

AGENDA



INNER WEST COUNCIL

COUNCIL MEETING

TUESDAY 12 NOVEMBER 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

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Persons in the public gallery are advised that under the Local Government Act 1993, a person may NOT 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

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	Nil at the time of printing.	

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15 Reports with Confidential Information

Reports appearing in this section of the Business Paper are confidential in their entirety.

The confidential information has been circulated separately.

ITEM

C1119(1) Item 24	Compulsory Acquisition Ashfield, Part 321 Parramatta Road Ashfield Depot	
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**Minutes of Ordinary Council Meeting held on 22 October 2019 at
Ashfield Service Centre****Meeting commenced at 6.30pm****Present:**

Darcy Byrne	Mayor
Marghanita Da Cruz	Councillor
Mark Drury	Councillor
Sam Iskandar	Councillor
Tom Kiat	Councillor
Pauline Lockie	Councillor
Victor Macri	Councillor
Julie Passas	Councillor
Rochelle Porteous	Councillor
John Stamolis	Councillor
Louise Steer	Councillor
Michael Deegan	Chief Executive Officer
Elizabeth Richardson	Chief Operating Officer, Director Development and Recreation
Cathy Edwards-Davis	Director Infrastructure
Daryl Jackson	Chief Financial Officer
Katherine Paixao	Governance Coordinator
Darcie Huisman	Governance Officer

APOLOGIES:**Motion: (Kiat/Macri)****THAT apologies from Councillors Hesse, McKenna OAM, Raciti and York be accepted.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Iskandar, Kiat, Lockie, Macri, Passas, Porteous, Stamolis and Steer**Against Motion:** Nil**DISCLOSURES OF INTERESTS:**

Councillor Stamolis declared a non-pecuniary, non-significant interest in Item 22 - Mayoral Minute: Marine Area Command removal of Jubilee Place Parking as he lives in the area and uses parking.

Councillor Kiat declared a non-pecuniary, significant interest in Item 5 - 74 Carlton Crescent, Summer Hill - Supplementary Report to Sydney Eastern Planning Panel as his employer has a long standing and ongoing campaign in relation to Ambulance stations in Sydney and he will leave the Chamber during discussion and voting.

Motion: (Macri/Drury)**THAT Council note the disclosures of interest.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Iskandar, Kiat, Lockie, Macri, Passas, Porteous, Stamolis and Steer**Against Motion:** Nil

CONFIRMATION OF MINUTES**Motion: (Macri/Steer)**

That the Minutes of the Council Meeting held on Tuesday, 8 October 2019 be confirmed.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Iskandar, Kiat, Lockie, Macri, Passas, Porteous, Stamolis and Steer**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(2) Item 22 Mayoral Minute: Marine Area Command removal of Jubilee Place Parking**Motion: (Byrne)****THAT Council:**

1. Oppose the removal of parking spaces on Jubilee Place Balmain by the NSW Police Marine Area Command (MAC);
2. Negotiate with MAC to dedicate Jubilee Place to Council as public road, as per the original conditions of consent;
3. Investigate alternate options which would prevent any net loss of parking as well as regulating long term parking on Jubilee Place; and
4. Investigate options for shared zone parking on Jubilee Place to allow cars to park partly on the curb, as exists in many Balmain Streets, to allow greater passageway for MAC vehicles.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Iskandar, Kiat, Lockie, Macri, Passas, Porteous, Stamolis and Steer**Against Motion:** Nil**C1019(2) Item 23 Mayoral Minute: Continuation of Leichhardt Espresso Chorus fee waiver****Motion: (Byrne)****THAT Council:**

1. Waive the additional \$5,435 in fees being levied upon the Leichhardt Espresso Chorus to hold their annual Carols in Pioneers Memorial Park in 2019;
2. Consider triennial grant funding process as part of the events review, to allow events such as the Carols on Norton to plan with greater certainty; and

3. Express thanks to Leichhardt Espresso Chorus for the wonderful community service they have provided over many years to the local community.

Motion Carried

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

Against Motion: Nil

Suspension of Standing Orders

Motion: (Porteous/Steer)

THAT Council Suspend Standing Orders to deal with Items 5 and 9.

Motion Carried

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

Against Motion: Crs Byrne, Drury, Iskandar, Macri and Passas

Councillor Kiat left the Meeting at 7:21 pm as he declared a non-pecuniary, significant interest for Item 5 - 74 Carlton Crescent, Summer Hill - Supplementary Report to Sydney Eastern Planning Panel and he left the Chamber during discussion and voting.

C1019(2) Item 5 74 Carlton Crescent, Summer Hill - Supplementary Report to Sydney Eastern Planning Panel

Motion: (Macri/Passas)

THAT Council note the submission of amended plans and additional information for the proposed development and the further recommendations of assessment staff.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Iskandar, Lockie, Macri, Passas, Stamolis and Steer

Against Motion: Cr Porteous

Absent: Cr Kiat

Councillor Kiat returned to the Meeting at 7:24 pm.

