
**Minutes of Ordinary Council Meeting held on 8 October 2019 at
Ashfield Service Centre****Meeting commenced at 6.30pm****Present:**

Darcy Byrne	Mayor
Vittoria Raciti	Deputy Mayor
Marghanita Da Cruz	Councillor
Mark Drury	Councillor
Lucille McKenna OAM	Councillor
Colin Hesse	Councillor
Tom Kiat	Councillor
Pauline Lockie	Councillor
Victor Macri	Councillor
Rochelle Porteous	Councillor (6.34pm)
John Stamolis	Councillor
Louise Steer	Councillor
Anna York	Councillor
Michael Deegan	Chief Executive Officer
Erla Ronan	Director City Living
Cathy Edwards-Davis	Director Infrastructure
David Birds	Group Manager Strategic Planning
Ian Naylor	Manager Civic Governance
Katherine Paixao	Governance Coordinator

APOLOGIES:**Motion: (Hesse/McKenna OAM)**

THAT apologies from Councillors Iskandar and Passas be accepted.

Motion Carried

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

Against Motion: Nil

DISCLOSURES OF INTERESTS:

Councillor Steer made an apology for comments she made to Councillor Macri during debate on Item 13 from the Ordinary Council Meeting on 24 September 2019.

Suspension of Standing Orders**Motion: (Byrne/Stamolis)**

THAT Council Suspend Standing Orders to hear from the public speakers for Item 17 and deal with Item 17.

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

Councillor Porteous entered the Meeting at 6:34 pm.

C1019(1) Item 17 Notice of Motion: Discrimination**Motion: (Macri/Raciti)****THAT Council:**

- 1. Reaffirms its stance that discrimination will not be tolerated in any form in relation to any of Council's activities or functions;**
- 2. Strengthen protection for victims of discrimination by encouraging the Chairperson to use the Acts of Disorder provisions of the Code of Meeting Practice to move a motion to remove the offender from the Council activity or function;**
- 3. Reaffirms that the Inner West is an inclusive, welcoming and respectful community in accordance with the Community Strategic Plan; and**
- 4. Does not accept that elected officials who regularly bring Council into disrepute believe a simple apology atones for the reputational damage they inflict to Council and their victims, which leads to the erosion of the communities confidence in this level of government.**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil**Resumption of Standing Orders****Motion: (Byrne/Drury)****THAT Standing Orders be resumed.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil**CONFIRMATION OF MINUTES:****Motion: (Macri/Stamolis)**

THAT the Minutes of the Council Meeting held on Tuesday, 24 September 2019 be confirmed.

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

PUBLIC FORUM

The registered speakers were asked to address the meeting. The list of speakers is available on the last page of these minutes.

C1019(1) Item 1 Local Traffic Committee Meeting held on 2 September 2019

Motion: (Hesse/McKenna OAM)

THAT the Minutes of the Local Traffic Committee Meeting held on 2 September 2019 be received and the recommendations be adopted.

Motion Carried

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

Against Motion: Nil

C1019(1) Item 2 2019 Annual Grants Program

Motion: (York/Da Cruz)

THAT Council:

- 1. Approve the funding recommendations as detailed in Attachments 1 to 6; and**
- 2. Receive a report detailing ways that Council can ensure its grant budget increases each year.**

Motion Carried

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

Against Motion: Nil

C1019(1) Item 3 Sporting Grounds - Fees & Charges

Motion: (Drury/McKenna OAM)

THAT:

- 1. Council proceed with the sporting ground fees and charges as advertised with the 2019/2020 budget except for clubs of the Canterbury District Soccer Football Association (CDSFA);**
- 2. To ensure fairness for individual clubs who may face increased fees, that these be phased over four years;**
- 3. Council allocate the sporting grounds for training and games to Canterbury District Soccer Football Association (CDSFA) for usage by football and that they then manage the allocations to the individual football clubs (Ashfield Pirates, Balmain & District FC, Burwood Soccer, Leichhardt Saints FC, Leichhardt Tigers Junior Soccer Club, Marrickville FC and Stanmore Hawks CDSFA teams only). CDSFA may not allocate Inner West sporting grounds to clubs which are not based in the Inner West;**
- 4. Council charge CDSFA for use of the sporting grounds in accordance with the fees and charges as advertised with the 2019/2020 budget and that they then on-charge the individual clubs;**

5. The Sporting Grounds Allocation Policy is modified to reflect this change in allocations being made to CDSFA. The total number of training and games hours allocated to CDSFA will generally be in accordance with the total hours that the clubs have allocated now. Any increase in total number of hours will be in accordance with the Policy. Council will play no part in any appeal process between individual CDSFA football clubs;
6. The proposed allocation changes are trailed for a period of two years, with a review at the end at that time;
7. Council work in close partnership with CDSFA to apply for relevant grant funding to upgrade sporting grounds and associated facilities within the Inner West;
8. Council note that planning for the 2019/20 summer season is well underway for local clubs;
9. Council defer any changes in the summer season sporting fees until 2020/21; and
10. Council set as principles for the summer season fee structure that there be no net increase in fees (beyond CPI) and no differential treatment of different codes.

