unemployed job seekers are all more likely to be problem gamblers.

Gambling with machines in Australia is generally declining in terms of numbers participating, except in NSW, where modest increases are being experienced. The single biggest decline in machine gambling is attributed to the ban on smoking in licensed venues, explaining directly renovations to hotels to enable outside smoking area, often with gambling machines. Losses on machine gambling are generally declining Australia wide, including in NSW, although NSW is still the highest nationally. The amount lost per poker gambler (in pubs and clubs) in both NSW and Victoria is around \$3,500 per year, or around \$65 per week. The ACT sits at around \$3,000 per gambler per year, followed by the NT and Tasmania at around \$1,500 per year. To put this in some perspective, the average Australian adult spent \$1,245 on electricity and gas in 2014-15.

SUMMARY OF ISSUES RAISED IN THE MAYORAL FORUM

The following key issues were raised during the Mayoral Forum:

- Every staff member who works in gaming is required to undergo responsible conduct of gambling course. This aims to develop the skills to offer gambling in a responsible way, and comply with state regulation.
- Every club and pub required to have responsible gambling program. Activities include self-exclusion, immediate 24 hour phone gambling counselling and support.
- Clubs and pubs make a significant contribution to the economy of the Inner West.
- There has been an approximate 70% reduction of gaming floor space in hotels in the Inner West since 2001. State average over that time is 10% reduction
- There are 92,000 poker machines in NSW outside of casinos
- Inner West clubs rank 19 of 103 for poker machine losses, and 18 of 103 for number of machines
- Inner West pubs rank 7th for poker machine losses and 2nd for number of machines.
- Although the total number of machines is decreasing, the losses are increasing.
- Losses in last 12 months in Inner West have increased 12 %
- Clubs are doing very well, their losses are falling
- There's no one single solution, gambling is very complex problem
- Pathways into counselling are critical
- Harm minimisation requires a better conversation about gambling in the public domain.
 There is too much victim blaming. The blame is often placed on the gambler experiencing harm, not the industry providing the machines.
- Local government is not the consent authority for gaming machines



POTENTIAL ELEMENTS OF A GAMBLING HARM MINIMISATION COMPACT

There was broad agreement at the forum of the importance of reducing stigma associated with those who are experiencing gabling harm, of raising awareness of the issue and of encouraging people to seek support with gambling issues early.

There was considerable discussion of what actually works to reduce harm. It was argued that there was there was a role for venue management to support staff to be proactive and engage with gamblers, exploring sign of emotional distress in a non-judgmental manner and refer people for support as appropriate. It was argued that there are elements of corporate social responsibility and customer service that might be argued to be behind such a renewed approach.

There was also an appetite for exploring the following elements:

1. High profile ambassador promoting harm reduction

ClubsNSW have developed a campaign that Nathan Hindmarsh leads as the ambassador. The tag line is: If it's not fun anymore, it's ok to ask for help. Mr Hindmarsh speaks to groups about his personal experience with gambling, how he got help, about looking after mates, and not being afraid to own up to needing help. ClubsNSW can deploy the campaign in the Inner West perhaps in conjunction with school or sports events, along with council.

2. Improved training for staff in venues

A new training package is being developed at the University of Sydney for venue staff. It aims to ensure that staff are well trained not just to identify signs of gambling harm, and to learn skills on how to interact with customers in a non-judgemental way. The onus is placed on corporate responsibility where venue operators shift the focus away from the issue of problem gambling to customer service. Current training imparts competency for gambling and teaches the signs to look at for, but doesn't give skills to respond.

3. Targeted support from Office of Responsible Gambling

The Office of Responsible Gambling has funded programs from multiple service providers across the Inner West. They are open to discussions about targeting to areas of emerging need.

CONTEXT

The most pervasive gambling method is poker machines (electronic gambling machines). The Inner West has two clubs and two hotels in the list of 100 most profitable NSW venues by gambling machine revenue. Overall poker machine numbers in the Inner West are much lower than other areas, particularly compared to the City of Sydney.

In the six months 1 December 2017 to 31 May 2018 the Inner West had 1,126 gambling machines at 17 clubs. These machines made a net profit of \$28.8 million, attracting tax of \$5.9 million. In the same period, the Inner West had 916 gambling machines at 56 hotels. These machines made a net profit of \$40.3 million.

The role of the NSW Government and councils

In NSW, poker machines are regulated by the Government through the Office of Responsible Gambling. Section 209(3) of the *NSW Gaming Machines Act* 2001 prohibits Councils considering gambling in social and economic impact assessments. This provides a statutory limit on the direct influence local councils have on the number of EGMs and their associated impact in the community. Fairfield City Council is the only LGA with an EGM harm minimisation policy, although Northern Beaches is working intensively on the issue, and has released a draft EGM Harm Management Strategy for public comment. Fairfield has the largest number of poker machines of any LGA and records the biggest gambling losses in NSW (and Australia).



The Office of Responsible Gambling funds and provides a range of programs to minimise gambling harm. The Responsible Gambling Fund is funded by a levy on the Star Casino and allocates around \$18 million per annum for such initiatives. The Office leads on a number of issues including:

- Gambling related signage (in seven community languages)
- Player information brochures
- Self-exclusion schemes
- Displaying clocks
- Gaming machine advertising
- Locating gaming machines and jackpot displays
- Cheques and cash-dispensing facilities
- Player reward schemes and promotional prises
- Gambling inducements
- Responsible Conduct of Gambling Training (renewal required every five years)
- Investigation of any possible misconduct, mismanagement of funds and assets
- Investigation of complaints and breaches.

FINANCIAL IMPLICATIONS

Nil additional. Council staff will assist in the development of a compact.

CONCLUSION

This report provides feedback on the Gambling Harm Minimisation Mayoral forum and the proposed features of a Gambling Harm Minimisation Compact for 2019.

ATTACHMENTS

Nil.



Item No: C0219 Item 6

Subject: BIRCHGROVE WHARF - ACCESSIBILITY OPTIONS THROUGH YURULBIN

PARK

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

Prepared By: Aaron Callaghan - Parks Planning and Engagement Manager

Authorised By: Cathy Edwards-Davis - Group Manager Trees, Parks and Sports Fields

SUMMARY

Transport for NSW have developed options to address equal access provision to Birchgrove Wharf, through Yurulbin Park. The positive and negative attributes of the options are discussed within the report.

RECOMMENDATION

THAT Council:

- 1. Advise Transport for NSW that it supports Option 3 as the preferred option for equal access to Birchgrove Wharf, through Yurulbin Park;
- 2. Requests that Transport for NSW engage Bruce Mackenzie and Associates to provide comments on the detailed design for improved accessibility and provide input into the landscaping design works for Yurulbin Park; and
- 3. Request that Transport for NSW reconsider the option of relocating the ferry wharf to Miklouho-Maclay Park, Grove Street, Birchgrove, should the accessibility project to Birchgrove Wharf not proceed within five years.

BACKGROUND

An award winning designed park, Yurulbin Reserve was designed by Bruce Mackenzie and Associates, landscape architects, and developed between 1972 and 1977. Bruce Mackenzie also designed the park at Illoura Point in 1970. Both parks were seminal works that demonstrated two main philosophies that would become dominant in Australian landscape architecture during the period. One was a design which was focused on creating an environment in sympathy with its natural origins using Australian native plants. The other sought to create an escape from urban pressures.

The park, originally known as Long Nose Point Park, like Illoura Reserve, incorporates a sequence of spaces, and uses natural stone elements and outcrops. The hand hewn sandstone path, the slipway, concrete walls and heavy timber elements incorporated into the design also remain as a reminder of its former commercial use. The design received the 1982 merit award of the Royal Australian Institute of Architects. In 1994 the name of the point and park was changed to "Yurulbin Point" to reflect the Aboriginal heritage of the area.

Transport for NSW (TfNSW) operates a ferry wharf at the base of the park as part of the F8 ferry route between Cockatoo Island and Circular Quay. This route operates 23 times a day Monday to Friday in each direction, 17 to 18 times a day on Saturday in each direction, and 12 to 13 times a day on Sunday and on public holidays in each direction. Patronage for Birchgrove Wharf in the financial year 16/17 was approximately 65 customers per day. A new pontoon ferry wharf, constructed by TfNSW was opened on the 24 April 2018.



Of the 32 wharves in the Sydney Ferries Network, Birchgrove Wharf is one of 10 that is not accessible. The Human Rights Commission has ruled that Transport for NSW as a provider of public transport infrastructure, has an obligation to ensure that there is a continuous accessible path of travel linking the nearest public street to the wharf. This is consistent with the requirements of clause 7 of AS1428.2 (1992).

Discussions on the provision of equal access at Yurulbin Reserve have been ongoing for a number of years. Detailed design options from TfNSW have recently been received following a ruling from the Human Rights Commission requiring TfNSW to resolve with Council an agreeable access plan within six months. This ruling was handed down in May of 2018. A copy of this ruling is provided as **Attachment 2**.

During the planning and construction period associated with the new wharf, discussions were initiated by TfNSW on options for equal access from the new ferry wharf to Louisa Road at the top of the park. At the outset of the discussions in 2015, prior to the new wharf build, Council officers recommended that a more suitable and /or supplementary site for the Ferry wharf would be that of the Miklouho- Maclay Park at the end of Grove Street in Birchgrove. This location would have made more practical sense as DDA compliant access can be easily achieved and importantly the site is also serviced by the 441 bus (site highlighted in Fig 1.0). This option was not supported by TfNSW due the additional travel time component that this would place on the existing ferry timetable. Council officers still believe that this is an option worth exploring further especially if Yurulbin Reserve is alienated as a construction site for the Western Harbour Tunnel.



Fig 1.0 -Yurulbin Reserve, Birchgrove Oval and Miklouho- Maclay Park

Equitable Access Options in Yurulbin Reserve

Access to the wharf is solely via a worn set of stairs, comprised of a mix of concrete steps and steps hand hewn from the sandstone bedrock. Improvement of the stairs is included with all options. Seven options, featuring a combination of lifts and graded paths for wheeled access have been considered by TfNSW and presented to Council. **Attachment 1** highlights the options which have been recommended for consideration by Council. All of the options presented have impacts on the park.

All of the options presented will have impacts on the character and amenity of the park as well as its design within the landscape, which was a core principal in its design intent. At the park's inception and design in the 1970's accessibility was not a key design criteria. In this respect it



is noted that Council is committed to achieving equal access in all of its parks where this is technically possible.

Council has an obligation to provide equity of access to the park regardless of the time or period of when it was constructed. Both TfNSW and Council have a legal compliance issue to address triggered by the wharf upgrade. Council needs to recognise in considering any design improvements for access, that both access to the ferry wharf and the park are considered in an integrated manner. These issues can't be considered in isolation. In undertaking design considerations it is critical that the landscape qualities of the park are recognised and that the proposed access improvements provide the least impact on these qualities.

Preferred Options

Attachment 1 outlines the potential options for the site. TfNSW is promoting Option 7 as their preferred solution.

With respect to the current options presented, Council staff have two differing views. Both options provide access to the foreshore however access to the whole park is not achievable due to the differing gradients and landscape topography.

The option preferred by TfNSW (Option 7) is also supported by Council's Community and Cultural Services team. This option includes a lift facility and an elevated path option which also leads from the top of the park to the mid lawn area. Option 7 is supported by Community and Cultural Services staff as it provides ease of inclusive access and would open up much of the bottom of the park for those with mobility impairments. This option has a larger footprint impact on the park and also impacts upon its original design intent.

It is noted that the option with the least impact on the park is that of Option 6. This option includes an inclinator car, which provides for direct accessible access to the ferry wharf. However, it does not provide access to any other part of the park. The design could be modified at the middle landing point to provide future access to the central section of the park.

The option preferred by Council's Parks Planning and Engagement team is that of Option 3. This option provides improved access to the central area of the park as well as the ferry wharf and foreshore. In addition, it could be modified in future years to provide additional access to the park. Some realignment of the existing access to the bottom of the park will be required for maintenance vehicles.

Whichever design is recommended and supported by Council it is strongly advocated that the original park designer is engaged by TfNSW on landscape form treatments. It is critical that the original design intent of the park is not completely lost through the modification of the park through built form.

Potential Construction of Western Harbour Tunnel

In July 2018, RMS released a reference design for the proposed Western Harbour Tunnel. Should this project proceed it is likely to include a tunneled section under Balmain/Birchgrove linking to submerged, prefabricated sections under Sydney Harbor between Birchgrove and Waverton.

The reference design includes use of Yurulbin Point as a construction site providing the interface between the submerged prefabricated and the tunneled sections of the project. This activity is likely to include:

- Relocation of the existing ferry wharf to permit construction of a temporary cofferdam (to provide interface between the 'dry" and "wet" sections of the project);
- Establishment of a temporary tunneling site and barge mooring in the harbour to the south of Yurulbin Park;



Temporary use of Yurulbin Park for activities ancillary to the tunnel's construction.

The project's current timeline anticipates exhibition of the Environmental Impact Statement early in 2019 with potential completion of the project within 5 years of project approval.

The decision by the Australian Human Rights Commission requires Council and Transport for NSW to reach agreement on the design option for providing access at Birchgrove Wharf. However, should the ferry services be terminated for several years due to the proposed tunnel construction operations, it may be more economic, and better serve commuters needs, to permanently relocate the new pontoon wharf to Mikloho-Maclay Park.

Upon the end of occupation of Yurulbin Point for tunnel works, restoration of Yurulbin Park will be necessary. The restoration design should include consideration of suitable access to facilitate inclusive use of the park. Council may also consider installing a small public pontoon to provide access to water taxis, private vessels and other on-water recreation similar to the provision at our other foreshore parks.

FINANCIAL IMPLICATIONS

The cost of the proposed access improvements will be met by TfNSW.

OTHER STAFF COMMENTS

Council's Community and Cultural Services team have been involved in discussions with TfNSW.

PUBLIC CONSULTATION

There has been nil community engagement to date from TfNSW on the proposals. It is anticipated that once Council has its own preferred position, then TfNSW will undertake community engagement on a preferred option moving forward.

CONCLUSION

The option advocated by TfNSW and also support by Council's Community and Cultural Services Division is that of the Option 7. This option includes a lift facility and an elevated path option which also leads from the top of the park through to the foreshore. Option 7 has a larger footprint impact on the park and also impacts upon its original design intent.

Council's Parks Planning and Engagement team recommends that Council support Option 3. This option will provide for improved access to the central area of the park as well as the ferry wharf. The option has the least impact on the original design intent and could be modified in future years to provide additional access to the park

ATTACHMENTS

- 1. Options for access to Birchgrove Wharf, through Yurulbin Park
- 2. Ruling from the Human Rights Commission requiring TfNSW to Provide an Access Plan

Ferry Wharf Upgrade Program Birchgrove Ferry Wharf Interchange

Landside Access Path Concept Designs







Roads & Maritime Services

What's there now?



Louisa Rd (looking SW)



Louisa Rd – footpath to Yurulbin Park



3



Footpath to Birchgrove Wharf



Stairs to Birchgrove Wharf



Stairs to Birchgrove Wharf



Yurulbin Park carpark



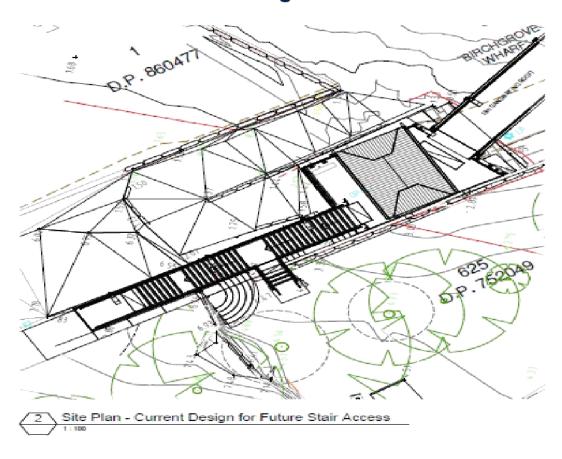
Lower Yurulbin Park



Path to lower park

Concept design for future stair access

Feature - New steel stairs over existing concrete stair



Disabled Parking Options

Numa Road disabled carpark - Existing



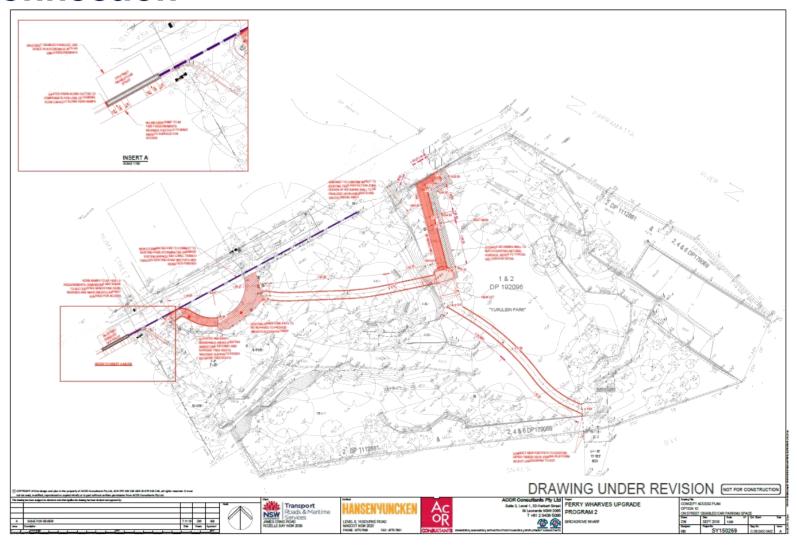
Option A Louisa Road – Potential



Option B (Preferred)
Parking within existing short term parking in the park



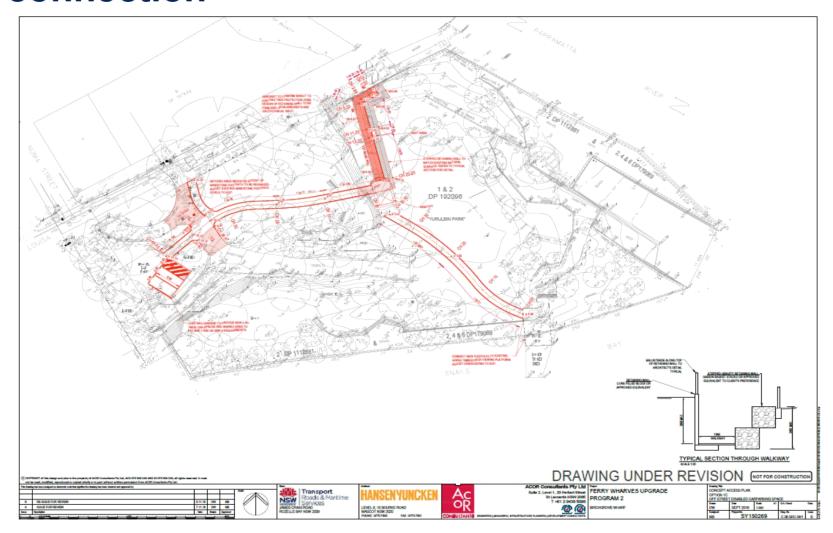
Option A – not preferred. Louisa Road connection



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Option B – preferred accessible park connection



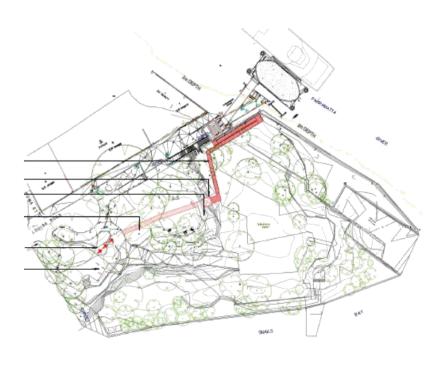
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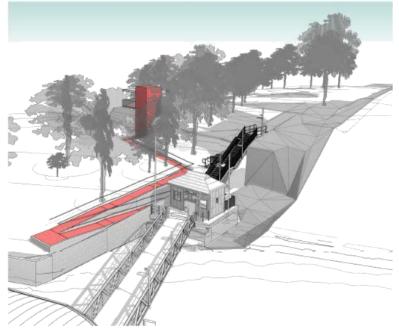
Accessible path options

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Option 1 – lift and switchback path





Option 1 Key Features

- Upgrade existing carpark including 1 disabled parking space
- New accessible path from carpark to lift
- New lift
- Switch back suface path along the seawall to wharf

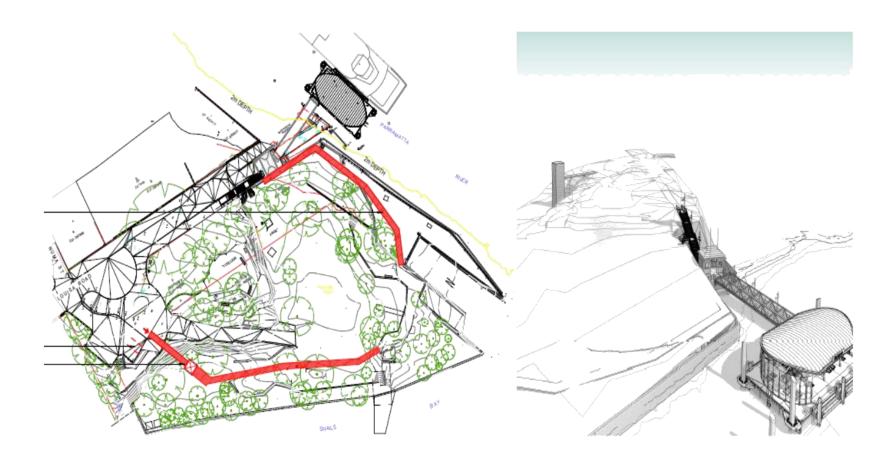
Advantages

- Lift will provide amenity to park
- Lift and direct access supported by submissions sent to the Australian Human Right Commission
- Reduces visual impact of lift in this location
- Partially obscured by trees and built next to escarpment

Disadvantages

- May impact on some trees
- Visual impact of switch back ramp on the park
- Increased distance of travel on lower path to wharf

Option 2 (lift from rear of carpark)



Option 2 Key features

- Upgrade existing carpark including 1 accessible parking space
- Bridge across to lift
- New lift
- Path around perimeter of park graded down to wharf level

Advantages

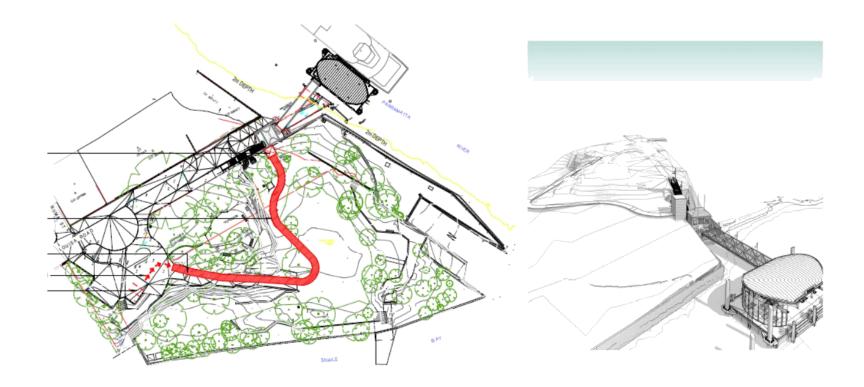
- Lift will provide amenity to park
- Lift not as prominent visually in this location
- Lift and direct access supported by submissions sent to the Australian Human Right Commission

Disadvantages

- The distance to walk to the wharf is not equitable
- More of lower park impacted by path

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Option 3 (regrade path to short lift)

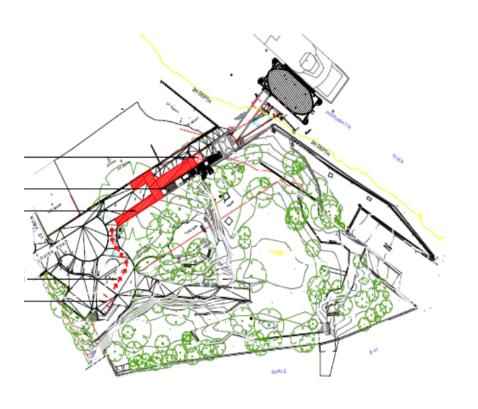


Option 3 Key Features

- Upgrade existing carpark including 1 disabled parking space
- New accessible path to wharf to follow existing landscaped ramp
- New lift (shortest lift height)
- New level landing

- Shortest lift landing
- Lift will provide amenity to park
- Lift and direct access supported by submissions sent to the Australian Human Right Commission
- Adverse impact of lift on visual amenity from landside and waterside
- Impact on vehicles using path to maintain lower park

Option 4 (original lift option)





Option 4 Key Features

- Upgrade existing carpark including 1 disabled parking space
- New accessible path from carpark to lift
- New lift
- New level landing

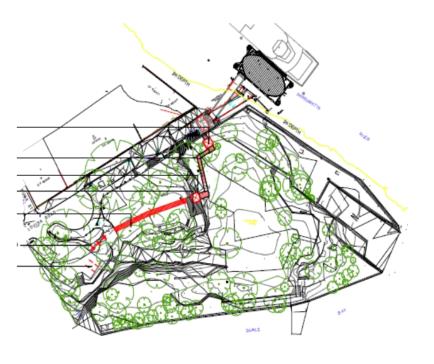
Advantages

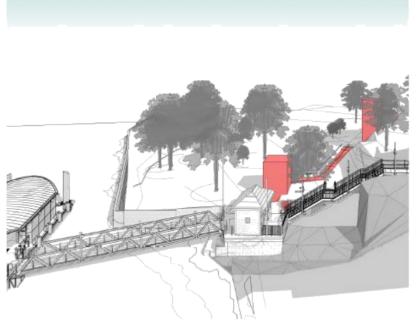
- Direct route running parallel to steps
- Lift amenity to wharf
- One of the more direct access and equitable options using this lift location
- Least impact on park
- Lift and direct access supported by submissions sent to the Australian Human Right Commission

Disadvantages

- High adverse impact on visual amenity from landside and waterside as previously advised by council
- Difficult area to install a lift

Option 5 (2 Lifts)





Option 5 Key Features

- Upgrade existing carpark including 1 disabled parking space
- New accessible path from carpark to lift no.1
- Lift no.1 down to park
- Accessible surface ramp to lift no.2
- Lift no.2 down to wharf level
- New level landing

Advantages

 One of the more direct routes to wharf

Disadvantages

- Cost of installing and maintaining two lifts
- Slows down travel time to wharf using two lifts which is not equitable
- Adverse impact of two lifts on visual amenity from landside and waterside

Option 6





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Option 6 (covered inclined lift) Key Features

- Upgrade existing carpark including 1 disabled parking space
- New accessible path from carpark to inclinator lift
- New inclinator car and track
- New level landing

Advantages

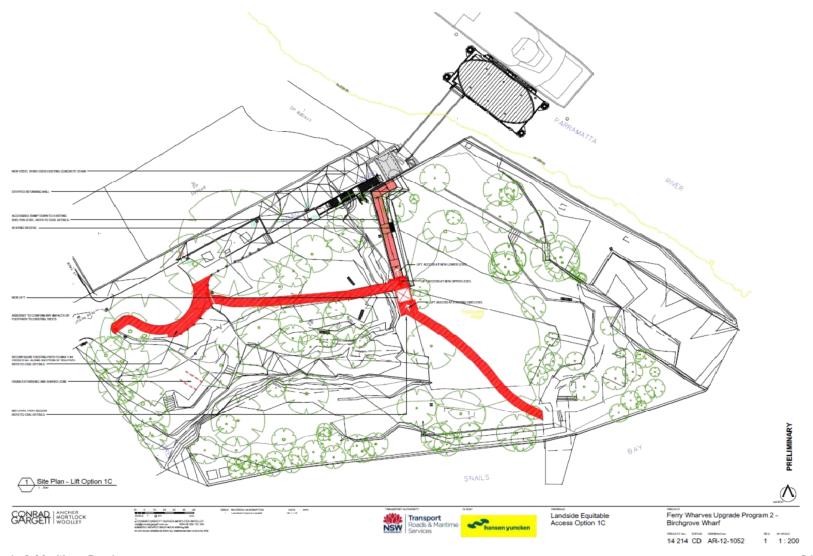
- Direct route running parallel to steps
- No impact on the park
- Council preference

Disadvantages

- Visual impact above waiting structure at entrance to the wharf
- Supplier advised daily monitoring required
- Cost of installing and maintaining an inclinator
- DDA compliance Inclinator or chair lift are considered entirely unsuitable by Physical Disability Council of NSW as they do not allow for fully independent access
- Early stages of market uptake potential maintenance callout issues
- Unproven in transport environment

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Option 7 (RMS Preferred)



Roads & Maritime Services

Option 7 Key Features

- Upgrade existing carpark including 1 disabled parking space
- New accessible path from carpark to lift
- New 2 stop lift
- Stops at 2 levels of the park to make the park more accessible
- Accessible sunken path ramp down to wharf level
- Stepped retaining wall and rest area to wharf

Advantages

- One of the more direct routes as the shortest distance between lift and wharf
- Provides access to 2 levels of the park so that the park is more accessible
- Sympathetic to heritage aspects of park
- Partially obscured by trees and built next to escarpment
- Lift and direct access supported by submissions sent to the Australian Human Right Commission

Disadvantages

 Requires a sunken path with a stepped retaining wall (to be overcome with landscaping/lighting CCTV for sunken path

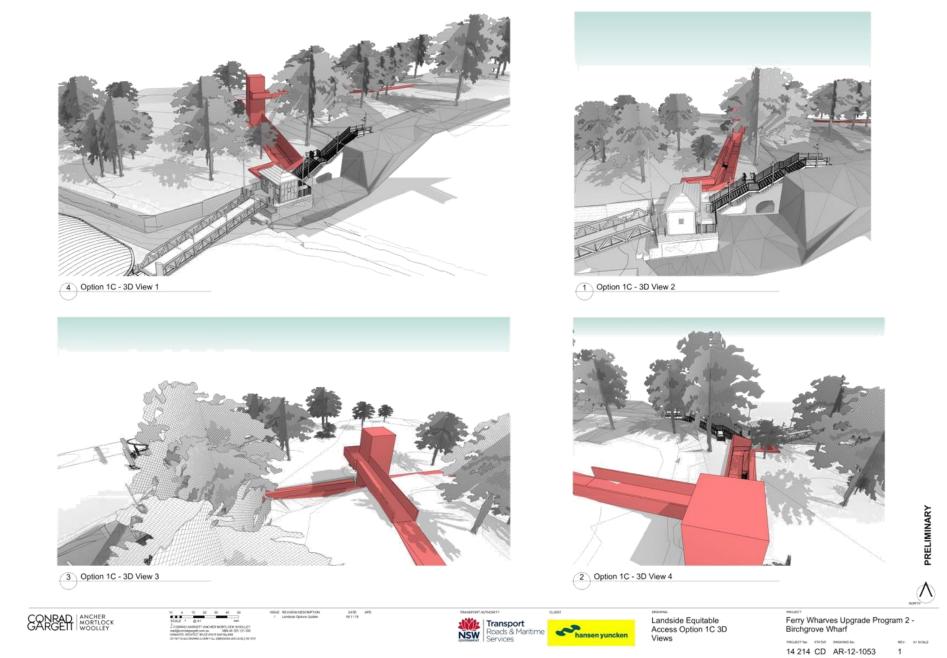
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Next Steps

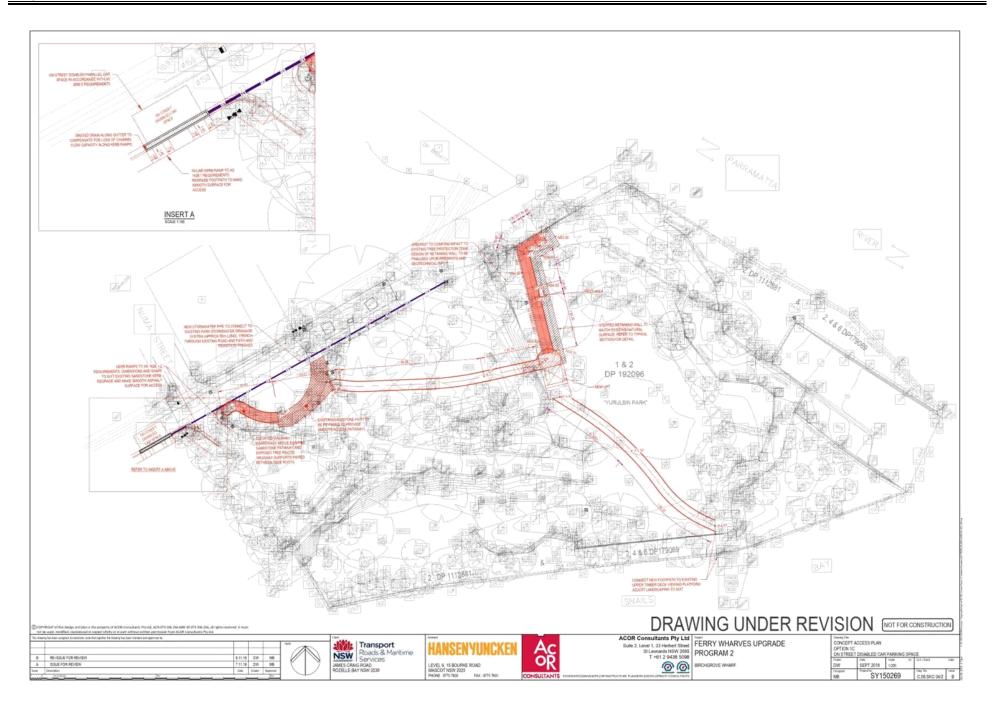
- Inner West Council (IWC) feedback on options
- Presentation with Inner West Council DDA committee (if required)
- IWC and RMS work together to develop preferred option
- Confirm position with Australian Human Rights Commission.
- RMS internal approvals for concept design
- Detail design and approvals
- REF/construct.

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AUSTRALIAN HUMAN RIGHTS COMMISSION

DISABILITY DISCRIMINATION ACT 1992 (Cth), Section 55

DISABILITY STANDARDS FOR ACCESSIBLE PUBLIC TRANSPORT 2002 (Cth), Section 33A.1

NOTICE OF DECISION ON APPLICATION FOR TEMPORARY EXEMPTION: TRANSPORT FOR NSW

The Australian Human Rights Commission gives notice of its decision regarding an application made by Transport for NSW (TfNSW) for a temporary exemption pursuant to s 55 of the *Disability Discrimination Act 1992* (Cth) (DDA) and s 33A.1 of the Disability Standards for Accessible Public Transport 2002 (Cth) (Transport Standards).

1 THE APPLICATION

- 1.1 TfNSW is an agency of the New South Wales Government and describes itself as 'the lead agency of the NSW Transport cluster'. The role of TfNSW is to 'lead the development of a safe, efficient, integrated transport system'. Relevantly, for the purposes of the Transport Standards, TfNSW is a 'provider' which is defined as 'a person or organisation that is responsible for the supply or maintenance of public transport infrastructure'.
- 1.2 TfNSW seeks a temporary exemption from compliance with the Transport Standards in relation to infrastructure at Birchgrove Ferry Wharf (Birchgrove Wharf). In particular, it seeks a temporary exemption from compliance with ss 2.1 and 2.2 of the Transport Standards in relation to 'the access path connecting the landside from Louisa Road entrance to the Birchgrove Wharf landside shelter'.
- 1.3 The relevant standards provide as follows:
 - 2.1 Unhindered passage
 - An access path that allows unhindered passage must be provided along a walkway, ramp or landing.
 - (2) An access path must comply with AS1428.2 (1992) Clause 8.1.
 - 2.2 Continuous accessibility

An access path must comply with AS1428.2 (1992) Clause 7, Continuous accessible path of travel.

- 1.4 Clause 7 of AS1428.2 (1992) relevantly provides that:
 - (a) Accessible paths of travel within the boundary of the site shall be provided from transportation stops, accessible parking and accessible passenger loading zones, and public streets or walkways to the accessible building entrance they serve.
 - (b) Accessible paths of travel shall connect accessible buildings, facilities and spaces that are on the same site.



- 1.5 Infrastructure that is brought into use after the commencement of the Transport Standards must comply with the standards. This is an application for an exemption in relation to existing infrastructure (rather than new infrastructure). Schedule 1 of the Transport Standards sets out degrees of compliance with various standards that must be achieved by particular dates. In the case of access paths, the Transport Standards relevantly require 90% compliance by 31 December 2017 and full compliance by 31 December 2022.
- 1.6 The access path from Louisa Road to Birchgrove Wharf runs through land owned by Inner West Council (IWC). TfNSW says that IWC does not support the upgrade of the current pathway to an accessible path with the inclusion of a lift or long ramped sections due to the perceived visual impact on Yurulbin Park and the local vicinity. TfNSW seeks an exemption for a period of five years for a number of reasons including 'to allow for further negotiation between TfNSW and the IWC in addition to exploring options that may be available to provide equitable access that do not have the same visual impact as a lift structure and long ramped sections'.

2 DECISION OF THE COMMISSION

- 2.1 The Commission has decided that it will:
 - (a) Grant an initial exemption for 6 months without conditions, which may be extended by the Commission for a further period of up to 3 months, to allow TfNSW and IWC to continue to negotiate in relation to an appropriate solution that improves access to Birchgrove Wharf for people with disabilities.
 - (b) Grant a conditional exemption for a further 24 months, to allow the implementation of an agreed solution, on the conditions that:
 - TfNSW confirms in writing to the Commission during the initial negotiation period that agreement has been reached with IWC about how to improve access to Birchgrove Wharf for people with disabilities and describes the nature of the agreed solution; and
 - the agreed solution would provide access in a way that is compliant with the DDA and the Transport Standards.
- 2.2 For the avoidance of doubt, if agreement on an accessible solution is not reached within the initial negotiation period described in paragraph (a), then the further exemption period will not apply; and if the agreed solution is not compliant with the Transport Standards then the further exemption period will not apply. In those circumstances, people with disability would retain their right to make a complaint, and TfNSW would retain the right to rely on equivalent access or unjustifiable hardship provisions if applicable.
- 2.3 While any upgrade to Birchgrove Wharf is being considered and planned, the Commission encourages TfNSW and IWC to consider alternative ways in which they can assist people with disability to connect between ferry services and places in Birchgrove that are ordinarily served by Birchgrove Wharf. This may include assisting residents with disabilities that affect their mobility to connect with alternative ferry services at Balmain and Balmain East. The Commission encourages TfNSW and IWC to consider the publication by the Commonwealth



Department of Infrastructure and Regional Development titled *The Whole Journey:* A guide for thinking beyond compliance to create accessible public transport journeys, particularly sections 3.2 on 'Journey start and end' and 3.7 on 'Disruption to business as usual'.

