

Minutes of Ordinary Council Meeting held on 30 April 2019**Meeting commenced at 6.33 pm****Present:**

Darcy Byrne	Mayor
Victor Macri	Deputy Mayor
Marghanita Da Cruz	Councillor
Mark Drury	Councillor
Lucille McKenna OAM	Councillor
Colin Hesse	Councillor
Tom Kiat	Councillor
Pauline Lockie	Councillor
Julie Passas	Councillor
Rochelle Porteous	Councillor
John Stamolis	Councillor
Louise Steer	Councillor
Michael Deegan	Chief Executive Officer
Elizabeth Richardson	Deputy General Manager Assets and Environment
Michael Tzimoulas	Deputy General Manager Chief Financial and Administration Officer
John Warburton	Deputy General Manager Community and Engagement
Wal Petschler	Group Manager Roads and Stormwater
Harjeet Atwal	Group Manager Development Assessment & Regulatory Services
Simon Duck	Group Manager Aquatic Services
Ian Naylor	Manager Civic Governance
Katherine Paixao	Governance Coordinator

APOLOGIES:**Motion: (Byrne/Hesse)**

THAT Apologies from Councillors Iskandar, Raciti and York be accepted.

Motion Carried

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

Against Motion: Nil

DISCLOSURES OF INTERESTS:

Councillors Hesse and Lockie declared a significant, pecuniary interest in Item 12 Notice of Motion to Rescind: C0319(2) Item 1 Draft Development Control Plan and Contributions Plan Amendments for Victoria Road (Precinct 47) as is the subject of an unresolved legal matter to which they are a party to and they will leave the chamber during discussion and voting.

During the meeting, Councillor Steer declared a significant, non-pecuniary interest in Item 12 Notice of Motion to Rescind: C0319(2) Item 1 Draft Development Control Plan and Contributions Plan Amendments for Victoria Road (Precinct 47). Please see page 7.

Motion: (Porteous/Drury)

THAT the declaration of interests be noted.

Motion Carried

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

Against Motion: Nil

CONFIRMATION OF MINUTES

Motion: (Kiat/Porteous)

THAT the Minutes of Extraordinary Council Meeting held on Tuesday, 19 February 2019 and the Ordinary Council Meeting held on Tuesday, 26 March 2019 be confirmed as a correct record, subject to the following change:

- That the minutes of the 26 March 2019 meeting be amended to reflect that there was debate on motions for Item 1 which was ultimately dealt with when the meeting was resumed on 9 April 2019. The minutes for the meeting held on 26 March 2019 should expressly record the motions that were put for Item 1.

Motion Carried

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

Against Motion: Nil

Motion: (Byrne/Lockie)

THAT Council move Items 1, 2, 3, 8, 10 and 11 en bloc and adopt the recommendations contained within.

Motion Carried

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

Against Motion: Nil

C0419(1) Item 1 Mayoral Minute: Recycling for Public Schools

Motion: (Byrne/Lockie)

THAT Council:

1. **Include assessment of commercial waste services to schools in the commercial waste service redesign to be undertaken in the next financial year;**
2. **Write to Birchgrove Public School commending them for their efforts and advising ways on which Council can currently assist their recycling endeavors; and**
3. **Write to all schools in the LGA outlining the ways in which they can take action under current State programs to reduce waste and increase recycling and how Council can assist them via the Inner West Sustainable Schools Network.**

Motion Carried

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

Against Motion: Nil

C0419(1) Item 2 Mayoral Minute: Integrating car share with light rail**Motion: (Byrne/Lockie)****THAT Council:**

1. Review the submission from GoGet regarding a pilot program integrating Car Share with the Inner West light rail line, including information supporting the need for additional spaces;
2. Ensure that any new car share spaces provide equitable access to car share companies, to ensure that Council does not unintentionally facilitate a monopoly within the industry;
3. Consult with the community regarding the location of any new proposed car share spaces;
4. Report back to Traffic Committee by August 2019; and
5. Write to the Minister for Transport seeking an update regarding the State Government's plans to address capacity restraints on the inner west light rail.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis and Steer**Against Motion:** Nil**C0419(1) Item 3 Classification of Council Land to Operational Land "The Flour Mill", 2 Malthouse Way, Summer Hill (4 Units)****Motion: (Byrne/Lockie)****THAT Council resolves to classify land at Lots 3, 4, 5 and 10, 2 Malthouse Way, Summer Hill (The Flour Mill) as Operational Land for the purposes of the Local Government Act 1993 and ease of management of 4 Affordable Housing Units.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis and Steer**Against Motion:** Nil**C0419(1) Item 8 Mandatory Reporting of Fire Safety Reports Referred to Council From Fire and Rescue NSW****Motion: (Byrne/Lockie)****THAT Council:**

1. Receive and note the correspondence from Fire and Rescue NSW in relation to the following properties: 15–27 Reynolds St Balmain (Attachment 1), 21–23 Palmer St Balmain (Attachment 2), 155 Frederick St Ashfield (Attachment 3), 17-23 Parramatta Rd Haberfield (Attachment 4);
2. Endorse the use of statutory powers (and discretion as appropriate) by authorised Council Staff, under the Environmental Planning and Assessment Act 1979 to fire upgrade existing buildings to the satisfaction of Council's Fire Safety Team so as 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.