C1019(2) Item 9 Notice of Motion: Fitzroy Avenue Balmain

Motion: (Byrne/Stamolis)

THAT Council:

1. Cease work on extending the bushcare site at Elkington Park, Fitzroy Avenue and clean up the existing bushcare site including reinstating the grass which has been poisoned where the extension was to take place;
2. Continue to maintain the bushcare site and Elkington Park which borders Fitzroy Avenue;

3. Investigate the state of the trees growing out of the wall at Elkington Park and advise whether the trees are compromising the integrity of the rock wall; and
4. Investigate whether there is another bushcare site that can be established within Elkington Park.

Motion Carried

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

Resumption of Standing Orders

Motion: (Byrne/Macri)

THAT Standing Orders be Resumed.

Motion Carried

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

C1019(2) Item 2 **Post Exhibition Report - Draft Amendments to the (Precinct 47) Victoria Road Precinct Component of the Marrickville Development Control Plan 2011 and the Draft (Precinct 47) Victoria Road Precinct Sub-plan Amendment to the Marrickville Contributions Plan 2014**

Motion: (Macri/Passas)

THAT Council:

1. Adopt the proposed amendments to the Marrickville Contributions Plan 2014 for the Victoria Road Precinct 47 Sub-plan and associated necessary administrative changes; and the proposed amendments to the Marrickville Development Control Plan 2011 for the Part 9.47 Victoria Road Precinct component; and
2. Give public notice of its adoption of these revised planning documents.

Motion Carried

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

ADJOURNMENT

8.03pm - The Mayor, Cllr Byrne adjourned the meeting for a short recess.
8.06pm – The Mayor, Cllr Byrne resumed the meeting.

C1019(2) Item 3 Proposal for the re-establishment of Alcohol Free Zones in Marrickville, Sydenham and Newtown**Motion: (Kiat/Steer)**

THAT Council defer adoption of the Alcohol Free Zones pending a report back to Council in November 2019 following engagement through the social and cultural planning team with local community groups, neighbourhood centres, community legal centres and other interested groups for the development of alternative strategies to address any anti-social use of alcohol in these spaces, so that the criminalisation of residents drinking in public spaces can be avoided if possible.

Motion Carried**For Motion:** Crs Da Cruz, Kiat, Lockie, Porteous, Stamolis and Steer**Against Motion:** Crs Byrne, Drury, Iskandar, Macri and Passas**Amendment (Macri/Passas)****THAT the alcohol free zones within the Marrickville Ward be approved.****Motion Lost****For Motion:** Crs Byrne, Drury, Iskandar, Macri and Passas**Against Motion:** Crs Da Cruz, Kiat, Lockie, Porteous, Stamolis and Steer**Foreshadowed Motion: (Byrne/Macri)****THAT:**

- 1. Pursuant to Section 644B of the Local Government Act, 1993, an Alcohol-Free Zone be re-established at the following locations in accordance with the advertised proposal:**

Location 1 - Marrickville

- a) Marrickville Road (between Malakoff Street and Gladstone Street);**
- b) Alex Trevallion Plaza;**
- c) Malakoff Street (between Marrickville Road and Broadleys Lane);**
- d) Despointes Street (between Marrickville Road and Broadleys Lane);**
- e) Illawarra Road (between Marrickville Road and Tuohy Lane);**
- f) The Calvert Street car park;**
- g) Tuohy Lane (east-west section);**

Location 2 - Sydenham:

- a) The streets, laneways and footpaths within Sydenham Green Park;**
- b) The footpaths areas outside the General Gordon Hotel and Sydenham Railway Station (on the eastern side of Gleeson Avenue, between Railway Parade and Unwins Bridge Road and on the southern side of Burrows Avenue, between Gleeson Avenue and Swain Street, Sydenham).**

Location 3 - Newtown:

- a) Newtown Square on King Street, Newtown;**
- b) Northern side of King Street (Newtown Square to Mary Street), Newtown;**

Location 4 - Newtown:

- a) Bailey Street (between Enmore Road and Holt Street), Newtown;**
- b) Holt Street (between King Street and the road closure), Newtown; and**

- c) **Goddard Street (between Bailey Street and King Street), Newtown.**
2. **The duration of the Alcohol-Free Zones be for four years, 24 hours per day unless otherwise suspended or cancelled by the Council;**
 3. **The Alcohol-Free Zone in Marrickville be suspended during the holding of the annual Marrickville Festival; and**
 4. **In addition to the Alcohol-Free Zones in the above streets, the prohibition of the consumption of alcohol in the laneways and footpaths of Sydenham Green which are zoned Public Recreation RE1 be approved, between sunset and 11.00am, in accordance with the provision of Section 632 of the Local Government Act, 1993 through the installation of suitable signs within the park.**

This Foreshadowed Motion lapsed.