3 CONSIDERATION AND REASONS

- 3.1 In reaching its decision, the Commission considered the following:
 - 3.1.1 the application and submissions by TfNSW
 - 3.1.2 all information provided by TfNSW in response to the Commission's request for further information
 - 3.1.3 a submission from the Accessible Public Transport Jurisdictional Committee (APTJC)
 - 3.1.4 submissions from other interested parties
 - 3.1.5 publicly available material in relation to the upgrade of Sydney's ferry wharves
 - 3.1.6 the response by TfNSW to the Commission's preliminary view.
- 3.2 Documents described in paragraphs 3.1.1 to 3.1.4 and 3.1.6 are available on the Commission's website at: www.humanrights.gov.au/disability_rights/exemptions.
 Publicly available information relied on by the Commission is referred to in endnotes to this decision.
- 3.3 In reaching its decision, the Commission had regard to the following:
 - 3.3.1 the terms and objects of the DDA
 - 3.3.2 the Transport Standards
 - 3.3.3 the Disability Standards for Accessible Public Transport Guidelines 2004 (No. 3)
 - 3.3.4 the Commission Guidelines: Temporary Exemptions under the Disability Discrimination Act (2010).
- 3.4 The history of the application and the reasons for the Commission's decision are set out below.

4 MEANING OF IMPORTANT TERMS

- 4.1 Unless the contrary intention appears, any term used in this decision and in the Transport Standards has the same meaning in this decision as it has in the Transport Standards.
- 4.2 Unless the contrary intention appears, any term used in this decision and in the DDA has the same meaning in this decision as it has in the DDA.



5 BACKGROUND

- 5.1 On 3 November 2017, TfNSW made an application for a temporary exemption under s 55 of the DDA and s 33A,1 of the Transport Standards in relation to Birchgrove Wharf.
- 5.2 Birchgrove Wharf is situated at the end of Louisa Road. There is a level change of approximately 7 metres from the road to the wharf with a steep gradient. At present, there is a path from Louisa Road to the wharf that incorporates stairs. The stairs run alongside Yurulbin Park. TfNSW says that the stairs are not currently compliant with the DDA.
- 5.3 Birchgrove Wharf is part of the F8 ferry route between Cockatoo Island and Circular Quay.¹ This route operates 23 times a day Monday to Friday in each direction, 17 to 18 times a day on Saturday in each direction, and 12 to 13 times a day on Sunday and on public holidays in each direction.² Compared to other wharves, the patronage at Birchgrove Wharf is low. TfNSW says that Opal patronage for Birchgrove Wharf in FY16/17 was approximately 65 customers per day. Of the 32 wharves in the Sydney Ferries Network, it is one of 10 that are listed as not being wheelchair accessible.³
- 5.4 The closest public transport to Birchgrove Wharf is the route 441 bus which runs to the end of Grove Street. The nearest bus stop is approximately 1km from the ferry. The closest ferry wharf to Birchgrove is Balmain, also on the F8 route between Cockatoo Island and Circular Quay, which is approximately 1.8km away by road. Balmain Wharf has dedicated accessible car parking facilities but does not connect directly to buses either. The closest ferry wharf to Birchgrove that connects directly into a bus service is Balmain East, which is approximately 3.2km away by road. Balmain East connects with bus routes 442, 444 and 445.
- 5.5 TfNSW notes that it is progressively upgrading ferry wharves across Sydney to improve accessibility for customers. It says that new wharves are being delivered by Roads and Maritime Services (RMS) as part of the NSW Government's Transport Access Program (TAP) which involves an investment of \$890 million over four years until 2018/19. TfNSW says that, among other things, the TAP aims to provide wharves that are accessible to people with disabilities, ageing and parents with prams.
- 5.6 In May 2013, the New South Wales Government produced a document titled Sydney's Ferry Future: Modernising Sydney's Ferries. The document noted that:

As part of the NSW Government's Transport Access Program, upgrades are underway at a number of wharves to make them secure, modern and accessible.

Many wharves are located in spectacular locations with challenging topography. The Government will collaborate with local governments to identify opportunities to improve pedestrian access. ...

Planning and design work has identified future projects, taking into account current and future patronage, the needs and demographics of customers, whether important services such as hospitals or educational facilities are nearby, and the accessibility of other nearby transport interchanges and facilities.⁴



5.7 At the time of the May 2013 document, the Government was considering whether to construct wharves in new locations. This included consideration of a new location for Birchgrove Wharf. The document said:

Transport for NSW has considered more than 30 new potential locations to be served by Sydney Ferries. Wharves exist at some of these but in some cases would need to be upgraded if to be used as commuter wharves. New wharves would need to be constructed at others. Locations were assessed based on:

- current and future demand with a focus on population, employment and attractions within the walking catchment of the wharf
- · directness of the ferry route relative to the road alternative
- the costs of new infrastructure
- the frequency, cost, travel time and catchment of other modes compared to ferries.

Based on this assessment, locations recommended for further analysis are:

- Rhodes
- Glebe Point
- Johnstons Bay
- Woolloomooloo
- Elizabeth Bay.

A potential new location for Birchgrove Wharf will also be investigated.5

- 5.8 It appeared from the diagram on page 11 of the May 2013 document that consideration was being given to moving Birchgrove Wharf to the end of Grove Street in Birchgrove. As noted above, that location would have connected with bus route 441.
- 5.9 The responsible Commonwealth Minister is required to carry out a review of the Transport Standards every 5 years to consider their efficiency and effectiveness. The review must include whether discrimination has been removed as far as possible according to the requirements for compliance set out in Schedule 1 of the Transport Standards, and any necessary amendments to the Standards.⁶
- 5.10 On 9 December 2013, TfNSW made a submission in relation to the review of the Transport Standards for the 5 years to 31 December 2012. Relevantly, by 31 December 2012, providers of public transport infrastructure were required to be 55% compliant (by each type of public transport service) with the Transport Standards in relation to access paths (except at bus stops and premises to which the Premises Standards applied).⁷ The submission described issues that TfNSW had identified in achieving compliance with the Transport Standards in relation to the ferry network. It said:

Ownership of many of the commuter wharves (22 out of 46) was transferred to the NSW Government in 2007 when a number of local government authorities conceded that they were unable to maintain and improve their wharf infrastructure. As a result there is a significant backlog in wharf infrastructure development that Transport for NSW is required to address. To address the backlog, upgrades of ferry wharves are now incorporated in the \$770 million Transport Access Program and new works are prioritised as funding becomes available.



As at June 2013, 43 per cent of wharves provide accessibility from the wharf to the vessel. While Transport for NSW is working to provide entry platforms, gangways and pontoons that are accessible by people with disability, access to wharves continues to be restricted by the steep topography of the landside connections. In many locations around Sydney harbour, access from the street to the wharf remains non-compliant and the cost of doing so is prohibitively high. Transport for NSW is not the owner of these assets.⁸

- 5.11 As part of the TAP, TfNSW undertook consultation with councils, the local community and disability groups in relation to Birchgrove Wharf.
- 5.12 The first consultation that TfNSW identified to the Commission was with Leichhardt Council (prior to its amalgamation into IWC) on 24 April 2015. During this meeting, representatives of the RMS Wharf Upgrade team noted that Birchgrove Wharf needed to be upgraded to meet DDA requirements and that landside elements including pedestrian access from the wharf to the surrounding park would form part of this review. The RMS representatives noted that full compliance in relation to the landside elements would be hard to achieve in view of the geographical constraints of the area and that a concept design had not yet been developed.
- 5.13 According to minutes prepared by RMS, Leichhardt Council said that they would not support a reduction in ferry services and would prefer to see a supplementary ferry wharf in addition to Birchgrove Wharf. Council said that some residents supported relocation of the wharf to an area such as Grove Street which has good connectivity to public transport. Council identified a range of other issues that may impact on an upgrade of Birchgrove Wharf including: Yurulbin Park adjacent to the wharf is listed on the Council's heritage register and Council was planning an overhaul of the park, and Council would be concerned about the potential for obstruction of views by any upgrade of the wharf.
- 5.14 18 people attended a community information session run by TfNSW at St John's Church Hall on 7 May 2015 and signed a register saying that they wanted to be kept informed of the project. Most were nearby residents of Louisa Road. Some were residents of surrounding streets including Grove Street. Attendees were largely occasional users of the ferry rather than daily commuters. Notes of the feedback session say that 'preservation of heritage, the existing view, local ambiance and need to maintain a Birchgrove ferry service were major concerns'.
- 5.15 Initial concept design drawings for a new accessible pathway from Lousia Road to the wharf incorporating a lift were prepared, apparently on 18 November 2015. The Commission is not aware of the content of any discussions that took place between TfNSW and the Council about this project during 2016. In particular, it is not clear when the proposal of a lift or a ramp was first put to the Council. In May 2016, IWC was formed out of an amalgamation of the former Ashfield, Leichhardt and Marrickville Councils.
- 5.16 On 8 March 2017, TfNSW met with IWC to discuss the proposed concept design for the upgrade. A copy of concept drawings were provided to IWC in advance of the meeting. The meeting minutes record a representative from RMS noting that:
 - ... previously the project had looked at different ways to create an accessible access path from Lousia Road to the wharf, with a lift, inclinator and accessible path through Council-owned Yurulbin Park considered due to change in levels. None of these options have been included within the current scope of works due to the



existing constraints involved, and impact of these proposed works on the existing park land.

- 5.17 During the meeting, the Manager of Parks and Assets, Leichhardt at IWC 'confirmed that Council would not support a lift installation in this area, and queried whether an inclinometer would provide an effective solution'. The RMS officer 'confirmed previous investigation had shown an inclinometer would require greater land take than a lift, with adverse visual impact. The reliability of an inclinometer was also not seen as sufficient for an unmanned wharf.'
- 5.18 On 15 March 2017, TfNSW held a community feedback session to discuss the proposed design of the new wharf. The design did not include any change to the existing access path. TfNSW notes of the meeting record five comments made about accessibility. More comments were recorded about accessibility than about any other issue. All of these comments were directed at improving the accessibility of the wharf. The comments, as recorded by TfNSW were as follows:
 - Acknowledge it would be difficult to meet DDA requirements however would like to see the access 'improved'
 - Condition of existing stairs uneven heights and in poor condition, railings difficult to use, poor lighting
 - Would like an option to access the wharf without using stairs but not to DDA standards eg. Pathway through the reserve and bridge linking from the reserve to the start of the gangway
 - Requested RMS follow up with Council on previous community feedback asking for the provision of ramp/pathway from Louisa Road to Birchgrove Oval and the foreshore to connect to the existing bus service on Grove Street
 - Why provide a new wharf if it is very difficult to access both for able bodied customers and mobility impaired.
- 5.19 On 29 March 2017, TfNSW met with an Accessible Transport Advisory Committee (ATAC) in relation to a number of accessibility challenges faced by TfNSW as part of the TAP. The ATAC comprises representatives of peak disability organisations in New South Wales.⁹ It is not clear which organisations were represented at this meeting.
- 5.20 During the meeting, TfNSW referred to other projects in the TAP that had recently been completed. For example, over a period of 10 months from September 2015 to June 2016, TfNSW had upgraded Huntley's Point Wharf. This project involved the provision of a new lift, an accessible pathway, canopies, accessible parking and landscaping work including a retaining wall at a cost of \$30m. The kind of infrastructure built at Huntley's Point Wharf appeared to be similar to that proposed for Birchgrove Wharf. A representative of TfNSW noted that Huntley's Point was 'justified over other wharves' because it was connected to bus routes, an aged care facility and other points of interest. By contrast, there was limited usage of Birchgrove Wharf and there were no landside transport connections such as bus routes, a formal 'kiss and ride' zone or a taxi zone. The topography of the site at Birchgrove was steep and there was not a DDA compliant path of access to the wharf. It would require a lift or ramp system to achieve compliance with the DDA. The powerpoint presentation noted that Birchgrove wharf was in close proximity to



'high value residential housing' and that the proposed measures to achieve compliance would have a 'visual impact'.

5.21 Concerns were also expressed during the meeting by TfNSW about the difficulties posed by potential upgrades to wharves at Darling Point, Kirribilli Wharf, Kurraba Point and Cremorne. The notes of the meeting record the TAP Program Director reporting:

Desire to get exemptions – TAP feel that money can be better spent on other locations that are more frequently used or could provide better outcomes.

- 5.22 This suggests that, at that stage, it was envisaged that an exemption from compliance with the DDA and the Transport Standards could be sought in order to avoid having to upgrade Birchgrove Wharf. At the same time, it appears that it was envisaged that 'TAP exemptions could be changed' in the future, for example, if there were 'innovations'.
- 5.23 On 13 April 2017, the Manager of Parks and Assets, Leichhardt at IWC wrote a 'formal submission' to RMS expressing support for the provision of an accessible pontoon wharf and asking that an upgrade of the stairway at Birchgrove Wharf also be included in the project scope. More generally, he raised concerns about the absence of an accessibility solution that was compliant with the DDA, saying:

Failure to provide an accessible approach creates a credibility gap that undermines any of the authorities involved. If only half the required outcome is a priority and the rest is to be decided sometime in the years ahead, then that does nothing to improve the system for people excluded from it and is unlikely to achieve the 2022 target (100%) of the Disability Standards for Accessible Public Transport (DSAPT).

It is acknowledged that there is no land transport interchange at the site and the wharf has low usage rates. If there is reason to keep the wharf operating and it is a priority project for funding, then it needs to address everyone's needs and not just those it has to date. ...

Council has suggested that a modern inclinator may provide an appropriate accessibility solution.

- 5.24 On 27 June 2017, TfNSW met again with IWC. The purposes of the meeting were:
 - To discuss Council's formal submission to the Birchgrove Wharf Upgrade
 - To discuss proposed DSAPT compliance constraints and potential exemption
 - To discuss potential landside improvements (stairs).
- 5.25 The TfNSW powerpoint presentation noted that:

Accessibility is difficult due to the natural topography and steep gradient of the land to access the wharf

RMS investigated options to achieve accessibility during the concept design phase for installing a lift and modifying the pathway through Yurulbin Park. Both options were not supported by Council.

5.26 There was a discussion about the potential installation of an inclinator. According to minutes of the meeting taken by TfNSW, TfNSW said that it undertook initial



research into the potential use of an inclinator but that this option was rejected due to: the operational and maintenance costs of having this infrastructure in a very isolated location, the reliability of an inclinator in a marine environment, and the need to have an 'operator' present. The powerpoint presentation also raised concerns about the risk of vandalism, the cost to manufacture, the lack of experience of RMS in installing an inclinator on public land, and the reliability of an inclinator. Potential advantages of an inclinator were that it may be DDA compliant and may have less visual impact due to following a similar profile of the vertical terrain. IWC suggested that there may be other inclinator technology available worldwide and that this should be investigated further.

- 5.27 The powerpoint noted that RMS was investigating accessibility improvements (that would not comply with the Transport Standards, but that would provide better accessibility than the current staircase) including providing a lightweight, BCA compliant suspended stair solution.
- 5.28 TfNSW proposed that IWC meet with relevant reference groups to discuss seeking an exemption from compliance with the DDA and the Transport Standards. The powerpoint presentation identified two justifications for an exemption:
 - · Proximity of accessible Balmain Wharf at Thames Street
 - No land transport interchange and low patronage.
- 5.29 TfNSW said that if an exemption were to be sought, it would be necessary to obtain 'localised engagement from residents with a disability'. IWC identified two reference groups that would be suitable for consultation: a transport reference group and a social inclusion reference group. However, the minutes record that IWC was 'reluctant to meet with the groups for the purpose of an exemption as it may be perceived as being politically difficult given that this first meeting is proposed for an exemption after the DIAP [Disability Inclusion Access Plan]'.
- 5.30 On 26 July 2017, the Project Manager of the Ferry Wharf Upgrade Program at RMS wrote to IWC. It appears from this letter that TfNSW had formed the view that the 'Birchgrove Wharf Interchange' involved only the wharf structure itself and did not include the access path up to Louisa Road. Accordingly, TfNSW appeared to suggest that it was only required to ensure accessibility on and off the ferry and did not have any responsibility to ensure that there was accessibility between the wharf and the nearest public road located seven metres above it. It appears that TfNSW was suggesting that the responsibility for ensuring that the access path was accessible rested with IWC. The letter relevantly provided:

During design development the existing and future needs of Birchgrove Wharf and its surrounding area were considered, with extents of the existing transport interchange clarified. For Birchgrove Wharf, which is accessed by pedestrians walking along Louisa Road, there are no other forms of transport considered within the wharf 'interchange', and the extent of the interchange can therefore be confirmed as the wharf structure itself.

As the primary access route to Birchgrove Wharf is via either Lousia Road or Yurulbin Park, RMS previously approached IWC with options to provide a DDA compliant pathway to the wharf interchange, consisting of a ramp, leading from Louisa Road to a lift, and a series of switchback ramps within Yurulbin Park. IWC objected to these options, stating 'an inclinator can achieve the same outcome by



following the landform by the stair, and hence without the visual and physical scale impacts on the site'.

IWC note the existing structure fails 'to provide an accessible approach', however accessibility will be provided throughout the Birchgrove Wharf Interchange. External to the Birchgrove Interchange, pedestrian access to the wharf [is] via paths along Louisa Road, and Yurulbin Park which are both owned and maintained by IWC. RMS note that these existing paths do not comply with DDA regulations.

RMS note IWC's preference to provide a solution incorporating an inclinator, however an inclinator is not currently recognised within DSAPT, and RMS have been unable to source a provider who can produce a solution which complies with AS1735.12-1999. TfNSW are therefore proposing to apply for a DSAPT exemption for the landside components which will not comply. The application, if endorsed, will provide an exemption for a five (5) year period, during which time further investigation can take place and RMS can work closely with IWC to implement an accessible landside solution within the five year period.

- 5.31 In August 2017, RMS accepted a report of a Review of Environmental Factors (REF) in relation to the Birchgrove Wharf Upgrade.¹⁰ The report considered a proposal by RMS to upgrade the existing ferry wharf at Birchgrove. The need for the proposal was identified in response to TfNSW's TAP. The report noted that an assessment of Birchgrove Wharf in 2009 identified the wharf as being in poor condition and potentially unsafe and as having limited access for less mobile passengers. Four options were considered to either upgrade the existing wharf or relocate it elsewhere in Birchgrove. The preferred option was to upgrade the existing wharf, and retain components of the existing infrastructure including the historic timber shelter. This option originally proposed upgrading an area of Council owned land between Louisa Road and Birchgrove Wharf, to provide an accessible landside route to the wharf.
- 5.32 Section 2.6 of the REF noted that:

Due to the constraints and issues faced with providing a DDA compliant access path from Louisa Road to Birchgrove Wharf, the preferred option was refined to remove any aspects of landside access upgrade from the scope, with the exception of new wayfinding signage.

Access to the wharf is therefore considered outside the scope of this document, with discussions ongoing between Inner West Council, as landowner, and Transport for New South Wales, as transport authority, to confirm whether improvements to this access will be completed in the future.

- 5.33 The REF was placed on public display for 21 days between 21 August 2016 and 11 September 2017. RMS received seven submissions by email on the REF and in September 2017 it published a submissions report. The submissions report identified four main issues. Two of these issues related to accessibility, namely:
 - The need for the proposal is based on the objectives of the Transport Access Program (TAP). One of the main objectives of the TAP is to make infrastructure more accessible for disabled or low-mobility passengers and parents. If accessibility on the landside is not currently in the scope, the submission recommends diverting funds to other wharves.
 - The design of the proposal which does not address access from Louisa Road to Birchgrove Wharf.



6 THE COMMISSION'S PROCESS

- 6.1 On 3 November 2017, TfNSW made an application to the Commission, seeking an exemption from the DDA and the Transport Standards.
- 6.2 On 20 November 2017, the Commission wrote to TfNSW and requested further information and documents. TfNSW provided further information and documents to the Commission on 14 December 2017.
- 6.3 On 8 January 2018, the Commission called for submissions about the application's merits and commenced a six-week public consultation period. The Commission did this by:
 - publishing the application and the further information and documents on its website, and calling for public submissions
 - writing to State and Territory anti-discrimination bodies, inviting them to make submissions
 - writing to a number of peak bodies representing people with disability, inviting them to make submissions, and
 - writing to APTJC inviting its members to make submissions.
- 6.4 In this way, the Commission satisfied its obligation to consult with APTJC, pursuant to s 33A.1(4)(a) of the Transport Standards.
- 6.5 The Commission received a number of submissions during its public consultation. A list of these submissions is contained in Schedule 2 to this decision. On 12 March 2018, the public submissions were made available on the Commission's website.
- 6.6 On 21 March 2018, the Commission issued a preliminary view to the parties. It also provided a copy of the preliminary view to the people and organisations that had made a submission in relation to the application, and it published the preliminary view on the Commission's website. The Commission called for responses in relation to the preliminary view.
- 6.7 TfNSW provided a response to the preliminary view on 13 April 2018. The Commission did not receive any other responses.
- 6.8 The Commission has considered all of the materials referred to above in reaching its decision in relation to this application.
- 7 LEGISLATIVE REGIME AND THE COMMISSION'S POWER TO GRANT EXEMPTIONS

The DDA and the Transport Standards

7.1 The DDA makes it unlawful to discriminate on the ground of disability in a range of fields. Most relevantly for the present application, the DDA makes discrimination unlawful in relation to access to premises (s 23) and the provision of goods and services (s 24).



- 7.2 The DDA also empowers the Minister to formulate disability standards (DDA s 31). The Transport Standards are disability standards made under this provision.
- 7.3 The Transport Standards came into operation on 23 October 2002. The purpose of the Transport Standards is to enable public transport operators and providers to remove discrimination from public transport services (s 1.2(2)).
- 7.4 Pursuant to s 34 of the DDA, a person will not contravene the DDA if they act 'in accordance with a disability standard'. In this way, disability standards provide an avenue whereby persons and bodies such as public transport operators and providers can ensure that they will not be found to have discriminated unlawfully on the ground of disability.
- 7.5 Conversely, pursuant to s 32 of the DDA, it is unlawful to contravene a disability standard.

The Commission's powers to grant exemptions

- 7.6 The Commission has the power to grant exemptions under the DDA (s 55) and the Transport Standards (s 33A.1).
- 7.7 The effect of an exemption under the Transport Standards is that, where a person fails to comply with the Transport Standards but that failure is in accordance with an exemption that has been granted by the Commission to that person, the person does not contravene the standards (Transport Standards s 33A.3). However, this may not automatically mean their conduct is 'in accordance with' the relevant Standard (and so within the proviso contained in s 34 of the DDA). For that reason, a person seeking an exemption under a disability standard may also choose to seek an exemption from the DDA, as the applicant has done in this case.
- 7.8 Exemptions granted by the Commission may be granted subject to terms and conditions. Failure to comply with such a term or condition does not, of itself, amount to unlawful conduct. However, where the beneficiary of an exemption fails to comply with a condition attached to the exemption, they will be deprived of the benefit of the exemption. They will then be subject to the requirements of the relevant disability standard or the DDA in the usual way.
- 7.9 In practical terms, the granting of a temporary exemption means that the activities or circumstances covered by it cannot be the subject of a successful complaint under the DDA. Situations that might otherwise be unlawful under the DDA cannot be effectively contested through the usual discrimination complaints process with its consequent legal remedies.
- 7.10 The Commission's powers to grant exemptions under the DDA are expressed in broad terms. By conferring an exemption power on the Commission, Parliament has clearly contemplated that some discriminatory conduct might be justified and that, in certain circumstances, derogation from the terms of the DDA and the Transport Standards is permissible. However, in exercising its exemption powers, the Commission must also consider the objects of the DDA and the Transport Standards.



- 7.11 The objects of the DDA are stated in s 3 to be:
 - to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:
 - work, accommodation, education, access to premises, clubs and sport;
 and
 - (ii) the provision of goods, facilities, services and land; and
 - (iii) existing laws; and
 - (iv) the administration of Commonwealth laws and programs; and
 - to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and
 - (c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.
- 7.12 The Commission has frequently expressed the view that exemptions should not be granted lightly. Given the significant legal consequences for potential complainants, the Commission must be satisfied that a temporary exemption is appropriate and reasonable, and substantial evidence is needed to justify the exemption.
- 7.13 The Commission has issued guidelines about how it proposes to exercise its power under the DDA.¹² These provide that the Commission will consider:
 - whether an exemption is necessary
 - whether granting an exemption would be consistent with the objects of the DDA
 - · an applicant's reasons for seeking an exemption
 - · submissions by interested parties
 - all relevant provisions of the DDA, and
 - any terms or conditions subject to which an exemption might be granted.
- 7.14 The Guidelines do not expressly deal with the Commission's powers to grant exemptions under the Transport Standards. However, the Commission considers that the factors that are relevant to the exercise of its powers under the DDA are also relevant to the exercise of its powers under the standards.

8 DECISION

Necessity

8.1 The first issue considered in the Commission's guidelines is whether an exemption is necessary in order to avoid a potential breach of the DDA. For an exemption to be necessary, there must be at least an arguable case that the activities that are the subject of the application constitute discrimination contrary to the DDA. The Commission accepts that there is an arguable case that TfNSW, as a provider of



- public transport infrastructure, has an obligation to ensure that there is a continuous accessible path of travel linking the nearest public street to the wharf. This is consistent with the requirements of clause 7 of AS1428.2 (1992). If this is the case, then the access path must be constructed in such a way as to comply with clause 8.1 of AS1428.2 (1992) so as to ensure unhindered passage.
- 8.2 IWC has not sought an exemption from the Commission and this decision does not address the question of whether an exemption ought to be granted in favour of IWC. It is possible that IWC may have obligations under the Transport Standards, and likely that it has obligations under the DDA more generally. For example, the Commission has previously noted that a footpath comes within the definition of 'premises' and would therefore be covered by s 23 of the DDA.¹³
- 8.3 The purpose of the Transport Standards is 'to enable public transport operators and providers to remove discrimination from public transport services' (s 1.2(2)). Since the commencement of the Transport Standards in 2002, operators and providers have been required to comply with the relevant sections of the standards in relation to all new premises, infrastructure and conveyances brought into use. Further, they have been required to ensure that existing premises, infrastructure and conveyances still in use are progressively made accessible over a period of 30 years.
- 8.4 This is emphasised in section 1.2(4) of the Disability Standards for Accessible Public Transport Guidelines 2004 (No. 3) which states:
 - (4) Under the Disability Standards, public transport services and facilities will become more accessible by:
 - the replacement or upgrading of conveyances, premises and infrastructure in accordance with the compliance timetable outlined in Schedule 1 to the Disability Standards (usually at the end of their service lives); and
 - (b) the requirement that, from the commencement of the Disability Standards, all new items comply with the requirements of the Disability Standards.
- 8.5 By 31 December 2017, providers of public transport infrastructure were required to be 90% compliant (by each type of public transport service) with the Transport Standards in relation to access paths (except at bus stops and in premises to which the Premises Standards apply).¹⁴ By 31 December 2022, providers of public transport infrastructure are required to be fully compliant with the Transport Standards in relation to access paths (except in premises to which the Premises Standards apply).¹⁵

Reasons why the exemption is sought

- 8.6 In its initial application, TfNSW said that it was seeking an exemption from complying with ss 2.1 and 2.2 of the Transport Standards for the following reasons:
 - Birchgrove Wharf is situated at the end of Louisa Road and there is a significant level change from road level to water level with a steep gradient involved. Current access to the wharf is provided via stairs owned and maintained by Inner West Council.



- Council do not support the upgrade of the current pathway to an accessible path
 with the inclusion of a lift or long ramped sections due to the perceived visual impact
 on Yurulbin Park and the local vicinity.
- Visual impact of providing an accessible path through Yurulbin Park, listed on the council heritage register.
- Limited existing patronage at Birchgrove wharf.
- 8.7 TfNSW does not own the land that links Birchgrove Wharf to Louisa Road and is reliant on the agreement of IWC to provide an accessible path. This presents difficulties for TfNSW if it proposes an accessible solution that is rejected by IWC.
- 8.8 If a complaint were brought against TfNSW alleging a breach of the Transport Standards, it may seek to rely on the defence of unjustifiable hardship. Pursuant to s 33.7(1) of the Transport Standards, it is not unlawful to fail to comply with a requirement of the standards if, and to the extent that, compliance would impose unjustifiable hardship on any person or organisation. A similar provision exists in s 11 of the DDA.
- 8.9 In determining whether compliance with a requirement of the Transport Standards would involve unjustifiable hardship, the standards provide that all of the relevant circumstances of the particular case are to be taken into account, including:
 - 8.9.1 any exceptional operational, technical or geographic factors, including at a local or regional level, affecting a person or organisation's ability to comply with a relevant requirement of the standards
 - 8.9.2 a loss of essential heritage values
 - 8.9.3 whether compliance with the requirements may reasonably be achieved by less onerous means than those objected to as imposing unjustifiable hardship.
- 8.10 The Commission does not regard it as appropriate to use its power to grant temporary exemptions to certify, potentially on a continuing basis, that unjustifiable hardship exists.
- 8.11 The effect of an exemption is that a person is unable to make a complaint under the DDA in relation to a matter that is the subject of the exemption. In a submission to the Commission in relation to this application, Vision Australia said:

The suspension of the right of a person with a disability to lodge a complaint under the DDA or an associated Disability Standard is a serious matter, and should only be considered when it is clear that the medium to long-term benefits of such suspension far outweigh the temporary, short-term detriment that inevitably results when a fundamental right is forgone.

8.12 In the event that a final decision is made by the Commission refusing to grant an exemption, such a decision would not prevent TfNSW from seeking to establish a defence of unjustifiable hardship, or rely upon the equivalent access provisions, in response to any complaints. However, the Commission is of the view that the exemption process is not the appropriate vehicle for seeking to establish these defences.



- 8.13 TfNSW also said as part of its initial application that an exemption for a period of five years would 'allow for further negotiations between TfNSW and the IWC in addition to exploring options that may be available to provide equitable access that do not have the same visual impact as a lift structure and long ramped sections'. This part of the application raised the prospect of TfNSW using an exemption period to actively investigate other options to provide access. Provided that there was a sufficient prospect of such investigations leading to greater accessibility for Birchgrove Wharf, an exemption in such circumstances may be consistent with the objects of the DDA.
- 8.14 After receiving the application, the Commission asked TfNSW to respond to provide a number of documents and to respond to three questions. The questions were:
 - What steps does TfNSW intend to take as part of the proposed further negotiations with IWC?
 - At this stage, what other options does TfNSW consider may be available that have not already been canvassed with IWC?
 - Why does TfNSW consider that it is necessary for an exemption to be granted for a period of 5 years in order for these negotiations to take place?
- 8.15 In response to all of these questions, TfNSW described previous negotiations and noted that:
 - IWC have recently undergone council amalgamations and council elections whereby these changes may allow for new negotiations to take place to reach agreement on a solution.
 - There is the potential opportunity to partner with IWC with their planned works for upgrading Yurulbin Park – however this will be dependent on negotiations.
 - This time will also allow for further investigation of any new technologies that have been developed and worldwide best practice that may apply to meet the requirements under the Transport Standards.
 - Due to the complexity of the land topography and the marine environment it may take a considerable period of time to find and develop an optimal solution.
 - The planning and delivery of infrastructure is a lengthy process.

Submissions of interested parties

- 8.16 The Commission received 12 submissions from a variety of government agencies, individuals and disability advocacy groups in response to the application and to the Commission's request for further information. Seven of the submissions were opposed to the exemption. Only three were in favour or had no objection to an exemption, with two not expressing a view on whether an exemption should be granted while providing other comments about the project.
- 8.17 IWC provided a detailed submission opposing the grant of an exemption. IWC's primary position was that an exemption was not necessary, either for TfNSW to negotiate with IWC or in order to investigate new technology. IWC emphasised that it had 'actively and consistently argued for full accessibility to be delivered as an outcome of the project'. IWC's preferred approach was for the installation of an



inclinator. It was also open to an 'improved accessible path within Yurulbin Park' in order to achieve a 'performance based solution without adversely impacting on the heritage and bush like aesthetic of the park'.

8.18 Several individual residents of Birchgrove made submissions to the Commission that emphasised the need for an accessible solution and the importance of TfNSW and IWC working together to achieve this. Helle Poulson said:

There is no need for a 5 year exemption, rather they should design and build a path allowing disabled access. This should not be too hard and both bodies need to collaborate to commence on this,

8.19 In a similar vein, Lewis Kaplan, also a local resident, said:

I wish to emphasise that there is every need to make this wharf accessible from Louisa Road. For people with disabilities, people using prams, people who can't safely manage the steep and irregular steps.

This can be readily achieved by installing a lift to the left of the steps (going down).

Please stop mucking around and make this wharf accessible.

8.20 A third resident also argued against an exemption and said:

If they argue the wharf has low usage, this is because of the lack of access! Build the access and people will come. Improved access will not only benefit the disabled, but also the old, infirm, those with child in prams and cyclists.

- 8.21 Another resident who provided feedback directly to TfNSW said that the wharf should be moved to the end of Grove Street 'where there is level access and connection to the bus service'.
- 8.22 Three disability organisations that were part of the ATAC for TfNSW provided submissions: Physical Disability Council of NSW (PDCN), Guide Dogs NSW/ACT and Vision Australia. Each of these organisations represents people with disabilities who are likely to need adjustments to public transport infrastructure to make it accessible. They all argued for the need for accessibility to be provided at Birchgrove Wharf as soon as possible, although they took different approaches to whether or not an exemption should be granted.
- 8.23 PDCN said that it was happy to support the application on the basis that it believed TfNSW had taken significant steps to engage with IWC to resolve the accessibility issues and meet their compliance obligations. PDCN said that it would like to see the parties work with each other to provide access as soon as possible. It believed that 'IWC should honour their commitment to providing an accessible and inclusive community, as outlined in their Inclusive Action Plan (for people with disability) 2017-2021'. PDCN considered that a lift or a compliant accessible ramp 'are the only appropriate options' for providing access. It said that an inclinator would not allow for fully independent access by people with disabilities and would also be unsuitable because of the risk of vandalism and the maintenance required.
- 8.24 Vision Australia strongly opposed the application. It said that while the application referred to the need for further discussions, it did not offer any remediation plan or suggestions as to how those discussions would result in improvements in the safety and accessibility of the wharf.



- 8.25 Guide Dogs NSW/ACT acknowledged the substantial topographical challenges present on the site, but said that 'these impediments do not negate the rights of people with disability to be provided with a safe, independent and accessible path both to, from and onto an accessible ferry, at the same level of amenity and dignity of use afforded to other users without a disability'. It encouraged both TfNSW and IWC to continue their dialogue with a view to achieving a suitable solution.
- Significantly, Guide Dogs NSW/ACT made reference to a recent publication by the Commonwealth Department of Infrastructure and Regional Development titled *The Whole Journey*. The guide is designed to 'encourage policy makers, planners, designers, builders, certifiers and operators to think beyond compliance and the physical and governance boundaries of services and infrastructure, and to focus instead on people's accessibility needs across their whole journey'.¹⁶
- 8.27 The guide notes that the journey from home to a public transport node 'is not addressed by the Transport Standards, but is subject to broader DDA requirements'. In relation to this part of the journey, the guide says:

Pathways leading to public transport nodes should be maintained to a high standard by the relevant authority. This will make this part of the journey as safe, convenient and comfortable as possible for those with accessibility requirements. Improving pathways means fixing broken pavements, maintaining levels, managing street clutter and avoiding trip hazards.¹⁸

8.28 The guide also addresses issues about interconnection:

People with disability will often use taxis to travel to their chosen stop, station or terminal. Consideration should be given to creating a drop off/pick up point with access to the public transport node. This may include locating the area a suitable distance from the public transport node, **providing an accessible route** (including level footpaths, kerb ramps, wayfinding information and cues), and considering how ticketing, security and other activities at the stop/station/terminal may impact a person's journey to the public transport node.¹⁹

(emphasis added)

- 8.29 In the case of Birchgrove Wharf, the original design provided for a 'Kiss and ride' drop off/pick up point at the end of Louisa Road.
- 8.30 The members of APJAC made no objection to the exemption sought by TfNSW. No detail of their consideration of the application was provided to the Commission. Of the State and Territory anti-discrimination bodies, the only one to make a submission was the Equal Opportunity Commission of Western Australia which said that it had no objection to the application as it appeared necessary for the applicant to continue negotiation with IWC and take steps to make Birchgrove Wharf compliant with the DDA and the Transport Standards.

Terms or conditions subject to which an exemption might be granted

The need for negotiation

8.31 A common theme through almost all of the submissions was the need for TfNSW and IWC to negotiate an accessible outcome as a matter of priority. Both parties have expressed a willingness to continue to negotiate. It is clear, given the circumstances of the site, that an accessible solution can only be provided as a



- result of agreement. Between them, TfNSW and IWC have proposed four different solutions.
- 8.32 The Commission's power in this matter is limited to deciding whether to grant or refuse the specific temporary exemptions requested by the TfNSW application. While this can be done subject to conditions, it would not be appropriate for the Commission to nominate for the parties a particular way in which access should be provided where there is more than one option that would comply with the Transport Standards. The options identified by the parties are summarised below in order to make clear the scope of negotiations to date.
- 8.33 The <u>first option</u> was for the construction of a lift. TfNSW provided the Commission with copies of initial concept design drawings for a new accessible pathway from Lousia Road to the wharf incorporating which were apparently prepared on 18 November 2015.²⁰ It appears to be common ground that this solution would comply with the Transport Standards. A lift has been used in other locations on the ferry network such as Huntley's Point Wharf. An image of the lift as installed at Huntley's Point Wharf appears in a TfNSW presentation dated March 2017.²¹
- 8.34 The <u>second option</u> was for the construction of a ramp system. The Commission does not have detailed drawings for this option, but part of the March 2017 presentation by TfNSW to IWC included a sketch of a series of 5 switchback ramps.²² It appears that this would also be compliant with the Transport Standards.
- 8.35 The March 2017 TfNSW presentation noted that the topography of the site 'will require a lift or ramp system to achieve compliance'. This is also the view of PDCN which submitted that 'a lift or compliant accessible ramp are the only appropriate options for providing equitable access for people with disabilities'.
- 8.36 It appears that IWC has objected to each of these options for aesthetic reasons. According to the application by TfNSW, IWC was opposed to a lift or long ramped sections 'due to the perceived visual impact on Yurulbin Park and the local vicinity'. The March 2017 presentation by TfNSW flagged whether the cost of these options was justified ('low patronage, inaccessibility of site and monetary expenditure may be a justification against work')²³ and noted the visual impact of these options on nearby 'high value residential housing'.²⁴ However, it appears from the application by TfNSW to the Commission that it would be willing to proceed with either of these options with the agreement of IWC. That also appears to be the understanding of PDCN, based on its involvement with the ATAC, saying that it believes that TfNSW has 'taken significant steps to engage with [IWC] to resolve the accessibility issues and meet their compliance obligations under the [Transport Standards]'.
- 8.37 The third option, proposed by IWC, was for the construction of an inclinator. This is IWC's primary position. IWC reportedly submitted to TfNSW that 'an inclinator can achieve the same outcome [as a lift or a ramp system] by following the landform of the stair, and hence without the visual and physical scale impacts on the site'. TfNSW investigated the option of an inclinator and raised a number of objections including that:
 - 8.37.1 it would require a 'greater land take' than a lift
 - 8.37.2 it would be costly to manufacture and install



	8.37.3	it would involve greater ongoing operational and maintenance costs than a lift
	8.37.4	there were concerns about the reliability of an inclinator in a marine environment and in circumstances where the wharf was unmanned
	8.37.5	RMS did not have any experience in installing an inclinator on public land
	8.37.6	there was a risk that an inclinator would be subject to vandalism
	8.37.7	RMS had been unable to source a provider who could produce an inclinator solution that complied with AS1735.12-1999 (Lifts, escalators and moving walks: facilities for persons with disabilities).
8.38	IWC respon	nded to a number of these objections in its submission to the n, saying:
	8.38.1	an inclined lift beside the current stairway provides the shortest access approach and does not alienate any part of the park
	8.38.2	IWC has identified a local manufacturer of inclinators which claimed that it could install an inclinator that complies with AS1735.8 (Inclined lifts) at less cost than a vertical lift
	8.38.3	while inclined lifts do not form part of the Transport Standards, this solution would satisfy the requirements of 'equivalent access' to AS1735.12
	8.38.4	one example of an inclinator being installed in a public environment was Lisgar Gardens, owned by Hornsby Shire Council
	8.38.5	an inclined lift could be turned off outside the usual hours of operation of the ferry
	8.38.6	the risk of vandalism could be mitigated by extending the CCTV surveillance system being installed at the wharf
	8.38.7	if an inclined lift was successfully installed at Birchgrove Wharf, it could then be applied elsewhere in the ferry network.
8.39	similar mec	like to see TfNSW undertake a 'comprehensive study of inclined lifts or hanisms'. It says that if an inclinator is ultimately unachievable, it would to 'provide resources to undertake a full site assessment to enhance

- accessibility'.
- 8.40 The fourth option, also proposed by IWC, is for a path through Yurulbin Park that is 'designed sympathetic to the park's heritage and aesthetic character that also provides improved access to the ferry'. IWC says that it would be possible to create 'a trench for an access ramp from the wharf deck into the park, providing a path which would rise into the middle lawn level of the park' and that 'existing and upgraded paths would provide further access within the park and up to Louisa Road'. A sketch of this concept is included at page 26 of IWC's submission. It appears that this option would not comply with AS1428 (Design for access and



- mobility) but IWC submits that it would 'meet the broad intent of AS1428 albeit with a level of variance appropriate to the environmental and heritage context and with respect to all user needs'. It is not clear whether such a solution would satisfy the test for 'equivalent access' in section 33.3 of the Transport Standards.
- 8.41 Finally, the Commission notes that in the June 2017 presentation by TfNSW, it said that 'RMS are investigating accessibility improvements including providing a lightweight, BCA compliant suspended stair solution'. The presentation included a sketch of this proposal.²⁵ This would make the existing stairs safer but would not make Birchgrove Wharf wheelchair accessible.