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

THAT Council defer the determination of sporting fees and charges as outlined in Item 3 in order to Conduct full consultation with all impacted sporting clubs, with Councillors involved in the consultation process, and the proposal that the Associations to manage the fees and allocation also be considered as part of this consultation process. The priorities of the Council in this consultation process are to achieve access, equity and ensure public use of the grounds is maintained.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil**C1019(1) Item 4 Exhibition of Additional Fees and Charges for 2019/20****Motion: (York/Lockie)****THAT Council:**

1. Note the Draft Community Services Fees and Charges in Attachment 1 and the Community and Aquatic Facilities fees detailed in this report will be exhibited for a period of 28 days;
2. Note the guidelines for eligible Aquatic Sporting Clubs;
3. Resolves to adopt the Fees and Charges subject to no adverse submissions being received during the exhibition period;
4. Receive a report with the results of the public exhibition process providing a comparison of fees charged to aquatic sports clubs in other metropolitan areas;

and

- 5. School P&C's and P&F's be eligible for the 100 per cent fee waiver for use of all Council facilities and parks.**

Motion Carried

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

Against Motion: Nil

Amendment (Kiat/Hesse)

THAT fees within the Community Bus, Home Linked Support, and Bus & Driver services that have increased above 3% in this financial year not be increased next financial year.

Motion Lost

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

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

- C1019(1) Item 5 Parramatta Road Urban Amenity Improvement Program - Public Domain Master Plan**

Motion: (McKenna OAM/Da Cruz)

THAT:

- 1. Council adopts the Public Domain Master Plan for the Parramatta Road Urban Amenity Improvement Program (Attachment 1); and**
- 2. All residents and stakeholders who made submissions during the public exhibition period be notified of Council's decision.**

Motion Carried

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

Against Motion: Nil

- C1019(1) Item 6 Planning Proposal for 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield**

Motion: (Porteous/Byrne)

THAT:

- 1. Council does not support the proponent's Planning Proposal for the reasons recommended to the IWLPP identified in Attachment 1;**
- 2. Council does not support the amended Planning Proposal prepared by Council officers and recommended by the IWLPP in Attachment 2 and 3; and**
- 3. A new Planning Proposal be developed which fully addresses the concerns of neighbours with regards to overlooking and overshadowing of their properties.**

Motion Carried

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

Foreshadowed Motion (Kiat/McKenna OAM)**THAT Council:**

1. Does not support the proponent's Planning Proposal for the reasons recommended to the Inner West Local Planning Panel (IWLPP) identified in Attachment 1;
2. Supports the amended Planning Proposal prepared by Council officers and recommended by the IWLPP for forwarding to the Minister for Planning and Public Spaces for a Gateway Determination in accordance with Attachments 2 and 3;
3. Requests the Minister for Planning and Public Spaces to delegate the plan making functions for the amended Planning Proposal prepared by Council officers to Council;
4. Following receipt of a favourable Gateway Determination for the amended Planning Proposal prepared by Council officers and compliance with any conditions, places the Planning Proposal on public exhibition and consults with public authorities;
5. Be provided with a report on submissions received during the public exhibition period and from consultations with public authorities; and
6. In negotiating a VPA with the proponent obtain an affordable housing contribution of at least 15% of total units resultant from the upzoning, consistent with Council's Affordable Housing Policy.

This Foreshadowed Motion lapsed.

C1019(1) Item 7 Councillor Representation on Committees**Motion: (Byrne/McKenna OAM)**

THAT Council adopt the existing representatives on Council and External Committees until August 2020 subject to the following changes:

- a. Councillor Da Cruz to be the alternate Councillor for the Local Traffic Committee; and
- b. Councillor Steer to replace Councillor Da Cruz on the Flood Management Committee

Motion Carried

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

Against Motion: Nil

Amendment Motion: (Da Cruz/Kiat)

THAT Councillor Da Cruz be nominated as the Councillor representative for the Local Traffic Committee.