C1019(2) Item 4 Local Traffic Committee Meeting held on 8 October 2019

Motion: (Stamolis/Lockie)

THAT the Minutes of the Local Traffic Committee Meeting held on 8 October 2019 be received and the recommendations be adopted.

Motion Carried

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

Against Motion: Nil

C1019(2) Item 6 Update on Ashfield Pool

Motion: (Drury/Lockie)

THAT Council receive and note the report.

Motion Carried

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

Against Motion: Cr Passas

Councillor Passas left the Meeting at 8:21pm.

Councillor Passas returned to the Meeting at 8:30pm.

C1019(2) Item 7 Budget Savings Tracking Summary**Motion: (Drury/Lockie)****THAT Council:**

1. Receive and note the Year to Date Budget Savings Tracking Report for September 2019; and
2. Receive a full written report on the proposed savings at the next Ordinary Council meeting.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Iskandar, Kiat, Lockie, Macri, Passas, Porteous, Stamolis and Steer**Against Motion:** Nil**Amendment (Kiat/Steer)****THAT Council receive a full written report on the proposed savings at the next Ordinary Council meeting.****Motion Carried****For Motion:** Crs Da Cruz, Kiat, Lockie, Porteous, Stamolis and Steer**Against Motion:** Crs Byrne, Drury, Iskandar, Macri and Passas

As the Amendment was carried, it was incorporated into the Primary Motion.

Councillor Macri left the Meeting at 8:40pm.

Councillor Macri returned to the Meeting at 8:43pm.

C1019(2) Item 8 Investment Report as at 30 September 2019**Motion: (Drury/Stamolis)****THAT Council:**

1. Receive and note the report; and
2. Introduce a new table in the main body of the report detailing the allocation of the investment reserves of Council.

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

Amendment (Stamolis/Porteous)

THAT Council introduce a new table in the main body of the report detailing the allocation of the investment reserves of Council.

Motion Carried

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

Against Motion: Crs Byrne, Drury, Iskandar and Macri

As the Amendment was carried, it was incorporated into the Primary Motion.

C1019(2) Item 10 Notice of Motion: Petersham Oval Grandstand re-naming

Motion: (Macri/Byrne)

THAT Council defer this item until the next Ordinary Council meeting.

Motion Carried

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

Against Motion: Nil

C1019(2) Item 11 Notice of Motion: Marrickville Library

Motion: (Macri/Passas)

THAT Council investigate a solution for shade in the children's play area in the new Marrickville Library as in the middle of the day it has too much exposure to direct sun and also, the western Summer sun is having an impact to the cafe.

Motion Carried

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

Against Motion: Nil

C1019(2) Item 12 Notice of Motion: 370 Bus Service

Motion: (Da Cruz/Steer)

THAT Council:

- 1. Writes to the Minister for Transport asking what is being done to address the unreliability of the 370 bus service and to ensure all buses put on this and other routes in the Inner West are appropriately fitted to safely and conveniently carry passengers with prams, wheelchairs, walking frames and shopping trolleys; and identifies toilet stops for drivers, buses taking off too soon (possibly to keep to unrealistic timetables given the congestion on the route) and reviewing the visibility of bus stops and passengers waiting for buses during the day or night as residents have reported buses not stopping; and**

2. Investigates the visibility at the two bus stops at 479 King Street (near Camden Street) and 615 King St (bus stops between Camden St and Lord Street - last two bus stops at southern end of King Street) Newtown.

Motion Carried

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

Against Motion: Nil

C1019(2) Item 13 Notice of Motion: DA Transparency

Motion: (Macri/Passas)

THAT Council publish online reports, referrals and determinations of DA's on the DA online tracking system.

Motion Carried

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

Against Motion: Nil

Councillor Iskandar left the Meeting at 9:04 pm.

Councillor Iskandar returned to the Meeting at 9:09 pm.

C1019(2) Item 14 Notice of Motion: Ferry Services for Balmain and Annandale

Motion: (Byrne/Porteous)

THAT Council write to the Minister for Transport and the Member for Balmain in support of a return of ferries to Elliot Street Wharf, and new public ferry services for Annandale and include in this communication that Council express its support for the trial of an additional 'on-demand' ferry service for Balmain, noting that as of Sunday 20 October there had been 600 trips, and reiterate its position that all public transport, including 'on-demand' public transport, should be publicly operated and Opal compatible.

Motion Carried

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

Against Motion: Nil

C1019(2) Item 15 Notice of Motion: Learn to Swim

Motion: (Byrne/Porteous)

THAT a review of the chronic problems with the Leichhardt Park Aquatic Centre Learn to Swim enrolment system be conducted and recommendations on how they can be resolved be reported to the 10 December Ordinary Council meeting.