The appropriate period

- 8.42 In its initial application, TfNSW requested an exemption for a period of five years.
- 8.43 Vision Australia said that 'it is simply not credible that it will require five years for discussions to occur and for alternatives to be considered'. There is considerable force in this submission.
- 8.44 IWC noted that public transport infrastructure is required to fully comply with the Transport Standards relating to access paths by 2022. It considered that an exemption to the standards should not be granted which would permit access paths to be non-compliant beyond this deadline.
- 8.45 As noted above, IWC's primary position was that an exemption was not necessary. However, IWC said that if the Commission were to grant an exemption, then 1 to 2 years would be more than adequate to conduct the research and negotiations necessary.
- 8.46 Both TfNSW and IWC have expressed a willingness to make Birchgrove Wharf accessible. At present, there is a difference of opinion as to how to achieve this objective. Achieving an accessible solution is clearly consistent with the objects of the DDA. Given the importance of negotiation in the current circumstances in order to achieve an accessible solution, the Commission considers that it would be appropriate to grant a short exemption to TfNSW to allow the existing negotiations to continue and to provide an incentive to reaching agreement promptly if this is possible.
- 8.47 The Commission is mindful that, in granting an exemption, it is preventing people who might experience discrimination while seeking to use the ferry at Birchgrove Wharf from availing themselves of the usual discrimination complaints process. For this reason, the Commission considers that any exemption for the purposes of negotiation should be strictly confined. In its preliminary view, the Commission proposed that this period be limited to a period of 6 months.
- 8.48 In response to the Commission's preliminary view, TfNSW said that it would endeavour to collaborate with IWC over the six month initial exemption period to negotiate a solution that meets the DDA and Transport Standards. TfNSW made two submissions in relation to the negotiation period. First, it said that the negotiation period should commence from the date of any final exemption decision made by the Commission. Secondly, it said that negotiation period should be able to be extended by the Commission for a further period of up to 3 months. The



- Commission considers that each of these submissions are reasonable and has made changes to the terms of the exemption to reflect them.
- 8.49 If agreement can be reached between TfNSW and IWC on an accessible solution the negotiation period, the Commission considers that it would be appropriate for TfNSW to continue to have the benefit of an exemption for a reasonable period of time to allow the implementation of that agreement. The Commission notes that a similar project at Huntley's Point Wharf was completed by TfNSW in 10 months. In order to account for potential differences between the projects and the potential for delays, the Commission proposed in its preliminary view to grant an exemption for a further period of 18 months, conditional on agreement on an accessible solution being reached.
- 8.50 In response to the Commission's preliminary view, TfNSW said that it was feasible to construct a solution within an 18 month timeframe. However, it said that additional time would be required for planning and that for a project of this scale the planning and approval process generally takes about six months prior to construction. It also said that there may be other factors that impacted on the timing of any project including its relationship with other planned capital works. TfNSW sought a 12 month extension of the conditional period, which would be a total of 30 months.
- 8.51 In the circumstances, the Commission is prepared to extend the period of the conditional exemption to a total of 24 months which it understands is sufficient to cover both planning and construction of a project of this nature.
- 8.52 The Commission has decided that it will:
 - (a) Grant an initial exemption for 6 months without conditions, which may be extended by the Commission for a further period of up to 3 months, to allow TfNSW and IWC to continue to negotiate in relation to an appropriate solution that improves access to Birchgrove Wharf for people with disabilities.
 - (b) Grant a conditional exemption for a further 24 months, to allow the implementation of an agreed solution, on the conditions that:
 - i. TfNSW confirms in writing to the Commission during the initial negotiation period that agreement has been reached with IWC about how to improve access to Birchgrove Wharf for people with disabilities and describes the nature of the agreed solution; and
 - the agreed solution would provide access in a way that is compliant with the DDA and the Transport Standards.
- 8.53 For the avoidance of doubt, if agreement on an accessible solution is not reached within the initial negotiation period described in paragraph (a), then the further exemption period will not apply; and if the agreed solution is not compliant with the Transport Standards then the further exemption period will not apply. In those circumstances, people with disability would retain their right to make a complaint, and TfNSW would retain the right to rely on equivalent access or unjustifiable hardship provisions if applicable.



8.54 Pursuant to s 56 of the DDA and s 33A.4 of the Transport Standards, and subject to the Administrative Appeals Tribunal Act 1975 (Cth), an application may be made to the Administrative Appeals Tribunal for a review of the decision to which this notice relates by or on behalf of any person or persons whose interests are affected by the decision.

Emeritus Professor Rosalind Croucher AM **President** on behalf of the Commission

3 May 2018



SCHEDULE ONE

NOTICE OF GRANT OF TEMPORARY EXEMPTION

The Commission grants to Transport for NSW (TfNSW), on the terms and conditions set out in this schedule, a temporary exemption to ss 2.1 and 2.2 of the Transport Standards.

As well as the terms and conditions specified below, this exemption is granted subject to the condition that the Commission may, on its own motion, revoke the exemption if it becomes satisfied that the exemption is no longer justified.

The exemption is granted for an initial period of 6 months from the date of this decision (with the possibility of extension for a further 3 months), and then for a further period of 24 months if the conditions specified in the exemption are satisfied.

Pursuant to s 34.1(1) of the Transport Standards, the Transport Standards are subject to review every five years. If, at any time following this decision, the Transport Standards are remade in an amended form, any exemption granted from a section of the Standards that is amended will cease operation at the time the amendment comes into effect.

The relevant standards are reproduced below, followed by the exemption that is granted and the terms and conditions to which the grant is subject.

EXEMPTION FROM SECTIONS 2.1 and 2.2 OF THE TRANSPORT STANDARDS

2.1 Unhindered passage

- An access path that allows unhindered passage must be provided along a walkway, ramp or landing.
- (2) An access path must comply with AS1428.2 (1992) Clause 8.1.

Premises except premises to which the Premises Standards apply Infrastructure except airports that do not accept regular public transport services

2.2 Continuous accessibility

An access path must comply with AS1428.2 (1992) Clause 7, Continuous accessible path of travel.

Premises	Infrastructure
except premises to which the Premises	except airports that do not accept regular public transport services
Standards apply	

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Temporary exemption: ferry infrastructure

For 6 months from the date of this decision (which may be extended by the Commission for a further period of 3 months), TfNSW is exempt from compliance with ss 2.1 or 2.2 of the Transport Standards in relation to Birchgrove Wharf. This exemption is granted without conditions, to allow TfNSW and Inner West Council (IWC) to continue to negotiate in relation to an appropriate solution that improves access to Birchgrove Wharf for people with disabilities.

From the end of the initial negotiation period described above, TfNSW is exempt from compliance with ss 2.1 or 2.2 of the Transport Standards in relation to Birchgrove Wharf for a further period of 24 months, on condition that:

- (a) TfNSW confirms in writing to the Commission by the end of the negotiation period that agreement has been reached with IWC about how to improve access to Birchgrove Wharf for people with disabilities and describes the nature of the agreed solution; and
- (b) the agreed solution would provide access in a way that is compliant with the DDA and the Transport Standards.

EXEMPTIONS FROM THE DISABILITY DISCRIMINATION ACT

The Commission also grants to TfNSW an exemption from ss 23 and 24 of the DDA as follows:

If:

- a matter is regulated by ss 2.1 or 2.2 of the Transport Standards, and
- ss 2.1 or 2.2 of the Transport Standards are subject to an exemption granted by this
 instrument, and
- · TfNSW complies with any conditions subject to which this exemption is granted

TfNSW is, with respect to that matter, exempt from the operation of ss 23 and 24 of the DDA.



SCHEDULE TWO

SUBMISSIONS RECEIVED

The Commission received submissions from the following organisations and individuals:

- o Inner West Council
- Accessible Public Transport Jurisdictional Committee
- Physical Disability Council of NSW
- Guide Dogs NSW/ACT
- Vision Australia
- Equal Opportunity Commission of Western Australia
- Helle Poulsen (individual)
- o Lewis Kaplan (individual)

The Commission also received four other submissions from individuals. The Commission has treated the identities of these four submitters as confidential.

Copies of the above identified submissions are available on the Commission website at www.humanrights.gov.au/disability_rights/exemptions.



Endnotes

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- New South Wales Government, F8 Cockatoo Island timetable (2018). At https://transportnsw.info/documents/timetables/09-F8-Cockatoo-Island-20180127.pdf (viewed 27 February 2018).
- New South Wales Government, Sydney Ferries Network (2017). At https://transportnsw.info/document/2382/sydney-ferries-network-map-1017.pdf (viewed 27 February 2018).
- New South Wales Government, Sydney's Ferry Future: Modernising Sydney's Ferries (2013), p 17. At http://mysydneycbd.nsw.gov.au/sites/default/files/user-files/uploads/ferries-future-web.pdf (viewed 26 February 2018).
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- 6 Transport Standards, s 34.
- 7 Transport Standards, Sch 1, cl 2.5.
- Transport for NSW, 2012 Review of the Disability Standards for Accessible Public Transport (2013), p 11.
 At
 - https://infrastructure.gov.au/transport/disabilities/review/files/2012 Submissions/No 95 Transport for New South Wales.pdf (viewed 26 February 2018).
- The membership of the ATAC includes: Alzheimer's Australia NSW, Arthritis NSW, Assistance Dogs Australia, Blind Citizens Australia, Brain Injury Association of NSW, Carers NSW, Combined Pensioners and Superannuants Association, Council On The Aging, Community Transport Organisation, Deafness Council of NSW, Deaf Australia (NSW), Guide Dogs NSW/ACT, Disability Council of NSW, NSW Council for Intellectual Disability, Multicultural Disability Advocacy Association, ParaQuad, NSW Council of Social Services, Physical Disability Council of NSW, People with Disability Australia, Spinal Cord Injuries Australia, Vision Australia (NSW).
- Roads and Maritime Services, Birchgrove Wharf upgrade: Review of environmental factors (2017). At http://www.rms.nsw.gov.au/documents/projects/sydney-inner/birchgrove-wharf/birchgrove-wharf-upgrade-ref-2017-08.pdf (viewed 27 February 2018).
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- Australian Human Rights Commission, Commission Guidelines: Temporary exemptions under the Disability Discrimination Act 1992 (Cth) (2010). At http://www.humanrights.gov.au/temporary-exemptions-under-disability-discrimination-act-1992-cth (viewed 27 February 2018).
- Australian Human Rights Commission, Frequently asked questions: Access to premises (2014). At http://www.humanrights.gov.au/frequently-asked-questions-access-premises#footpath (viewed 27 February 2018).
- 14 Transport Standards, Sch 1, cl 3.2.
- 15 Transport Standards, Sch 1, cl 4.2.
- Australian Government, Department of Infrastructure and Regional Development, The Whole Journey: A guide for thinking beyond compliance to create accessible public transport journeys (2017), p. 4. At https://infrastructure.gov.au/transport/disabilities/whole-journey/guide/index.aspx (viewed 27 February 2018).
- ¹⁷ Ibid, p 19.
- 18 Ibid, p 20.
- 19 Ibid, p 26.
- Copies of these drawings appear at pages 4 to 7 of the document titled 'TfNSW Attachment A (public)' on the Commission's website in relation to this application. At https://www.humanrights.gov.au/sites/default/files/TfNSW%20Attachment%20A%20%28public%29.pdf (viewed 28 February 2018).
- The slide of the relevant presentation appears at page 14 of the document titled 'TfNSW Attachment A (public)' on the Commission's website in relation to this application. At https://www.humanrights.gov.au/sites/default/files/TfNSW%20Attachment%20A%20%28public%29.pdf (viewed 28 February 2018).



- The slide of the relevant presentation appears at page 15 of the document titled 'TfNSW Attachment A (public)' on the Commission's website in relation to this application. At https://www.humanrights.gov.au/sites/default/files/TfNSW%20Attachment%20A%20%28public%29.pdf (viewed 28 February 2018).
- This is noted in the minutes of the meeting at page 18 of the document titled 'TfNSW Attachment A (public)' on the Commission's website in relation to this application. At https://www.humanrights.gov.au/sites/default/files/TfNSW%20Attachment%20A%20%28public%29.pdf (viewed 28 February 2018).
- The slide of the relevant presentation appears at page 15 of the document titled 'TfNSW Attachment A (public)' on the Commission's website in relation to this application. At https://www.humanrights.gov.au/sites/default/files/TfNSW%20Attachment%20A%20%28public%29.pdf (viewed 28 February 2018).
- The slide of the relevant presentation appears at page 34 of the document titled 'TfNSW Attachment A (public)' on the Commission's website in relation to this application. At https://www.humanrights.gov.au/sites/default/files/TfNSW%20Attachment%20A%20%28public%29.pdf (viewed 28 February 2018).



Summary of the Australian Human Rights Commission's decision on the application by Transport for NSW for a temporary exemption in relation to Birchgrove Ferry Wharf

The Australian Human Rights Commission has today given notice of its decision on the application by Transport for NSW (TfNSW) for a temporary exemption to the *Disability Discrimination Act 1992* (Cth) (DDA) and the Disability Standards for Accessible Public Transport 2002 (Cth) (Transport Standards).

TfNSW seeks a temporary exemption from compliance with the Transport Standards in relation to infrastructure at Birchgrove Ferry Wharf (Birchgrove Wharf). In particular, it seeks a temporary exemption from compliance with sections 2.1 and 2.2 of the Transport Standards in relation to 'the access path connecting the landside from Louisa Road entrance to the Birchgrove Wharf landside shelter'.

New infrastructure that is brought into use after the commencement of the Transport Standards must comply with the standards. This is an application for an exemption in relation to existing infrastructure (rather than new infrastructure). The Transport Standards provide that access paths for public transport infrastructure must be made compliant progressively, with full compliance required by 31 December 2022.

The access path from Louisa Road to Birchgrove Wharf runs through land owned by Inner West Council (IWC). TfNSW initially sought an exemption for a period of five years for a number of reasons including to allow for further negotiation with IWC about an accessible solution.

In forming its preliminary view, the Commission considered the views contained in 12 submissions received from individuals, government agencies and disability advocacy organisations. A common theme through almost all of the submissions was the need for TfNSW and IWC to negotiate an accessible outcome as a matter of priority. Both parties have expressed a willingness to continue to negotiate. It is clear, given the circumstances of the site, that an accessible solution can only be provided as a result of agreement.

The Commission has decided that it will:

- (a) Grant an initial exemption for 6 months without conditions, which may be extended by the Commission for a further period of up to 3 months, to allow TfNSW and IWC to continue to negotiate in relation to an appropriate solution that improves access to Birchgrove Wharf for people with disabilities.
- (b) Grant a conditional exemption for a further 24 months, to allow the implementation of an agreed solution, on the conditions that:
 - i. TfNSW confirms in writing to the Commission during the initial negotiation period that agreement has been reached with IWC about how to improve access to Birchgrove Wharf for people with disabilities and describes the nature of the agreed solution; and
 - the agreed solution would provide access in a way that is compliant with the DDA and the Transport Standards.

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If agreement on an accessible solution is not reached within the initial negotiation period described in paragraph (a), then the further exemption period will not apply; and if the agreed solution is not compliant with the Transport Standards then the further exemption period will not apply. In those circumstances, people with disability would retain their right to make a complaint, and TfNSW would retain the right to rely on equivalent access or unjustifiable hardship provisions if applicable.

Decisions about the timing and manner in which the access path from Louisa Road to Birchgrove Wharf is upgraded are matters for TfNSW and IWC. The Commission's role in the matter is to decide on whether the applicant should be exempt from the ordinary application of anti-discrimination law.

Pursuant to s 56 of the DDA and s 33A.4 of the Transport Standards, and subject to the *Administrative Appeals Tribunal Act 1975* (Cth), an application may be made to the Administrative Appeals Tribunal for a review of the decision to which this notice relates by or on behalf of any person or persons whose interests are affected by the decision.

3 May 2018

Please note that this statement is not intended to be a substitute for the reasons of the Commission as set out in its decision or to be used in any later consideration of the Commission's reasons.







Submission to the Australian Human Rights Commission Regarding the Transport for NSW exemption application for Birchgrove Wharf



****INNER WEST COUNCIL**

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Inner West Council Submission on the TfNSW DSAPT exemption application for Birchgrove Ferry Wharf

1. Introduction

Inner West Council (IWC) was established through the amalgamation of Ashfield, Leichhardt and Marrickville Councils in May 2016. The first comprehensive and integrated strategy prepared and adopted by Council was the IWC Inclusion Action Plan for people with a disability 2017-2021. We are proud of that achievement and our unified history of championing initiatives to achieve accessible and inclusive communities.

Previous to amalgamation each Council had been active in advocating for improved accessibility. Access to Summer Hill railway station was championed by a representative complaint through Council in 1999. The Missed Business Guide continues to be a highly successful publication developed in 2004 through a partnership with Council and the Australian Human Rights Commission and has been taken up across the country. More recently the Balmain East Wharf upgrade in 2014-16 was the result of a number of years of advocacy, lobbying and Council working closely with the state government to recognise the need to achieve a continuous accessible pathway between a ferry service and a bus terminus. The NSW government access programs as a result began to recognise transport interchange facilities and include them in their project planning on access upgrades.

Council is keen to continue this approach to ensure the other remaining wharf on the Balmain peninsula serves all its users and achieves the stated objectives of both the NSW Transport Access Program (TAP) and the Birchgrove Wharf upgrade. Council have and will continue to advocate for the best possible outcomes regarding accessibility for all our community and negotiate with partnering agencies in a spirit of mutual respect and commitment to those outcomes.

At the Accessible Transport Advisory Committee (ATAC) members pointed out that ferries are regarded by people with disabilities as the most accessible form of transport. Council agrees and regards ferry transport as an important option for people with disability including those with reduced mobility.

Council have actively and consistently argued for full accessibility to be delivered as an outcome of the project. This was raised in each of the three meetings held between 2015 -2017 and communicated in responses including a letter of April 2017 where Council reinforced that a DDA compliant access solution should be part of the project rather than seeking deferment of the accessibility requirement.

2. Summary of Council position and response to AHRC questions

- 2.1 Council position on the exemption application
 - Council does not support the application because we believe that an exemption is not necessary. An
 exemption is not needed in order to investigate new technologies or an effective application of existing ones
 in the context of Birchgrove. We have asked the applicant to pursue these actions for some time and the
 information returned has not persuaded us that it has been either extensive in the local context or has
 considered overseas operations. (See appendix A for examples of access via inclined lifts/inclined elevators).
 - That more attention is needed on what performance based solutions could be approved to satisfy any strict interpretation of DSAPT specifications referenced and that would achieve the same outcome.
 - An exemption is not needed to allow time to negotiate with Council. While it is appreciated that capitol
 works schedules and difficulties aligning them will arise Council strongly believes that the TAP should be



used first and foremost to deliver accessibility and not obfuscate program responsibility. Council staff will continue to welcome the opportunity to work with TfNSW to resolve the issue

- The potential to partner with Council to improve Yurulbin Park was suggested during discussions and we
 have not moved away from that invitation. However a thorough investigation into using inclinators as a
 means of addressing the DSAPT has far greater appeal and indeed benefit to other sites on Sydney Harbour
 that have equally difficult access yet are restricted as they do not have land based options such as a park
 adjacent to the wharf.
- The suggestion that Council is not in agreement on a solution is inaccurate, we are in agreement that the
 stairs which are on Council land require improvement works and that an inclinator could also be
 incorporated into the scope of works within that space. This would have less impact than a conventional
 vertical lift and pedestrian walk bridge. As highlighted it is also a more practical solution that can be applied
 elsewhere in the ferry network.
- Council is in agreement that there is potential to achieve an improved accessible path within Yurulbin Park.
 This may not be achievable to a strict and narrow interpretation of the relevant DSAPT compliance
 references to AS1428, however, there is scope to consider designs that would allow a performance based
 solution without adversely impacting on the heritage and bush like aesthetic of the park which is a valued
 and important aspect to the community. Our aim is to design pathways that allow people with a disability to
 enjoy this same landscape quality as fellow residents and ferry users who traverse the park as a safer option
 than the stairs
- The landside components owned by Council are and have been open to negotiation with TfNSW "to reach a
 solution that meets the needs of people with a disability; compliance with the Transport Standards; offers a
 safe and reliable means of access; and has minimal visual and environmental impact to the area." (Excerpt
 from the TfNSW application). If this is the critical fact needed for an exemption, we conclude that an
 exemption is not needed as it is already available.
- 2.2 What impact will granting an exemption have on people with disabilities who catch ferries to and from Birchgrove wharf?
 - Council understands that there are existing limitations to the complaint based provisions of the DDA as a
 result of the DSAPT and that these restrictions conclude in 2022 when all aspects of a service are expected to
 be compliant. These limits extend to a person's current ability to make a complaint against a provider if they
 have not met their obligations and benchmarks of progress. The exemption would extend this limit for a
 further year.
 - Council believes through the development and adoption of its Inclusion Action Plan (IAP) that the rights of
 people with a disability should not be extinguished or reduced unduly. That it is a serious matter to extend
 or 'quarantine' rights unless doing so would generate a far greater and more productive benefit (under the
 DDA) to all the community concerned.
 - Given that not all wharves have to be accessible for a further 4 years it does not seem justified to extend
 that timeframe for an additional year if the access objectives could reasonably be achieved within the 4 year
 period, particularly given the existing level of investigation and cooperation.
 - People with disabilities who have difficulties with the existing access provisions will remain disadvantaged or
 excluded from using the ferry service until it is improved. The accessibility of public transport has been
 identified by the community in the statement of priorities that will inform the development of Councils
 Community Strategic Plan, see section 5 for details



In addition the community identified the lack of accessible public transport in the inner west (including ferries) as a major barrier to people with a disability and others. This is reflected in the actions of Councils Inclusion Action Plan (IAP), see section 6 for details.

2.3 If an exemption is granted, should it be subject to any conditions? If so, what conditions do you consider are appropriate?

If the Commission grants an exemption Council would recommend the following conditions:

- That a comprehensive study of inclined lifts or similar mechanisms be conducted, including those used within Australia and overseas to develop applications for local conditions.
- That the study be completed in time for the necessary planning and delivery schedules to also be achieved for the Birchgrove (and other) harbour locations within the DSAPT timeframe of 2022.
- That TfNSW partner with Council and provide resources to undertake a full site assessment to enhance accessibility in the event that an inclinator is unachievable.
- That in the interim the NSW Transport Access Program (TAP) focus on local priorities for accessible transport
 rather than be used in the area to fund projects that a) aren't priorities and b) don't contribute to the
 programs own aims, and
- 5. That Council and the community be consulted to confirm these priorities before commitments are finalised.
- 2.4 If an exemption is granted, how long should it be granted for?

Council does not believe there is sufficient cause to warrant an exemption in this instance. However if the Commission were to grant an exemption it is felt that 1 to 2 years is more than adequate to conduct the research and negotiations necessary. Council would be concerned if an exemption was granted in this instance that extended the compliance deadline beyond the legislated 2022 date and set a precedent.

3. Summary of the merits of preferred access options

3.1 Access via an inclined lift

Council believes that an inclined lift provides the best option for an accessibly pathway solution. More effort is warranted to explore how that may be incorporated into designs for Birchgrove Wharf. Our investigations have found that there are local manufacturers and suppliers of inclined lifts that have been installed in public spaces.

An inclined lift beside the current stairway provides the shortest access approach and does not alienate any part of the park. The proposed corridor hosts several high voltage power lines that cross the harbour from beside the wharf.

Issues such as vandalism are no more evident than could be expected in any other lift application and can be mitigated by extending the CCTV surveillance system being installed at the wharf.

The need to staff a lift has not been found either, however it is common that they are turned off outside the hours under which any associated facility operates. If this practice was found to be necessary in Birchgrove it could be replicated such that the lift is "on" during the hours that a ferry service operates.



There are numerous examples of this technology being used overseas, appendix A contains a variety of photos and locations of such use. It is noted that some are within the USA and would therefore need to be compliant with the Americans with Disabilities Act (ADA) which has often been used as a benchmark and to guide development of domestic Australian Standards related to access and mobility or the DDA.

The DSAPT does not specifically include nor exclude inclined lifts. It is suggested that this may be an oversight given the priorities at the time when the standards were written and something that might be reviewed during their next periodic review.

A contention appears to be if such a device complies with AS1735.12 (as opposed to AS1735.8 – inclined lifts). It is suggested that the components and dimensions required of Part 12 could either be incorporated into an inclined lift to meet local conditions or that the existing components of AS1735.8 as an Australian Standard are already sufficient for such a device to be considered satisfactory as an alternative solution or under Section 33.3 provision of the DSAPT.

Council has found an Australian supplier who confirmed they can deliver a product that meets the requirements of the DSAPT and in particular AS 1735.12 requirements can be met. (See appendix A for contact details) in addition attention is drawn to Section 33.3 of the DSAPT below:

33.3 Equivalent access

- (1) Compliance with these Standards may be achieved by:
 - applying relevant specifications in these Standards before the target dates; or (a)
 - using methods, equipment and facilities that provide alternative means of access to the public (b) transport service concerned (but not using separate or parallel services) with equivalence of amenity, availability, comfort, convenience, dignity, price and safety.
- This may include direct assistance over and above that required simply to overcome (2)discrimination.

Further, Division 1.11 of the DSAPT Guidelines 2004 (#3) encourages provides to adopt new technologies:

1.11 Innovation beyond the Disability Standards

The Disability Standards specify the minimum requirements for public transport. Operators and providers are free to exceed the Disability Standards in their services, premises, infrastructure and conveyances. Operators and providers are also encouraged to adopt new technologies that give improved access to public transport.

Recommendation

- That a comprehensive study of inclined lifts or similar mechanisms be conducted, including those used within Australia and overseas to develop applications suitable for local conditions.
- That the study be completed in time for the necessary planning and delivery schedules to also be achieved for the Birchgrove (and other) harbour locations within the DSAPT timeframe of 2022.



3.2 Access via Yurulbin Park

Yurulbin Park is a state significant park with rich heritage that includes Aboriginal middens, features of an earlier industrial working harbour era and an example of the 'Sydney Bush School' of Landscape Architecture pioneered by renowned landscape architect Bruce Mackenzie. The park's themes and features are described in Bruce Mackenzie's 2014 Renovation Plan which Council is funded to implement in the near future. The existing pathways in the park follow the pathways created for its previous industrial land uses, and do not comply with the DDA requirements for gradient, finishes, or aids.

The ramp option proposed by TfNSW was not supported because of the impact the design would have on the character and these key features of the park. Rather, Council preferred the alternative of an inclined elevator sited alongside the existing stairway. A contention has been whether such a path could or needs to be built with the sole aim of compliance with AS1428 as a pedestrian transport corridor if a sufficient pathway can be one that provides the least restrictive access, meets the broad intent of AS1428 albeit with a level of variance appropriate to the environmental and heritage context and with respect of all user needs.

The important elements we would like to preserve involve the natural setting and finishes, and believe, design needs to start with that perspective. Council and the park's original designer has set out these qualities in the park's Renovation Plan which any proposed works need to address. In addition Council is interested to open up the park experience to everyone so they can enjoy its unique qualities without compromising its essence. To this end a path designed sympathetic to the park's heritage and aesthetic character that also provides improved access to the ferry boarding level would be welcomed. Local residents have indicated in consultations that this would be appreciated.

Council has determined an option for locating a trench for an access ramp from the wharf deck into the park, providing a path which would rise into the middle lawn level of the park. Existing and upgraded paths would provide further access within the park and up to Louisa Road. Whilst this option may be technically feasible, it remains a challenging requirement to gain development approval for this intervention in the park.

Council does not have the resources to undertake this specific and involved piece of work however would welcome support from TfNSW to undertake this approach in partnership with us.

Recommendation

That TfNSW partner with Council and provide resources to undertake a full site assessment to enhance
accessibility in the event that an inclinator is unachievable.



4. NSW Transport Access Program

Council notes that the project was initiated as part of the Transport Access Program (TAP). In the 2017 year the IWC area had two Transport Access Program projects progressed. These were the Birchgrove wharf upgrade and a commuter carpark expansion in Ashfield.

Unfortunately neither project addressed key priorities for the inner west area or its residents. Furthermore neither project improved accessibility outcomes in a way that would enable people to engage in the local transport system beyond what they could arguably have achieved before the programs intervention.

Consequently for the inner west the TAP has not addressed community priorities in the projects it has progressed and neither project has substantially improved the accessibility outcomes for the area.

We feel that as a primary objective a TAP project should reflect the needs and priorities of the area and not be used as a default budget to upgrade transport infrastructure solely to enhance patronage or remediate any maintenance issues that are a part of ongoing core business of TfNSW.

Council notes that this outcome deviates from the publicly expressed intention of the TAP; to address accessibility, refer to articles below:

http://www.smh.com.au/nsw/accessibility-issue-for-redfern-station-with-10000-new-commuters-due-in-2020-20180101-h0c3wb.html

http://www.smh.com.au/nsw/one-down-140-to-go-for-sydneys-rail-station-upgrade-program-20171228-h0avrh.html

In discussions it was raised that Council would prefer to be consulted on the broad program and contribute to priority setting to enrich our area and enable a more accessible transport system for residents. That if we were to consult with our community our desire would be to present the program in light of existing priorities that have yet to be resolved and remain unscheduled in the TAP.

Recommendation

- Should an exemption be granted, that in the interim the NSW Transport Access Program (TAP) focus on local
 priorities for accessible transport rather than be used in the area to fund projects that a) aren't priorities and
 b) don't contribute to the programs own aims, and
- That Council and the community be consulted to confirm these priorities before commitments are finalised.



5. Inner West Council Statement of Vision and Priorities

The Statement of vision and priorities was developed in close consultation with the inner west community and Council staff in 2016. It sets out strategic priorities that will provide high level guidance to Council until the development of a single Community Strategic Plan (CSP) for the inner west. In preparing the Statement we asked the community what the key issues and challenges are for the inner west and what Council needed to focus on in the next 12 to 18 months. These issues formed the basis of our eight high level priorities. They are:

- 1. Planning and development
- 2. Transport
- 3. Social vitality, creativity and quality of life
- 4. Sustainability and the environment
- 5. One council
- 6. Local industry and business
- 7. Advocacy for our community
- 8. Local democracy.

Accessibility and inclusion of transport needs are directly referenced in the priorities as actions on:

- 2. Improving accessibility and connectivity
- 3. Promoting inclusion, particularly for people with a disability
- 7. Improving access to key services e.g. public transport, education

6. Council Inclusion Action Plan; relevant community issues, strategies, actions and outcomes

In May 2017 Council adopted the Inclusion Action Plan 2017-21 for people with a disability. The plan is the result of extensive consultation with the community and staff and articulates how the vision and priorities will be delivered to ensure all people are included. The material below is included as it confirms the views of the community, the priority issues and Council agreed responses to address identified barriers.

In "IAP Action Area 4: Inclusive Planning (Infrastructure & Environment)" the community identified that:

Accessible footpaths and facilities, pathways and transport are key to people with a disability being able to
participate in their local community. Accessible public transport is an essential element to a liveable
community

This has the following linked strategy and action:

- IAP Strategy 4.4: Continue to advocate for increased provision and improved local accessible public transport and mobility parking
- Action 4.4.1 Work with the NSW Government to improve accessibility of ferries, rail and light rail (stations, boarding and facilities).

These strategies and actions are aligned with the articles within the United Nations Convention on the Rights of Persons with Disabilities, the National Disability Strategy Policy Area 1: Inclusive and Accessible Communities and the NSW Inclusion Plan Focus Area 2: Creating liveable communities. The outcome Council seeks is:

An accessible and liveable community where everyone is considered when planning a sustainable urban
environment and infrastructure



Appendices

Examples of inclinators used elsewhere in a public environment



Lisgar Gardens, Hornsby

Local product installed on a steep grade in a public facility



Twin Rail external Inclinator - Australian manufacturer



From local manufacturer:

"Designed and manufactured in Australia by P. R. King & Sons, the inclined lifts are built to Australian Standards AS1735 and have been approved by all lift authorities in Australia."

"All of our inclinators™ are built to the Australian standard AS 1735 Part 8 and have been approved by all lift authorities in Australia."

They are built and used throughout Australia (600) are reliable, some in operation for 50 years, are BCA compliant (therefore meet AS1735 and DSAPT specs), they are also less costly than a lift.

Concern for vandalism has merit however it needs to be considered in respect to a documented history of vandalism and in similar context or location. The inclinator installed at the Hornsby Lisgar Botanic Gardens (see previous page) has no history of vandalism and the Birchgrove/Balmain Peninsula is not regarded as a high risk area.

Any risk can be further mitigated by the inclinator being turned off outside of ferry service hours

Another local supplier confirmed they can deliver a product that meets the requirements of the Disability Standards for Accessible Public Transport. In particular AS 1735.12 requirements can be met and in terms of operation the inclined lift is very similar to that of an elevator. See:

https://www.doppelmayr.com/en/the-group/subsidiaries/australia/doppelmayr-australia-pty-ltd/



Twin Rail external Inclinator - Australian manufacturer





Grand Coulee Dam, Washington, USA



Outdoor environments

San Diego Convention Center, San Diego, CA, USA



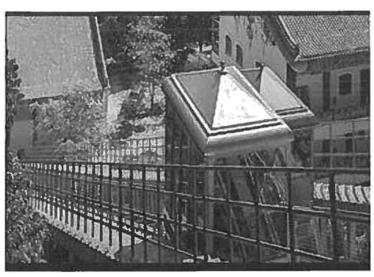
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Old city of Langres, France

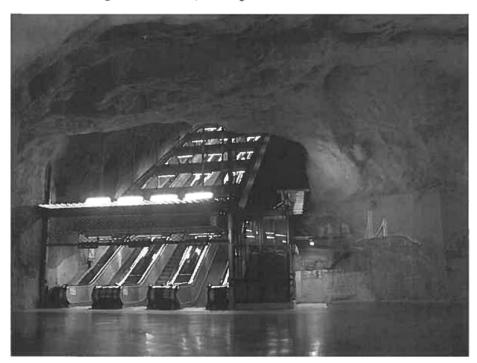


Manitoba, Canada





Stockholm Central Metro Station Inclinator is on the right side of escalator, at same grade.



Inclinator at Greenford Underground Station, London UK is similar.

Servicing a high use location



Millennium Bridge, London Picture: The Inclinator







Montgomery Inclinator @ Cityplace/Uptown DART Station, Dallas, Texas



Larger capacity indoor lift car



Montmartre Funicular



Larger capacity car in outdoor environment

Links to other examples of inclined lifts and their use:

http://www.maspero.com/it/forte-di-bard/

http://www.accessauto.co.nz/commercial-inclined-elevators

https://www.seilbahnen.ch/en/Inclined-elevators/Beschrieb-Schraegaufzuege.php

http://www.vonrotz-seilbahnen.ch/produkte

https://hillhiker.com/commercial/

http://marineinnovations.com/commercial-industrial/incline-elevators/



B. A track record of cooperation in improving ferry wharf facilities

The former Leichhardt Council was fully supportive of the wharf improvement program and assisted RMS project teams in the wharf replacements at Balmain Wharf (Thames Street) and Balmain East Wharf (Darling Street). The initial RMS project scope for Balmain East Wharf only replaced the gangway structure and stepped jetty platforms with a new pontoon and gangway. The works were confined to the water side from the sea wall. This left the existing land access and bus terminus as non-compliant to the access codes.

Acknowledging the inadequacy of the project, Leichhardt Council lobbied the NSW Government to complete the provision of a fully accessible transport terminal. A project was commenced by Transport for NSW Capital Projects Division to deliver a fully accessible transport interchange at Balmain East Wharf. Council was closely involved in the design processes and contributed to the project through

- the demolition of a public toilet facility on the foreshore and its replacement with a new facility on Council land adjacent to the site;
- the provision of an accessible public lift adjacent to the wharf to provide an alternate access option for ferry commuters:
- provision of foreshore parkland for construction of part of the access ramp;
- ongoing provision of regular maintenance of the interchange and its landscaping, as well as
 operation of the public area lighting.

These undertakings transferred to Inner West Council upon amalgamation, and are in place or continuing.

Council has similarly cooperated in the planning and design processes for Birchgrove Wharf. However, the access options floated as possible solutions to date do not deliver the required outcomes without unacceptable impacts. The site constraints limit the appropriate options, but are not unique to this wharf location. Similar narrow land approach corridors with substantial level changes are found at Kirribilli Wharf, Kurraba Point Wharf, Old Cremorne Wharf, South Mosman Wharf (Musgrave Street) and Greenwich Wharf. So there exists a potential to determine a common format solution applicable for all such sites.

Working relations between RMS officers and Council officers has at all times been cooperative, constructive and cordial. Council officers have a sound appreciation of the land side issues and access standard requirements, and appreciate the situation of RMS officers in identifying an acceptable design solution. It is appreciated that more time is required to research and develop an optimal solution.

References in RMS Submission relating to access design

The following references illustrate the design team's appreciation of the key issues and the difficulties in resolving an acceptable solution. From these one can conclude that the challenges of the project arise from locational constraints and were well understood. Furthermore, the development of understanding of the issues and the difficulty with the design of a suitable solution is evidenced progressing through these records, culminating in the deferral of the access problem whilst the new wharf construction proceeds.