Motion Carried

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

Against Motion: Nil

C0419(1) Item 10 Investment Report as at 31 March 2019

Motion: (Byrne/Lockie)

THAT the report be received and noted.

Motion Carried

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

Against Motion: Nil

C0419(1) Item 11 Designated Person Disclosure (Pecuniary Interest) Returns

Motion: (Byrne/Lockie)

THAT Council note the tabling of Pecuniary Interest Returns of Designated Staff who have recently commenced in their positions.

Motion Carried

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

Against Motion: Nil

C0419(1) Item 4 Fee Waiver - LPAC and DFB

Motion: (Byrne/Passas)

THAT this report be deferred.

Motion Carried

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

Against Motion: Nil

C0419(1) Item 5 Local Traffic Committee Meeting held on 1 April 2019

Motion: (Hesse/Passas)

THAT the Minutes of the Local Traffic Committee Meeting held on 1 April 2019 be received and the recommendations be adopted, with the following amendments:

- a) In regards to LTC0419 Item 6 - Gannon Lane, Tempe - Proposed Installation of 'No Stopping' signage, replacing current 'No Parking 5am-10am Fridays' restrictions (Midjuburi Ward/Heffron Electorate/Inner West PAC) – the recommendation be changed to “no action”; and
- b) In regards to LTC0419 Item 5 - Tilba Avenue and Phoebe Street, Balmain -

Proposed 'No Stopping' zone (Baludarri Ward/Balmain Electorate/Leichhardt PAC) that point 2 of the recommendation be deleted.

Motion Carried

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

Against Motion: Nil

C0419(1) Item 6 Draft Inner West Council Asbestos Policy

Motion: (Steer/Drury)

THAT Council:

- 1. Adopt the Inner West Council Asbestos Policy (Attachment 1 published separately on Council's website);**
- 2. Rescinds the Asbestos Policy of the former Leichhardt Council;**
- 3. Hold a debriefing and consultation about Council's response to the fire at 101 Australia St Camperdown in August 2018 for Councillors, affected residents, and relevant stakeholders, with learnings to be incorporated into the Inner West Council Asbestos Management Policy;**
- 4. Write to the NSW Minister for Fair Trading suggesting consideration be given to introducing a law that would require landlords to advise tenants if they are aware of Asbestos in their rental property;**
- 5. Write to the relevant NSW and Commonwealth Government Ministers and agencies to seek support for the removal of asbestos in residential and commercial buildings; and**
- 6. Seek a pro bono review of the policy from an appropriately qualified dust diseases plaintiff-oriented solicitor. To be reported to Council when the policy is reviewed with appropriate recommendations.**

Motion Carried

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

Against Motion: Cr Passas

C0419(1) Item 7 Inner West Council Draft Busking Policy

Motion: (Lockie/Hesse)

THAT Council:

- 1. Endorse the busking policy with the following amendments:**
 - a) That the policy be reviewed within six months with a particular focus on ensuring that busking is not having a negative impact on residents in the vicinity of the Marrickville Metro;**
 - b) That busking in the vicinity of the Marrickville Metro along Victoria Road must not use electrical amplification; and**
 - c) That the wording in the policy be changed from "mindful" to "a reasonable level of noise for the location".**

2. **Rescinds all former Busking and Street Performing Policies of the former Ashfield, Leichhardt and Marrickville Council's.**

Motion Carried

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

Against Motion: Cr Passas

C0419(1) Item 9 Investment Report as at 28 February 2019

Motion: (Kiat/Byrne)

THAT Council:

1. **Congratulate the finance team and recognise the significant achievement toward addressing our Climate Emergency of divesting its \$200m+ investment portfolio from fossil fuels; and**
2. **Host a workshop inviting all Council CFOs in the greater Sydney region (or their representatives), along with interested CEOs, Mayors and Councillors, to share our knowledge and experience in transitioning to a fossil fuel free investment portfolio. Council to invite an appropriate environmental NGO or NGOs (e.g. 350.org) to co-host.**

Motion Carried

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

Against Motion: Nil

Councillors Hesse and Lockie left the Meeting at 7:52 pm as they declared a significant, pecuniary interest in Item 12 and left the chamber during discussion and voting.

Councillor Passas left the Meeting at 7:57 pm.

ADJOURNMENT

8.00pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

8.03pm– The Mayor, Clr Byrne resumed the meeting.

Councillor Passas returned to the meeting at 8.03pm

Councillor Steer left the Meeting at 8:05 pm as she declared a significant, non-pecuniary interest in Item 12 and left the chamber during discussion and voting.