Motion Carried

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

Against Motion: Nil

C1019(2) Item 16 Notice of Motion: Councillors to be Kept Informed**Motion: (Passas/Stamolis)****THAT**

- 1. Councillors be given reports on what is happening in their wards, of all works that are currently in progress and works or changes that are proposed; and**
- 2. A summary of Council resolutions be published, the regular fortnightly councillor email update be re-established and an outline of the project update and reporting system be provided to councillors.**

ADJOURNMENT

9.28pm - The Mayor, Cllr Byrne adjourned the meeting for a short recess.

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

Councillor Passas left the Meeting at 9:28pm.

Motion Carried

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

Against Motion: Nil

Absent: Cr Passas

Amendment (Byrne/Da Cruz)

THAT a summary of council resolutions be published, the regular fortnightly councillor email update be re-established and an outline of the project update and reporting system be provided to councillors.

Motion Carried

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

Against Motion: Nil

Absent: Cr Passas

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

Councillor Passas re-entered the Meeting at 9:37pm.

C1019(2) Item 17 Notice of Motion: Edge Costs**Motion: (Passas/Stamolis)****THAT:**

- 1. Council receive a report on the costing of EDGE and its success or otherwise, ie attendance, feedback from the public; and**

2. The report in point 1 come back to Council after the conclusion of EDGE 2019 (noting EDGE Newtown commences on 7 November) to ensure that Councillors have a complete review of the whole festival.

Motion Carried

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

Against Motion: Nil

C1019(2) Item 18 Notice of Motion: Stray Cats

Motion: (Passas/Macri)

THAT Council introduce a policy where when requested, Council remove the stray cats as we currently do with stray dogs, in line with Council's obligations under the Companion Animals Act 1998.

Motion Carried

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

Against Motion: Cr Kiat

C1019(2) Item 19 Notice of Motion: "Jesus" is the reason for the Season

Motion: (Passas/Macri)

THAT Council:

1. Consider Christmas events as implemented in the past by the three former Council areas as part of the Council report on the Events review; and
2. Recognises the importance of all religious and cultural events reflecting the diversity of Inner West LGA and reports to Councillors on how such diversity can be recognised in Council events.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Iskandar, Kiat, Lockie, Macri, Passas, Porteous and Steer

Against Motion: Cr Stamolis

Amendment (Steer/Lockie)

THAT Council recognises the importance of all religious and cultural events reflecting the diversity of Inner West LGA and reports to Councillors on how such diversity can be recognised in Council events.

Motion Carried

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

Against Motion: Crs Byrne, Iskandar, Macri, Passas and Stamolis

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

C1019(2) Item 20 Notice of Motion: Debt to Council**Motion: (Passas/Macri)**

THAT Council receive a report on outstanding debt to Council ie. rate fees etc. and what action taken to recover funds.

Motion Carried

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

Against Motion: Nil

Councillor Drury requested that the meeting consider an Urgency Motion with regards to Yeo Park Fencing.

Motion: (Drury/Byrne)

THAT the Motion be considered as a matter of urgency.

Motion Carried

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

Against Motion: Cr Passas

The Mayor, Councillor Byrne, declared this matter was urgent.

Urgency Motion: Yeo Park Fencing**Motion: (Drury/Byrne)****THAT Council:**

- 1. Calls for an immediate halt to the construction of a fence in Yeo Park by the NSW Department of Education; and**
- 2. Request the Chief Executive Officer to immediately seek talks with the Department to find a compromise that will not put a ugly fence in the middle of our park and continue to provide community access.**

Motion Carried

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

Against Motion: Cr Passas

Councillor Passas requested that the meeting consider an Urgency Motion with regards to Netball Courts on Hawthorne Parade Haberfield.

The Mayor, Councillor Byrne, declared the matter was not urgent as the Chief Executive Officer confirmed that planning was proceeding to build the fence prior to Christmas 2019.

Meeting closed at 10.15pm.

PUBLIC SPEAKERS:

Item #	Speaker	Suburb
Item 5:	Kate Bartlett	Sydney
Item 9:	Judy Woods	Balmain
	Megan Donnelly	Balmain
	Denise Wee	Balmain
Item 22:	Richard Gould	Balmain
	Peter Hanron Smith	Balmain East
	Hugh Nguyen	Balmain
Urgency Motion: Yeo Park fencing	Luke Buckle	Ashbury
	Lindsay Cohen	Summer Hill
Urgency Motion: Netball Courts	Liliana Sanacore	Haberfield

Minutes of Extraordinary Council Meeting held on 29 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
Sam Iskandar	Councillor
Tom Kiat	Councillor
Pauline Lockie	Councillor
Victor Macri	Councillor
Julie Passas	Councillor
Rochelle Porteous	Councillor (6.31pm)
John Stamolis	Councillor
Louise Steer	Councillor
Anna York	Councillor
Michael Deegan	Chief Executive Officer
Cathy Edwards-Davis	Director Infrastructure
Daryl Jackson	Chief Financial Officer
Caroline Karakatsanis	Audit Office of New South Wales
Michael Kharzoo	Audit Office of New South Wales
Ian Naylor	Manager Civic Governance
Katherine Paixao	Governance Coordinator

APOLOGIES: Nil**DISCLOSURES OF INTERESTS:** Nil

Councillor Porteous entered the Meeting at 6:31 pm.