Meeting Notes, Leichhardt Council Meeting No. 1, 24 April 2015 at Leichhardt

Item 1. Purpose of Meeting: The project was referred to as "Birchgrove Wharf and interchange"

Item 2. Program Overview: The program is to "improve customer experience including amenity, safety, and improving access for mobility impaired customers."



"the current package would also focus on the interchange and its land side elements including linkages with other modes of transport including buses, cycling, pedestrian linkages".

Item 4. Birchgrove Wharf Project Overview: "Landside elements including pedestrian access from the wharf to the surrounding park will form part of this review."

"It was noted that full compliance with the (DDA Standards) in relation to the landside elements would be hard to achieve in view of the geographical constraints of this area."

The sketch designs presented at the initial consultation meeting included reconstruction of the existing stairway access, an accessible parking space and kiss and ride space, a 13 metre lift shaft and 20 metre suspended approach footbridge adjacent to the foreshore waiting shelter.

Birchgrove Feedback Session, 7 May 2015

Overview: "The preservation of heritage, the existing view, local ambiance and need to maintain Birchgrove ferry service were major concerns."

"Accessibility of and at current location was the major issue and all considered major improvements eg footpaths/ramps are required."

ATAC Presentation: Transport Access Program: Accessibility Challenges, 29 March 2017

Slide 5: Birchgrove Ferry Wharf: "Steep access to existing wharf - no DDA compliant path of access to the

"High value residential housing in close proximity - visual impact."

A sketch of foreshore frontage 9 metre tall multi-storey structure providing 5 ramps in a switchback configuration was included to illustrate the issues.

Meeting Notes: "Birchgrove is a difficult one. Topography and access is not DDA compliant, combined with its limited usage and no landside transport connections."

Meeting Notes, Inner West Council Meeting No. 3, 8 March 2017 at Leichhardt

Item 3: "RM noted previously the project had looked at different ways to create an accessible path from Louisa Road to the wharf, with a lift, inclinator and accessible path through Council owned Yurulbin Park considered due to the change in levels. None of these options have been included with the current scope of works due to the existing constraints involved, and impact of these proposed works on the existing park land."

The presentation slides presented to the meeting listed the public feedback at slide 4: "Condition of existing stairs - uneven heights and in poor condition, railings difficult to use, poor lighting."

Council's letter to RMS of 13 April 2017

Following the meeting with RMS on 8 March 2017, in which the scaling back of the wharf upgrade was advised, Council wrote to reiterate its earlier advice provided in meetings with RMS, and noted in the meeting minutes.



As the existing stairway is the sole means of access, Council sought renewal of the existing stairway so that improved ambulant access was provided to the wharf during the pontoon installation to avoid further future interruption to access to the wharf.

Council further advised that a DDA compliant access solution should be part of the project rather than seeking deferment of the accessibility requirement.

C. The Brief for Renovation of Yurulbin Park

In 2014 Council engaged the original designer of Yurulbin Park, Bruce Mackenzie to prepare a Renovation Plan for the park. The project design retains the form and features of the original park and provides directions for improvements to the paths, better detailing of constructed elements, renovation of planting beds, and replanting of gardens to re-establish the selected native species. The renovation works are detailed in the document prepared by Bruce Mackenzie in June 2014. The former industrial use of the site is visible in the 1943 aerial photography from Six Maps.

Yurulbin Park contains features of pre-colonial use. There is also a pathway, remnant dock, and wharf frontage from colonial and later industrial occupation. The site has been a park since the early 1970's. The corridor of Louisa Road extends to the waterfront and contains a stairway to the wharf, forming the north-western boundary of the park. Also buried in the road corridor are numerous high voltage electricity cables that cross the harbour from this site.

The park is divided into three generally level zones separated by natural sandstone rock face or stone retaining walls. There is an upper lawn and carpark (generally 9.5m elevation), linking by a path to a middle level lawn (generally 5.5m elevation), and linking by paths with stairs to a foreshore level (about 2m elevation). The upper area paths are built of sandstone flagging, whilst paths at the middle and lower levels are gravel.

D. Opportunities for Improving Access in Yurulbin Park

Roads and Maritime Services sought Council's advice on the provision of a DDA Code compliant access path through Yurulbin Park. Council's advice was that a fully compliant access path would not be in keeping with the design aesthetic of Yurulbin Park and would require significant disruption through much of the park. That advice was based upon the considerations outlined below.

Options for ramp access from the top level to the middle level

The existing path from the top level to the mid-level uses a path hewn through the sandstone bedrock that is a remnant of the earlier industrial occupation of the site. The gradient varies but is generally 1:9. That path takes a Uturn at the middle level and runs at 1:10 grade down to the mostly level area, known as Snails Bay the foreshore seawall area. This area is gravel paved, backed in part by a picnic lawn and below the path, backed by a concrete retaining wall. The Renovation Plans propose the repair and upgrade of the path surface to be finished with sandstone paving, to be in keeping with the natural areas of exposed bedrock throughout the park.

On the north western side of the upper level, the paths linking to the wharf access stair are to be resurfaced with sandstone paving. The carpark has been resurfaced in the recent past.



Options for ramp access from the middle level lawn to the wharf

The wharf deck area and waiting shed is adjacent to the edge of the middle level lawn, and separated by a 1.6m high stone retaining wall. The pontoon to wharf deck gangway extends past and beyond the foreshore sea wall level area. In order to develop a ramp access from the wharf deck, the stone retaining wall must be breached. A ramp path between the wharf deck (1.5m elevation) and middle level lawn (5.5m elevation) would be graded about 1:8.

Alternatively a ramped path into the adjacent foreshore area, switching back to rise to the middle lawn may be graded about 1:14. Such a ramp would be sited in a trench for the lower section, following the line of an existing stone retaining wall. The path is likely to require substantial rock excavation and earth retaining structures.

Impacts of ramp access on the park

The ramp access path options proposed above provide a step free wheel-able route, but would not be DDA/AS1428 compliant. Any option to improve ramp access to the wharf from the park will result in the loss of mature trees. Excavation construction activity will also be deleterious to the park finishes and its vegetation. The resulting ramp access routes would not comply with the desirable 1:20 gradients, but do provide better access into the park.

Providing other access features such as handrails and tactile surface markers would also not be in keeping with the native bush design theme of the park, however as a natural area there may be other design solutions that could be explored, offer sufficient and safe path access and suffice as an alternative solution. It is this level of investigation that would require additional support to complete.



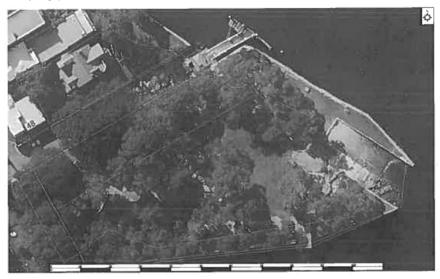
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E. Photographic Essay on Yurulbin Park

YURULBIN PARK, and Birchgrove Wharf

Aerial photograph 2016



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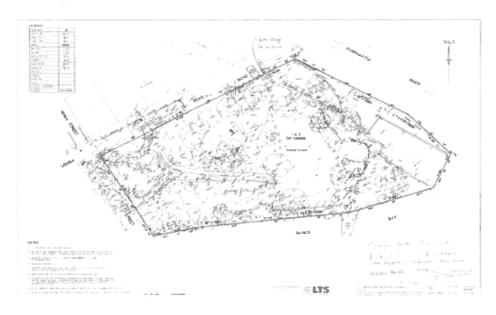


1943 aerial photograph illustrates wharf and park site with previous industrial uses



Access pathway options

INNER WEST COUNCIL





Upper level lawn





Upper level, view up footpath leading to stairway to Birchgrove Wharf



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Upper level pathway toward stairway to wharf





Upper level, footpath at 150 Louisa Road, view toward wharf







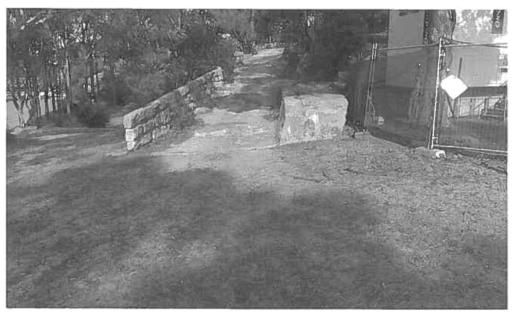


Main pathway toward middle level lawn



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Middle level lawn, view down pathway toward Snails Bay foreshore lawn



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Snails Bay foreshore level lawn, viewed from upper level







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Remnant marine dock and view toward Parramatta River foreshore



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New wharf platform with waiting shed footings viewed from stairway. Option for access ramp trench through retaining wail and garden to the right



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Foreshore garden, site for access ramp option lower ramp trench from wharf



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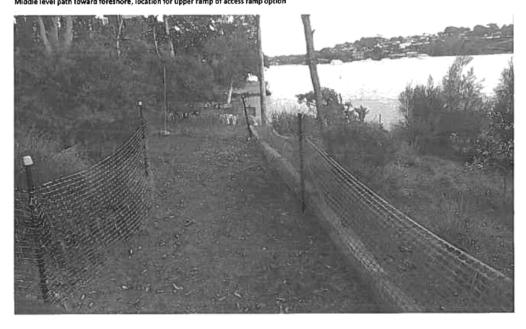


Middle level access to foreshore, location for switchback for access ramp option. Note bedrock level in foreground.



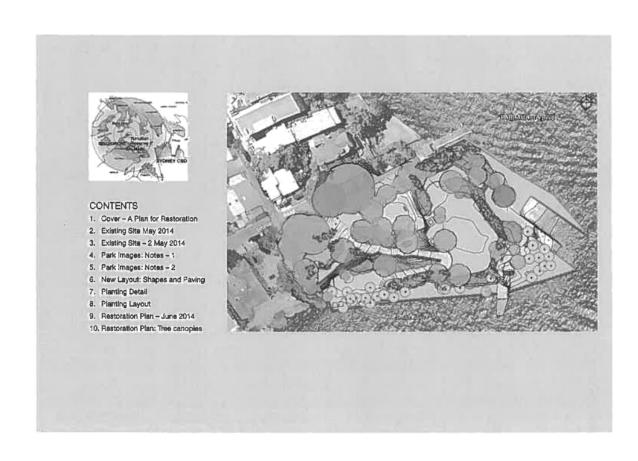
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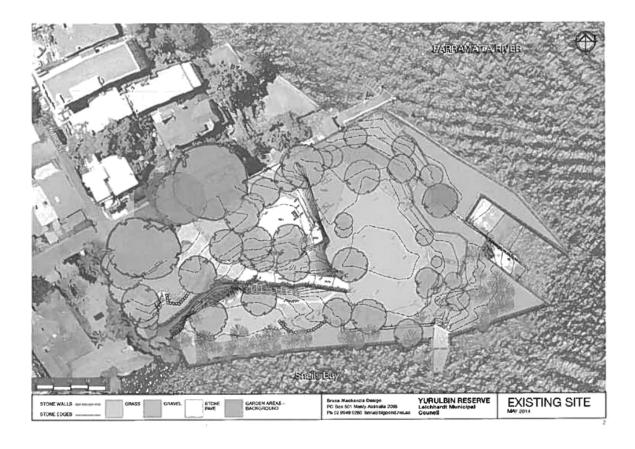


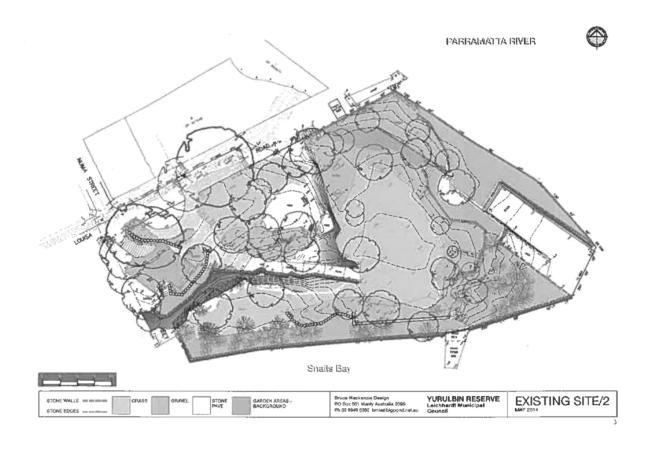


Inner West Council | Submission on TRNSW exemption application for Birchgrove Wharf





















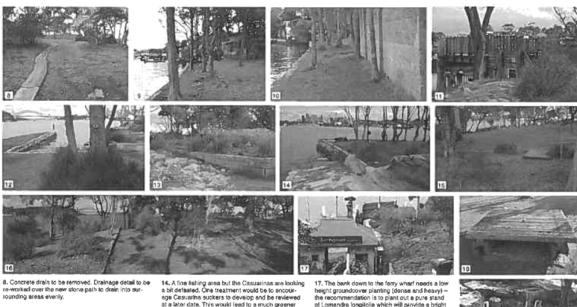


- The turneround Mobile bins need to be relocated (perhaps to the left of the path to the ferry) and preferably enclosed in a suitable surround. All furniture items should be partiadioled grey or left to weather grey incl benches, table/seets and bollards.
- Suggest bollards installed at entry with one removable for park vehicles access. The green vehicle barrier tends to obscure pedestrian entry to the main pathway.
- Sign posting can be reviewed, relocated and made more compact.
- 3. Carpark is recommended for change to a co-
- 4. Timber Columns. New columns need capping galvanised steel possibly on a re-sawn top detail.
- 5. West boundary requires screen planting.
- 6. Gravel paths require tidying and regravelling
- 7. The main path approach to the park. The original paving stone, bare rock and mittled exposed aggregate patches could be done again but the recommendation is for a new stone paved path all the way and down to the lower lawn level. This should be made to carry council vehicles and be reliably permanent.

PARK IMAGES 1

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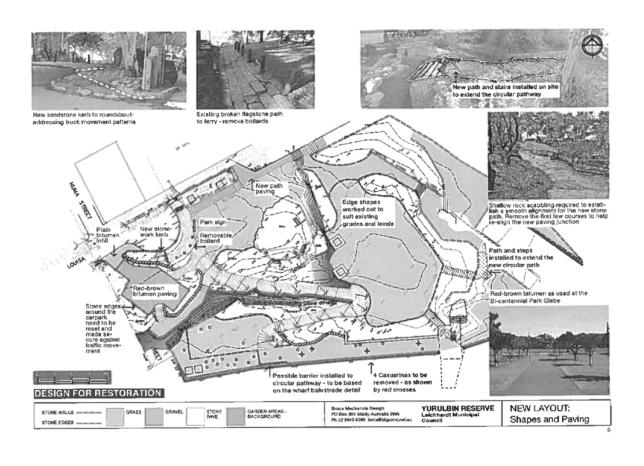


- Casuarina glauca needs some revitalisation, fertilisation etc. A fertilizer system is proposed elsewhere.
- 11. The whart structure is shown later, designed for visual strengthening of the balustrade.
- 12. The graveled fishing zone.
- 14. A fine fishing area but the Casurarinas are looking a bit defeated. One treatment would be to encour-age Casuarins suckers to develop and be reviewed at a later date. This would lead to a much greener base effect. Similar treatment could be applied to the regrowth of fightees. A later review could determine where the regrowth can be accepted.
- 15. Lawn, gravel areas and mulched planting areas need to be faid out properly and agree with current levels that prevail. The table/seat furniture needs to be relocated and brought to a leveled base.
- 18. Planting and graveled areas need to be set out with stone edges to facilitate convenient moving and edge trimming (for the sake of efficient and more economical maintenance).
- 17. The bank down to the ferry wharf needs a low height groundcover planting (dense and heavy) the recommendation is to plant out a pure stand of Lomandra longifolia which will provide a bright green continuous cover.
- 18. Furniture renawal will be required.



PARK IMAGES 2







Small trees and Larger Shrubs Group

Acacia glaucescens Angophora hispida Banksia asplemifoli Banksia ericifoha Banksia integrifolia Banksia marginuta Banksia spinulosa Callicuma serratifolia Callistemon citrinus Callistemon linearis 'allistemon salignus Elaeocarpus reticulatus Grevillea asplenufolia Hakea salicifolia Hakea sericea Hakea teretifolia Leptospermum grandiflorum Leptospermum juniperinim Leptospermum lavvigatum Leptospermum polygalifalium Melaleuca armillaris Melaleuca ericifolia Melaleuca hypericifolia Pitrosporum unduiatum

Medium Shrubs Group

Correa alba Eriostemon australusne Grevillea buxifolsa Kunzea ambigua Lambertia formosa Westringia fruticoso Xanthorrhoea spp

Groundcovers and Small Shrubs Group

Doryunthes excetsu Hardenbergia violacea Hibbertia volubilis Isolepis nodosus Kennedya rubicunda Lomandra longifalia

Coast Myall Dwarf Apple Fem-leaved Banksia Heath-leaved Banksia Coast Banksia Silver Banksia Spine-leaved Banksia Black 'Wattle' Comson Bottlebrush Narrow leaved Bottlebrush Pink-tip Bottlebrush Bluebeny Ash Grevillea asplenifolia Swamp Hakea Needlebush Dagger Hakea Woolly Tea-Tree Prickly Tea-Tree Coast Tea-Tree Swamp Tea-Tree Bracelet Honey-myrtle Swamp Paperbark Red-flowering Paperbark Sweet Pittosporum

White Corren Wax Flower Grey Spider Flower Tick Bush Mountain Devil Coast Rosemary Species from Sydney Harbour

Blue Flax-Lily Gymea Lily Purple Coral Pea Climbing Guinea Flower (syn. Scirpus nodosa) A rush Dusky Coral Pea Spiny-headed Mat-rush

Planting is meant to reproduce the previous mixgarden but more as a reliable mix that is easier for Council to maintain. The main principal is to cover surfaces with a continuous spread of foliage and reduce the exposure of raw ground and the devel-opment of weeds. The need for surface mulching. initially essential, would be gradually reduced

Carry out clearing and repeated cultivation removing all unwanted growth

Carry out fertilizing equivalent to the following:
'Professional Landscape Formula Flora'
(EVERRIS – Derived from Osmacote)

16-1 3-9 1-6 5+1 8Mg, longevity 8-9 months 15kg bag Specifically developed for fertilizing planting in a landscape situation.

Nutrients are gradually and evenly released throughout the season using PACE technology. Ensuring balanced, healthy plant growth.

A single application for the entire growing season

Low phosphorus formula suitable for Australian

Suggested Application Rate: 80g/m2 (8kg/100m2) Bag coverage: 375m2

Fertilizing to existing Casuarina specimens: Apply fertilizer into holes made with a crowbar, or similar, approximately 100mm deep at 300mm centres around the dripline of the trees. Close up holes with local gravel.

Space according to size as in 0.5m to 1.0m, averaging 0.75m per plant for species such as Lomandra longifolia in the category Groundcovers and Small Shrubs Group

Larger material, Leptospermum etc at 0 5m to I 5m spacing to average at 1.0m centres throughout – Large and Medium Shrubs Groups Set out randomly so that no obvious uniformity can be observed.

Mulch to a compacted depth of 75mm after planting is finished (uncoloured woodchip material).

Maintenance

Replace on a weekly basis any failed plant material during a maintenance period to be determined

Fencing Install light weight plastic fencing sufficient to de-ter random access during an establishment period of say 12 months.

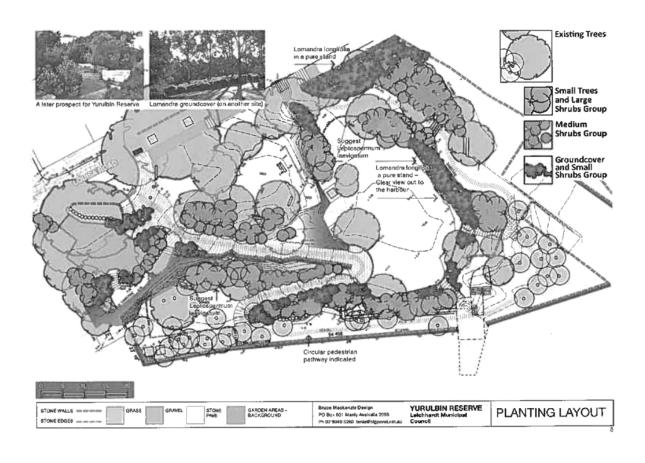
Plant Locations
Plants should be located on site by a person expenenced in native pants who has a reasonable un-derstanding of their eventual shape and size. Not all plants listed need to be used but selections should be made from the list. Plants can be used in single and multiple groupings

Lomandra is shown in two locations as a continuous cover without other plants included. Elsewhere it is used in combination with other species.

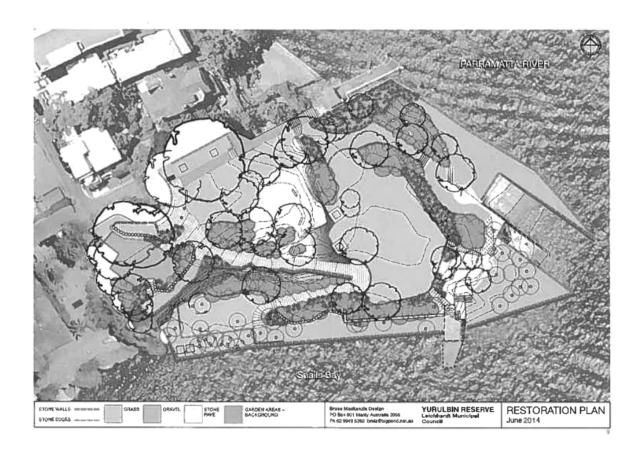
Define certain rock area zones where thin soil and weeds can be removed down to bare rock - finish with a water-blast treatment to establish a clean weed-free base

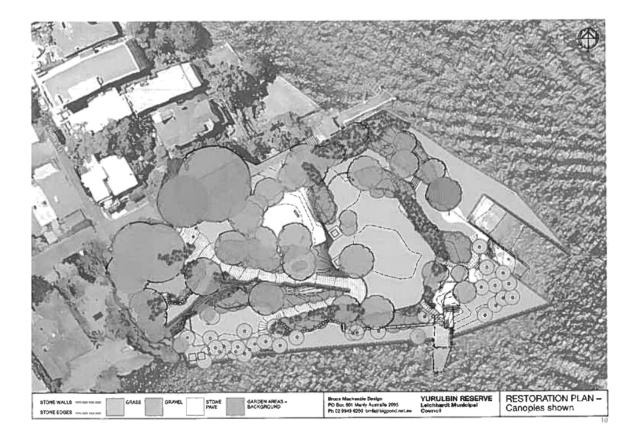
PLANTING DETAIL



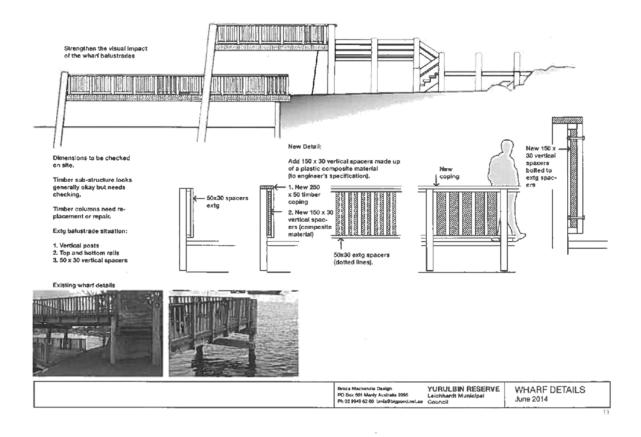


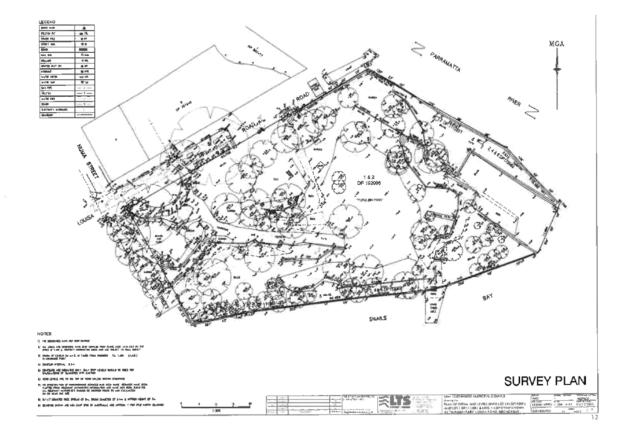














Item No: C0219 Item 7

Subject: AMENDMENT TO ASHFIELD LEP 2013 - HERITAGE CONSERVATION

CLAUSES

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

Prepared By: Con Colot - Senior Strategic Planner & ProjectsAuthorised By: David Birds - Group Manager Strategic Planning

SUMMARY

This report seeks Council approval to carry out "housekeeping amendments" to the Ashfield Local Environmental Plan (ALEP) 2013 to delete an exempt development clause in Schedule 2 which applies to external building works within Heritage Conservation Areas and to Heritage Items. This is in order to resolve misinterpretation of the clause and prevent potential adverse work being carried without Council approval to these places which is incompatible with their heritage significance. The existing clause 5.10 of ALEP 2013 will be able to be continued to be used for carrying out minor work without requiring development consent.

Given the proposed amendment to the ALEP 2013 it is also proposed to make an amendment to subdivision clause 4.1A to ensure Heritage Items have an allotment configuration which is consistent with their heritage significance by having the required open space curtilage setting and lot size.

The report proposes Council forwards the Planning Proposal for the above to the Department of Planning and Environment and seeks delegation to become the Planning Proposal Authority for the making of the ALEP 2013 amendments.

RECOMMENDATION

THAT:

- The attached Planning Proposal for amendments to the Ashfield Local Environmental Plan 2013, Schedule 2 Exempt Development as indicated in the report be forwarded to the Minister for Planning for a Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979;
- The Department of Planning and Environment be requested to delegate the plan making functions for the Planning Proposal to Council to be made the Planning Proposal Authority;
- Following receipt of a Gateway Determination, the Planning Proposal in the form required and supporting documentation be placed on public exhibition by Council for a minimum of 28 days and public authorities be consulted in accordance with the Determination; and
- 4 A report be presented to Council on completion of the public exhibition which will address submissions received.

BACKGROUND

Before the Ashfield Local Environmental Plan 2013 (ALEP) the Ashfield Local Environmental Plan 1985 required development consent for all external alterations to buildings and sites within Heritage Conservation Areas (HCAs) and to Heritage Items (HIs). For very simple works the Ashfield LEP 1985 contained a clause that enabled Council to issue letters to building



owners permitting such work to be carried out without requiring development consent - such as painting or minor repairs.

The exhibition of the draft ALEP, as part of the strategy of the former Ashfield Council, included an "exempt development" clause for minor alterations to external parts of buildings in HCAs and HIs. Exempt development allows work to be carried out without development approval by Council. This was in the context that there were 30 new HCAs being proposed, many additional HIs, and this initiative responded to community concerns that newly affected building owners should be able to carry out "minor work" without delay.

The Council drafted and exhibited ALEP exempt development clause is contained in **Attachment 1**. It had been carefully worded to ensure that it strictly applied to "minor work" and adequately described such work. For example: painting already approved painted surfaces with the same colour (e.g. fences), replacing gutters with the same type and colour, making repairs to existing rendered surfaces by reinstating what was already there, or making repairs to building components such as windows or paving or fences.

However without prior feedback or notice being given to the former Ashfield Council the ALEP 2013 was gazetted in December 2013 with the exempt development clause having been significantly redrafted by Parliamentary Counsel. This resulted in the deletion of the key restrictions and limitations contained in the exhibited Council version for minor alterations that would have fully protected the significance of those places. The following clause was included in the LEP in Schedule 2 that allows exempt development to exteriors of buildings within Heritage Conservation Areas and Heritage Items where they are classed as "minor alterations":

ALEP 2013

Exempt Development, Schedule 2:

Minor alterations (external) to buildings comprising heritage items or in a heritage conservation area

Must only involve one or more of the following:

- (a) painting, plastering or cement rendering,
- (b) the repair or replacement of a non-structural wall or roof cladding,
- (c) the replacement or maintenance of downpipes or roof guttering,
- (d) other non-structural alterations involving plumbing, electrical works, attaching fittings, restoration and decorative work.

In January 2014 Council officers contacted the Department of Planning of Environment (DPE) and highlighted problems with the wording imposed in the LEP and the potential ambiguous interpretation given the removal of the of the Council version of the description of the works and reliance on the term "minor".

DPE responded they would not correct this and that Council should advise the public that it only applied to "minor development" as loosely defined in the Environmental Planning and Assessment Act 1979 at the time, and for Council officers to determine what "minor development" constituted on a case by case basis. This was noted but for cautionary reasons the former Ashfield Council Planning and Environment Department insisted in the majority of cases that development applications be lodged, with the Council policy being not to charge any development application fee.

Former Ashfield Council was aware of the need to amend the ALEP 2013 to address the situation. To partly address this until such time as there was an ALEP amendment, provisions were put in the Inner West Development Control Plan 2016 (process commenced earlier in 2015 and applies to Ashfield area) in Part E1 – 1.4 to provide a definition of "minor development", however this does not provide certainty for this process. As a result of the Council amalgamation in May 2016 the ALEP amendment has been included on the list of projects to undertake. It has also has been highlighted by Development Assessment and



Regulatory Services that the ALEP amendment is required to ensure there is certainty and clear rules about what the procedures are for carrying out minor alterations without development consent, and to avoid legal disputes.

Significantly an alternate current pathway exists to enable minor alterations by property owners without a Development Application which is in Clause 5.10 of the ALEP 2013 described below.

Need for Planning Proposal

Deletion of Schedule 2 - Exempt Development clause applying to HCAs and HIs

Noting the very sensitive nature of HCAs and HIs it is necessary to ensure there is no misinterpretation or misapplication of the ALEP 2013 exemption clause, and that external alterations are carried out appropriately in accordance with the necessary heritage conservation design details. It is therefore proposed that the above "exempt development" clause be deleted from the Ashfield LEP 2013. In place of this Council will be able to continue to assist property owners to carry out minor work alterations by utilising the provisions of Clause 5.10 (3) of the Ashfield LEP 2013 as explained below.

Clause 5.10 (3) of the Ashfield LEP 2013 below enables property owners to seek an exemption from any requirements for a development application and approval by submitting a letter (or email) to Council with supporting material. As explained earlier this was a previous practise of the former Ashfield Council. For example if there was a historic fence or parts of a building that needed to be repainted or to have repair work, a property owner would submit a short descriptive letter and photograph indicating the colour. Council would then simply respond by letter (or email) that the described work was satisfactory and did not require approval.

ALEP 2013 5.10 Heritage conservation (3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
- (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area

To assist with the use and implementation of the above clause it is recommended Council develops a policy that provides clear guidance on procedures, the "minor work" it applies to, acceptable design criteria and documentation standards. This policy should be produced in collaboration with Council's Heritage Adviser. Use and reference of numerous Ashfield area specific documents will also be able to be relied on, such as main street paint schemes for existing town centres, architectural detailing for houses and particular building styles and building components (fences, gates, verandahs etc). Council officers would also provide a report and draft policy document for Council's consideration.

Council should also note that it has resolved (July 2017) to pursue a nomination proposal to list the Haberfield Conservation Area as a pre-eminent example of the Garden Suburb on the State Heritage Register. In this context it is important that the above ALEP 2013 clause



anomalies be addressed to demonstrate that adequate controls are in place as this will be one of the considerations by the Office and Environment and Heritage for the listing.

Heritage Items and appropriate lot size

Clause 4.1A of the Ashfield LEP 2013 below was an initiative of the former Ashfield Council to increase housing supply and choice by enabling torrens title subdivision of house lots to permit semi-detached houses (i.e. one house attached to the other with a common wall), such as 500 sqm house lots divided into two lots. This was to occur within approx. 200 m of the train line so as to be within close vicinity to public transport with those locations being on "Area 1" on the Ashfield LEP 2013 Lot Size map. It was not intended that Clause 4.1A apply to HCAs or HIs.

The Ashfield LEP 2013 contains a significant omission in Clause 4.1A (below) with this clause not containing a prohibition on Heritage Item properties being able to have small lot torrens title subdivision for detached houses down to 200 sqm. Many of the HIs affected in "Area 1" are in zones where detached housing is not permissible, e.g. being parks or schools. However there are some properties in "Area 1" where the land use zoning permits detached housing. For HIs small lot subdivision cannot be consistent with the heritage significance of their site. HIs need to have the required open space curtilage setting, lot size and lot boundary position in relation to the heritage item building.

Council should use this Ashfield LEP 2013 amendment opportunity to correct this situation by adding reference to a heritage item in clause (2) below as indicated in **bold underline**. This would make it fully consistent with established Heritage Conservation practice.

- 4.1A Exceptions to minimum subdivision lot size for certain residential development
- (1) The objective of this clause is to encourage housing diversity without adversely affecting residential amenity.
- (2) Despite clause 4.1 (3), development consent may be granted to the subdivision of land identified as "Area 1" on the Lot Size Map that is not within a heritage conservation area, **and that is not a heritage item**, if:
 - (a) each lot resulting from the subdivision will be at least 200 square metres, and
 - (b) a semi-detached dwelling is or will be located on each lot, and
 - (c) each lot will have a minimum street frontage of 7 metres.
- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of land identified as "Area 2" on the Lot Size Map if:
- (a) each lot resulting from the subdivision will be used for the purpose of a dwelling house, and
- (b) each lot resulting from the subdivision will be at least 174 square metres, but will not exceed 450 square metres, and
 - (c) the total number of lots on that land will not exceed 11.

A Planning Proposal document for the above is contained in **Attachment 2** to enable Council to proceed with the LEP amendments.

FINANCIAL IMPLICATIONS

OTHER STAFF COMMENTS

Council's long standing Heritage adviser for the former Ashfield Council area has been heavily involved in development assessments, has been consulted and advises he supports the



amendments. Council's General Counsel has been consulted in the preparation of this proposal.

The General Manager has determined that pursuant to the *Local Planning Panel Directions* – *Planning Proposals* that the LEP amendment is of minor significance - as contained in **Attachment 3** and procedurally this enables Council to seek a Gateway Determination.

PUBLIC CONSULTATION

Not applicable at this stage. Public consultation will occur after Gateway Determination.

CONCLUSION

Ashfield LEP 2013 should delete in Schedule 2 - Exempt Development, the clause - "Minor alterations (external) to buildings comprising heritage items or in a heritage conservation area" as recommended in the report in order to adequately protect the heritage significance of those places.

Council should develop a policy document outlining which works can be carried without Council approval in accordance with Clause 5.10 (3) of the Ashfield LEP and procedures for this to assist property owners to make minor external alterations without development consent. This policy document should be produced in collaboration with Council's heritage adviser. Council officers should then provide a report and draft document for Council's approval.

Clause 4.1A (2) of the Ashfield LEP 2013 should be amended to delete reference to Heritage Items having small lot torrens title subdivision as indicated in the report.

ATTACHMENTS

- 1. Draft ALEP 2012 Exempt Development Clause
- 2. Planning Proposal



Draft Ashfield LEP 2012- Schedule 2 Exemption Clauseas drafted by Ashfield Council and exhibited at Section 65 stage.

Building alterations (external) - heritage conservation areas and heritage items

(non-structural external works including downpipes and roof guttering and non-structural alterations to the exterior of a building such as re-roofing, plumbing, electrical works, repairing cement rendering, recladding not including walls, painting, attaching fittings, restoration and decorative work).

(i) Miscellaneous works

Development Standards

Alterations must be to buildings that have been lawfully constructed; and

- (a) alterations must not involve the making of, or the alteration to the size of, any opening in the roof of a building or any opening in an external wall, such as a doorway or window; and
- (b) must not drain stormwater on to adjoining properties; and
- (c) existing materials must be replaced with similar materials; and
- (d) reclassing of roofs must not require works that affect the load bearing capacity of walls or roofs; and
- (e) recladding of roofs must not involve altering the roof pitch or form; and
- (f) must not impede any existing fire exits or paths of travel to a fire exit; and
- (g) all work involving removal of asbestos cement and lead contaminated paint must comply with Workcover Authority guidelines and must not cause soil or air contamination; and
- (h) must not involve the rendering of surfaces not already rendered including stone, face brickwork or tiles; and
- (i) must not involve the removal of slates or tiles, other than slates or tiles that are being repaired or replace with new slates or tiles in the same material and which are a similar pattern style, colour and external finish; and
- (j) must not involve a change of material type, profile or texture; and
- (k) must not involve removal of render or plaster; and
- (I) must not involve painting of traditionally unpainted surfaces of face brick, stone, slate and tiles; and must not involve re-cladding of walls; and must not involve the re-sheeting of roofs except where a traditional corrugated profile sheet in galvanised streel/zincalume/colorbond (unpainted or mid to dark grey or a traditional heritage colour) replaces an existing sheet metal or corrugated asbestos sheet roof and is installed in accordance with manufacturer's specification; and
- (m) replacement downpipes and guttering must be a traditional colour and original profile consistent with the style of the building; and paint colours and their placement must be appropriate to the original style of the property or conform with a Council approved scheme if available.

(ii) Windows, glazed areas & external doors (replacement)

- (a) no reduction in the area provided for light and ventilation is permitted and structural support members cannot be removed; and
- (b) materials comply with AS1288 glass in buildings selection and installation, and AS 2208 safety glazing materials for use in buildings (human impact conditions); and
- (c) the area provided for light and ventilation is not reduced and structural support members cannot be removed; and
- (d) replacement does not involve increases in size relocation; and
- (e) no roller shutters or metal screens are permitted; and
- obscure glazing must be replaced with similar obscure glazing so as not to impact on the privacy of neighbouring properties; and
- (g) must not change window or door opening appearance; and
- (h) must replace like with like or be of style, profile and materials consistent with the period of original construction of the building; and
- (i) original intact leadlight glazing and glazing bars are retained; and
- any damaged original leadlight glazing is replaced with the same materials.





Planning Proposal Amendment to ALEP 2013



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Executive Summary

This Planning Proposal seeks to correct deficiencies in the Ashfield Local Environmental Plan (ALEP) 2013 relating to provisions for certain works to buildings and sites within Heritage Conservation Areas and for Heritage Items. This will provide better management of the conservation of buildings within Heritage Conservation Areas (HCA) and Heritage Items (HI).

The Planning Proposal seeks to delete an exempt development clause in Schedule 2 the Ashfield Local Environmental Plan (ALEP) 2013 which applies to external building works within Heritage Conservation Areas and to Heritage Items. This is in order to address misapplication of the clause and potential resulting adverse impacts to these places. Deletion of the subject exempt clause will ensure that there will not be any situation where works are carried out which are incompatible with the heritage significance of Heritage Conservation Areas and Heritage Items

It also seeks to amend the ALEP 2013 Clause 4.1A to ensure that it satisfactorily addresses land subdivision of properties listed as Heritage Items. This will ensure the allotment subdivision configuration is consistent with the heritage significance of the site by having the required open space curtilage setting and size in relation to the heritage item building.

This Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the 'Act'), A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals. The Planning Proposal relates to the area in which the Ashfield LEP 2013 applies.