Motion: (Stamolis/Da Cruz)

THAT the declaration of interest be noted.

Motion Carried

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

Against Motion: Nil

Absent: Crs Hesse, Lockie and Passas

C0419(1) Item 12 Notice of Motion to Rescind: C0319(2) Item 1 Draft Development Control Plan and Contributions Plan Amendments for Victoria Road (Precinct 47) - 26 March 2019 Council Meeting

Motion: (Porteous/Da Cruz)

THAT this item be deferred until advice from Office of Local Government is received.

Motion Lost

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

Foreshadowed Motion: (Byrne/Passas)

THAT the Rescission Motion be refused.

Motion Carried

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

Councillors Hesse, Lockie and Steer returned to the Meeting at 8:11 pm.

C0419(1) Item 13 Notice of Motion: Pedestrian Safety

Motion: (Passas/Macri)

THAT:

- 1. Council develop an intensive pedestrian safety campaign and publicise the campaign through notifications in the Council page in the Inner West Courier, on Council's website and social media;**
- 2. A meeting be arranged with local emergency services and interested Councillors to have input the campaign;**
- 3. If money is required to fund such a campaign that Council request funding from Transport for NSW;**
- 4. Council writes to the RMS to review the plans for the intersection of Georges River Road and Milton Street Ashfield in the light of the death of a pedestrian at the location on 1 April 2019 and to commence pedestrian safety improvements as a matter of urgency; and**
- 5. Council write to the NSW Government to request the RMS reduce the speed limit across residential streets across the LGA to 40km/h.**

Motion Carried

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

Amendment (Hesse/Steer)

THAT Council write to the NSW Government to request the RMS reduce the speed limit across residential streets across the LGA to 40km/h.

Motion Carried

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

Against Motion: Crs Byrne, Drury and Passas

As the amendment was carried, it was incorporated in the Primary Motion.

Councillor Passas retired from the Meeting at 8:35 pm.

C0419(1) Item 14 Notice of Motion: Foodbank in the Inner West**Motion: (McKenna OAM/Byrne)**

THAT Council convene a meeting with local food wholesale businesses and Foodbank operators before the end of this financial year to discuss how local Inner West businesses can donate to Foodbank, and any other means of participating in Foodbank.

Motion Carried

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

Against Motion: Cr Da Cruz

Absent: Cr Passas

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

- 1. Generalise the Notice of Motion to include other charities and businesses involved in the space ie. OzHarvest, Meals on Wheels, The Asylum Seekers Centre, The Exodus Foundation and Ignite.**

Motion Lost

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

Against Motion: Crs Byrne, Drury, Lockie, Macri, McKenna OAM and Stamolis

Absent: Cr Passas

- 2. Request a report be brought back on holding a forum on Food Security bringing together Local Businesses, Charities and service providers providing meals and food in the home and at other venue, Local Food Growers, Gardeners, Community Kitchen Program, Community Transport providers.**

Motion Lost

For Motion: Crs Da Cruz, Kiat, Porteous and Steer

Against Motion: Crs Byrne, Drury, Hesse, Lockie, Macri, McKenna OAM and Stamolis

Absent: Cr Passas

C0419(1) Item 15 Notice of Motion: Air ventilation of homes in St Peters**Motion: (Byrne/Lockie)**

THAT Council write to the Minister for Transport and Roads, the Hon Andrew Constance MP, requesting a review of noise and mitigation measures such as aero-packs, double-glazing and window seals being offered to residents affected by WestConnex construction in St Peters as a result of Stage 2 and 3 of the project, including reconsideration of compulsory acquisition if that is the preference of the resident.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis and Steer**Against Motion:** Nil**Absent:** Cr Passas**C0419(1) Item 16 Notice of Motion: Traffic Management Plan for St Peters Public School and surrounds****Motion: (Byrne/Lockie)****THAT Council:**

- 1. Officers meet with parents to discuss their concerns and report to Traffic Committee regarding possible solutions to be implemented by the State Government and Council;**
- 2. Write to the Minister for Roads and Transport to strongly urge that Roads and Maritime Services engage with Council and the St Peters School to develop a traffic management plan that addresses the school community's concerns about safe passage to school; and**
- 3. Write to the Minister for Roads and Transport and the heads of the WestConnex and Sydney Metro projects to urgently call for more effective action to prevent and enforce the use of unauthorised truck routes in St Peters by those projects.**

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

Meeting closed at 8.51pm.

PUBLIC SPEAKERS:

Item #	Speaker	Suburb
Item 2:	Rob Mansfield	Leichhardt
Item 5:	Peter Erling	Tempe
	Jeremy Lawrance	Balmain
	Ron Wenman	Tempe
Item 6:	Linden Thorley	Camperdown
Item 14:	Ron Wenman	Annandale
Item 16:	Kate Hafey	Tempe
	Joy Goldfeder	St Peters