C1019(3) Item 1 Financial Statements 2018/19**Motion: (McKenna OAM/Steer)****THAT Council:**

- 1. Receives and notes the report; and**
- 2. Endorses the Financial Statements and the statements be published.**

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

Confidential Session

The Mayor, Councillor Byrne, 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 Mayor, Councillor Byrne, 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: (Kiat/Stamolis)

THAT Council enter into Confidential session.

Motion Carried

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

Against Motion: Nil

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:

C1019(3) Item 2 RFT 28-19 Park and Verge Mowing (Section 10A(2)(d) (i) and (ii) of the Local Government Act 1993) that would, if disclosed confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and confer a commercial advantage on a competitor of the Council.

The Mayor, Councillor Byrne left the Meeting at 7:08 pm.
The Deputy Mayor, Councillor Raciti assumed the chair.

The Mayor, Councillor Byrne returned to the Meeting at 7:09 pm and assumed the Chair.

REPORTS WITH CONFIDENTIAL INFORMATION**C1019(3) Item 2 RFT 28-19 Park and Verge Mowing****Motion: (Drury/McKenna OAM)**

THAT the tender submitted by Landscape Maintenance Solutions Pty Ltd be accepted for park and verge mowing for the former Ashfield LGA.

Motion Carried

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

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

Foreshadowed Motion (Kiat/Porteous)

THAT the matter be deferred so that Council can consider options for providing the proposed mowing services for the Ashfield LGA area using Council staff as is currently the case in the areas of the Leichhardt and Marrickville LGAs, rather than outsourcing to a private company.

This Foreshadowed Motion lased.

Meeting closed at 7.24pm.

Item No: C1119(1) Item 1
Subject: NOTICE OF MOTION: CONDOLENCE MOTION: PAUL WHELAN
From: Councillor Lucille McKenna OAM

MOTION:

THAT the Mayor write a letter of condolence to Colleen Whelan and her family acknowledging Paul Whelan's extensive contribution to the Inner West Council area and expressing sadness at his passing.

Background

On Wednesday 30 October 2019, Paul Whelan died aged 75.

Paul was admitted as a solicitor in 1968 and as a barrister in 1988. Paul raised in Ashbury, was elected to Ashfield Council in 1970 and became Mayor of Ashfield in 1971. He held the position for five years from 1971 to 1976. He was the youngest ever to hold the position.

Paul was elected to the NSW parliament as the member for Ashfield in 1976, and later Strathfield from 1976 to 2003, a parliamentary career that spans over 26 years. In this time Paul was a Minister in the Wran and Carr governments across a number of portfolios including Consumer Affairs, Roads, Water Resources, Forests, Aboriginal Affairs and Police.

Paul was NSW longest serving Police Minister from 1995 to 2001. As Minister for Police, he revolutionised the performance of New South Wales police.

As part of the Carr Government, Paul had responsibility for implementing the recommendations of the Royal Commission on New South Wales police corruption. Paul was instrumental to the establishment of the Police Integrity Commission, improved handling of complaints and building back trust.

Paul married Colleen in 1968, the year that Paul was admitted as a solicitor. Paul and Colleen had four children, John, Cathy, Stephen, and Bridget. After living with cancer for the last two years, Paul passed with his family by his side.

ATTACHMENTS

Nil.

Item No: C1119(1) Item 2

Subject: PARK PLANS OF MANAGEMENT

Prepared By: Aaron Callaghan - Parks Planning and Engagement Manager

Authorised By: Elizabeth Richardson - Chief Operating Officer, Director Development & Recreation

RECOMMENDATION

THAT Council:

- 1. Note the process to prepare park Plans of Management and the strategic importance of these planning instruments; and**
 - 2. Note the key concerns associated with external delays at Government level which may have significant impacts on the capital delivery programme for recreation and sporting improvements at Tempe Reserve and Leichhardt Park.**
-

DISCUSSION

This report highlights the legislative process that Council must follow with regards to the preparation and adoption of Park Plans of Management (POM) for Crown Land. Importantly, this report highlights the impacts that delays in approvals from NSW Government may incur on the delivery of key park infrastructure projects due to slow assessment and approval times by the NSW Government.

Plans of Management-Crown Land.

In its administration and management of parks and open spaces, Council is responsible for the management of Crown reserves.