Background

On December 2013, the gazettal of Ashfield LEP 2013 included in *Schedule 2 – Exempt Development* clause: *Minor Alterations (external) to buildings comprising heritage items or in a heritage conservation area.* This exemption clause permitted minor exterior works within a HCA and to a HI where considered "minor". However, the wording of the clause has led to ambiguity and uncertainty in explaining what constitutes "minor development".

Given the sensitive nature of HCAs and HI it is necessary ensure that there is no misinterpretation or misapplication in the use of the exemption clause. Therefore, the Planning Proposal seeks to remove the above exemption clause in Schedule 2 – Exempt Development.

The Ashfield LEP 2013 contains an omission in Clause 4.1A in which it does not contain a prohibition on Heritage Item properties being able to have Torrens Title subdivision. As part of this Planning Proposal, Council seeks to use this opportunity to amend Clause 4.1A to add reference to 'Heritage Items'.

As required by Section 3.33 of the Environmental Planning and Assessment Act 1979 what follows is a response to "Planning proposals – a guide to preparing planning proposal" issued by the Department of Planning and Environment.



Justification

EVALUATION AGAINST CRITERIA IN "PLANNING PROPOSALS – A GUIDE TO PREPARING PLANNING PROPOSAL"

PART 1- OBJECTIVES OR INTENDED OUTCOMES

This Planning Proposal is for amendments to the Ashfield Local Environmental Plan (ALEP) 2013 affecting Heritage Conservation Areas and Heritage Items. The objectives of this Planning Proposal are to:

- address omissions and anomalies in the written instrument relating to heritage conservation matters as indicated in Part 2:
- facilitate better management of minor external alterations to buildings comprising Heritage Items or within a Heritage Conservation Area;
- prohibit Heritage Items from being able to achieve small lot torrens title subdivision in order to have the LEP clause adequately to relate to those building types and their site curtilage and preserve their cultural significance;
- ensure land subdivision provisions adequately respond to Heritage items and their heritage significance.

There are 50 HCAs and 610 HIs listed in the ALEP 2013 which are affected by this Planning Proposal.

PART 2 EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by way of amending *Schedule 2 - Exempt Development* and *Clause 4.1A* of the Ashfield LEP 2013. Detailed description of the proposed changes are discussed below:

ALEP 2013- Schedule 2 - Exempt Development

In December 2013 the Ashfield LEP 2013 was gazetted. An alternative exemption clause, in the form drafted by Parliamentary Counsel, was included that has enabled external alterations to buildings comprising HIs or in HCA (as shown in *iltalics* below). This exemption clause has permitted minor works to exteriors of buildings within Heritage Conservation Area and to Heritage Items to occur without development consent where classed as "minor" development. However, there is no definition of what constitutes minor work in the Ashfield LEP 2013 or in the Environmental Planning and Assessment Act 1979. Such a definition would require a detailed list of such work specific to an HCA or HI and applicable to particular building components.

To ensure there is no misapplication or misinterpretation of this clause resulting in work that may negatively impact buildings with heritage significance, it is proposed that in *Schedule 2 - Exempt Development* the following clause be deleted:



Minor alterations (external) to buildings comprising heritage items or in a heritage conservation area

Must only involve one or more of the following:

- (a) painting, plastering or cement rendering,
- (b) the repair or replacement of a non-structural wall or roof cladding,
- (c) the replacement or maintenance of downpipes or roof guttering,
- (d) other non-structural alterations involving plumbing, electrical works, attaching fittings, restoration and decorative work.

Clause 5.10 (3) of the Ashfield LEP 2013 (below) can be relied upon to manage future external minor alterations within Heritage Conservation Areas and Heritage Items without the requirement for development consent. This is because that in terms of procedure, Clause 5.10(3) enables exemption from development consent by way of a property owner submitting a letter or similar to Council with supporting material. Council can then reply by way of letter or similar.

5.10 Heritage conservation

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
- (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area

Clause 4.1A (2) Exceptions to minimum subdivision lot size for certain residential development

Clause 4.1A (2) of the Ashfield LEP 2013 contains an omission that does not exclude Heritage Item properties from small lot torrens title subdivision. Council seeks to correct this omission by adding reference to a heritage item as indicated in bold below.

- (2) Despite clause 4.1 (3), development consent may be granted to the subdivision of land identified as "Area 1" on the Lot Size Map that is not within a heritage conservation area, and that is not a heritage item, if:
 - (a) each lot resulting from the subdivision will be at least 200 square metres, and
 - (b) a semi-detached dwelling is or will be located on each lot, and
 - (c) each lot will have a minimum street frontage of 7 metres.

There are no intended changes to the Ashfield LEP 2013 relating to mapping.



PART 3 JUSTIFICATION

Section A - The Need for the Planning Proposal

Q1: Is the Planning Proposal the result of any strategic study or report?

This Planning Proposal is not a result of a strategic study or report because it is not seeking to change planning policy. This Planning Proposal is prepared in response to an anomaly first identified by Council officers in January 2014 relating to the exempt clause (described in Part 2) imposed under Schedule 2 -Exempt Development of the ALEP 2013. Additionally, this Planning Proposal addresses an omission in Clause 4.1A in which the content does not exclude Heritage Items from torrens title subdivision for small lots.

The amendment is supported by the Ashfield Urban Planning Strategy 2010 in its parts dealing with Heritage Conservation and its management at: Part 4.2 A Great Place to Live, 02 – Action 01. At Part 5.0 Thriving Village Centres - 02, 03, 04.

Q2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes or it there a better way?

Yes. This Planning Proposal is the best means for achieving the intended outcomes as it is necessary to amend the relevant clauses under Ashfield LEP 2013.

Reliance on the status quo would lead to potential ambiguity or misapplication in the wording relating to minor external alterations to buildings within HCAs and to HIs, and substantial adverse environmental impacts to the building fabric and heritage significance in these areas.

Given the sensitive nature of heritage conservation the proposed amendments under this Planning Proposal provides better management in the conservation of heritage significance in the Ashfield Local Government Area. The proposed amendments also provide a safeguard from misapplication and misinterpretation of the current LEP clauses relating to minor exterior works and subdivision to heritage item buildings.

Section B - Relationship to the Strategic Planning Framework

Q3: Is the Planning Proposal consistent with the objectives and actions of the applicable regional or subregional strategy?

The following provides the matters for consideration listed in The Guide and provides responses specific to the proposal which demonstrate that the proposal has clear strategic planning merit.

Continued on next page



A Metropolis of 3 Cities: The Greater Sydney Region Plan (March 2018)

An assessment against the Greater Sydney Region Plan is provided in the Table 1 below.

Table 1 Greater Sydney Region Plan. A Metropolis of Three Cities

Direction	Objective	Response
Part 4 Liveability (Direction – A city for people)	Objective 13: Environmental heritage is identified, conserved and enhanced. States this objective as: "relates to conserving, interpreting and celebrating Greater Sydney's heritage values leads to a better understanding of history and respect for the experience of diverse communities. Heritage identification and management and interpretation is required so that heritage places and stories can be experienced by current and future generations". Strategy 13.1 Identify conserve and enhance environmental heritage by: Managing and monitoring cumulative impact of development on the heritage values and character of places.	The Planning Proposal will substantially improve conservation of buildings within Heritage Conservation Areas and Heritage Item Buildings by addressing ambiguity and omission in clauses within the Ashfield LEP 2013 relating to exterior works and torrens title subdivision. The Planning Proposal is consistent with Objective 13 as it facilitates better management of Heritage Conservation Areas and Heritage Item Buildings.

Eastern City District Plan (March 18)

An assessment against the Eastern City District Plan is provided in Table 2 below.

Table 2 Eastern City District Plan

Direction	Objective	Response
Part 3 Liveability (Direction 3 – A city for people)	Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's Heritage Objective 13: Environmental heritage is identified, conserved and enhanced.	The Planning Proposal is consistent with Objective 13 and Action 20 and will enable the necessary level of management of Heritage Conservation Areas and Heritage Item Buildings.
	Action 20: Identify, conserve and enhance environmental heritage by:	
	c. managing and monitoring the cumulative impact of development on the heritage values and character of places.	



Q4: Is the Planning Proposal consistent with a Council's local strategic or other local strategic plan?

Our Inner West 2036

On June 2018, Council's Inner West Community Strategic Plan - *Our Inner West 2036* was endorsed and contains the vision, long-term goals and strategies for the LGA.

The Strategic Direction and Outcome relevant to this planning proposal is:

Strategic direction 2: Unique, liveable, networked neighbourhoods

- 2.2 The unique character and heritage of neighbourhoods is retained and enhanced
 - 1. Provide clear and consistent planning frameworks and processes that respect heritage and the distinct characters of urban villages
 - 2. Manage change with respect for place, community history and heritage

The Planning Proposal is consistent with the above.

Ashfield Urban Planning Strategy 2010

On October 2010 the former Ashfield Council adopted the Ashfield Urban Planning Strategy 2010 which supports the Ashfield LEP 2013, and this now applies to the Inner West Council area.

Table 3 - Ashfield Urban Planning Strategy 2010

Direction	Action	Response
4.0 A Great Place To Live	2. Implement Proposed Heritage Listings and Conservation Areas. These included existing HCAs and HIs in the Ashfield LEP 1985, and additional Heritage Conservation Areas and Heritage Items supported by detailed studies introduced into the Ashfield LEP 2013. There are a total of 50 Heritage Conservation Areas (with approx 1300 properties) and 610 Heritage Items.	The Planning Proposal will better conserve and maintain the cultural significance of heritage items and heritage conservation listed under Schedule 5 of the Ashfield LEP 2013.



5.0 Vibrant Village Centres	Retain the Heritage Value of Summer Hill Urban Village	These places are Heritage Conservation Areas in which the Planning Proposal will better manage the conservation of
	Retain the Heritage Value of Haberfield Urban Village	these places.
	4. Retain the Heritage Value of	
	Croydon Urban Village	

Q5: Is the Planning Proposal consistent with the applicable State Environmental Planning Policies ?

There are no conflicts with the State Environmental Planning Policies (SEPP) listed in Table 4.

Table 4 SEPP TABLE

SEPP	APPLIES/COMMENTS
SEPP No 1—Development Standards	Not Applicable
SEPP No 19—Bushland in Urban Areas	Not Applicable
SEPP No 21—Caravan Parks	Not Applicable
SEPP No 30—Intensive Agriculture	Not Applicable
SEPP No 33—Hazardous and Offensive Development	Not Applicable
SEPP No 36—Manufactured Home Estates	Not Applicable
SEPP No 44—Koala Habitat Protection	Not Applicable
SEPP No 47—Moore Park Showground	Not Applicable
SEPP No 50—Canal Estate Development	Not Applicable.
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable
SEPP No 55—Remediation of Land	Not Applicable
SEPP No 62—Sustainable Aquaculture	Not Applicable



SEPP No 64—Advertising and Signage	Consistent. In principle, any proposed signage on any buildings or sites with heritage significance are not considered to be minor development and would require a Development Application (DA). Therefore, the consideration of this SEPP would occur at DA Stage. Therefore, this SEPP is not directly applicable to this proposal.
SEPP No 65—Design Quality of Residential Flat Development	Not applicable
SEPP No 70—Affordable Housing (Revised Schemes)	Not applicable
SEPP (Affordable Rental Housing) 2009	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Consistent Schedule 2 - Exempt development of Ashfield LEP 2013 includes a exempt development provision that pertains to work that is additional to the list of works provided for in the SEPP. Deletion of ALEP clause therefore has no effect on the SEPP provisions.
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable
SEPP (Infrastructure) 2007	Not applicable
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not Applicable
SEPP (Kurnell Peninsula) 1989	Not Applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable



SEPP (Miscellaneous Consent Provisions) 2007	Not Applicable
SEPP (Penrith Lakes Scheme) 1989	Not Applicable
SEPP (Three Ports) 2013	Not Applicable
SEPP (Rural Lands) 2008	Not Applicable
SEPP (State and Regional Development) 2011	Not Applicable
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable
SEPP (Sydney Region Growth Centres) 2006	Not Applicable
SEPP (Urban Renewal) 2010	Not Applicable
SEPP (Western Sydney Employment Area) 2009	Not Applicable
SEPP (Western Sydney Parklands) 2009	Not Applicable
SEPP (Vegetation in Non–Rural Areas) 2017	Not Applicable
SREP (Sydney Harbour Catchment) 2005	Not Applicable
SREP No 8 - Central Coast Plateau Areas	Not Applicable
SREP No 9 - Extractive Industry (No 2 – 1995)	Not Applicable
SREP No 16 - Walsh Bay	Not Applicable
SREP No 18 - Public Transport Corridors	Not Applicable
SREP No 19 - Rouse Hill Development Area	Not Applicable
SREP No 24 - Homebush Bay Area	Not Applicable
SREP No 26 - City West	Not Applicable
SREP No 30 - St Marys	Not Applicable
SREP No 33 - Cooks Cove	Not Applicable



Q6: Is the Planning Proposal consistent with the applicable Ministerial Directions?

The Planning Proposal is consistent with the relevant Ministerial Directions as demonstrated in **Table 5**.

Table 5 List of relevant s9.1 Ministerial Direction

Ministerial Direction	Relevance	Consistency/Response	
3. Environment a	nd Heritage		
2.3 Heritage Conservation	Objective (1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The Direction applies to all planning authorities and applies when a relevant planning authority prepares a planning proposal relating to heritage conservation. A Planning Proposal must contain provisions that facilitate the	Consistent. The Planning Proposal is necessary to ensure that this Direction is adequately complied with.	
	conservation of Heritage Conservation areas and heritage items.		
6. Local Plan Mak	ing		
6.1 The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	This requires that for all Planning Proposals, that they do not contain the matters identified in direction's clause (4).	The Planning Proposal complies with this direction. There will not be any adverse impacts of the efficient and appropriate assessment of development.	
7.Metropolitan Planning			
7.1	This Direction applies to all	A Plan for Growing Sydney has been	



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Planning Proposals in nominated Local Government Areas and seeks to give legal effect to the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in *A Plan for Growing Sydney*.

A Planning Proposal must be consistent with the Plan unless the inconsistency is of minor significance and the planning proposal achieves the overall intent of the Plan.

superseded by A Metropolis of 3 Cities: The Greater Sydney Region Plan (March 2018).

The Planning Proposal would be consistent with this Direction if it were in place.

Section C - Environmental, Social and Economic Impacts

Q7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is no likelihood that this Planning Proposal- LEP amendment - will adversely affect critical habitat or threatened species, populations or ecological communities.

Q8: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

This Planning Proposal is not likely to result in other environmental effects. The ALEP 2013 contains sufficient controls in managing the protection of environmental heritage. The proposed LEP amendments would strengthen the application of these controls. **Q9:** Has the Planning Proposal adequately addressed any social and economic effects?

There will be no adverse social or economic effects as a result of this proposal.

Section D - State and Commonwealth Interests

Q10: Is there adequate public infrastructure for the Planning Proposal?

Nothing proposed in this planning proposal would increase pressure on existing infrastructure or generate demand for additional public infrastructure.

Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with State and Commonwealth public authorities will be undertaken in accordance with the Gateway Determination. It is anticipated that the Office of Environment and Heritage would be required to be contacted in relation to the proposed LEP amendments.



Part 4 - Mapping

The Planning Proposal does not require amendments to maps for the Ashfield LEP 2013.

Part 5 - Community Consultation

It is considered that this Planning Proposal should be publicly exhibited for a period of 28 days due to the amount of properties that would be affected. The exhibition material will include documents as specified in the Gateway Determination and as set out in the Department of Planning and Environment Planning Proposal guidelines .

Part 6 - Project Timeline

A project timeline is provided in the table below.

Phase	Timing
Gateway determination date	To be determined by Department of Planning & Environment.
State agency consultation (during exhibition)	Concurrent with pubic exhibition
Commencement and completion dates for public exhibition period	End week 8
Consideration of submissions	End week 12
Report to Council	End week 16
Referral to Parliamentary Counsel of written instrument and response	End week 18
Referral to Department for Mapping	Not applicable
Instruction to Department to gazette LEP amendments- upload onto website	End week 20
LEP amendment gazetted.	End week 21



Proposed amendment to Ashfield Local Environmental Plan 2013 and Local Planning Panels Direction – Planning Proposals

Inner West Council General Manager declaration.

1.0 Details of Proposed LEP amendments.

Proposed amendments to the Ashfield Local Environmental Plan 2013:

1.1 Delete in Schedule 2 - Exempt Development, clause :

Minor alterations (external) to buildings comprising heritage items or in a heritage conservation area

Must only involve one or more of the following:

- (a) painting, plastering or cement rendering,
- (b) the repair or replacement of a non-structural wall or roof cladding,
- (c) the replacement or maintenance of downpipes or roof guttering,
- (d) other non-structural alterations involving plumbing, electrical works, attaching fittings, restoration and decorative work.
- 1.2 Adding reference to a "heritage item" in the clause 4.1A (2) as indicated in bold underline below:
 - 4.1A Exceptions to minimum subdivision lot size for certain residential development
 - The objective of this clause is to encourage housing diversity without adversely affecting residential amenity.
 - (2) Despite clause 4.1 (3), development consent may be granted to the subdivision of land identified as "Area 1" on the Lot Size Map that is not within a heritage conservation area, <u>and that is not a heritage item</u>, if:
 - (a) each lot resulting from the subdivision will be at least 200 square metres, and
 - (b) a semi-detached dwelling is or will be located on each lot, and
 - (c) each lot will have a minimum street frontage of 7 metres.
 - (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of land identified as "Area 2" on the Lot Size Map if:
 - (a) each lot resulting from the subdivision will be used for the purpose of a dwelling house, and
 - (b) each lot resulting from the subdivision will be at least 174 square metres, but will not exceed 450 square metres, and
 - (c) the total number of lots on that land will not exceed 11.



2.0 Local Planning Panels Direction

Pursuant to Section 9.1 of the Environmental Planning and Assessment Act 1979 the "Local Planning Panels Direction – Planning Proposals" applies for amendments to a Local Environmental Plan.

Clause (c) below of the Direction may be applied so as to not require any referral to the Local Planning Panel constituted for the Council area.

LOCAL PLANNING PANELS DIRECTION - PLANNING PROPOSALS

I, the Minister for Planning, give the following direction under section 9.1 of the Environmental Planning and Assessment Act 1979.

Minister-for Planning

Dated: 23/2/x1::

Objective

The objective of this direction is to identify the types of planning proposals that are to be advised on by local planning panels on behalf of councils in the Greater Sydney Region and Wollongong.

Application

This direction applies to a council that has constituted a local planning panel under the Environmental Planning and Assessment Act 1979, other than the council of the City of Sydney.

Direction

A council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:

- (a) the correction of an obvious error in a local environmental plan,
- (b) matters that are of a consequential, transitional, machinery or other minor nature, or
- (c) matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.

A proposal is to be referred to the local planning panel before it is forwarded to the Minister under section 3.34 of the Environmental Planning and Assessment Act 1979.

This direction takes effect on 1 June 2018 and applies to planning proposals prepared, but not submitted to the Minister, before 1 June 2018.



3.0 General Manager Declaration

I consider that Direction (c) applies to deletion of the exempt development clause of the Ashfield Local Environmental Plan 2013 identified in 1.1 above for the following reasons:

- The amendment seeks to correct an error as the clause content does not reflect the intent of the clause and provide the protections as originally drafted by Council, and it does not identify what minor works are.
- Deletion of the clause does not result in any adverse impact on the environment or adjoining land. Deletion of the subject exempt clause will ensure that there will not be a situation where works are carried out which are incompatible with the heritage significance of Heritage Conservation Areas and Heritage Items.
- Deletion of the clause does not result in any conflict with any other existing Planning Instruments, including the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

I consider that Direction (c) applies to amendment of clause 4.1A (2) of the Ashfield Local Environmental Plan as identified in 1.2 above for the following reasons:

- The amendment seeks to correct an error in the content of the current clause 4.1A
 (2) omitting to make reference to heritage items being excluded from the effect of subclause (3).
- Amendment of the clause does not result in any adverse impact on the environment or adjoining land. It ensures the allotment subdivision configuration is consistent with the heritage significance of the site by having the required open space curtilage setting and size in relation to the heritage item building.

Rik Hart Interim General Manager Inner West Council

22/11/13



Item No: C0219 Item 8

Subject: VICTORIA ROAD PRECINCT, MARRICKVILLE - DRAFT DEVELOPER

CONTRIBUTIONS PLAN UPDATE

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

Prepared By: David Milliken - Manager Urban Strategy

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

The Victoria Road Planning Proposal was approved by the gazettal of an amendment to the Marrickville Local Environmental Plan 2011 (MLEP 2011) on 1 December 2017. The draft Victoria Road Precinct Development Control Plan was publicly exhibited between 8 May 2018 to 5 June 2018 and adopted by Council, as exhibited, at its meeting of 28 August 2018 ("DCP").

Staff have been working on two key documents concurrently:

- 1. A Contributions Plan (CP) for the precinct, which is now largely complete. The draft CP focuses on what public facilities are required to be implemented within the Victoria Road Precinct Precinct 47 (P47) of Marrickville Development Control Plan 2011 to ensure that the increased development can function in a practical, safe manner, in conjunction with an increase in active transport open-space links and how contributions to their funding can be collected.
- 2. Amendments to the DCP to address issues raised with Council at the date the DCP was adopted and to cater for the infrastructure matters identified in the CP process.

The most critical public infrastructure needs identified for the up-zoned areas of P47 are works associated with flooding and stormwater management and traffic and transport facilities. Expert studies have been carried out to identify the extent of these works which are initially estimated to be likely to cost in the region of \$27 million (at current construction costs).

In finalising the draft CP and DCP amendment, Council's General Counsel has identified that there may be both practical and financial issues associated with land dedications that will be required to deliver the public infrastructure identified in the CP. External advice is being sought to consider these implications.

Once the advice is obtained and considered, the DCP amendment and CP will be finalised to take the outcomes of the advice into account and will then be reported to Council. It is anticipated that this will occur in early 2019.

RECOMMENDATION

THAT:

- 1. The report be received and noted; and
- 2. A further report on the Victoria Road Developer Contributions Plan together with an updated Draft DCP be brought to Council following the consideration of further legal advice, at the earliest possible opportunity in 2019.



BACKGROUND

The Victoria Road Planning Proposal was approved by the gazettal of an amendment to the Marrickville Local Environmental Plan 2011 (MLEP 2011) on 1 December 2017.

The draft Victoria Road Precinct Development Control Plan (DCP) was publicly exhibited between 8 May 2018 to 5 June 2018. The draft DCP was subsequently adopted by Council, as exhibited, at its meeting of 28 August 2018.

A Contributions Plan (CP) is needed for the precinct to provide a mechanism for the recovery of the costs to Council of the provision of local infrastructure improvements required by the development that was permitted by the rezoning through the MLEP amendment.

The CP will focus on what public facilities are required to be implemented within the Victoria Road Precinct – Precinct 47 (P47) of Marrickville Development Control Plan 2011 to ensure that the increased development can function in a practical, safe manner, in conjunction with an increase in active transport open-space links and how contributions to their funding can be collected.

When the CP has been exhibited and subsequently approved by Council its requirements will be applied to any development applications that are determined after its approval.

At the time of preparing this report the only significant development application that had been submitted for the precinct was the Rich Street proposal for the demolition of existing buildings and construction of commercial development containing a range of creative light industries, office premises and food and drink premises, commercial operation with associated car parking. Council's Development Assessment team are working with the applicant and referral bodies to resolve various issues such as building design, traffic and flooding prior to finalising the assessment of the application which will be determined by the Sydney Eastern City Planning Panel.

Any further major development applications that are lodged with Council for this precinct are anticipated to have a determination time frame of at least six months depending on the complexity and the requirements to obtain concurrence from state government bodies.

2. COMMENT

Developer Contributions Plan

The preparation of a draft CP has been largely completed. In finalising the draft CP and the associated DCP amendment, Council's General Counsel has identified that there may be both practical and financial issues associated with land dedications that will be required to deliver the public infrastructure identified in the CP. External advice is being sought to consider these implications. When the advice has been obtained and considered the CP and DCP will be finalised to take the outcomes of the advice into account.

A considerable body of research work had been prepared since 2012, by the range of consultants engaged by the planning proposal proponent (Danias Holdings Pty Ltd.) for P47. These studies revealed that the most critical infrastructure needs for the precinct are:

- Flooding and stormwater management; and
- Traffic and transport facilities provision.

Utilising funds from the current Marrickville Developer Contributions Plan (which are to be repaid from subsequent Victoria Road Precinct contributions) the following consultants were engaged to investigate the critical infrastructure needs for P47:



- Flooding and stormwater management Cardno (Water Infrastructure Engineers), who recently completed, for Inner West Council, the latest Marrickville Valley Flood Risk Management Study and Plan.
- Traffic and transport Infrastructure Cardno (Traffic and Transport Engineers).

The nature of these studies demanded a detailed, ongoing assessment of the expected development permitted under the Local Environmental Plan (as amended) and the recently adopted Victoria Road Precinct Development Control Plan.

To deliver the identified traffic and transport infrastructure items, some land dedications will be required to be made to Council to undertake a significant proportion of these works. The work carried out shows that approximately \$11 million of public traffic and transport infrastructure works are required to be implemented to ensure that the increased permitted development within P47 can be absorbed without the existing level of service within the road network of P47 being worsened. To achieve these land dedications, amalgamation and staging plans are also required to be implemented within the Victoria Road Precinct Contributions Plan and these requirements should also form part of the corresponding Victoria Road Precinct Development Control Plan.

As noted earlier, in finalising the draft CP Council's General Counsel has identified that there may be both practical and financial issues associated with land dedications that will be required to deliver the public infrastructure identified in the CP. External advice is being sought to help consider these implications. When the advice has been obtained and considered the CP will be finalised, together with an updated Development Control Plan.

The work carried out also shows that approximately \$16 million of water infrastructure works are deemed necessary by the consultant water engineers to manipulate the flooding and stormwater environment within P47 so that it is suitable for the now permitted increased intensification of development.

As it currently stands, under the draft Contributions Plan being finalised the majority of the increased contribution costs associated with public traffic and transport infrastructure works will arise from future non-residential developments within the precinct, because these uses generate significantly more traffic that residential uses. Stormwater works costs will be apportioned more equally between residential and non-residential land uses relating to the increased amount of activity arising from those uses.

Affordable Housing

At its meeting of 30 October 2018, in relation to the issue of the delivery of Affordable Housing within the precinct, Inner West Council resolved: that Council develop a scope of works and appoint a suitable consultant to provide financial feasibility analysis to support the consideration of a generic model approach to affordable housing contribution schemes for precincts that are to be considered for rezoning before the new Council-wide LEP is gazetted, to support Council in its negotiations on VPAs and to support the development of the approach to be taken to SEPP 70 schemes in the new Council-wide LEP (Resolution No. C1018(2) Item 13.)

Accordingly, it is not intended to address the affordable housing needs of the precinct within the current draft CP. This is in the process of being progressed as a separate matter in accordance with the abovementioned Council resolution.

Marrickville Local Environmental Plan 2011 Requirements

In terms of the delivery of new public infrastructure for the now permitted increased development within Precinct 47 (P47) the local environmental plan amendment that implemented the zoning changes within P47 that gives rise to the increase in development in the area, added new clauses 6.17 and 6.18 to Marrickville Local Environmental Plan 2011.



The gazettal of the MLEP amendment has resulted in a situation where all land is zoned for development, rather than leaving appropriate land areas zoned for roads and parks.

Clause 6.17 requires the preparation of a Development Control Plan (DCP) for the up-zoned land in P47, prior to any development consent being granted. This has been completed, although a number of refinements will be proposed to ensure it aligns completely with the CP, and to include certain proposed modifications that were not adopted following its previous exhibition.

Clause 6.18 was also inserted which requires satisfactory arrangements to be made with the State regarding public infrastructure, specifically road widenings and an intersection upgrade at the junction of Victoria Road and Sydenham Road.

At the time of writing this report, a representative of the Department of Planning and Environment (DPE), responsible for infrastructure contributions and agreements advised that DPE has been in discussions with the proponent for the LEP amendment (Danias Holdings Pty Ltd) with respect to a voluntary *Planning Agreement* relating to satisfying the requirements of Clause 6.18.

The contents of that draft *Planning Agreement* between Transport for NSW (TfNSW); Roads and Maritime Services (RMS); the Department of Planning and Environment (DPE); and Danias Holdings, have been consistently monitored by Council staff to ensure that the contents of the draft CP for the Victoria Road Precinct, dovetails with that arrangement (e.g. does not duplicate those developer contributions).

At this stage, Council staff have been advised by the DPE staff that for the draft Planning Agreement ...

"...We are currently proposing for the developer to provide the intersection upgrade as follows:

- Provision of a left-turn slip lane from Sydenham Road (west) to Victoria Road (north);
 and
- Provision of a 90m right-turn bay along Victoria Road (north)."

The contents of this likely imminent *Planning Agreement* have been taken into account in the drafting of the CP.

Victoria Road Development Control Plan – Revisions

A number of revisions to the DCP will also be proposed as a result of:

- Revisions to the DCP to ensure it aligns with the CP; and
- Changes recommended to Council following exhibition but not adopted.

As a result of investigations undertaken during the preparation of the draft CP, a number of revisions will be proposed for the DCP to ensure both the DCP and the CP are aligned with each other.

At its meeting of 28 August 2018 Council adopted the Victoria Road amendments to the Marrickville Development Control Plan as exhibited. The officer recommendation to Council included a number of recommended modifications that were not adopted. The proposed revisions to the DCP also provide an opportunity to include those recommended changes that were not adopted previously.

FINANCIAL IMPLICATIONS

When the CP has been exhibited for a minimum of 28 days and subsequently approved by Council its requirements will be applied to any development applications that are determined after its approval. A CP is needed for the precinct to provide a mechanism for the recovery of



the costs to Council of the provision of local infrastructure improvements required by the development that was permitted by the rezoning through the MLEP amendment.

The technical studies carried out to support the CP indicate that approximately \$16 million of water infrastructure works and approximately \$11 million of public traffic and transport infrastructure works are necessary. This represents a total additional investment for required public infrastructure works within P47 of approximately \$27 million.

As the report notes, legal advice is being obtained on the practical and financial issues associated with land dedications that will be required to deliver the public infrastructure identified in the CP. When this has been obtained and considered the CP requirements and DCP changes will be finalised to take the outcomes of the advice into account.

PUBLIC CONSULTATION

When the draft CP has been finalised early in 2019, a report will be brought to Council recommending it be placed on exhibition, with proposed revisions to the DCP.

CONCLUSION

Work on the preparation of a Contributions Plan (CP) for the precinct, is now largely complete. The draft CP focuses on what public facilities are required to be implemented within the Victoria Road Precinct – Precinct 47 (P47) of Marrickville Development Control Plan 2011 to ensure that the increased development can function in a practical, safe manner, in conjunction with an increase in active transport open-space links and how contributions to their funding can be collected.

The most critical public infrastructure needs identified for the up-zoned areas of P47 are works associated with flooding and stormwater management and traffic and transport facilities. Expert studies have been carried out to identify the extent of these works which are initially estimated to be likely to cost broadly in the region of approximately \$27 million to construct (at current construction costs).

In finalising the draft CP and DCP amendment, Council's General Counsel has identified that there may be both practical and financial issues associated with land dedications that will be required to deliver the public infrastructure identified in the CP. External advice is being sought to consider these implications. Once the advice is obtained and considered, the draft CP and DCP amendment will be finalised to take the outcomes of the advice into account and will then be reported to Council for consideration for public exhibition early in 2019.

ATTACHMENTS

Nil.



Item No: C0219 Item 9

Subject: HARMONISING INNER WEST COUNCIL AWARDS PROGRAMS

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

Prepared By: Bernadette Selfe - Business Relations Coordinator and Duncan Gilchrist -

Manager Economic Development

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

The purpose of this report is to respond to Council Resolution C0318 Item 14 Mayoral Minute: Harmonising Inner West Council Awards Programs 13 March 2018 which requested:

- 1. Council review the current arrangements for Awards program, including the Business Environment Awards Program, the Inner West Business Awards and the Marrickville Business Association Awards.
- 2. Council officers produce a report on options for harmonising our Awards Program, while upholding the existing character of local awards and Council's capacity to hold and judge such a program.
- 3. The report includes evaluation of categories such as, but not limited to: a. Ethical Business; b. LGBTIQ Friendly Business; c. Multicultural Business d. Sustainable Business; e. Accessible Business.

The Inner West Council has a comprehensive awards program that enables Council to be aligned with key national campaigns that recognise achievements of businesses, residents and citizens. All of these have a specific target market or purpose and reflect our diverse community.

Council staff have reviewed the current awards program and additional categories and at this stage recommend pursuing a Social Enterprise Award (renamed from Ethical). An Accessible Business Award has already been introduced.

As part of Council's ongoing commitment to continuous improvement, staff will actively evaluate the awards program annually in terms of effectiveness, efficiency, adequacy and appropriateness and during engagement on the development of the economic development strategy. This will assist in ensuring that the range of awards on offer meets community expectations by reflecting our diversity through having awards that are recognised by residents as a coveted form of recognition and represent value for money.

RECOMMENDATION

THAT Council:

- 1. Note the current awards program has been reviewed;
- 2. Request Precedent Productions include a Social Enterprise Award as one of its categories in the Inner West Business Awards; and
- 3. Examine opportunities to promote ACON's *Welcome Here* initiative across the LGA.

BACKGROUND



The matters requested in the Mayoral Minute are addressed below:

1. Council review the current arrangements for Awards program, including the Business Environment Awards Program, the Inner West Business Awards and the Marrickville Business Association Awards.

The current operational arrangements for the Business Environment Awards Program, Inner West Local Business Awards and the Marrickville Business Association Awards are as follows:

Inner West Council Business Environment Awards

These awards recognise the achievements of local businesses and organisations operating in the Inner West local government area. The awards are open to businesses and not-for-profit organisations working to have a positive environmental impact through their operations. The awards are conducted and resourced in-house by the Environment and Sustainability team. Judging is assessed by council staff and external judges with expertise in the relevant sector. The awards event is normally attended by 70-80 representatives. There is a formal welcome by the Mayor or delegate and a keynote address by a sustainability specialist. The event offers local businesses an opportunity to network with one another and the sustainability specialists. Current budget is circa \$10,000 per annum. More information is provided in **Attachment 1** for this and other current awards.

The Business Environment Awards are currently scheduled to be run in 2019. A review of the urban sustainability program, including the Business Environment Awards, is in process and may require adjustment to current programs to accommodate new projects. This will be reported to Council in 2019 with the Draft Climate and Renewables Strategy.

Inner West Local Business Awards

These awards are owned and operated by Precedent Productions and cover a wider area than the Inner West Council local government area. The awards recognise outstanding business performance and customer service.

The former Ashfield and Leichhardt Councils supported these awards as they enabled the Councils to be associated with a recognised brand with a good marketing campaign. The Economic Development Unit coordinates Council's participation in the awards which includes provision of \$5,000 for the awards.

The awards evening has around 500 attendees with a speaking and award presentation by the Mayor or delegate. There were 284 finalists in the 2018 Inner West Local Business Awards of which 147 came from the Inner West LGA. As these awards are not run by Council there is a limited capacity to add additional categories. It is proposed to continue to support the Inner West Local Business Awards.

Marrickville Business Association Awards

These awards were run by the Marrickville Business Association and supported by the former Marrickville Council. The awards recognised length of service and special contributions made by businesses located in the former Marrickville LGA with no specific categories and no "winners" just "recipients". The Marrickville Business Association Awards have not been held since the council merger.



2. Council officers produce a report on options for harmonising our Awards Program, while upholding the existing character of local awards and Council's capacity to hold and judge such a program

To inform the recommendations in this report, Council officers from the Environment and Sustainability Group, Community Services and Culture Group and the IWC Events Team and Economic Development Unit formed a working group to examine how the current awards program could be harmonised. This Group held a number of meetings and undertook a review of currents awards that examined the aim and objective of the current awards program, costs, numbers of applications received, and if the awards could be combined with another Council awards event. A detailed table of the findings from this review is at **Attachment 1**.

The working group also examined the potential new award categories and along with the analysis of the existing awards advises the following:

The Inner West Council currently has a comprehensive awards program that enables Council to be aligned with key national campaigns that recognise achievements of businesses, residents and citizens. All these awards have a specific target market or purpose and are held throughout the year as outlined in the table below.

Table A - Current IWC Award Program

Award	Managed by	Held	Linked to
Citizen of the Year Awards	Events Team	January	Australia Day Celebrations
Volunteers Awards	Community Services & Culture	May	Volunteers Week
Built Environment Awards	Events Team	May	Marrickville Medal for Conservation, Sustainable Building Awards & Urban Photography Competition.
Inner West Local Business Awards	Economic Development Unit	June	Is part of Precedent Productions Awards Program
Business Environment Awards program	Environment & Sustainability team	November	Environment Program Funding
International Women's Day Honour Roll	Community Services & Culture	March	International Women's Day
Pauline McLeod Award for Reconciliation	Community Services & Culture	May	Reconciliation Week

The distinct nature of each of the awards and their relationships to different services of Council supports each event's continued operation. Staff examined options for combining the Business Environment Awards Program and the Inner West Local Business Awards into one award program as their target audience is local businesses. However, this option is not supported as the Business Environment Awards Program is tied to the Environmental Sustainability program objectives and does not lend itself to include traditional business categories such as "Best Hairdresser or Outstanding Cafe", with the focus solely being around environmental practices. Any additional business categories would change the whole focus of these awards away from environmental practices to a business event.

Council had an agreement with Precedent Productions to support the 2018 Inner West Local Business Awards. As referred to in Section 3 below a category for *accessible business* was included in the 2018 Inner West Local Business Awards which were held in June 2018.



- 3. The report include evaluation of categories such as, but not limited to:
 - a. Ethical Business
 - b. LGBTIQ Friendly Business
 - c. Multicultural Business
 - d. Sustainable Business
 - e. Accessible Business

Staff have evaluated the potential new categories and advise the following:

A. Ethical Business

Ethical Business Awards exist elsewhere and are open to purpose-driven businesses that deliver innovative work with a positive social, environmental or economic impact, either locally or internationally.

With more consumers curious about where their products are coming from and the desire for social purpose becoming much stronger, the need for ethical practices is at the forefront of the consumer's conscience now more so than ever before.

Ethical Business Awards are an important way to recognise leading social enterprises and support them to continue their positive work into the future.

Some excellent examples of social enterprises in the Inner West include:

- the Social Outfit (an independently-accredited, ethical trading social enterprise that
 provides employment and training in the fashion industry to people from refugee and
 new migrant communities in clothing production, retail, design and marketing);
- Lentil as Anything (assists members of the community who volunteer for a meal, to learn hospitality skills, or improve their social or language skills. The under-employed, the homeless, refugees and the disenfranchised are all given an equal opportunity to gain skills and help their fellow humans at Lentil As Anything); and
- the Fairtrade Emporium (supporting artisans who are marginalised, they can assist people in making a difference for themselves and their communities).

A Social Enterprise Award could be well received by the Inner West community. Council officers will approach Precedent Productions about the possibility of including a category for Social Enterprise in their annual business awards.

B. LGBTIQ Friendly Business

The Business Environment Awards, Community Partnership category allows recognition of businesses that take leadership on community and social issues through environmental projects, which could include partnering with LGBTIQ communities.