Motion Lost**For Motion:** Crs Da Cruz, Hesse, Kiat, Porteous and Steer**Against Motion:** Crs Byrne, Drury, Lockie, Macri, McKenna OAM, Raciti, Stamolis and York**C1019(1) Item 8 Investment Report as at 31 August 2019****Motion: (Lockie/Stamolis)****THAT the report be received and noted.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil**C1019(1) Item 9 Budget Saving Tracking Summary****Motion: (Lockie/Kiat)****THAT the Year to Date August 2019 Report be received and noted.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil**C1019(1) Item 10 2018/19 Annual Designated Person Disclosure (Pecuniary Interest) Returns****Motion: (Hesse/Raciti)****THAT Council note the tabling of Pecuniary Interest Returns of Councillors and Designated Staff for the return period 30 June 2018 to 30 June 2019.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil**C1019(1) Item 21 Mayoral Minute: WestConnex Construction Odour Fine****Motion: (Byrne)****THAT Council write to the Minister for Environment proposing that the fine payable by CPB for polluting the Inner West community with unbearable odours be committed to traffic management or other environmental measures in St Peters.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil

Councillor Raciti left the Meeting at 8:22 pm.

ADJOURNMENT

8.22pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

8.32pm– The Mayor, Clr Byrne resumed the meeting.

C1019(1) Item 11 Notice of Motion: Bunnings Tempe**Motion: (Byrne/Macri)****THAT:**

1. **The residential footpath along Smith Street be widened and rejuvenated to include nature strips to create distance and a screen between housing and increased traffic;**
2. **Council investigate options for increasing resident parking on Smith Street; and**
3. **Council write to Bunnings seeking confirmation of their offer to allow residents to use their car park to compensate for loss of on street parking on Smith Street.**

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

Councillor Raciti re-entered the Meeting at 8:34 pm.

C1019(1) Item 12 Notice of Motion: Mental Health data**Motion: (Stamolis/Drury)****THAT:**

1. **Council to note that:**
 - a. **Mental health and behavioural conditions are now the leading chronic health condition in Australia rising from 13.6% people being affected six years ago, 17.5% three years ago, to 20.1% today; and**
 - b. **Mental health and behavioural conditions affect 1.5 million people in NSW which has doubled over 10 years; with 85% of these people being of working age.**
2. **Council to utilise existing health survey data to advocate for and support mental health services and opportunities for these services in the Inner West.**

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

C1019(1) Item 13 Notice of Motion: Long Term Accommodation Strategy: Full Community Consultation**Motion: (Porteous/Da Cruz)****THAT Council:**

- 1. Undertakes full consultation with the community on the development of its' Long Term Accommodation Strategy; and**
- 2. Notes that:**
 - a. The development of this strategy needs to be a public, open, accessible and transparent process;**
 - b. The strategy will plan the future use of community-owned public buildings and as such should be designed to meet the needs of the local community; and**
 - c. The priority of the strategy should also be on ensuring the use of buildings are costed at a rate that makes them financially accessible to most of the community and most not for profit groups. The priority should not be on maximising income for Council.**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Stamolis, Steer and York
Against Motion: Nil**C1019(1) Item 14 Notice of Motion: Organisation Restructure and Staff Redundancies****Motion: (Porteous/Stamolis)****THAT the CEO consult with Councillors and a briefing with Councillors regarding the proposed organisation restructure and any planned staff redundancies be organised as soon as possible.****Motion Carried****For Motion:** Crs Da Cruz, Hesse, Kiat, Lockie, Porteous, Stamolis and Steer
Against Motion: Crs Byrne, Drury, Macri, McKenna OAM, Raciti and York**C1019(1) Item 15 Notice of Motion: Inner West Train Station Accessibility Upgrades****Motion: (Byrne/Hesse)****THAT Council:**

- 1. Note that the Secretary for Transport NSW has committed to completing a station access upgrade at Petersham station by the end of 2021, and further access upgrades to Stanmore and St Peters stations by end of 2023; and**
- 2. Write again to the Secretary for Transport urging the inclusion of Lewisham Station, currently ranked at six in the Sydney Trains Top 10 need ranking, Tempe Station, ranked 32 and Dulwich Hill Station, in future tranches of Transport for NSWs Transport Access Program.**

Motion Carried

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

Against Motion: Nil

C1019(1) Item 16 Notice of Motion: Westconnex Tunnelling at Camperdown

Motion: (Steer/Lockie)

THAT Council:

1. **Writes to the Minister responsible for Roads and Maritime Services (RMS) to request that:**
 - a. **the 24 hour tunneling underneath buildings near the tube dive site at Parramatta Road, Camperdown between Mallet Street and Pymont Bridge Road cease between midnight and 6am to allow residents to sleep without noise or vibrations, and**
 - b. **RMS releases to Council, building owners and residents the information from the noise monitor it has installed.**
2. **Writes to Environment Planning Authority requesting that EPA monitors the noise and vibrations occurring during tunneling and advises residents and RMS if they exceed 45 decibels for 15 minutes or more.**

Motion Carried

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

Against Motion: Nil

C1019(1) Item 18 Notice of Motion: Notification of New Tree DCP

Motion: (Macri/Byrne)

THAT:

1. **Council undertake a letterbox drop to the residents of the Inner West notifying them of the amended Tree DCP;**
2. **The notification is to be in 5 different languages including English. They are; Italian, Chinese, Arabic, Greek and Vietnamese. In acknowledgement of our truly multicultural inclusive policies in the Community Strategic Plan;**
3. **The draft notification be distributed to Councillors for comment;**
4. **All submissions in their entirety are to be made available to all Councillors two (2) weeks prior at the latest before the meeting for the adoption of the policy;**
5. **Council is not to advertise the Tree DCP until the conclusion of the School holidays which are concluding on the 14th of October. The advertising period is 4 weeks;**
6. **The report is to come back to the first Ordinary Council meeting in February 2020;**

7. Council puts all necessary resources to achieve this timeline; and
8. The report is to be item 1 on the Business Paper on the first Ordinary Council meeting February 2020.

Motion Carried

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

Against Motion: Nil

The Mayor, Councillor Byrne retired from the Meeting at 9:25 pm.

The Deputy Mayor, Councillor Raciti assumed the Chair.

Confidential Session

The Deputy Mayor, Councillor Raciti, asked the Chief Executive Officer if any representations had been received from the public on any of the items Council will be discussing in Closed Session as per the Agenda.

The Chief Executive Officer replied that no representations had been received to talk to the items in Closed Session.

The Deputy Mayor, Councillor Raciti, asked if there were any members of the public gallery who would like to speak on the reasons Council proposes to consider the items in Closed Session.

There were none.

Members of the Public were asked to leave the Chamber.

Motion: (Raciti/Drury)

THAT Council enter into Confidential session.

Motion Carried

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

Against Motion: Nil

Absent: Cr Byrne

That in accordance with Section 10A(1) of the Local Government Act 1993, the following matters be considered in Closed Session of Council for the reasons provided:

C0919(2) Item 19 - 3 Cahill Street Annandale - Compulsory Acquisition (Section 10A(2)(d)(ii) of the Local Government Act 1993) that would, if disclosed confer a commercial advantage on a competitor of the Council.

C0919(2) Item 20 Land and Property Strategy Initiative - Hay Street Carpark Affordable Housing Redevelopment (Section 10A(2)(d)(ii) of the Local Government Act 1993) that would, if disclosed confer a commercial advantage on a competitor of the Council.

Motion: (Raciti/Drury)

THAT Council move back into the Open Session of the Council Meeting.

Motion Carried

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

Against Motion: Nil

Absent: Cr Byrne

REPORTS WITH CONFIDENTIAL INFORMATION**C1019(1) Item 19 3 Cahill Street Annandale - Compulsory Acquisition****Motion: (Drury/Da Cruz)**

THAT Council:

1. Proceeds to acquire No.3 Cahill Street, Annandale NSW 2038 either by agreement or compulsorily acquisition process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991 (Act)*, subject to approval from the Minister of Local Government;
2. Authorises the CEO or delegate to:
 - do all things necessary to facilitate obtaining the Minister for Local Government's approval;
 - write to the property owners advising them of Council's resolution;
 - to enter into a negotiation process to try to reach an agreement for the acquisition of the property with the property owners and / or their legal representatives;
 - if the negotiation process fails, to proceed with compulsory acquisition in accordance with the Act; and
 - sign all documents to give effect to the acquisition.
3. Provides budget for the acquisition and open space improvements from the S94 Leichhardt Open Space Plan; and
4. Provides ongoing funding for the annual maintenance from working funds.

Motion Carried

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

Against Motion: Nil

Absent: Cr Byrne

C1019(1) Item 20 Land and Property Strategy Initiative - Hay Street Carpark Affordable Housing Redevelopment**Motion: (Kiat/Porteous)**

THAT Council:

1. Deliver the Hay Street Carpark Redevelopment initiative including 100% affordable housing units, 55 space Council carpark and ground floor activation in partnership with Link housing including a profit share arrangement to commence after debt repayment;

2. Provide an investment of \$900,000 into the redevelopment funded from Affordable Housing Contributions;
3. Lodge a site-specific planning proposal for the redevelopment Option 3 as detailed in the Confidential Attachment; and
4. Thank staff and Councillors who have been involved in developing this proposal.

Motion Carried

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

Against Motion: Nil

Absent: Cr Byrne

Meeting closed at 9.35 pm.

PUBLIC SPEAKERS:

Item #	Speaker	Suburb
Item 3:	Paul Avery	Balmain – Balmain Football Club
Item 6:	Karen Armitage	Lilyfield
Item 17:	Bruno Nobrega Simon Konstantinidis	Marrickville Marrickville

The Minutes of the Ordinary Meeting of Council held on the 8th day of October, 2019 were confirmed as a correct record on this 22nd day of October, 2019.

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CHAIRPERSON