Crown reserves are owned by the State of New South Wales. There are approximately 31 Crown reserves in Council's local government area. Council manages Crown reserves as a land manager under the *Crown Land Management Act 2016* (Act) and are managed for the benefit of the general public. Crown reserves managed by Council have been set aside for a particular public purpose. In the majority of cases for public recreation.

The Act requires Council to manage Crown reserves as if it was community land under the *Local Government Act 1993* (LGA) and to do so requires an adopted plan of management (POM).

A POM provides strategic planning and governance for the management and use of community land. POMs set out objectives and performance targets for community land and promote active land management and use, including leases and licences.

The LGA requires a POM to include information about the use of the land and any existing buildings as at the date of the POM and:

1. The purpose for which the land and any existing buildings or improvements will be permitted
2. The purpose for which any further development of the land will be permitted
3. The scale and intensity of any such permitted use or development.

When preparing a POM, community engagement activities are undertaken including publicly exhibiting the plan and providing opportunities for the community to comment. This allows the community to be involved and represented in the contents of a plan.

Any POM developed for Crown reserves must have written advice from the Native Title manager to ensure that any authorisation or restriction on the use of a Crown reserve is consistent with the *Commonwealth Native Title Act 1993*.

POM process in conjunction with the Crown Land Management Act 2016

On the commencement of the Act on 1 July 2018 the then Department of Industry provided Council with a classification of the Crown reserves as community land and an initial categorisation that aligned closely with the original crown purpose. In the case of all Crown reserves they were classified community land and categorised as Park. Council was required to submit its initial categorisations to the Department of Industry. At its Ordinary Council meeting in November 2018, Council resolved to adopt classification and categorisations for all of its parks and submit these adopted initial categorisations to the Department of Planning and Industry. This work was completed in May 2019. Council is still waiting to receive notification from the Minister for Water, Property and Housing of the initial categorisation of the Crown reserves.

Subject to the initial categorisation being approved by the Minister, Council's process for the adoption of a POM is set out in **Attachment 1**. It is difficult to provide a timeframe for the adoption of the Plan of Management as critically part of the process for adoption rests with an external Government Department.

Proposed Tempe Parklands and Leichhardt Park Plans of Management

Council has prepared two proposed Plans of Management and associated master plans in recent months, both of which have been subject to extensive community engagement. These plans being, the Leichhardt Park Plan of Management and the Tempe Parklands Plan of Management. Both proposed plans are currently on public exhibition for further community feedback.

Council officers have significant concerns that the initial categorisation and POM approval process may significantly impact on the delivery timeframes of key delivery projects within these Parks. The key projects include:

- Approvals, development and delivery of a synthetic sports surface and partnership agreements (*in relation to shared use and development opportunities*) at Tempe Recreation Reserve Lands. This work has been programmed to be delivered by April/May 2021.
- Leichhardt Park Plan of Management and the development of a skate plaza for young people. This work has been programmed to be delivered in 2020.

FINANCIAL IMPLICATIONS

Delays in delivering Council's Capital Works Program are likely to give rise to increased costs.