Council officers from the Community Services and Culture Group advise that the AIDS Council of NSW (ACON) is leading an initiative in this area with their *Welcome Here* project.

The Welcome Here project involves a comprehensive accredited process where business or organisations demonstrate their commitment to, and actively promote, pride, diversity and inclusion within their business. The introduction of an Inner West specific LGBTIQ Friendly Business category is not supported at this stage given the active pursuit of this through ACON.



The Inner West LGA has a good reputation as a place where people value and respect each other's languages, abilities, sexual orientations, traditions and lifestyles. Council will continue to be a strong advocate for the LGBTIQ community and examine opportunities to promote ACON's *Welcome Here* initiative. Below is the adopted image for the sticker.



C. Multicultural Business

In 2016 34% of the Inner West Council population was born overseas and out of that about 28% of people spoke a language other than English at home.

When examining the cultural backgrounds of winners and finalists from local business awards from the last five years over 90% were multicultural business operators.

When testing this concept for an award with some local multicultural business owners, Council officers found multicultural business owners regarded themselves as already achieving recognition as successful local businesses in their own right. Some of their comments are provided below.

- Our diversity alone is reason to not have an award under that title. Furthermore, businesses enter in order to win on merit, which for any business is more worth than the one being proposed.
- Proud to be a finalists or winners of an award that represents outstanding success as a business not our cultural background.
- Do not support multicultural business award as business excellence is not a cultural thing and should be inclusive of whoever you are. The Inner West Local Business Awards are enough and inclusive of everyone.

While the intention of a potential multicultural business award is well founded, on initial consideration it appears that a group of members of the Inner West the business community may not favour such a program due to the long established multicultural nature of the Inner West. As a result it is proposed to give further consideration to the issue in the context of Council's recently endorsed Multicultural Policy, and through wider business community engagement during the development of the Economic Development Strategy in 2019.

D. Sustainable Business

The Business Environment Award recognises the achievements of local businesses and organisations operating in the Inner West local government area. The awards are open to businesses and not-for-profit organisations working to have a positive environmental impact through their operations. Award categories are based on the key operational areas of waste, water and energy, for which support and advice has been available to businesses through council and other environmental programs.

The awards function as a recognition event for businesses that have worked with council in order to achieve environmental targets. Over time, categories have been changed to respond to reflect Council's own priorities and commitments and emerging focus areas in the local



business community. For example, *Beyond Our Four Walls* reflects whole systems thinking in business sustainability, and Council's own corporate sustainable procurement commitments. The Business Environment Award includes seven award categories:

- 1. Energy Smart for energy efficiency of gas and electricity and renewable energy
- 2. Water Saver for water efficiency, rainwater tanks and water sensitive urban design
- 3. Rethink Waste for avoiding, reducing, reusing and recycling waste
- 4. Beyond our Four Walls for influencing supply and disposal chains for sustainable outcomes
- 5. Community Partnership for partnership with community to solve environmental issues
- 6. Sustainable Innovation for exploring new and creative solutions to sustainability solutions
- 7. Sustainability Leadership for actions over a range of initiatives with a holistic view

Nominations in each category are reviewed and assessed by council staff and external judges with expertise in the relevant sector.

Council's Sustainability Group is currently aligning its work program and available resources to respond to Council resolutions on climate and renewables. This will include making recommendations about whether to continue running the sustainable business awards.

E. Accessible Business

An Inner West Council Accessible Business Award was included in the 2018 Inner West Local Business Awards. It should be noted that no applications were received resulting in Council staff nominating businesses for this award. The Community Services and Culture Unit will review the access award to ensure that in 2019 it better aligns with Inner West Council's Inclusion Access Plan.

FINANCIAL IMPLICATIONS

The current award cost is \$15,000 per annum comprising \$10,000 for the Business Environment Award and \$5,000 for Inner West Local Business Awards (Precedent Productions). These are financial contributions which do not take into consideration internal resource costs.

OTHER STAFF COMMENTS

Council's Environment and Sustainability Group, Community Services and Culture Group and the IWC Events Team and Economic Development Unit have assisted in the preparation of this report.

PUBLIC CONSULTATION

Nil.

CONCLUSION

Council has a range of award ceremonies conducted throughout the year that recognise the achievements of our businesses, residents and citizens. The current awards program has a specific target market that serves as a tool to recognise achievements in their fields that reflects our diverse community including LGBTQI, enhancing accessibility and encouraging sustainable business practices and social enterprise.

Staff have examined options for combining the Business Environment Awards Program and the Inner West Local Business into one award program targeting local businesses. This option is not supported as the Business Environment Awards are tied to Council's Environmental Sustainability program objectives focusing on sound environmental practices which would be marginalised if combined with a general business award which is run by an independent body, over which Council has no control, across a number of local government areas.



In relation to potential additional categories, at this stage staff recommend pursuing a Social Enterprise Award (renamed from Ethical). An Accessible Business Award has already been introduced.

Staff will continue to monitor the awards program to ensure that they are consistent with our core values and are achieving their aims and objectives. Consultation and engagement with businesses during the development of a new Economic Development Strategy in 2019 will also provide an opportunity for Council to gain further feedback from local businesses and continue to consider the development of the business award program.

ATTACHMENTS

1. Inner West Council Awards Program Details

INNER WEST COUNCIL

List of Inner West Council Current Awards Program

Inner West Council Awards Program Details	
Award	Citizen of the Year Awards
Date held	January
Facilitated by	Major Community Event team
No. of applications received	12+ (across three categories)
No. of attendees at award	300 (includes Citizenship Ceremony with 60 new
ceremony	citizens, their families and friends)
Budget allocation	NIL – covered under Australia Day budget.
Staff resources	NIL – cover in event planning for Australia Day event (6 months lead time, 1 staff member x 3 hours per week)
Aims/ Objective	The Inner West Council Citizen, Senior Citizen and Young Citizen of the Year Awards aim to recognize outstanding contributions from individuals within the inner west community.
Target Demographic	Residents, business owners, community leaders – all age groups who contribute to the local area.
Achievements - What works	Good local recognition of contributions valuable to the cultural fabric and community.
Challenges	Struggles to gain significant submissions each year. Application period has been extended in previous years, opening in May and closing in November annually.
Linked to	Australia Day
Can the award be combined with	No
another Council award/event?	The Citizen of the Year Awards is linked to key national
If Yes or No why?	campaign to recognise achievements of locals.
Award	Volunteers Awards
Date Held	May
Facilitated by	Community Service & Culture
No. of applications received	25
No. of attendees at award ceremony	100
Budget	\$7,000
Staff resources	1 staff member to organise, 2 on the night



Aimed Ohio etisse	A alconomia de la confete del inservato in transferiore de la confete de
Aims/ Objective	Acknowledge outstanding volunteer contributions to local
	families, organisations, programs and individuals in need.
	To celebrate and acknowledge all volunteers for their
	work in the Inner West Council LGA.
Target Demographic	Community members and residents
Achievements - What works	Works to highlight volunteering opportunities and
	promote volunteering as an empowering and healthy way
	to live and give back to the community. Also used as a
	means to thank volunteers for their contribution.
Challenges	Receiving nominations – only second event
Linked to	National Volunteer Week 2018. Theme - Give a little.
	Change a lot. "Celebrate the volunteers who make a
	profound impact in the Inner West community and on
	society, through giving a little time".
Can the award be combined with	No
another Council award/event ?	
another Council award/event :	As linked to key national campaign.
If Yes or No why?	
A I	
Award	Built Environment Awards
Date held	May
Date held	May
Date held Facilitated by	May Major Community Event team
Date held Facilitated by No. of applications received	May Major Community Event team 200+ (across three categories)
Date held Facilitated by No. of applications received No. of attendees at award	May Major Community Event team 200+ (across three categories)
Date held Facilitated by No. of applications received No. of attendees at award ceremony	May Major Community Event team 200+ (across three categories) 300 - 400
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation	May Major Community Event team 200+ (across three categories) 300 - 400 NIL – covered under Built Environment
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation	May Major Community Event team 200+ (across three categories) 300 - 400 NIL - covered under Built Environment NIL - covered under Built Environment Awards. (10
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Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation Staff resources	May Major Community Event team 200+ (across three categories) 300 - 400 NIL – covered under Built Environment NIL – covered under Built Environment Awards. (10 month lead time, 1 staff member (pre-production) x 1 hour per week x 8 months, 2 staff (event preparations) 20 hours per week x 2 months
Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation	May Major Community Event team 200+ (across three categories) 300 - 400 NIL – covered under Built Environment NIL – covered under Built Environment Awards. (10 month lead time, 1 staff member (pre-production) x 1 hour per week x 8 months, 2 staff (event preparations) 20
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Date held Facilitated by No. of applications received No. of attendees at award ceremony Budget allocation Staff resources Aims/ Objective	May Major Community Event team 200+ (across three categories) 300 - 400 NIL – covered under Built Environment NIL – covered under Built Environment Awards. (10 month lead time, 1 staff member (pre-production) x 1 hour per week x 8 months, 2 staff (event preparations) 20 hours per week x 2 months The Built Environment Award recognises the contribution sustainable architecture and building works make to our community while the Urban Photography Competition encourages residents to engage with the Inner West Council urban landscape. Architects, designers, owner occupiers, residents,

INNER WEST COUNCIL

Achievements - What works	Great local recognition of conservation, sustainable design and visual imagery of the local built environment.
Challenges	Could attract further submissions for the Marrickville Medal for Conservation and Sustainable Building Awards categories each year.
Linked to	Awards incorporate three separate categories that contribute to and celebrate our understanding of the inner west's built heritage and sustainable practices and includes the Marrickville Medal for Conservation, Sustainable Building Awards and Urban Photography Competition. The Marrickville Medal for Conservation has been awarded annually since 1995 and was one of the first of its kind in NSW. It celebrates Inner West's rich cultural and architectural heritage.
Can the award be combined with	No The Built Environment Awards should remain as
another Council award/event ?	stand-alone award program, with a delivered event.
If Yes or No why ?	
Award	Inner West Local Business Awards
Date held	June
Facilitated by	Economic Development Unit
No. of applications received	Over 300
No. of attendees at award ceremony	500
Budget	\$5,000
Staff resources	1 staff 7 hours work in total
Aims/ Objective	Recognise the outstanding business performance & customer service
Target Demographic	Small business owners
Achievements - What works	Enables Council to be associated with a recognised brand with a good marketing campaign. Minimal work required by Council staff
Challenges	Nil as minimal work required by Council staff.
Linked to	Precedent Productions Awards Program
Can the award be combined with	Yes Suggest may be opportunity to revamp & combine with Business Environment awards program by adding



another Council award/event ?	category for "Business of the Year".
If Yes or No why?	
Award	Business Environments Awards Program
Date held	November
Facilitated by	Environment & Sustainability Team
No. of applicant received	67 nominations from 29 local businesses
No. of attendees	70-80
Budget	\$5,000
Staff resources	1 position around 50 days work in total for the project, shared between 2 staff.
Aims/ Objective	Recognise the achievements of local businesses and organisations operating in the LGA who work on making a positive environmental impact through their operations.
Target Demographic	Businesses and not-for-profit organisations in the LGA.
Achievements - What works	The awards provide an opportunity for liked minded operators to learn from others to enhance outcomes that support the environment.
Challenges	Nil. The awards are meeting the objectives under the Environmental Sustainability program.
Linked to	Forms part of Environmental Sustainability Program.
Can the award be combined with	No. The awards focus is on sound environmental
another Council award/event ?	practices. This would be diminished if combined with a general business award. Plus the awards are tied to the
If Yes or No why?	Environmental Sustainability program objectives.
Award	International Women's Day Honour Roll
Date held	March
Facilitated by	Community Service & Culture
No. of applications received	28
No. of attendees at award ceremony	300

INNER WEST COUNCIL

Budget	\$2,500
Staff resources	1 x coordinator
Aims/ Objective	Celebrate women making an outstanding impact strengthening social justice
Target Demographic	Inner West women who strengthen social justice
Achievements - What works	Running in conjunction with IWD. Captive and appropriate audience
Challenges	Low number of applications received
Linked to	International Women's Day
Can the award be combined with another Council award/event? If Yes or No why?	This has been running since 2012 and occurs every second year in conjunction with International Women's Day. Specifically honours women in line with IWD theme
Award	Pauline McLeod Award for Reconciliation
Date held	May
Facilitated by	Community Service & Culture
No. of applications received	Over 100 Primary School Art Works Over 15 Pauline McLeod Community Nominations
No. of attendees at award ceremony	150 Primary Art Competition 70 PMA's
Budget	\$10,000
Staff resources	Aboriginal Programs Team = 4 from Inner West Aboriginal workers and Councillors from member Councils
Aims/ Objective	To acknowledge work of community members in promoting Reconciliation. Showcase artists in primary school who's work focus on
	the annual Reconciliation theme.
Target Demographic	Primary school students

5



	High School students
	Local community
Achievements - What works	14 years of continuity of these annual awards and offering them to all the schools within member Council's LGA's
Challenges	Only having the coordinator role 2 days per week to work on this project is difficult particularly as it involves six partnering Councils.
Linked to	Reconciliation Week
Can the award be combined with another Council award/event? If Yes or No why?	No. The Awards are hosted annually by the Eastern Region Local Government Aboriginal and Torres Strait Islander Forum (ERLGATSIF) in a partnership between the councils of Bayside, City of Sydney, Inner West, Randwick, Waverley and Woollahra. They are hosted at a member Council's LGA annually so they move across the area.



Item No: C0219 Item 10

Subject: APPOINTMENT OF CONSULTANT AS DEVELOPER CONTRIBUTIONS

SPECIALIST

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

Prepared By: David Milliken - Manager Urban Strategy

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

The Inner West Council is undertaking a major project to prepare a Consolidated Local Environmental Plan (LEP), a Development Control Plan (DCP) and a Developer Contributions s7.11 Plan (CP) for the entire local government area. This report recommends authority is given for the appointment of a contractor to fulfil the role of Developer Contributions Specialist to ensure the progression of the s7.11 Contributions Plan.

RECOMMENDATION

THAT in accordance with Section 55(3)(i) of the Local Government Act 1993, Council delegate the authority to the General Manager to execute a contract for 2 years with a suitably qualified person to carry out the work required for the provision of a s7.11 Contributions Plan by reason of extenuating circumstances under Section 55(3)(i) of the Local Government Act 1993, including:

- a. Calling for tenders in this instance would not provide a satisfactory result to Council as the market has already been tested using a procurement process and seeking bids from temporary labour hire providers on Council prescribed panels, resulting in higher costs than engaging a consultant directly; and
- b. There is a significant shortage of suitable consultants able to undertake these works and calling for a tender in this instance will only delay the process.

BACKGROUND

The Inner West Council is undertaking a major project to prepare a Consolidated Local Environmental Plan (LEP), a Development Control Plan (DCP) and a Developer Contributions s7.11 Plan (CP) for the entire local government area.

The CP has been unable to commence due to the resourcing level of the team. Despite two standard recruitment processes and an extensive search of agency contacts, it has not been possible to secure a suitably qualified resource for the team. This is due to the highly specialised nature of the skills and experience necessary, the high demand for planners in NSW generally, and contributions planners in particular, and the highly competitive nature of the market for planners currently.

Delays associated with commencing the CP present a significant financial risk to Council. Should the LEP be gazetted with no CP in place, Council will have no ability to claim contributions towards infrastructure as part of the land use planning framework. This situation specifically would lead to a financial risk, potentially in the region of hundreds of millions of dollars.

Therefore it is essential that a suitably qualified professional be engaged to ensure this project commences with minimal further delay.



The Local Government Tendering Act 1993 – Section 55 requires that Council publically call for tenders for contracts that are above \$150,000.00 unless the contract can be sourced from a prescribed entity as outlined in the Act. However, Section 55 (i) states;

"a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which state the reason for the decision) that a satisfactory result would not be achieved by inviting tenders."

In this instance, Council has demonstrated that calling for suitably qualified candidates using a prescribed entity (such as a recruitment firm) has not provided Council with the expertise or associated costs that would provide Council with the best value for money.

Calling for tenders in this instance, would not provide a satisfactory result to Council as the market has already been tested via a quotation process and there is a lack of consultants suitably qualified to progress the work outlined in this report. However it has been identified that a suitable consultant appears to be capable of being appointed.

FINANCIAL IMPLICATIONS

There are no financial implications for this appointment, as sufficient funds exist within the existing budget for the Strategic Planning Group.

OTHER STAFF COMMENTS

Procurement Assessment

Two standard recruitment processes have been undertaken prior to taking a procurement approach to this resource:

- In March-April 2018 Council undertook recruitment for a Developer Contributions Planner. A single candidate was interviewed and considered for engagement, however reference checks did not support formalising the recruitment and offering a contract;
- In July-August 2018 Council re-advertised the role as a Developer Contributions Specialist with an increased salary and more attractive conditions. Three applications were received however only one was suitable for interview. That candidate interviewed well but withdrew their application before a contract was offered.

Following this an extensive search with the assistance of recruitment specialists was undertaken. Through this process a candidate has been identified who meets Council's requirements. Given the two-year project length to develop and implement a consolidated contributions plan for the Inner West Council, it is recommended the contract be for two years up to a maximum cost of \$307,200 + GST (2 years x annual rate).

However, as the cost of engaging the consultant is above the tender limit of \$150,000, a resolution of Council is sought, as per section 55(i) of the Local Government Tendering Act 1993, to negotiate with this candidate without the need to go through a further procurement process by a formal tender. This can be achieved by Council resolving that there are extenuating circumstances as three procurement processes have already been undertaken to fill this position.

The Local Government Tendering Act 1993 provides for the engagement of consultants in these extenuating circumstances. Whilst not a regular approach, the current market for planning professionals and the importance of this work, requires the use of the provisions contained within the Act to procure the contractor necessary.

This report has been prepared in consultation with, and with input from, the Governance and Procurement service units of Council.



PUBLIC CONSULTATION

Not applicable.

CONCLUSION

Given the difficulty in attracting a suitably qualified Development Contributions Specialist due to the highly specialised nature of the skills required and experience required, the high demand for planners in NSW, the highly competitive nature of the market for planners currently, and the financial risks to Council should the Contributions Plan not proceed in line with the Consolidated LEP and DCP Project, it is recommended that Council resolve that extenuating circumstances exist for the procurement of these services without a full tender, and delegate the appointment of a suitable qualified consultant to the General Manager.

ATTACHMENTS

Nil.



Item No: C0219 Item 11

Subject: MODEL CODE OF MEETING PRACTICE

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

Prepared By: Ian Naylor - Manager Civic and Executive Support

Authorised By: Nellette Kettle - Group Manager Integration Customer Service & Business

Excellence

SUMMARY

The Minister for Local Government issued the new Model Code of Meeting Practice (Model Code) for all NSW councils on 16 November. The purpose of this report is to detail the new provisions recommended by the State Government and place a Draft Code of Meeting Practice on public exhibition in early 2019.

RECOMMENDATION

THAT:

- 1. The Draft Code of Meeting Practice shown as Attachment 1 be placed on public exhibition for a period of 28 days from 29 January; and
- 2. Council receive a further report outlining the submissions received during the exhibition period.

BACKGROUND

The new Model Code for all NSW councils was released by the Minister for Local Government on 16 November. The Office of Local Government has advised that all NSW councils will need to adopt a new Code of Meeting Practice based on the Model Code within 6 months. As Council was intending to review it's Code of Meeting Practice it is timely to consider the new Model Code and place a new Draft Code of Meeting Practice on exhibition in early 2019.

The new Model Code contains mandatory provisions that all NSW Councils must adopt and a number of non-mandatory provisions that are considered best practice for meeting procedure. The non-mandatory provisions are shown in red in Attachment 1.

This report highlights the provisions of the new Model Code that are different to our current Code as well as suggestions from staff to improve the efficiency of meetings. Council may supplement the Model Code with additional provisions as long as these provisions are not inconsistent with the mandatory provisions of this Model Code. Provisions of Council's Draft Code that supplement the Model Code or provide additional requirements are shown in blue in Attachment 1. The provisions of Council's current Code which aren't included in the Model Code have been incorporated into the Draft Code of Meeting Practice shown as Attachment 1.

Please note that all references to Committees of Council in the Code of Meeting Practice refer to a committee consisting only of councillors and does not refer to advisory committees or working parties.

Notices of Motions and Mayoral Minutes

The new Model Code includes non-mandatory provisions relating to identifying funding sources for motions and Mayoral Minutes that request new works and/or services. However,



the provisions in our current Code (Clause 3.12) are much stronger and require Councillors to identify a funding source otherwise the motion can be ruled out of order. It is recommended that the current provisions be retained.

Councillor Briefings

The new Model Code contains non-mandatory provisions (Clauses 3.31-3.35) relating to Councillor briefings. These provisions were also included in our current Code with the exception of a new clause which states that the General Manager or staff nominee chair these briefings. As these provisions are non-mandatory Council can amend who presides at these briefings.

Public Forum

The new Model Code contains non-mandatory provisions (Clauses 4.1-4.23) relating to the Public Forum. The provisions state that Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Clause 4.1 states that the Public Forum be held prior to each ordinary meeting of the Council. It is recommended that the Public Forum commence at 6.30pm with the Ordinary Council Meeting commencing at 7pm. If the Public Forum takes longer than 30 minutes, the Chairperson could open and adjourn the Meeting till the conclusion of the Public Forum.

Clause 4.4 also places limits on the number of items that a person may register to speak on. In the Draft Code the limit has been set to three agenda items but Council may determine another number.

Cancelling Ordinary Meetings

The new Model Code contains non-mandatory provisions (Clauses 5.13-5.14) relating to the cancelling of ordinary meetings, where it is apparent that the meeting won't have a quorum, or where the safety of councillors, staff and public is at risk due to a natural disaster. The Mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

Modes of Address

The new Model Code contains non-mandatory provisions (Clauses 7.1-7.4) relating to how the Mayor, Councillors and staff are to be addressed.

Questions by Councillors during Ordinary Council Meetings

To facilitate efficient Council Meetings and ensure Council has sufficient time to complete all business on the agenda, Council staff recommend that additional wording be inserted into the Draft Code regarding questions by Councillors. The wording at Clause 9.18 states;

"All questions asked by Councillors will be included in the time permitted for them to speak for or against an agenda item. To facilitate efficient meetings Councillors can raise questions directly with the Leadership Team prior to the Meeting".

An alternative to this clause could be to limit the number of questions that can be asked to two (2) questions per Agenda item.

Duration of Speeches



The New Model Code includes a provision that the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

Expulsion from Meetings

The new Model Code provides non-mandatory provisions relating to expelling persons from Council or Committee meetings. It is recommended that Clause 15.14 be included in our Draft Code that gives the Chairperson the authority to expel persons (other than Councillors) from Council or Committee Meetings for engaging in or having engaged in disorderly conduct at the meeting. Councillors may only be expelled by resolution of the council or the committee of the council.

A new mandatory provision of the Model Code requires that where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

Use of Mobile Phones and Other Devices

A new mandatory provision of the Model Code requires Councillors, council staff and members of the public to ensure that mobile phones are turned to silent during meetings of the council and committees of the council. The Model Code has also been updated to prohibit the use of live stream or an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

Recommitting Resolutions to Correct an Error

The new Model Code provides non-mandatory provisions relating to recommitting resolutions to correct an error, ambiguity or voting record. The new provisions state that the Chairperson must not grant leave to recommit a resolution, unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

Matters Arising

The new Model Code has no provisions that allow for councils to move matters arising to agenda items. The Model Code states that business cannot be considered by Council unless notice of that business has been given or a motion is moved to consider the business as a matter of urgency.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

Nil.

CONCLUSION

Nil.



ATTACHMENTS

1. Uraft Code of Meeting Practice





Draft Code of Meeting Practice

Type of Document:	Council Policy
Date of Issue:	4 December 2018
Scope:	This policy applies to the conduct of Council Meetings and Committee Meetings, where the Committee consists only of councillors
References & Legislation:	Local Government Act 1993
	Local Government General Regulation 2005
Document Management Reference:	
Custodian:	Group Manager Integration, Customer Service, Business Excellence and Civic and Executive Support
Approval:	Council
Version Control:	Policy created – October 2017, Version 3.0



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1 INTRODUCTION

This Code of Meeting Practice is based on the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) released in November 2018 and made under section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2005 (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.



2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent:	Decisions are made in a way that is open and accountable.
Informed:	Decisions are made based on relevant, quality information.
Inclusive:	Decisions respect the diverse needs and interests of the local community.
Principled:	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
Trusted:	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
Respectful:	Councillors, staff and meeting attendees treat each other with respect.
Effective:	Meetings are well organised, effectively run and skilfully chaired.
Orderly:	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.



3 BEFORE THE MEETING

Timing of ordinary council meetings

3.1 Ordinary meetings of the council will be held on the following occasions: at 7pm on the 2nd and 4th Tuesdays of each month except for January and 2nd Tuesday in July when the Council is in recess and Council only meets on 2nd Tuesday in December. Council Meetings will be held in the Council Chamber at the Ashfield Service Centre.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary meetings

3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.2 reflects section 366 of the Act.

3.2a The General Manager may call an Extraordinary Meeting of Council for any specific purpose.

Notice to the public of council meetings

3.3 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.3 reflects section 9(1) of the Act.

- 3.4 For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.5 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

3.6 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.6 reflects section 367(1) of the Act.

3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and



business papers in that form.

Note: Clause 3.7 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

3.8 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.8 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.9 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by 10am on the Monday prior to the next ordinary Meeting. If a public holidays falls on this Monday then the deadline is extended to 10am on the Tuesday prior to the next ordinary Meeting.
- 3.10 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.11 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may (i) provide advice that the motion be deferred pending a report form officers; (ii) provide an officers comment with a Notice of Motion on the business paper; or (iii) provide a recommendation with a Notice of Motion on the business paper that the matter be deferred pending a report from officers. If, in the opinion of the General Manager, a report needs to be presented to Council to assist Councillors with consideration of the Notice of Motion, and if time permits, the General Manager may include a report in the business paper.
- 3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the motion does not identify a funding source the General Manager will refer the notice of motion back to Councillor to identify the source of funding before it is placed on the agenda for the next Ordinary Council Meeting.

Questions with notice

- 3.13 A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the general manager about the performance or operations of the council.
- 3.14 A councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.



3.15 The general manager or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.16 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.17 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
- (b) if the mayor is the chairperson any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
- (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
- (d) any business of which due notice has been given under clause 3.10.
- 3.18 Nothing in clause 3.17 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.19 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.20 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.20 reflects section 9(2A) (a) of the Act.

3.21 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.



Availability of the agenda and business papers to the public

3.22 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.22 reflects section 9(2) and (4) of the Act.

3.23 Clause 3.22 does not apply to the business papers for items of business that the general manager has identify under clause 3.20 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.23 reflects section 9(2A) (b) of the Act.

3.24 For the purposes of clause 3.22, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.24 reflects section 9(3) of the Act.

3.25 A copy of an agenda, or of an associated business paper made available under clause 3.22, may in addition be given or made available in electronic form.

Note: Clause 3.25 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.26 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.27 Despite clause 3.26, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.28 A motion moved under clause 3.27(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.29 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.27(a) can speak to the motion before it is put.
- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.27(b) on whether a matter is of great urgency.



Pre-meeting briefing sessions

- 3.31 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.32 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.33 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.34 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.35 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.



4 PUBLIC FORUM

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by 2pm on the day of the Meeting and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than 3 items of business on the agenda of the council meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than 3 speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than [number to be specified by the council] days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.11 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed 3 minutes to address the council. This time is to be strictly enforced by the chairperson.



- 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to 2 minutes.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up 2 minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.23 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.



5 COMING TOGETHER

Attendance by councillors at meetings

5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.6 reflects section 234(1) (d) of the Act.

5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.8 reflects section 368(1) of the Act.

5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.9 reflects section 368(2) of the Act.

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting



indicates that there will not be a quorum for the meeting, or

- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
- (b) in the chairperson's absence, by the majority of the councillors present, or
- (c) failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.2.

Entitlement of the public to attend council meetings

5.15 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.15 reflects section 10(1) of the Act.

- 5.16 Clause 5.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.17 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.17 reflects section 10(2) of the Act.



Webcasting of meetings

- 5.18 All meetings of the council and committees of the council are to be webcast on the council's website. Council will livestream audio and video of the proceedings of these meetings on it's website and within one business day provide a link on it's website that allows the public to watch the audio and video of the proceedings post-meeting.
- 5.19 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act
- 5.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements
- 5.21 A recording of each meeting of the council and committee of the council is to be retained on the council's website for 6 months. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

Attendance of the general manager and other staff at meetings

5.22 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.22 reflects section 376(1) of the Act.

5.23 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.23 reflects section 376(2) of the Act.

5.24 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.24 reflects section 376(3) of the Act.

5.25 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.



6 THE CHAIRPERSON

The chairperson at meetings

6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.



7 MODES OF ADDRESS

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [sumame]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].



8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

8.1 The general order of business for an ordinary meeting of the council shall be:

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES/REQUESTS FOR LEAVE OF ABSENCE

DISCLOSURES OF PECUNIARY AND CONFLICTS OF INTEREST

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

MOMENT OF QUIET CONTEMPLATION

MAYORAL MINUTES

CONDOLENCE MOTIONS

ITEMS OF BUSINESS BY EXCEPTION

STAFF REPORTS

NOTICES OF MOTION

NOTICE OF RESCISSION (IF REQUIRED)

QUESTIONS ON NOTICE (IF REQUIRED)

MATTERS TO BE CONSIDERED IN CLOSED SESSION

REPORTS OF RESOLUTIONS PASSED IN CLOSED SESSION

URGENCY MOTIONS (IF REQUIRED)

CLOSE

8.2 The order of business as fixed under 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: If adopted, Part 13 allows council to deal with items of business by exception.

8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.



9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.6, and (b) unless notice of the business has been sent to the councillors in accordance with clause 3.6 in the case of an ordinary meeting or clause 3.8 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
- (b) is the election of a chairperson to preside at the meeting, or
- (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
- (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put. A motion moved until Clause 9.3(a) must be dealt with at the conclusion of the Ordinary Council Meeting when all other items of business have been dealt with.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of



funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation.

Staff reports

9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9 and 3.13.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument. All questions asked by Councillors will be included in the time permitted for them to speak for or against an agenda item. To facilitate efficient meetings Councillors can raise questions directly with the Leadership Team prior to the Meeting.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.
- 9.20 A Councillor may present a petition and/or correspondence to the Council. The Chairperson will only permit discussion on the petition or correspondence if the subject matter is already on the agenda for that meeting or is a matter, which can be dealt with under clause 9.3(a).



10 RULES OF DEBATE

Motions to be seconded

10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
- (b) the chairperson may defer consideration of the motion until the next meeting of the council...

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the Chairperson of the Meeting may rule the motion out of order if no funding source is identified.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed



amendment before a seconder is called for

- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the fi st amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than three (3) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than three (3) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.



- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
- (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Examples of procedural motions under the Act and Regulation are shown on the following table:-

Motion	Moved without Notice	Requires Seconder	Speakers/ Debate Permitted	Right of Reply
(i) Change the Order of Business	Yes	Yes	Mover of motion only	No
(ii) Business without Notice (matter of urgency)	Yes	Yes	Mover of motion only	No
(iii) Dissent from Chairperson's ruling on Point of Order)	Yes	Yes	Mover & Chairperson only may speak.	No
(iv) Adjournment of Meeting	Yes	Yes	No debate permitted	No
(v) Limitation to number of speakers (questions be now put)	Yes – after at least 2 speakers have spoken in favour of motion or amendment and at least 2 against motion or amendment.	No	No debate permitted. Question must be put immediately	No
(vi) Deferment of a Matter	Yes	Yes	Yes	Yes
(vii) Vote on points of a resolution separately	Yes	Yes	Mover of motion only	No



11 VOTING

Voting entitlements of councillors

11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion
- 11.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 11.6 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on planning decisions

- 11.7 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.8 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.9 Clauses 11.7–11.8 apply also to meetings that are closed to the public.

Note: Clauses 11.7-11.8 reflect section 375A of the Act.

Note: The requirements of clause 11.7 may be satisfied by maintaining a register of the minutes of each planning decision.



12 COMMITTEE OF THE WHOLE

12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20-10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.



13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.



14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and



(b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
- cause embarrassment to the council or committee concerned, or to councillors or to employees
 of the council, or
- (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the council, or of a committee of the council, may be



closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
- (i) should not be deferred (because of the urgency of the matter), and
- (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 2pm on the day of the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than three (3) speakers are to be permitted to make representations under clause 14.9. If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting



under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than three (3) speakers to make representations in such order as determined by the chairperson.

14.17 Each speaker will be allowed three (3) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non- councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first- mentioned person from that place and, if necessary restrain that person from re- entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

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14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.



15 KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act or any regulation in force under the Act or this code, or
- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or



- insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.
- 15.12 The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

- 15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 15.15 Clause 15.14, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2) (a) of the Act.
- 15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.11. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councilor or member of the public from re-entering that place for the remainder of the meeting.

Note. The Chairperson may issue warnings to Councillors and the Public for Acts of Disorder. The Chairperson may warn any Councillor who:

· interrupts a speaker except upon a point of order; or



- · 2.2 interrupts the Chairperson except on a point of dissent; or
- 2.3 refuses to accept a ruling from the Chairperson.

These warnings will be recorded in the Minutes of the meeting. Any Councillor who is warned by the Chairperson three times in one meeting for disorder and fails to apologise for the disorder if requested to by the Chairperson may be expelled from the meeting for the evening by resolution of Council in accordance with clauses 255 and 256 of the Regulation.

Use of mobile phones and the unauthorised recording of meetings

- 15.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.22 Any person who contravenes or attempts to contravene clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first- mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.



16 CONFLICTS OF INTEREST

16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Disclosures made at the meeting should be stated as follows:

Disclosure	What to say	Action to take
Pecuniary Interest	I declare a pecuniary interest in Item XX, due to (detail reason of the conflict)	Councillor must leave the meeting, be out of sight of the meeting and not participate in discussions or voting on the matter (section 451) Code of Meeting Practice CI 3.5(2)
Significant, non- pecuniary interest	I declare a significant, non- pecuniary interest in Item XX, due to (detail reason of the conflict)	Councillor must leave the meeting, be out of sight of the meeting and not participate in discussions or voting on the matter Code of Meeting Practice CI 3.2(3)(a)
Less than significant, non- pecuniary interest	I declare a less than significant, non-pecuniary interest in Item XX, due to (detail reason of the conflict and explanation of why the conflict requires no further action)	No action needed, Councillor can remain at the meeting, partake in discussions and vote on the matter. Code of Meeting Practice CI 3.2(3)(b)



17 DECISIONS OF THE COUNCIL

Council decisions

17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act.

17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.

Note: Clause 17.3 reflects section 372(1) of the Act.

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.9.

Note: Clause 17.5 reflects section 372(3) of the Act.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.



- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.
- 17.10 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.10 reflects section 372(6) of the Act.

- 17.11 Subject to clause 17.6, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.12 A motion moved under clause 17.11(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.11(b) can speak to the motion before it is put.
- 17.13 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.11(c).

Recommitting resolutions to correct an error

- 17.14 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.
- 17.15 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.14(a), the councillor is to propose alternative wording for the resolution.
- 17.16 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.14(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.17 A motion moved under clause 17.14 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.14 can speak to the motion before it is put.
- 17.18 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.14.
- 17.19 A motion moved under clause 17.14 with the leave of the chairperson cannot be voted on



unless or until it has been seconded.



18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than 11pm, or at the conclusion of the item being discussed, provided that such item being discussed can be concluded by 11.10pm.
- 18.2 If the business of the meeting is unfinished at 11pm, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at 11pm, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
- (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- individually notify each councillor of the time, date and place at which the meeting will reconvene, and
- (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.



19 AFTER THE MEETING

Minutes of meetings

19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.
- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confi med. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they

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relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.



20 COUNCIL COMMITTEES

Application of this Part

20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
- (b) if the council has not decided a number a majority of the members of the committee.

Functions of committees

20.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the



committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
- (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public



- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in committee meetings

20.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 20.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.
- 20.23 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.



21 IRREGULARITIES

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.



22 DEFINITIONS

means the Local Government Act 1993 the Act

means an act of disorder as defined in clause 15.11 of this code act of disorder amendment

in relation to an original motion, means a motion moving an

amendment to that motion

audio recorder any device capable of recording speech

business means any day except Saturday or Sunday or any other day the

whole or part of which is observed as a public holiday throughout

New South Wales

chairperson in relation to a meeting of the council - means the person presiding at

the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee means the person presiding at the meeting as provided by clause

20.11 of this code

this code means the council's adopted code of meeting practice

committee of the council

means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into

committee of the whole under clause 12.1

council official has the same meaning it has in the Model Code of Conduct for Local

Councils in NSW

day means calendar day

means a request by two councillors under clause 11.7 of this code division

requiring the recording of the names of the councillors who voted

both for and against a motion

foreshadowed means a proposed amendment foreshadowed by a councillor under amendment clause 10.18 of this code during debate on the first amendment foreshadowed means a motion foreshadowed by a councillor under clause 10.17 of

of this code during debate on an original motion motion open voting

means voting on the voices or by a show of hands or by a visible

electronic voting system or similar means

planning decision means a decision made in the exercise of a function of a council

> under the Environmental Planning and Assessment Act 1979 including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act

means an order issued under section 438A of the Act performance improvement order

quorum means the minimum number of councillors or committee members

necessary to conduct a meeting

means the Local Government (General) Regulation 2005 the Regulation webcast

a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time

means the period beginning 1 July and ending the following 30 June vear

23 REVISION HISTORY

Revision	Date	Change	Ref
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1	23/05/2017	Code of Meeting Practice for public exhibition	
2	17/11/2017	Code of Meeting Practice adopted	
3	4/12/2018	Amended to include provisions from the Model Code of Meeting Practice	



Item No: C0219 Item 12

Subject: FEE WAIVER FOR USE OF AQUATIC CENTRES

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

Prepared By: Simon Duck - Aquatic Facilities Manager

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

SUMMARY

This report seeks approval of community requests for reduced fees and fee waivers for the use of Leichhardt Park Aquatic Centre and Dawn Fraser Baths during 2018 - 2019.

RECOMMENDATION

THAT Council:

- Approve the fee waiver applications submitted by regular hirers of the Leichhardt Park Aquatic Centre and Dawn Fraser Baths during 2018 – 2019, as detailed in Attachment 1; and
- 2. Note the trial and additional request for use of Leichhardt Park Aquatic Centre between 8.00pm-9.00pm by Balmain UTS Waterpolo club for water polo training.

BACKGROUND

The former Leichhardt Council has historically granted reduced fees and fee waivers for a number of Council facilities to eligible applicants. The fee waiver policy and wording is outlined in the annual fees and charges and is as follows:

"Reduced fees and fee waivers can be applied to the fees outlined in accordance with the reduced Fees and Fee Waiver Guidelines which determine eligibility and selection criteria for reduced fees":

Community rate
 Support Group rate
 50% of applicable fee
 20% of applicable fee

Fee Waiver - No charge

In line with the information available in the fees and charges, further information can be found on page 28 of the former Leichhardt Council's Community Grants and Resources policy adopted by Council June 2012.