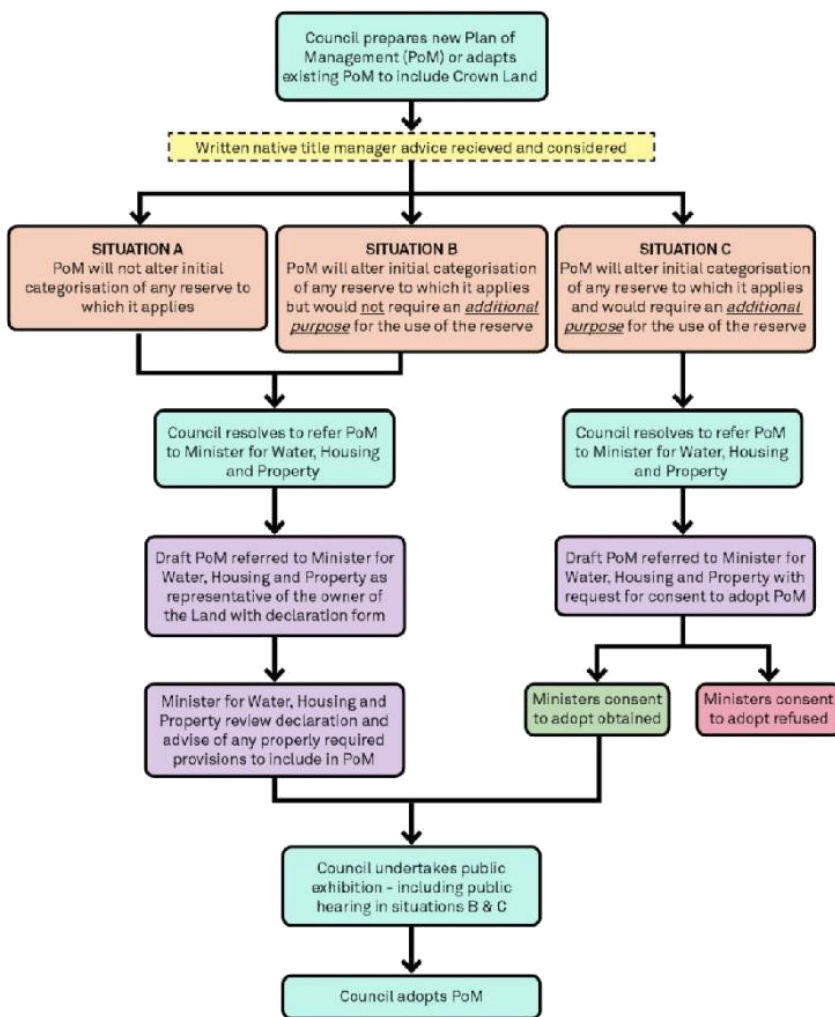
ATTACHMENTS

1. [Process to Prepare Park Plans of Management \(Crown land\)](#)

Attachment 1
Overview of the Plan of Management Development Adoption Process for Crown Reserves.

Item 2

Overview of the Plan of Management Development Adoption Process for Crown Reserves



Attachment 1

Item No: C1119(1) Item 3
Subject: AMENDMENT NO.8 ASHFIELD LOCAL ENVIRONMENTAL PLAN 2013
Prepared By: Con Colot - Senior Strategic Planner & Projects
Authorised By: David Birds - Group Manager Strategic Planning

Item 3

RECOMMENDATION

THAT:

1. Council support Amendment No.8 to Ashfield Local Environmental Plan, for the reasons outlined in the report and the attachments;
 2. Council liaise with the Department of Planning, Industry and Environment and Parliamentary Counsel's Office to draft and finalise the Local Environmental Plan Amendment;
 3. Following the completion of (2) above request Department of Planning, Industry and Environment to notify the Plan;
 4. Council delegate the making of the Local Environmental Plan amendments as indicated in this report to the Group Manager Strategic Planning or the equivalent position.
-

DISCUSSION

Council considered a report on 5 February 2019 on a Planning Proposal (**Attachment 1**) to make amendments to the Ashfield Local Environmental Plan 2013 (ALEP) for the following:

- Delete from Schedule 2-Exempt Development the clause that allows minor external work to buildings and sites which are in Heritage Conservation Areas (HCAs) or Heritage Items (HIs) without Council approval.
- Add to clause 4.1A(2) that Heritage Items cannot have small lot subdivision.

The deletion of the exempt development clause will correct a drafting error that occurred prior to the gazettal of the ALEP and avoid misinterpretation and misapplication of that clause. An existing process for the fast-track approval of exemptions for minor external works in HCAs or on HIs will continue to apply.

Gateway determination was received on 18 April 2019 making Council the Planning Proposal Authority. Public consultation was carried out between 15 June and 17 July 2019.

Eighteen community member submissions were received with eight supporting, nine objecting and one undecided. All submissions have been considered and responded to in detail in **Attachment 2** in accordance with the requirements of the Environmental Planning and Assessment Act 1979. A State Heritage Agency submission was made supporting the amendment. Some objector submissions sought to keep the current Exempt Development clause but this is not considered acceptable due to the potential for inappropriate external building work to be permitted as explained in **Attachment 1**.

FINANCIAL IMPLICATIONS

Nil.

CONCLUSION

Council should proceed to make the proposed LEP amendment and delegate completion of the planning proposal process within the terms of the **Attachment 2** report to the Group Manager Strategic Planning or the equivalent position.

ATTACHMENTS

1. [↓](#) Pre Gateway Report to Council
2. [↓](#) Report on Planning Proposal and Community Consultation
3. [↓](#) Gateway Determination
4. [↓](#) Planning Proposal
5. [↓](#) Heritage Department Premier and Cabinet submission

Extraordinary Council Meeting
11 December 2018

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 & Projects

Authorised 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:

- 1 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;**
- 2 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;**
- 3 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 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
3. General Manager Declaration

**Draft Ashfield LEP 2012- Schedule 2 Exemption Clause-
as 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
- (l) 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 steel/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
 - (f) 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
 - (j) any damaged original leadlight glazing is replaced with the same materials.
-

**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

- (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.**

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: 23/2/2018

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

22/11/19
Date

**Draft ASHFIELD LOCAL ENVIRONMENTAL PLAN (ALEP) 2013- AMENDMENT NO 8
REPORT ON PLANNING PROPOSAL AND COMMUNITY CONSULTATION**

1 Overview

This report explains the plan making procedures that have been followed under the Environmental Planning and Assessment (EPA) Act and responds to public and State Agency submissions.

2 Background

The **Attachment 4** Planning Proposal is for a housekeeping amendments to ALEP 2013 to:

- Delete from Schedule 2-Exempt Development the clause that allows without Council approval minor external work to buildings which are in Heritage Conservation Areas or Heritage items.
- Add to clause 4.1 A (2) that Heritage Items cannot have small lot subdivision.