The program aims to support community groups with limited income to provide programs and activities for the benefit of the local community and their members. The program facilitates community partnerships to achieve strategic outcomes and objectives as outlined in Council's strategic plans. The program is administered under the former Leichhardt Council's Grants and Community Resourcing Policy and priority is given to projects that are aligned with Council's strategic objectives and meet community needs or aspirations.

Previously, Council has approved fee waivers for community clubs that participate in aquatic based activities on an ongoing basis at Leichhardt Park Aquatic Centre (LPAC) and Dawn Fraser Baths (DFB).



Fee waivers for the use of LPAC and DFB for 2017-18, by the regular hirers was approved at Council's Ordinary Council Meeting In October 2017.

As this is a period of transition for Council, it is requested to continue with existing practice for 2018- 2019 and review rates as part of the organisational review fees and charges and relevant policies for fee waivers and concessions with a view to consistency, equity and transparency across the LGA.

The Leichhardt Swimming Club, Balmain Amateur Swimming Club, Balmain Water Polo Club (incorporated as the Balmain Amateur Swimming, Lifesaving and Water Polo Club) and Balmain Kool Kats winter swimming club have been using both the LPAC and DFB since the facilities were opened.

Leichhardt Swimming Club, Balmain Amateur Swimming Club, Balmain Water Polo Club and Balmain Kool Kats winter swimming club have requested fee waivers and historical use for the financial year 2018-2019 for pool hire only, the entry fee as per the Council's Fees and Charges are paid by all three user groups. Recommendations for fee waivers and fee reductions are presented in ATTACHMENT 1.

Additional request 2018/2019

A limited additional request for the use of LPAC outside of regular public swim hours by Balmain Water Polo Club.

Due to the closure of Ashfield Pool for Rebuild, Balmain UTS Water Polo has limited options for pool space for water polo training. A trial has been requested and agreed for use of Leichhardt Park Aquatic Centre between 8.00pm-9.00pm by Balmain UTS Waterpolo club for training purposes. This has been granted as a trial under promotional activity and will cease its initial limited term in December.

Traditionally LPAC pools close to the public at 8.00pm to allow for pool close down, cleaning and patrons to leave the centre. The Gym facilities remain open until 9.00pm to cater for late night users of the LPAC Gym.

This trial period will allow pool operations staff to assess any operational and staffing issues to and evaluate the success of the program whether a permanent arrangement should be considered. An additional Pool lifeguard will remain on site to oversee the water polo activity for safety requirements.

FINANCIAL IMPLICATIONS

Under general operations, the total value of the fee waivers requested is \$152,447 for the 2018-2019 detailed in ATTACHMENT 1.

Given the attendance attached to these activities, Council receives entry fees and many users carry facility memberships. An estimated average income of \$41,573 is assumed to be generated as a result of this access.

The requested additional use by BWPC for the trial period has an estimated supplementary labour cost of approximately \$578. This expense is estimated to be recovered in additional attendance revenue during this program, delivering a cost neutral result for council.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

Community clubs that have applied for fee waivers will be advised of Council's decision.



CONCLUSION

Based on historical use, the listed hirers wish to continue their past practice of requesting and being granted, fee waivers to LPAC and DFB.

As a result of limited available water space in the LGA due to the closure of AAC, the BWP club have been granted a promotional trial period of access with a view to formalizing a request for further access for the remainder of the 2018-2019 financial year. It is anticipated that this request will be tabled to Council as early as possible in 2019.

ATTACHMENTS

1. Summary of Application Details



Date of Application	Name of Applicant	Facility requested	Summary of booking details	Activity Description	Request for	Club Contact	Fee Waiver Requested 2018/2019	Recommendation 2018/2019
Sept 2018	Leichhardt Swimming Club Inc	Leichhardt Park Aquatic Centre – Olympic Pool Hire	Saturday 7.30 – 10.00am from13/10/18 to 15/12/18 and 12/01/19 to 16/03/19. Saturday 23/03/19 15.00 to 20.00	Club activities	Waiver	Ralph Hall	\$45,434	Waive Fee
Sept 2018	UTS Balmain Water Polo Club Inc	Leichhardt Park Aquatic Centre – Dive Pool	Monday, Tuesday Wednesday 7pm-8pm. Friday 6.30-8.00pm	Club activities	Waiver	Anne-Marie Miranda	\$23,917	Waive Fee
May 2018	Balmain Leagues Swimming Club (Kool Kats)	Leichhardt Park Aquatic Centre – Dive Pool Hire	Sundays 9.00-10.00am x 20 May to September 2019	Club activities	Waiver	The Club Registrar	\$ 2,392	Waive Fee
Sept 2018	Balmain Amateur Swim Club Inc	Dawn Fraser Baths	Saturdays Swim club 4pm- 6.30pm during Summer and one evening Function	Club activities	Waiver	The Club Registrar	\$ 7,826	Waive Fee
Sept 2018	UTS Balmain Water Polo Club Inc	Dawn Fraser Baths	Weeknight training Mon – Fri 14 Oct to 30 Mar. Games Tue, Wed, Sat & Sun, Nov to Mar. NWPL Games x 8. 3 day carnival Jan. International games and exhibition games x 3. Award events x 2.	Club activities	Waiver	Anne-Marie Miranda	\$69,953	Waive Fee
Sept 2018	UTS Balmain Water Polo Club Inc	Dawn Fraser Baths	November 2018 – Free entry for participants and spectators.	Open Water Swim	Waiver	Anne-Marie Miranda	\$ 2,925	Waive Fee
TOTAL							\$152,447	

Attachment 1 - Summary of application details.



Item No: C0219 Item 13

Subject: MANDATORY REPORTING OF FIRE SAFETY REPORTS REFERRED TO

COUNCIL FROM FIRE AND RESCUE NSW

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

Prepared By: Michael Kountourogianis - Senior Fire Safety Officer

Authorised By: Harjeet Atwal - Group Manager Development Assessment and Regulatory

Services

SUMMARY

This report provides mandatory notification to Council under the Environmental Planning and Assessment Act 1979 (EPAA) of correspondence regarding fire safety concerns received from Fire & Rescue NSW. Following a review of the correspondence and a site inspection by Council's Fire Safety Team, this report seeks Council to note the exercise of Authorised Officer powers under EPAA to require upgrades of the buildings to the satisfaction of Council's Fire Safety Team in order to:

- Improve the provisions for fire safety at the premises;
- Improve the provision of fire safety awareness;
- Improve the adequacy of the premises to prevent fire;
- Improve the adequacy of the premises to suppress fire or prevent the spread of fire;
 and
- Improve the safety of persons in the event of fire.

RECOMMENDATION

THAT Council:

- 1. Note the correspondence provided by Fire and Rescue NSW for development on land known as the Garden Lodge Sydney, located at 17-23 Parramatta Road Haberfield (Attachment 1);
- 2. Endorse the Councils Officers use of statutory powers (and discretion as appropriate) under the Environmental Planning and Assessment Act 1979 to require upgrades to the building to the satisfaction of Council's Fire Safety Team in order to:
 - a. improve the provisions for fire safety at the premises;
 - b. improve the provision of fire safety awareness;
 - c. improve the adequacy of the premises to prevent fire;
 - d. improve the adequacy of the premises to suppress fire or prevent the spread of fire, and
 - e. Improve the safety of persons in the event of fire.

BACKGROUND

In accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EPAA), Fire and Rescue NSW (FRNSW) has referred the attached letter (Attachment 1) to



Council detailing a number of concerns with the fire safety measures and fire safety procedures for this property in the Inner West Council area.

Owners of buildings such as backpackers accommodation, assembly buildings, commercial premises, residential flat buildings etc., have a legal obligation to ensure that all fire safety measures installed on the premises are, at all times, maintained and working to their relevant standard of performance for the safety of the buildings occupiers or users – whether the building is occupied or not. This is done through the installation of fire safety measures compliant with the National Construction Code (Building Code of Australia - BCA) or an alternative solution endorsed by a qualified Fire Engineer.

A fire safety measure is any aspect of construction, piece of equipment or strategy, that are required to enhance the safety of people within the building in the event of a fire. These fire safety measures can vary significantly depending on the age of the building, its design and its use. The determination of the appropriate fire safety measure is guided through the deemed to satisfy provisions / functional statements of the Building Code of Australia or through Alternative Solutions designed and developed by Fire Engineers and Accredited Certifiers (registered with the NSW Building Professionals Board).

FRNSW and Council's Fire Safety Team have undertaken inspections of all premises referred and have determined appropriate actions required by property owners in order to:

- improve the provisions for fire safety at the premises;
- improve the provision of fire safety awareness;
- improve the adequacy of the premises to prevent fire;
- improve the adequacy of the premises to suppress fire or prevent the spread of fire; and
- improve the safety of persons in the event of fire.

As the premises are on private land, any required upgrades are able to be undertaken through the issuing of orders under EPAA, thereby allowing the works to be undertaken without the necessity for the lodgment of a Development Application. After all solutions are implemented and a Fire Safety Certificate is issued the building is listed on Council's Fire Safety Register and Annual Fire Safety Inspections are required to be undertake in accordance with the Environmental Planning and Assessment Regulation 2000.

This annual inspection is to ensure that:

- i. All fire safety measures are inspected by a competent fire safety practitioner to ensure they are maintained to the appropriate Standard of Performance
- ii. Fire Safety Statements are maintained in the approved form and are displayed in a clearly visible position and available for viewing by Fire and Rescue NSW or Council Authorised Officer.

FIRE SAFTEY MEASURES/PROCEDURE ASSESSMENT

In accordance with the provisions of the EPAA, FRNSW has referred correspondence to Council detailing a number of concerns with fire safety measures and fire safety procedures associated with development on land at:



Garden Lodge Sydney 17-23 Parramatta Road, Haberfield	1. 2. 3. 4.	Essential Fire Safety Measures not being maintained. Access & Egress non – compliances. General Issues Annual Fire Safety Statement is not current and up to date.
		current and up to date.

In response, Council's Fire Safety Team undertook an inspection of the premises as per the table below:

Property	Reason for referral:
Garden Lodge Sydney 17-23 Parramatta Road, Haberfield	Inspection of the premises has been carried out by Council and a Development Control Order has been served under Schedule 5 of the EPAA on the owner of the premises.

Following a review of the correspondence and site inspection, Council's Fire Safety Officers, under delegated authority have issued an Order on the property owners in accordance with the EPAA.

After all fire safety solutions are implemented a Fire Safety Certificate is to be submitted to Council. This is to ensure that the new/enhanced fire safety measures for the building are included on Council's Fire Safety Register and that annual inspections and Annual Fire Safety Statements are undertaken and submitted to Council to ensure:

- i. All fire safety measures are inspected by a competent fire safety practitioner to ensure they are maintained to the appropriate Standard of Performance.
- ii. Fire Safety Statements are maintained in the approved form and displayed in a prominent location within the building and available for viewing by Fire and Rescue NSW personnel or Council Officers.

FINANCIAL IMPLICATIONS

Nil

OTHER STAFF COMMENTS

Nil

PUBLIC CONSULTATION

Nil

CONCLUSION



The letter from Fire and Rescue NSW has identified a number of fire safety matters that are required to be addressed. Following an inspection, Council's Fire Safety Officer has issued a Order requiring various audits and upgrades to the building be undertaken.

These requirements will promote adequate fire safety awareness in the building. These works are able to be undertaken in accordance with State Planning provisions through the issuing of Orders under EPAA without the need to obtain a Development Application.

ATTACHMENTS

1. Letter from Fire and Rescue NSW regarding Garden Lodge Sydney - 17-23 Parramatta Road Haberfield





BFS18/334 (2696) File Ref. No: TRIM Ref. No: D18/67285 Edren Ravino Contact:

8 October 2018

Interim General Manager Inner West Council PO Box 14 PETERSHAM NSW 2049

Email: council@innerwest.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

INSPECTION REPORT Re:

'GARDEN LODGE SYDNEY'

17 PARRAMATTA ROAD, HABERFIELD ("the premises")

Fire & Rescue NSW (FRNSW) received correspondence on 9 February 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

This premises houses around 40 motel style units over two floors. The rooms are located around a central two storey atrium. Each room on the second storey has access to an open corridor that provides two directions to select from in the event of a need to evacuate the building. This corridor has access to two sets of stairs to provide egress to the lower level. One set of stairs is located at the front of the building (closest to Parramatta Road) and the second at the rear of the building. Once on the ground floor and for all residents of rooms on the ground floor there is an open plan dining/lounge area in the centre of the building along with the corridor around the perimeter of the atrium area. All ground floor units lead out from this corridor. At the front of the building is a reception area with a door leading to the driveway area on Parramatta Road.

FIRE AND RESCUE NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave,	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
f	11-1-18-1	D 4 -67







This is the main entry and exit from this building and is controlled by a sensor activated electric sliding door. In addition to this door there is a single width manually opened door on each of the other three sides of the building. These all lead to a car parking area that surround the building. If all of these doors were maintained as points of egress in the event of a fire I feel the building would be well serviced to evacuate all residents. However on two recent occasions staying overnight in this facility I have found the front door sensor is deactivated and requires entry by an electronic card or exit by use of a push button beside the door. I am unsure as to how the door would react in the case of a power failure, a common event during a fire emergency. My greatest concern however focuses on the other three doors, as all of these are locked late at night and not available for use again until around 8:00 am. Each door is locked with a key dead lock which is not accessible to residents and there is no resident manager available on site to assist with any emergency evacuation. If an inspection was carried out during daylight hours I am confident the building would appear safe. However considering each door was fitted with a laminated sign indicating the door is temporarily unavailable, I feel certain a security concern by the business managing this facility has taken precedence over a requirement to provide a safe environment for their guests.

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 6 September 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this
 report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

FIRE AND RESCUE NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate Fire Safety Compliance Unit 1 Amarina Ave, Greenacre NSW 219 T (02) 9742 7434 F (02) 9742 7483

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firesafety@fire.nsw.gov.au

Unclassified



COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items are limited to observations of the building accessed at the time of the inspection and identifies possible deviations from the National Construction Code 2016, Volume 1 Building Code of Australia (NCC). FRNSW acknowledges that the deviations may contradict development consent approval or relate to the building's age. It is therefore council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified as concerns during the inspection:

- 1. Essential Service Measures
 - 1A. Hydrant System Clause E1.3 of the NCC requires a fire hydrant system to be installed in accordance with Australian Standard AS2419.1 where buildings consist of a total floor area greater than 500m². The total floor area of the building appears to be greater than 500m².
 - 1B. Smoke Hazard Management Clause 3, Specification E2.2a of the NCC requires, smoke alarms to be installed in public corridors and internal public spaces (where there are no sprinklers installed). The smoke alarms are to be located and installed to Australian Standard AS1670.1 in public corridors and internal public spaces and connected to a Building Occupant Warning System in accordance with Clause 6 of the NCC Smoke Detection. The following anomalies were noted:
 - A. There are wall wetting sprinklers installed to the glass openings of each SOU within the premises. However, the sprinkler installation may not satisfy the requirement to negate the installation of a smoke detection system to Australian Standard 1670.1.
 - B. The Annual Fire Safety Statement (AFSS) refers to Australian Standard 1670.1 as an installed measure. Observations indicate that an Australian Standard AS3786 system is installed, potentially conflicting with annual certification of the displayed AFSS.
 - 1C. Maintenance Clause 182 of the Environmental Planning and Assessment Regulation 2000 requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. The following was noted at the time of the inspection:
 - A. Fire Hose Reel (FHR) Service Tags Clause 9.2.9 require routine services to be recorded in accordance with Clause 1.16. The FHR included service labels/tags that appeared to lack routine maintenance.

FIRE AND RESCUE NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
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- B. Portable Fire Extinguishers (PFE) Clause 10.2.16 requires routine service and results detailed in Clause 10.4 to be kept in accordance with Clause 1.16. The FHR included service labels/tags that appeared to lack routine maintenance.
- C. The smoke alarm in room 112 was held together with electrical tape. When the test button was pressed, the smoke alarm sounded. However, it is unclear based on the AFSS and the other essential fire safety measures that the smoke alarms are regularly tested or replaced when required.
- Wall Wetting Sprinkler System (Drencher) Having regard to Australian Standard AS2118.2-2010, the following observations were noted:
 - A. The AFSS displays the drencher system as an installed essential fire safety measure. There are no other sprinkler system mentioned or observed at the premises.
 - B. Clause 2.6 specifies drencher spacing and location. Observations at the time revealed that the drencher location may not comply with Table 2.2. A review of the drencher location may be required.
 - C. Clause 3.3 and 3.4 refers to drenchers not connected to sprinkler systems. In this regard the following is noted:
 - i. The number of external drenchers located above the windows of the façade of each sole occupancy unit (SOU), appears to exceed 12 drenchers. Typically, a fire brigade booster connection is required remote of the façade, and installed after the main isolating valve if the façade exceeds 12 drenchers. A booster connection could not be located.
 - ii. The system isolating valve shall be secured in the open position by a padlocked chain and labelled accordingly. Observation at the time revealed that the valve lacked signage according to the standard or a chain and padlock (however a strap was observed over the valve).

2. Access & Egress

2A. Operation of Latch – D2.21 of the NCC requires that a door must be readily openable without a key from the side that faces a person seeking egress. The latch must be a single hand downward action on a single device. At the time of the inspection, a number of required exit doors included tulip style door hardware.

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- 2B. Screen Door Clause D2.20 of the NCC require exit doors to open in the path of travel. The required exit door on the north eastern elevation includes a screen door. The screen door opens against the path of travel.
- 2C. Bollards Clause D1.10 of the NCC requires exits to a final point of discharge that is likely to be obstructed requires the installation of bollards. At the time of the inspection the required exit door on the north eastern elevation may require the installation of bollards.
- 2D. Balustrade Clause D2.16 of the NCC requires barriers to prevent falls from a floor, corridor, hallway, balcony, deck, verandah, mezzanine etc. The minimum height prescribed for a balustrade is 1 metre. At the time of the inspection the balustrade at the premises measured at 930 mm.

3. Generally

- 3A. Annual Fire Safety Statement (AFSS) Clause 177(2) of the Environmental Planning and Assessment Regulation 2000 requires the AFSS be updated annually. At the time of the inspection, the AFSS that was displayed did not appear to be up to date.
- 3B. Council Considerations The proceeding comments provide inferences from the investigation of the fire safety concern, as such, the comments are considered 'informative'. It is recommended that council as the appropriate regulatory authority determine whether enforcement action is required. The following items are provided to council as part of the investigation on 6 September 2018:
 - A. Atrium Clause G3.1 of the NCC outlines when the internal construction of a building is considered an atrium. Observations at the time confirmed that the considerations for an atrium is not required as the building contains two (2) storeys.
 - B. Front Door The front door which formed part of the concern, provides access to the reception area. The door is a sliding glass door and is not clearly identified as a required exit, as there is no exit sign displayed above the door and may not be required. A review of council's records may be required.
 - C. Dining Area At first sight, based on the age and the architectural appearance, the area nominated as a dining area, appeared to be previously a courtyard. It appears that the installation of the roof over the courtyard has meant additional essential fire safety measures were installed. A review of council's records may be required to determine if the essential fire safety measures have been installed or approved.

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- D. Required Exit Doors Council may need to review its records to confirm if a performance solution has been approved for the following reasons:
 - A test of the signposted required exit doors revealed that the doors were capable of opening from inside the building when the door was physically closed. When tested from outside the building, the door was locked and could not be opened.
 - There were plastic boxes attached to the wall with a key. The box was secured with a plastic tie. There was signage attached to the door displaying the purpose of the key and its use.
 - iii. When asked, the manager confirmed that the key was provided as a precaution, if the door were locked and prevented egress from the building.
- E. Drenchers It is unclear whether the water supply has sufficient pressure to meet the demands of the current sprinkler system. Council may need to review its records to confirm if the sprinkler system has been approved. Moreover, council may need to review whether the installation forms part of a performance solution, as it appears that drenchers may be installed to address compartmentation issues and to protect the path of travel for occupants to the required exit.
- F. Kitchen There is a commercial kitchen within the premises. At the time of the inspection, the room was being used as a store room.
- G. Evacuation diagrams Council may need to review the evacuation diagrams, as the diagrams observed did not appear to be indicative of how to escape from the building in an emergency.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

 a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 3 of this report be addressed appropriately.

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This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Edren Ravino of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/334 (2696) for any future correspondence in relation to this matter.

Yours faithfully

Edren Ravino Building Surveyor Fire Safety Compliance Unit

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Item No: C0219 Item 14

Subject: STATEMENT OF BUSINESS ETHICS

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

Prepared By: Joe Cavagnino - Procurement Services Manager

Authorised By: Michael Tzimoulas - Deputy General Manager Chief Financial and

Administration Officer

SUMMARY

Council conducts business for the supply of goods and services as part of its normal course of operations. The Statement of Business Ethics has been developed to ensure good governance and an understanding of expectations between supplier/contractors and council staff. On 21 August 2018 Council endorsed that the draft Statement of Business Ethics be placed on Public Exhibition with a further report to Council following this consultation process.

RECOMMENDATION

THAT Council:

- 1. Rescind the Statement of Business Ethics for the former councils; and
- 2. Endorse the Draft Statement of Business Ethics shown as Attachment 2.

BACKGROUND

The Statement of Business Ethics reinforces Council's ethical values and provides guidance for all sections of the community conducting business with Council. Council's ethical standards are enshrined in our Code of Conduct, corporate values and other governance policies.

It is Council's expectation that contractors and other providers of goods and services to Council will comply with these standards when conducting business with, or on behalf of Council. This Statement also outlines what you can expect from Council when conducting business with the Inner West Council.

The draft Inner West Statement of Business Ethics replaces the below former policies;

- Marrickville Council Statement of Business Ethics
- Ashfield Council Statement of Business Ethics
- Leichhardt Council Statement of Business Ethics

On the 21 August, Council endorsed that the draft Statement of Business Ethics be placed on Public Exhibition together with a document outlining the significant differences against the former Council policies. The period of Public Exhibition closed on 22 October 2018 and Council received two (2) responses that supported the draft document with comment and one (1) response that did not support the draft document with comment.

Attached to this report is detail on the submissions received and the Statement of Business Ethics.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS



Nil.

PUBLIC CONSULTATION

The draft Statement of Business Ethics has been on Public Exhibition for a period of 28 days for the community to comment.

CONCLUSION

That the draft Statement of Business Ethics be endorsed by Council.

ATTACHMENTS

- 1.1 Community comments together with Council's response
- 2. Statement of Business Ethics

Do you support the draft Statement of Business Ethics	Yes - Comments	No- Comment	Council Response
Yes	No Comment	No Comment	Not Required
No		Could never meet these objectives act with integrity and avoid conflicts between their personal interests and professional duties; > respect and follow the letter and spirit of Council's policies and procedures; > use public resources effectively and efficiently; > make decisions solely on merit; > treat all tenders equitably and promote fair and open competition;	Council Officers are trained in ensuring Conflict of Interests are addressed, that all suppliers and contractors are given equal opportunity to bid for work and to ensure that procurement decisions are based on value for money.
Yes	\$150,000 for untendered business is too high. A company can easily submit for numerous contracts which are under this amount to the detriment of competition or a better deal for Council. Where is the mechanism to ensure business is not delegated to one company all the time rather than through a transparent tender process? Does the Council audit the total amount paid to one company without tenders?		For Goods and Services that have a contract value of above \$150,000.00 including GST – Council must abide by the conditions of the Local Government Act and either run a public tender or procure off a prescribed entity. Council has systems in place to ensure that supplier spend and category spend are analysed to ensure compliance with the Local Government Act





Statement of **Business Ethics**



V1.3 Adopted 13 July 2017 RN 17/34514



Statement of Business Ethics

This statement reinforces Council's ethical values and provides guidance for all sectors in the community when doing business with Council. Council's ethical standards are enshrined in our Code of Conduct and other governance policies. They are also summarised in this Statement of Business Ethics.

It is Council's expectation that contractors and other providers of goods and services to Council will comply with these standards when conducting business with, or on behalf of, Council. This Statement also outlines what you can expect from Council when conducting business with us.

Our Key Business Principles

Council expects all its representatives, staff and Councillors to behave ethically. Our standards of conduct and ethics are outlined in our Code of Conduct and staff and other representatives of Council are required to uphold these standards of conduct and ethics at all times. Council also expects private industry and its representatives to maintain similar standards of ethical conduct in their dealings with, and on behalf of, Council.

Procurement Principles

Value for money

In all of our business decisions we will strive to obtain the best value for money. We will do this by taking into account all relevant costs and benefits of each proposal including factors such as initial costs, suitability, flexibility, reliability, on-going costs, reputation and performance history of the supplier, occupational health and safety requirements, relative risk, legal compliance and environmental sustainability.

Open and Effective Competition

Potential Vendors will be treated equitably based upon their legal, commercial, ethical, technical and financial capabilities. All other factors being equal, Council may choose to support Small and Medium Enterprises in accordance with State Government procurement reforms to increase opportunities for small and medium enterprises (SMEs) to gain government business.

Efficient, Effective and Ethical Use of Resources

The Council will select a procurement processes to commensurate with the fit for purpose, size and risk profile of the particular procurement activity and shall be conducted in accordance with Council's procurement policies, processes and procedures. In all procurement activities, the process should identify critical factors that need to be considered to ensure the maximum possible contribution and relevant outcome are being delivered to all stakeholders. In most circumstances, goods and services estimated to cost over \$150,000 (including GST) will be subject to a tender process to be carried out. Other procurements may be the subject of specific contracts and agreements with the Council, NSW Department of Finance, Services and Innovation (NSW Procurement), Local Government Procurement (LGP), Procurement Australia, Southern Sydney Regional Organisation of Councils (SSROC), or by competitive quotations. Low value items will be obtained through Council's standard ordering processes.

At all times Council officers will act ethically, embracing the principles of honesty, integrity, probity, diligence, fairness, trust, respect and consistency. Ethical behaviour identifies and avoids conflicts of interest ensuring an individual does not make improper use of their power and position.

Council will not seek to benefit from vendors practices that may be dishonest, unethical or unsafe.

Council will not enter into contracts with vendors who have had a judicial decision made against them (not including decisions under appeal) relating to employee entitlements and have not paid the claim. Council will require a declaration on these matters from all tenderers.

Accountability and Transparency

Council will ensure that procurement processes are conducted soundly and that the related decisions are documented, defensible and substantiated in accordance with legislation and Council policies. Council officials are accountable and responsible for the actions and decisions they take in relation to procurement and the resulting outcomes, of which, may be the subject of public scrutiny.

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What You can Expect from Us

Council will ensure that all policies and procedures relating to its procurement process are consistent with legislative requirements, best practice and the highest standards of ethical conduct.

Under our Code of Conduct, Council staff are accountable for their actions and are expected to:

- > act with integrity and avoid conflicts between their personal interests and professional duties;
- respect and follow the letter and spirit of Council's policies and procedures;
- use public resources effectively and efficiently;
- make decisions solely on merit;
- treat all tenders equitably and promote fair and open competition;
- protect confidential information;
- never solicit or accept payment, gifts or other benefits from a supplier for the discharge of official duties; and
- record and give reasons for decisions (where appropriate).

What We Expect of You

We expect tenderers, suppliers, contractors and consultants to:

- respect the conditions set out in documents supplied by Council, including complying with relevant Council policies and procedures;
- provide accurate and reliable advice and information when required;
- declare actual or perceived conflicts of interest as soon as you become aware of them;
- act ethically, fairly and honestly in all your dealings with, and on behalf of, Council;
- respect the obligation of Council staff to abide by Council's Code of Conduct and other policies;
- not engage in collusive practices;
- prevent the unauthorised release of privileged information, including confidential Council information;
- refrain from discussing Council dealings with the media, except with Council's consent;
- not offer Council employees or Councillors any financial or other inducement which may give any impression of unfair advantage; and
- > report to Council's General Manager any suspected breach of these ethical standards.

Why You Need to Comply

Council only wishes to do business with people and entities that share our values and ethics. By complying with our Statement of Business Ethics you will be able to advance your business interests in a fair and ethical manner and be certain in the knowledge that others dealing with Council are doing the same.

Consequences for not complying with Council's ethical requirements could include:

- termination of contracts;
- loss of future work opportunities;
- loss of reputation;
- investigation for corruption;
- > Potential legal proceedings; and
- referral to the NSW Police for criminal investigation.



Additional Things You Should Know

Legislation, Codes, Policies, Procedures and Guidelines

The Council is committed to promoting stakeholder behaviour and best practice tendering that complies with relevant legislation, codes, policies, procedures and guidelines.

Conflicts of Interest

A conflict of interest exists where a reasonable and informed person would perceive that an individual could be influenced by a private interest when carrying their public duty. A conflict of interest may involve avoiding a personal disadvantage as well as gaining a personal advantage. Conflicts of interest that lead to partial decision-making may constitute corrupt conduct. Perceptions of a conflict of interest can be as important as actual conflicts of interest.

Conflict of interests must be avoided or managed in order to uphold the probity of Council decision-making. Councillors, Council officers, delegates, consultants, contractors and customers doing business with the Council are required to disclose, in writing, any perceived or actual conflicts. Such disclosures will be recorded on the relevant file.

Related Party Interests

Related party relationships are a normal feature of commerce and business, however there is the possibility of an entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

Council is required to disclose all material and significant related party transactions and outstanding balances, including commitments, in its annual financial statements. To facilitate this, you are advised that Council's key management personnel are required to declare full details of any related party transactions (other than non-material ordinary citizen transactions). Council maintains this information in Registers of Related Parties and Related Party Transactions.

Confidentiality

All Council information must be treated as confidential unless otherwise indicated in writing.

Communication

All communication between Council and its business partners should be clear, direct and accountable to minimise the risk of perception of inappropriate conduct.

Use of Council Equipment, Resources and Information

All Council equipment, resources and information should only be used for its proper official purpose, except where Council's Code of Conduct permits otherwise. Those parties conducting business with the Council are expected to use and manage Council resources, including staff time, in an efficient, effective and ethical manner.

Contracting Employees

All contracted and sub-contracted employees are expected to comply with Council's Statement of Business Ethics. If you employ sub-contractors in your work for Council you must make them aware of this Statement.

Incentives, gifts and benefits

Council expects its staff to decline gifts, benefits, travel or hospitality offered during the course of their work. You should not offer any such incentives to Council staff. All offers will be formally reported by staff for recording on Council's Gifts and Benefits register, regardless of whether the gift or benefit has been refused or accepted by staff.

Intellectual Property Rights

In business relationships with Council, parties will respect each other's intellectual property rights and will formally negotiate any access, license or use of intellectual property.

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Public Comment

Only those Council officers who have a specific delegation to do so may make public comment about matters concerning the Council. If an officer does not have the delegation, he or she must not make any public comment that would lead anyone to believe that they are representing the Council, or expressing its views on the policies of the Council. This includes comments or statements made at public and community meetings, through the media and the like where it is reasonably foreseeable that the comments, or the statements, will become known to the wider public.

All matters requiring a public comment on behalf of the Council shall be directed to the Council's Media Spokesperson.

Sponsorship, Grants and Community Resourcing

Council regularly considers requests from the community members and groups for financial assistance, in-kind support or sponsorship towards their activities or events. These applications are considered under the Council's Financial Assistance Policy, and Grants and Community Resourcing Policy. From time-to-time, Council may seek financial or in-kind support from the business community to support specific activities it conducts such as major events and community based programs.

Sponsorship, grants or donations, whether in-kind or financial, must not interfere with the ability of the Council to carry out its functions and such processes must be open and transparent.

Work Health and Safety

It is expected that Council and those who conduct business with the Council will ensure that workers and visitors' health and safety is of paramount importance and that all legislative and procedural safety requirements are complied with.

Important Contacts in reporting Unethical Behaviour or Other Wrongdoing

If you have any questions regarding this Statement of Business Ethics or to provide information about suspected unethical behaviour, fraud, corrupt conduct, maladministration or substantial waste please contact Council directly by letter, phone, fax or email at the contact details provided.

Public officials reporting about this type of conduct can be protected by the Public Interest Disclosures Act 1994. This Act protects public officials disclosing corruption related matters from reprisal or detrimental action and ensures reports are properly investigated and dealt with. You are encouraged to make these reports to Council if you believe you are aware of wrongdoing. Reports may also be made to:

IWC Independent Ombudsman

The Independent Commission Against Corruption (ICAC) ph. 8281 5999

NSW Ombudsman ph. 9286 1000

NSW Office of Local Government ph. 4428 4100

For a copy of Council's Code of Conduct, visit www.innerwest.nsw.gov.au





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Subject: RESOURCE RECOVERY OPERATIONS REVIEW

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

Prepared By: Elizabeth Richardson - Deputy General Manager Assets and Environment

Authorised By: Rik Hart - Interim General Manager

SUMMARY

operational service delivery areas in order to develop a consistent service delivery model across all Service Areas and ensure that Council's services are being provided in the most effective and efficient manner possible. The review has identified a number of actions that can be taken to harmonise services across the IWC which will bring the cultures of the operational areas together, enhance Council's ability to maintain a high quality and responsive service and that significant savings can be made by providing an evening collection service to the South (Marrickville) Service Area.

RECOMMENDATION

THAT:

- 1. An evening domestic waste collection service be introduced in the former Marrickville LGA; and
- 2. A comprehensive communications plan to affected residents be developed and implemented well in advance of the change.

BACKGROUND

Operations Review

In late 2017, a review was commenced of Council's operational service delivery areas including:

- Resource Recovery services;
- Civil Maintenance:
- Parks and Sportsfield operations; and
- Streetscape and Landscape Maintenance.

The objectives of the review are to:

- a) Develop a consistent service delivery and operational model across the Inner West; and
- b) Ensure Council's services are being provided in the most effective and efficient manner possible, and represent value for the ratepayer.

A consultant was engaged to undertake the review and has been working closely with staff and management over the last 12 months. The scope of this work includes reviewing and assessing the performance of Council's current service delivery against industry best-practice; developing service level agreements and performance measures for each service; and development of a 10 year plant replacement strategy.

Where the review identifies key service delivery changes, these will be presented to Council for consideration. At this stage, the only matters expected to be presented to Council for consideration are:



- Resource Recovery Evening Waste Collection -presented in this paper
- Resource Recovery Redesign of the Clean-Up Service as part of the development of the Zero Waste Strategy and Transition Plan – expected April/May 2019
- Streetscape Maintenance Verge Mowing (winter service standard/former Ashfield LGA service) – expected February/March 2019

Resource Recovery Services

The preliminary findings of the review of Resource Recovery Services has identified a potential significant capital saving of \$1.5 million by moving Council's South (Marrickville) Service Area, to a double-shift arrangement, in the same manner that the current North (Leichhardt) Service Area is currently provided. This saving is generated by optimising the use of the Resource Recovery compacters, valued at approximately \$300,000 each, through a morning and night shift and reducing the number of vehicles in the fleet. The initial model suggests that Council can reduce the Resource Recovery Services fleet by up to five (5) vehicles. Additional ongoing savings of \$220,000 per annum are also potentially made through reduced maintenance costs of these vehicles.

These savings will be critical in offsetting the potentially significant additional costs associated with any expanded Resource Recovery service e.g. organics, as we develop the common service as part of the *Zero Waste Strategy and Transition Plan*.

Discussions on a new, common, Enterprise Bargaining Agreement (EBA) for staff in this area have also commenced. In order to progress these important discussions, in-principle support from Council for the introduction of an evening shift is sought.

In broad terms, this means around 65% of the households in the South (Marrickville) Service Area will have their bins collected in the morning, the other 35% in the afternoon/evening. It is considered that an evening collection service can be introduced with minimal disruption to the community. At this stage, no change to the *day* of bin collection is proposed. Rather, the *time* of that bin collection will alter to the evening. The exception would be a small area where the Monday morning collection would become a Sunday evening collection service.

A comprehensive communications plan would be developed and implemented well in advance of the change. The expected commencement of an evening collection would be July 2019.

As such, it is recommended that an evening bin collection service be introduced in the South (Marrickville) Service Area.

FINANCIAL IMPLICATIONS

As outlined above, the estimated savings from introducing an evening collection service are \$1,500,000 in capital (fleet) savings and approximately \$220,000 in operational expenditure from the maintenance of the fleet.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

A comprehensive communications plan to affected residents would be developed and implemented well in advance of the change to the evening collection service.

ATTACHMENTS



Subject: BRIEF REPORT OF BEST PRACTICE FOOD RECYCLING

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

Prepared By: Jan Orton - Group Manager Sustainability and Environment

Authorised By: Elizabeth Richardson - Deputy General Manager Assets and Environment

SUMMARY

At the Council meeting of 30 October 2018 Council resolved that officers:

Prepare a brief summary of best practice food recycling services provided across the local government sector, including links to any service reviews that have been conducted by councils or other organisations of these services. This should include reference to NSW Councils that have implemented, or are rolling out, a universal food recycling service. The summary should be limited in scope so as to allow it to be reported to Council in December 2018.

This report provides a brief summary of food recycling for Councillors information.

Officers are well aware of the opportunities, challenges and barriers to food recycling in metropolitan Sydney and have taken many of these matters into account when redesigning the organics services for Inner West Council. These issues were raised in the report to Council on 30 October 2018. Best practice food recycling is being investigated in considerably more detail as part of the redesign of the food and garden organics service

RECOMMENDATION

THAT:

- 1. Council note the Brief Report on food recycling;
- 2. Council note all best practice options are already being included in the development and redesign of the organics services (outlined in the *Zero Waste Strategy and Transition Plan* report on the 30 October 2018); and
- 3. Council note organics processing is the subject of a CONFIDENTIAL REPORT to Council at its 11 December 2018 meeting.

BACKGROUND

At the meeting of the 30 October 2018 Council considered a report on the development of a *Zero Waste Strategy* and *Transition Plan*. This report outlined the approach to redesigning all Council services including the organics services.

At the 30 October 2018 meeting Council resolved that officers:

Prepare a brief summary of best practice food recycling services provided across the local government sector, including links to any service reviews that have been conducted by councils or other organisations of these services. This should include reference to NSW Councils that have implemented, or are rolling out, a universal food recycling service. The



summary should be limited in scope so as to allow it to be reported to Council in December 2018.

This report provides a brief summary of food recycling for Councillors information. A more comprehensive review of best practice food recycling is currently underway as part of the redesign of the food and garden organics service.

Officers are already well aware of the opportunities, challenges and barriers to food recycling in metropolitan Sydney and have taken many of these matters into account when redesigning the organics services for Inner West Council. The report presented to Council on 30 October highlighted the challenges in providing a food organics service which were:

Challenges of providing a food organics service:

- Is effective in its diversion of material from landfill many options are low grade compost outputs suitable only for mine site rehabilitation or landfill cover
- Is acceptable to the community with respect to frequency of the service, cost, impact on space for bins, its convenience and ease of use
- As close as possible to cost neutral organics processing can be up to \$100 per tonne more costly than landfill
- Able to be accommodated by processing contracts in the Sydney region, the current greenwaste tender process will identify where facilities are and what impacts processing at those facilities will have on current collection methods, costs etc.

FINANCIAL IMPLICATIONS

Nil

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

Nil.

ATTACHMENTS

1. Summary Report - Best Practice Food Recycling





Best Practice Food Recycling

Summary Report for Council meeting

Council Motion: Prepare a brief summary of best practice food recycling services provided across the local government sector, including links to any service reviews that have been conducted by councils or other organisations of these services. This should include reference to NSW Councils that have implemented, or are rolling out, a universal food recycling service. This summary should be limited in scope so as to allow it to be reported to Council in December 2018;

Food and Garden Organics (FOGO) and Food Organics Only (FOO)

- FOGO is the combined collection of food organics and garden organics in one bin which is collected and taken to an enclosed compost facility to create commercial grade compost.
- FOO is the collection of source separated food.

What is best-practice organics management and food recycling?

Best-practice is food waste avoidance followed closely by home/community composting as this eliminates the financial and environmental costs of collection, transport and processing of food organics. The hierarchy of actions from best to worst is outlined in figure 1 below.

Most food recycling facilities in NSW require transport out of the urban area and significant energy inputs for processing.

Inner West is already best-practice in terms of food waste avoidance and on-site home or local composting and was recently announced the NSW Keep Australia Beautiful Overall Sustainable Cities Award 2018 for its work in this area.



Figure 1: hierarchy of food waste management

The most effective food organics recovery programs have been where **governments have** mandated bans of organics in landfill. In 2009, San Francisco prohibited food waste in garbage bins (residential, public place and commercial) and provided FOGO collections which resulted in them achieving diversion rates of 80% and aiming for zero waste by 2020. San Francisco is a world leader in recovering food organics https://sfenvironment.org/zero-waste-in-SF-is-recycling-composting-and-reuse

Local government in NSW is unable to create the relevant by-laws to support a ban of food waste in garbage bins; this function and the ability to ban foods waste in landfills sit with the State Government.

FOGO in NSW



INNER WEST COUNCIL

Councils with a FOGO service generally achieve between 30-60% diversion of food from the garbage bin. Table 1 outlines the councils that have implemented FOGO services in NSW.

Table 1: Councils in NSW that offer a FOGO service

Albury	Cootamundra-Gundagai	Nambucca
Armidale	Federation	Narrabri
Ballina	Forbes	Orange
Bathurst	Goulburn	Parkes
Bega	Gwydir	Penrith
Bellingen	Kempsey	Port Macquarie Hastings
Broken Hill	Kiama	Richmond Valley
Bryon	Lake Macquarie	Shellharbour
Clarence Valley	Mid-western Regional	Snowy Monaro – (Cooma)
Coffs Harbour	Lismore	Tweed
Coolamon	Moree Plains	Woollhara

Table 1 clearly shows that the ability to offer a FOGO service in NSW is limited largely to the regional areas. Sydney Metro has limited or no available infrastructure for both transfer and processing of FOGO.

Woollahra is listed above as they allow small amounts of food to be placed into the garden organics bin, the material is processed as garden organics and whenever food content in the bin reaches more than 5% the bin is considered contaminated and is sent to landfill. This service is not promoted and recovers minimal food organics.

Penrith was the first NSW Council to introduce a FOGO service in 2009 following a successful contract partnership with the Suez facility which is within the LGA at Kemps Creek. A new contract with ANL is now in place and they operate on the Penrith border at Badgerys Creek. Penrith Council recovers more FOGO than garbage on a per capita basis 3.5 kg/capita/week compared to 3.0kg/capita/week of general garbage. Claims of large savings resulting from the introduction of the FOGO are most likely related to the

- · close location of processing facilities,
- rate per tonne for processing being very competitive and cheaper than landfill, and
- reduction of the red-lidded (landfill) service to fortnightly.

The NSW EPA analysed kerbside audit results from FOGO services across NSW to assess quality and volume of FOGO collected and made a series of recommendations (unpublished). The EPA report recommended that to reach a 50% diversion (considered a best practice outcome) of available food from the red lidded garbage bin, the following factors need to be in place:

- Fortnightly garbage collection using a smaller red lidded bin (120L/140L) and weekly FOGO (240L). Where a larger bin or more frequent garbage collection occurs diversion rates drop dramatically.
- FOGO as a core service participation in FOGO drops where the service is optional.
- Education and engaging campaigns
 - o clear messages about accepted materials
 - broad campaigns and localised/apartment building/household education
 - targeted engagement with residents/cleaners/building managers in apartment buildings to increase participation
- Contamination management is paramount to success and individual bins must be
 inspected on collection day before being emptied into the truck (as per the Marrickville trial
 which had one of the lowest contamination levels for FOGO in NSW). Contaminated bins
 are rejected and the household contacted and educated around what is accepted in the bin.



***INNER WEST COUNCIL**

This practice is already in place for the IWC recycling service and it means that contamination is kept to a minimum.

- Social licence and norms Council areas with longer established FOGO services achieved higher diversion rates as this became an accepted service.
- Support (enablers) by provision of kitchen caddy to source separate food scraps, most services encourage residents to use the caddy without a liner and wash their caddy regularly or to purchase their own compostable bags approved by the processing facility.
- FOO/FOGO Facility access to facilities to process source separated FOO or FOGO into
 a high grade compost product. While the EPA has been supporting FOGO in their strategic
 plans and grant programs there are no clear options for FOGO in Sydney Metropolitan
 areas longer-term contracts and joint procurement which results in greater tonnages are
 likely needed to stimulate the market.

In addition to Penrith Council the following food recycling services warrant some attention:

Lake Macquarie FOGO

https://www.lakemac.com.au/food-garden-green/journey

It took five years for Lake Macquarie to transition to the 'Food+Garden=Green' service which commenced in July 2013. It was finally rolled out in July 2018, once the contractor Remondis had built a dedicated local FOGO facility for processing under a 25 year contract. An extensive education campaign resulted in high recovery and low contamination rates. The (240L) garbage became fortnightly and (240L) FOGO weekly. Council's waste officer advised that they benefited from the demographic not being transient, English-speaking, generated large amounts of garden organics (large blocks) and households had space to store bins. Compostable bags can be collected from local libraries at no cost or ordered online through Council at cost, although residents are encouraged not to use bags where possible.

Marrickville FOGO Trial

IWC has an existing pilot in Marrickville available to 1,056 properties which commenced in June 2016 and was launched with a targeted campaign, education material and coffee cart events in local parks. https://www.innerwest.nsw.gov.au/live/waste-and-recycling/less-waste/food-and-garden-organics-trial Extensive data collation and monitoring has taken place including kerbside audits, community surveys and weekly waste presentation rates and tonnages. The trial started well, however tonnages dropped due to the changes in direction as a result of the amalgamation, uncertainty about extension of the trial and future IWC services and

11% of food was being diverted from the garbage bin into the FOGO bin which averages 0.6kg per household per week in single dwellings with minimal uptake in apartments. The tonnages and participation rates are lower than the NSW average as a result of :

- . The opt-in element of the trial
- Limited number of residents who already had a green lidded bin 60% of households
- Garbage collection remained weekly
- The trial area has smaller gardens and generate less garden organics than households in regional areas
- Amalgamation resulted in a changed focus for communications and engagement and uncertainty about the future of the trial.

There was an impact on waste avoidance of 1kg per household per week of participating households and survey results indicated that households were also home composting.

The bins in the Marrickville trial area were made up 92% garden, 7% food and 1% contamination. The trial area has one of the lowest contamination rates of FOGO in NSW due to the



INNER WEST COUNCIL

contamination management process of rejecting contaminated bins upon inspection by the crews prior to emptying into the truck.

Further assessment and modelling will be taking place over the next 6 months as Council redesigns the organics services as part of the Zero Waste Strategy and Transition Plan.

Leichhardt Food Organics Only - FOO (Apartments)

The Leichhardt food service in apartment buildings commenced in 2007 as a trial and was made available rolled out in 2008 to 216 apartment buildings containing 5,126 individual unit households.

Tonnages recovered are low as a result of the:

- · opt-in nature of the service
- · ongoing capacity and frequency of collection (weekly) of the red-lidded landfill bin
- · resourcing required to maintain communications and information for residents



Subject: NOTICE OF MOTION: NORTON STREET FOOTPATH AND STORMWATER

WORKS

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

From: The Mayor, Councillor Darcy Byrne

MOTION:

THAT:

1. Council officers provide a report in February 2019 regarding options for the resolution of flooding issues on the eastern side of Norton Street between Short Street and Macauley Street, with options to include:

- a. A refurbishment of the footpath to address any adverse cross fall and to allow water to drain properly into the storm water system; and
- b. Upgrading or replacement of the steel storm water grates on the street side of the footpath.
- 2. The Officer's report include funding options for projects that could be reallocated or moved to allow recommended works to take place.

Background

I have been contacted by the owner of the iconic Bar Italia restaurant in Leichhardt regarding problems the business is experiencing in regard to storm water flooding, storm water grates and sewage issues.

Footpath: The footpath on Norton Street, Leichhardt from the corner of Short Street to the Corner of Macauley Street is in poor and uneven condition. The proprietors of Bar Italia believe that as result of the uneven surface, excess water runs into their commercial premises when it rains as the water is not being caught by the storm water grates recently installed close to the outdoor dining strip.

Council officers advise that there appears to be an adverse footpath crossfall as well as potential blockage to property roof water lines which are surcharging onto the footpath exacerbating the surface flows. Council needs to carry out further investigation regarding potential solutions to correct the adverse cross-fall or place additional collection pits in the footpath.

Slippery grates: The owners of Bar Italia claim that the stainless steel storm water grates that were installed on the side of the dining areas are extremely slippery when wet.

ATTACHMENTS



Subject: NOTICE OF MOTION: 12 MONTH TRIAL OF REGULATORY STAFF BEING

ON CALL, AFTER BUSIENESS HOURS

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

From: Deputy Mayor, Councillor Victor Macri

MOTION:

THAT Council receives a report on a 12 month trial of Regulatory Staff being available on call, after business hours.

Background

Due to the number of after hour complaints I and other Councillors have been receiving the lack of a call out facility has been highlighted to me. Contacting a call center does not give residents satisfaction or action on their issue.

I believe that Council can run this trial within existing budgets as many call outs would result in fines being issued in relation to parking, obstruction, illegal operations and out of hours work which impact the amenity of the residents.

Officer's Comments:

Comment from Group Manager Development Assessment & Regulatory Services:

Council's Regulatory Services includes the Environmental Health and Building Team and Parking and Ranger Services Team. The Parking and Rangers Services are currently on call after business hours for emergencies.

Council's Ranger Services have the following core hours:

- Monday Friday 6.00am to 6.30pm
- Saturday Sunday 7.50am to 4.30pm

The core hours outlined above gives Ranger Services the ability to investigate problematic construction sites prior to and after the standard hours of operation permitted by a development consent.

Outside the above core hours the staff are available on call for emergencies only in accordance with the Local Government State Award 2017 section 19(c)(i) which states the following:

'For the purposes of this Award, an employee shall be deemed to be on-call if required by the employer to be available for duty outside of ordinary hours at all times in order to attend emergency and/or breakdown work and/or supervise the call-out of other employees'.

In accordance with the above requirement Council's emergency calls are as follows:

- Dog Attacks where the dog is still present and posing a public safety risk or requires seizing due to an insecure property
- Major Pollution Incidents
- 'General' Public Safety Risks

General public nuisance (such as after-hours works, operative consent breaches etc) are not responded to as they do not fall into the category of an emergency.



Council's Parking Services have the following core hours

- Monday-Friday 5.20am to 10.30pm
- Saturday to Sunday 7.50am to 10.30pm

Parking requests/complaints are responded to between 6.00am to 9.00pm Monday to Friday.

If Council are considering responding to non-emergency requests after hours, the following would need to occur to facilitate the request:

- Consultation and re-negotiation with staff on current Enterprise Bargaining Agreements (EBA) and position descriptions. *Please note:* the former EBA negotiation took 18 months before reaching agreement with staff.
- Re-configuring the structure to accommodate greater amount of staff resources to cover the after hour non-emergency requests.
- Increase in the budget to accommodate the after-hour payments to staff.

ATTACHMENTS



Subject: NOTICE OF MOTION: IMPACTS OF MULTI-DWELLING DEVELOPMENT

UPON ON-STREET PARKING

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

From: Deputy Mayor, Councillor Victor Macri

MOTION:

THAT Council prepares a report on the impact of multi-dwelling developments and the availability of on street parking.

Background

Council is preparing to undertake the LEP and it's critical that Councillors understand the impacts associated with parking requirements in these multi-unit developments.

I believe this is a necessary tool to assist Councillors in understanding the decisions they make and the impacts on the community.

In my discussions with the development assessment and traffic committee staff it is the number one complaint associated with developments and amenities in the area.

Officer's Comments:

Comment from Group Manager Footpaths, Roads, Traffic and Stormwater:

The Traffic Section is often in receipt of complaints concerning impacts of multi- unit developments on demand for on-street parking. A report can be prepared within existing resources in conjunction with Strategic Planning and Development Assessment sections. The report would consider any currently available data rather than commissioning new studies of impacts.

ATTACHMENTS



Subject: NOTICE OF MOTION: OPEN SPACE FUNDING

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

From: Deputy Mayor, Councillor Victor Macri

MOTION:

THAT Council receives a report on creating a fund for procurement and increasing open space through VPA funding. Funds to come from penalty infringements (i.e. fines) starting at 15% in the first year and increasing 5% per annum, capped at 40%.

Background

Council is faced with the challenge of increasing population and the need to provide enough open space for the community. Without the establishment of this fund there will be no or very limited opportunity to increase the amount of open space per capita.

This procurement of open space should be orderly but also focused on the areas highlighted in the Recreational Needs Study that suffer from lack of open space. This should not preclude Council from opportunities if they should arise for any open space to proceed.

Officer's Comments:

Comment from Group Manager Properties, Major Building Projects and Facilities:

The Recreation Needs Study has identified a shortage of open space. If Council wishes to explore acquisition options, further analysis is required to develop a Property Acquisitions Strategy for open space. This Strategy would identify the feasibility options, locations, type of open space and methodology for acquisition. This analysis should be integrated into the LEP project for cost efficiency and to ensure that opportunities are created to acquire open space.

With the high land costs the feasibility will likely focus on dedications within new upzonings and creative ways of enhancing existing facilities. A detailed property acquisitions strategy is not included in the LEP budget. If an extensive acquisitions strategy is to be pursued, it is likely that an application to IPART for an increase in Developer Contributions cap or alternate funding sources may be required.

Resource Implications:

A high level report on the creation of a fund for increasing open space can be undertaken utilising existing resources.

There is no budget to develop a Property Acquisition Strategy for increasing open space. In order to integrate into the new LEP it is recommended that a budget of \$150,000 be included in 2019/20.

ATTACHMENTS



Subject: NOTICE OF MOTION: GRANTS PROGRAM

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

From: Deputy Mayor, Councillor Victor Macri

MOTION:

THAT:

1. Council receives a report on restructuring the grants program from an annual grant to a bi-annual grants program at the same annual budget;

2. The report should not reduce the amount applied for rather offer a range of grants from small, medium to large e.g. Environmental grants total \$50,000

2	\$7500
3	\$5000
4	\$3000
4	\$2000

- 3. Prior to the report coming to Council for adoption there should be a Councillor briefing allowing Council the opportunity to inform themselves;
- 4. Prior to new grants being given out, Council should receive a report on the outcomes and achievement of the previous recipients to aid in the transparency and accountability to the community;
- 5. When Councillors receive request for financial assistance they should direct them to the grants program as the community would expect any money being expended by Council goes through a transparent and accountable process rather than a notice of motion arriving at a Council Meeting; and
- 6. Successful applicants in the grant program not be considered in the following years grant to allow equity of access to the grants for the whole community.

Officer's Comments:

Comment from Group Manager Community Services and Culture:

The Report requested in Point 1 can be achieved within existing resources. The costs of running a second round of grants would be addressed in the Report; noting that administration and operational costs would approximately be doubled, and staff time would need to be withdrawn from other priorities including servicing local democracy committees.

ATTACHMENTS



Subject: NOTICE OF MOTION: FORMER HABERFIELD ARMY RESERVE DEPOT

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

From: Councillor Lucille McKenna OAM

MOTION:

THAT the Mayor seek a meeting with the Minister for Defence to request the Department of Defence:

- a) Transfer ownership of Haberfield Department of Defence Subdivision,
 140A Hawthorne Parade Haberfield, Lot: ADP: 948209 to the people of the Inner West;
- b) The Inner West Council be given care and control of the land for community use and that the community be consulted on the future use; and
- c) The required drainage works be undertaken prior to the handover.

Background

This land is known by the local residents as the 'army land'. Up to 1997 the land was the Haberfield Depot for 21 Construction Regiment of the Royal Australian Engineers (Army Reserve). In 2001 Approval given by Ashfield Council for subdivision of this land into 21 residential allotments with a park in the middle of the development. The lots were auctioned in May 2003. The subdivision has never progressed (despite all the lots being purchased in 2003) due to the developer failing to comply with the conditions of consent which relate specifically to drainage. The Subdivision Certificate has never been issued by Ashfield/Inner West Council. Since this time the local flood studies have been undertaken which could now require more stringent conditions on any developer.

The land can be accessed only by a laneway between two houses and is completely surrounded by existing homes. It is prone to flooding and considered by the locals unsuitable for a housing subdivision. Deloites were engaged by the Department of Defence earlier this year to dispose of the land by June 2018. To date there is no evidence of any activity.

Officer's Comments:

Comment from Group Manager Properties, Major Building Projects and Facilities:

The approved subdivision includes open space, roads and major stormwater drainage to be dedicated to Council for care and control once constructed. Council has met with the Department of Defence to discuss the project and the works.

Resource Implications:

Council has not budgeted to undertake any improvement works to the 'army land'. If the land is dedicated to council a budget is required to plan, design and undertake the improvements and the ongoing maintenance. It is estimated that the project would require approximately \$5 - \$10M depending on contamination, scope and extent of the land dedicated. The drainage upgrade is estimated to cost a minimum of \$2M.

ATTACHMENTS

1. Haberfield Army Reserve Depot Factsheet





Factsheet: Sale of the former Haberfield Army Reserve Depot, Sydney, NSW.

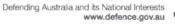
Where is the site?

The 1.9 hectare former Army Reserve Depot site is located in the suburb of Haberfield and is approximately five kilometres west of the Sydney central business district.



What is Defence selling?

In 2001, Defence received conditional consent from Inner West Council (then Ashfield Council) for the subdivision of the site into 21 residential lots, and one recreational lot to be transferred to Council as designated open space.







In 2003, Defence released all residential lots on the open market at auction. Settlement is subject to subdivision approval. Inner West Council has provided subdivision approval subject to a number of conditions being met, including resolution of storm water drain upgrade works outside of the Defence site.

Since this time, of the original 21 lot contract holders, 16 have been rescinded and five still remain. Defence is also working with the remaining contract holders to reach a mutually agreeable outcome to finalise their contracts with Defence and achieve an optimal divestment outcome for the site.

Why is Defence selling the site?

Defence has identified the site as surplus to operational and strategic requirements. Proceeds from the sale will be reinvested in support of Defence capability.

What can a new owner do with the site?

The 2013 Inner West Planning Scheme identifies the site zoned for residential development. Future use of the site is primarily a matter for the new owner/developer and subject to local and state planning legislation and controls.

When will the site be sold?

At this stage, a timeframe to divest the site has not been determined.

How does Defence sell its property?

Defence properties are sold in accordance with the Commonwealth Property Disposals Policy. This policy states that surplus Commonwealth property is to be sold on the open market at full market value, except in specific circumstances.

The CPDP can be viewed on the Department of Finance website

The Commonwealth Property Disposals Policy allows for direct sales to local and state governments in some circumstances. These are known as 'off-market sales'. Off-market sales require the approval of the Minister of Finance

When a site is sold on the open market, Defence engages a marketing agent to sell the property. Methods of sale include auction, tender and private treaty sales.



Is the site contaminated?

In 2003, prior to the auction of the lots, Defence conducted remediation works to address the low risk site contaminants in accordance with a remediation action plan.

The site contained low risk contaminants such as fragments of coal, ash, metals and hydrocarbons consistent with its historical use as a former army depot.

Subsequent audit reports have confirmed that the site no longer contains contaminants that would restrict future development of the site for alternate uses. Each audit report has been prepared in accordance with the guidelines of the *National Environment Protection (Assessment of Site Contamination) Measure 1999.*

Is the site heritage listed?

The site is not identified on the Commonwealth or NSW State Heritage list as having heritage values.

The broader suburb of Haberfield is listed on the Register of the National Estate as a conservation area.

The Ashfield Local Environment Plan 2013 incorporates the heritage conservation area overlay for the Haberfield suburb



Subject: NOTICE OF MOTION: ACKNOWLEDGEMENT OF NSW GOVERNMENT'S

'COOLER CLASSROOMS FUND'

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

From: Deputy Mayor, Councillor Victor Macri

MOTION:

THAT Council acknowledge the NSW Government's 'Cooler Classrooms Fund' which will see air conditioning installed in at least 17 inner west schools, many of which are located in the West Council LGA.

Background

On Monday, 26 November 2018, the NSW Government announced the first round of the \$500 million Cooler Classrooms Fund which provides NSW public schools with new air conditioning units.

Schools in areas that have an average maximum January temperature of 30 degrees or more automatically receive air conditioning, while all other schools can apply for funding on a needs basis.

Previously only schools with an average maximum January temperature of 33 degrees or more were air conditioned.

This was good news for many Inner West schools. At least 20 inner west schools were on the list, many of which are located in the Inner West Council LGA:

- Ashbury Public School
- Annandale North Public School
- Bridge Road School, Camperdown
- Dulwich High School of Visual Arts and Design
- Kegworth Public School, Leichhardt
- Harcourt Public School
- Leichhardt Public School
- Campsie Public School
- Orange Grove Public School, Lilyfield
- Marrickville Public School
- Marrickville West Public School
- Canterbury Girls High School
- Newtown High School of Performing Arts
- Newtown North Public School
- Australia Street Infants School, Newtown
- Camdenville Public School, Newtown
- Taverners Hill Infants School, Petersham
- Sydney Secondary College Balmain Campus, Rozelle
- St Peters Public School
- Tempe Public School



The Cooler Classrooms program is economically and environmentally sustainable. Solar panels and 'smart systems' are being installed alongside the air conditioning units, so schools can offset their additional energy use and efficiently heat and cool their schools.

It is important that Council makes the community aware when they are impacted by State Govt decisions good or bad .Therefore it would be appropriate for Council to acknowledge this good news for the local schools and local school children.

ATTACHMENTS



Subject: NOTICE OF MOTION: CHANGES TO 444 AND 445 BUS SERVICES

AFFECTING BALMAIN PENINSULA

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

From: Councillor John Stamolis

MOTION:

THAT Council contact Transport for NSW:

1. To question why changes have been made to the 444 and 445 bus services, why these services no longer terminate at the Darling Street Wharf; and to advise that there is significant concern amongst commuters about these changes; and

2. To question the number of buses on the Balmain Peninsula which are not in service.

Background

Transport for NSW have recently issued notices to residents on the Balmain Peninsula stating that the 444 and 445 bus services will no longer terminate at the Darling Street Wharf. These services run the entire length of the Balmain Peninsula and through Lilyfield to Callan Park (which is used by students ad sports users). The changes cause significant problems for people who wish to travel to and from the wharf from many areas especially, Lilyfield, Rozelle, Balmain and Balmain East.

It is also worrying from a security perspective that, late at night, commuters will have to get off buses at Gladstone Park and wait for a connecting bus. Commuters going to Rozelle or Leichhardt shops from much of Balmain and Balmain East will now have to connect two buses to get to these locations. Local business communities would surely be concerned about any reduction of bus services to the various shopping areas.

The importance of the Darling Street Wharf as a transport interchange is well known. Major investments have been made to improve bus <u>and</u> ferry transport infrastructure and accessibility in the past few years. The ferry wharf was made two-sided to allow for increased public transport activity at this wharf, making it the only two-sided wharf with a bus connection (to three bus services) on the Balmain Peninsula. Downgrading public transport at this third most highly used wharf outside those in the CBD is in conflict with providing better and increased public transport within the inner-city.

Residents are also concerned about the apparent increased number of services terminating at Gladstone Park or terminating at the wharf which then become not-in-service buses. Residents wait at bus stops and see one bus after the other which is not in service, sometimes for up to 20 minutes. It is requested that Council seek further information about this.

Officer's Comments:

Comment from Group Manager Strategic Planning:

The Strategic Planning Group can implement the recommendation from existing staff resources.

ATTACHMENTS



Subject: NOTICE OF MOTION: STORMWATER DRAIN MAINTENANCE

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

From: Deputy Mayor, Councillor Victor Macri

MOTION:

THAT Council receive a report on how to improve the maintenance of Stormwater Pits to avoid flooding of properties noting that:

1. Stormwater is the responsibility of Council;

- 2. Street trees and the impacts of these trees on the stormwater system through droppings are also the responsibility of Council;
- 3. If Council continues to ignore this issue it will leave itself liable to potential claims and damages. As Council has been put on notice by the community, through the tabling of this motion;
- 4. The report must recommend solutions, if need be through the increase of maintenance resources or improved tree infrastructure management strategies; and
- 5. This report must be submitted to Council prior to the consideration of the year 2019 budget, as it will have ramifications in relation to program funding.

Background

I am addressing the issues that have been brought to my attention by local residents after they feel their concerns have not been dealt with by Council. I believe this to be a core function of Council and it is the reason I have brought forward this motion. I am concerned with the direction that Council has taken by not addressing the needs of the community. I have attached a number of images to illustrate the extent of the issue at hand and the cost of ignoring community concerns. It should also be noted that the maintenance of essential infrastructure was one of the major reasons for Council amalgamations.

Officer's Comments:

Comment from Group Manager Footpaths, Road, Traffic and Stormwater:

Street sweeping operations are currently funded to meet pre-amalgamation service standards. Currently an increase in this service could only be funded from a reduction in other services or service levels. A significant review of Council's operational and maintenance services is currently being undertaken, and is well advanced, to guide the efficient harmonisation and integration of service delivery of the three former council operations. This includes the street sweeping operations. The outcome of this service review will guide policy development on maintenance service levels.

It should also be noted that the capacity of the piped drainage system generally is such that it will often be subject to surcharging creating overland flows in high intensity rainfall events.



Comment from Group Manager Trees, Parks and Sports Fields:

Council currently operates a proactive and reactive street tree maintenance program which prioritises works in accordance with risk. While pruning trees may a have a slight impact of the volume of leaf drop generated it is not generally a reason to prune trees.

Council will be undertaking a LGA wide audit of all Council owned trees within the next 6-8 months. This audit with facilitate a detailed review of service level requirements and potential operational short falls.

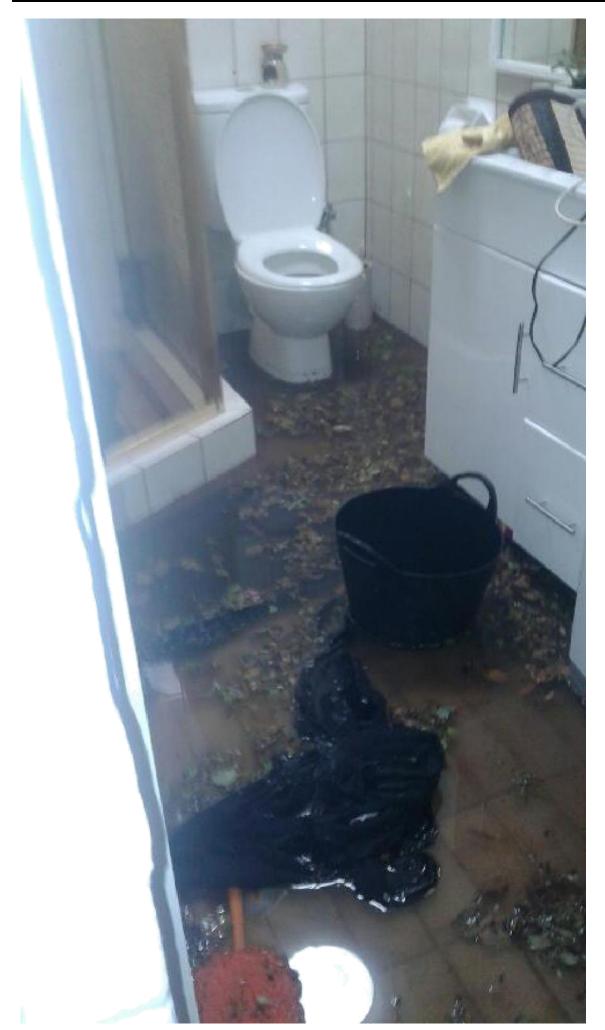
ATTACHMENTS

- 1. Photos of David Street
- 2. Photos of Faversham Street
- 3. Photo of Illawarra Road

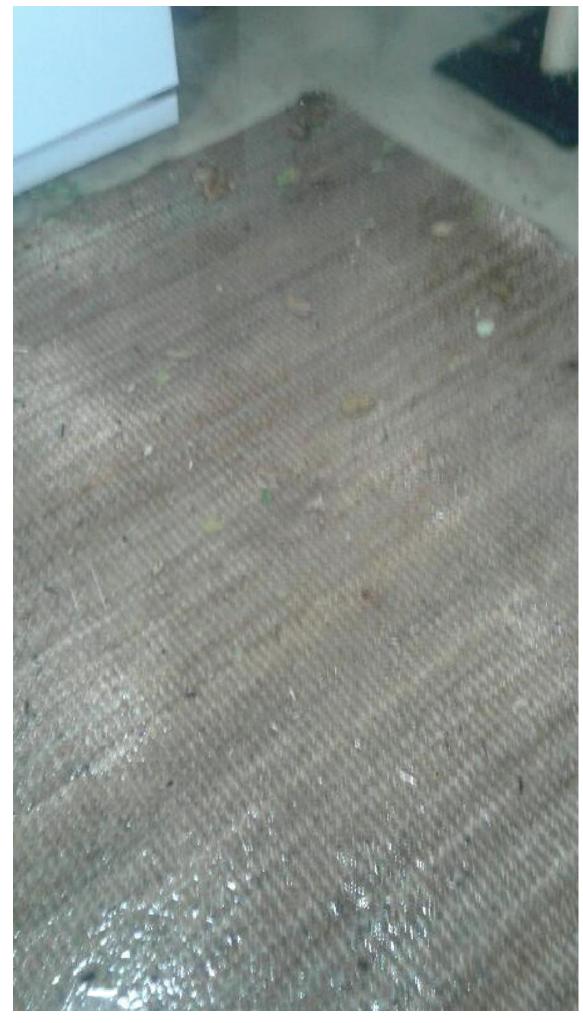
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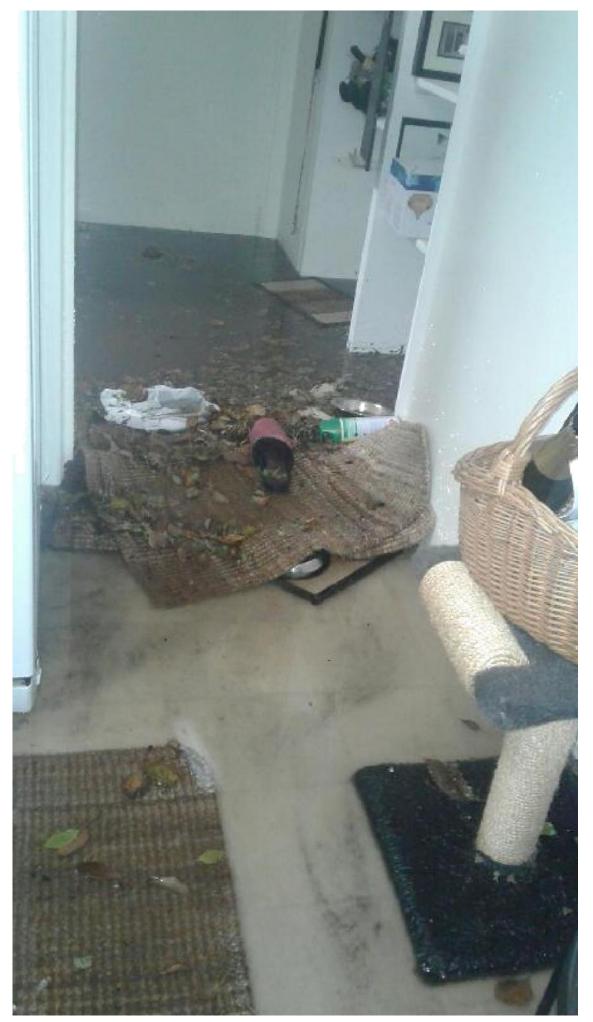




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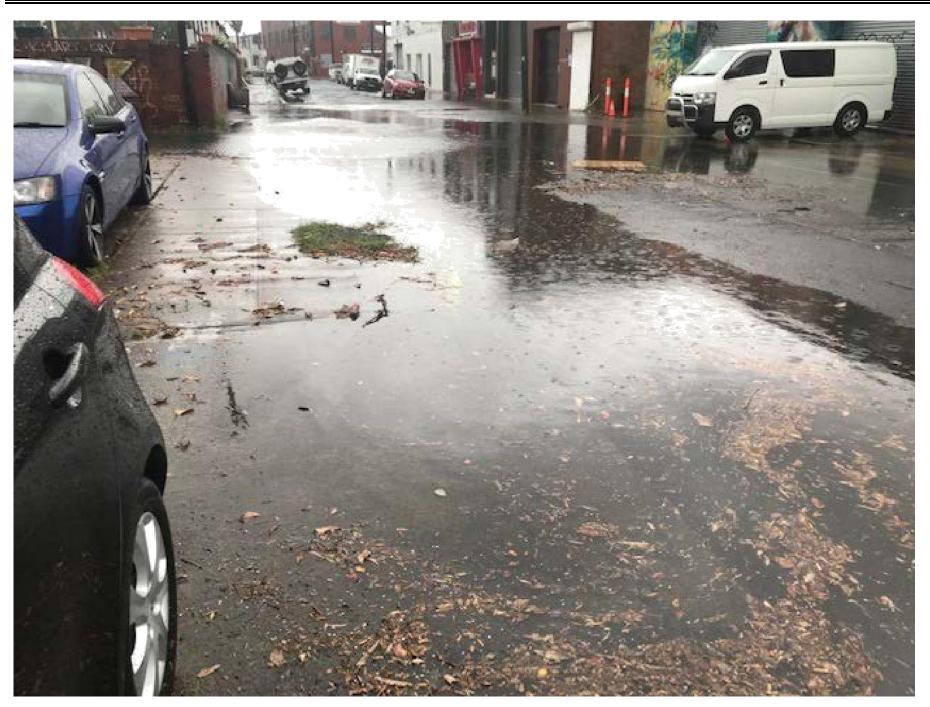










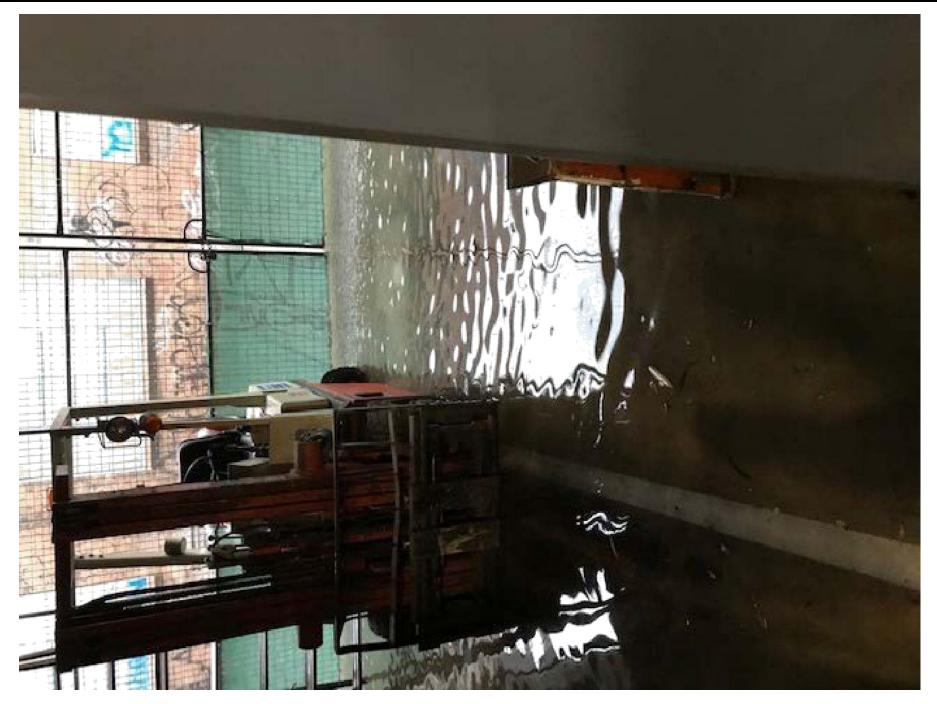




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INNER WEST COUNCIL













Subject: NOTICE OF MOTION: DE-AMALGAMATION

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

From: Councillor Julie Passas

MOTION:

THAT Council write to the NSW labor opposition leader seeking his views on Council amalgamations.

Background

This motion seeks the endorsement from Council to write to the N.S.W Labor opposition leader to seek his view on Council amalgamations. In March 2019 the State Election will be held if successful, will N.S.W Labor De-amalgamate our council?

ATTACHMENTS



Subject: NOTICE OF MOTION: TREE AND STREET SWEEPING ISSUE

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

From: Councillor Julie Passas

MOTION:

THAT Council attend to tree maintenance and street sweeping must be attended to as a matter of urgency.

Background

The recent storms and windy weather has highlighted the inadequate maintenance of street sweeping and pruning of the both Council and private trees. Streets that have many well established trees require more frequent attention as blocked drains cause flooding. It is unacceptable that Council is presently planting hundreds of new trees when the maintenance of established trees is lacking. Tree maintenance and street sweeping must be attended as a matter of urgency.

Officer's Comments:

Comment from [Insert Officer Title]:

<Enter text>

Wal

Resource Implications:

<Enter text>

ATTACHMENTS



Subject: NOTICE OF MOTION: ALCOHOL FREE ZONE

Council at its meeting on 11 December 2018 resolved that the matter be

deferred to the meeting to be held on 12 February 2019.

From: Councillor Julie Passas

MOTION:

THAT Council install an 'Alcohol Free Zone' in Hercules Street Ashfield and outside Ashfield Railway Station.

Background

This motion seeks the endorsement of Council to install an "alcohol free zone" in Hercules Street Ashfeild and the area outside Ashfeild Railway Station. The anti-social behavior due to alcohol and other substances has become problematic i.e. assaults, fighting, begging and the streets used as a public toilet. Police are reluctant to attend this problem unless the signs are installed.

Officer's Comments:

Comment from Group Manager Footpath, Traffic Roads & Stormwater:

The Local Government Act provides legislative powers for councils to establish alcohol free zones to promote the safe use of roads, footpaths and public carparks without interference from anti-social behaviour caused by public drinking. The process for establishment of AFZ requires:

- 1 Council to prepare a proposal for public exhibition
- 2 Consultation with police and other prescribed parties
- 3 Public exhibition of proposal
- 4 Council considers submissions and determines proposal
- 5 Advertising outcome and erection of signage.

Estimated costs in implementing proposal including staff time will be in the order of \$7,000.

ATTACHMENTS