The previous Council report dated 11 December 2018 in **Attachment 1** explains the rationale for the Planning Proposal. The amendment will correct ALEP 2013 drafting errors to ensure there is no potential misinterpretation and the protection of Heritage Conservation Areas (HCAs) and Heritage items (HIs).

The report was considered on 5 February 2019 and Council resolved:

1. 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;
2. 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;
3. 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.

3 Gateway Determination

A Gateway Determination (**Attachment 3**) from the Department of Planning Industry and Environment was received on 18 April 2019 which made Council the Planning Proposal Authority to determine whether to finalise the amendments to ALEP 2013. It required a 4 week consultation period and that Council consult with the Office of Environment and Heritage (now called Heritage- Department Premier and Cabinet) and that there are no outstanding written objections from public authorities.

4 Community Consultation

Community Consultation occurred between 15 June and 17 July 2019. In accordance with *A guide to preparing local environmental plans* this included a newspaper advertisement, with exhibition documents available on Council's Have You Say webpage and Ashfield Customer Service Counter. Heritage- Premier and Cabinet was also notified.

In order to maximise notification in addition there were also weekly notices in newspapers, a notice in Council newsletter emailed to 2,634 people in June 2019, the draft LEP exhibition promoted on Facebook and Twitter with IWC Facebook having 15,000 followers.

4.1 Consideration of Submissions

19 public submissions were received as follows:

Submissions supporting

Eight supporting submissions were received, including from the Ashfield and District Historical Society and the Haberfield Association.

Table 1

Comment	Officer response
Stated support.	Noted
Acknowledged the minor works clause was a drafting error inserted in the ALEP 2013 and needs to be corrected to ensure there are no detrimental impacts to Haberfield Conservation area and other Heritage Conservation Areas and Heritage items.	Noted
Further clarity is required in Council's policies on how trees are to be considered when within HCAs and/or on the site of a heritage item.	<p>The exemption clause to be deleted does not affect trees. It refers to external building alterations, as defined under the EPA Act the building definition also includes structures on the subject site.</p> <p>The proposed amendment does not affect existing provisions related to consideration of trees within HCAs or on a site of a heritage item.</p> <p>In accordance with the SEPP Vegetation in Non Rural Areas trees that may be removed are identified in a Council Development Control Plan. For Ashfield this is contained in Inner West DCP 2016, Chapter C- Part 6- Tree Replacement and new Tree Planting.</p> <p>There is additional protection where places are HCAs or HIs within the above SEPP which has clauses requiring Council to consider the heritage impacts before issuing any permit affecting tree lopping or removal.</p>

Submissions objecting

Nine submissions objecting were received.

Table 2

<p>Exemption clause allows only minor maintenance work and so its removal will make alterations overly restrictive.</p> <p>Removal of the exemption clause for minor external alterations will lead to more red tape.</p> <p>"These changes further restrict what can be done in the area and there comes a point where it just not worth the hassle and money to renovate a home".</p>	<p>Certain types of non-structural internal works to houses identified the Codes -State Environmental Planning Policy are already exempted and so may be carried out by building owners without Council approval. This will not change with the proposed ALEP 2013 amendment.</p> <p>Since the Council amalgamations in May 2016 Council has in place a process where heritage exemptions certificates for minor external works in HCAs or on HIs can be given without Council Development Application and consent by using Clause 5.10 of the ALEP 2013, as explained in the previous Council report in Attachment 1 . This is a process whereby Council can check that works to the extent described by building owners are satisfactory, then issue letters confirming this which usually takes one week. For example an owner may photograph particular parts of a building and describe what is required, or if needed provide more detail to give more clarity. This process will remain.</p>
<p>A better way of addressing the issue would be for council to define minor works, rather than remove the exemption.</p>	<p>A detailed definition for minor works has been previously proposed by former Ashfield Council however this was deleted previously by the Department of Planning, Industry and Environment. In the interim it is necessary to correct the existing clause flaws in the ALEP 2013 for the reasons explained in the previous report to Council in Attachment 1.</p>
<p>There should be zero cost owners for submitting Development Applications for works which would otherwise be exempt if the residence was not heritage listed as council has decided they are to be preserved for the public</p>	<p>Where development applications are required there are fees. This proposed ALEP 2013 amendment does not affect this and people will be able to continue to use Clause 5.10 of the ALEP 2013 as explained above.</p>
<p>Council should also subsidise any additional costs resulting from requiring the property owner to do repair works with specific regard to council's heritage requirements. ie requiring a slate roof rather than a corrugated iron roof.</p>	<p>It is not possible for Council to subsidise such works as the costs to Council would be prohibitive.</p>

<p>The proposal has been misdescribed as being a "minor" amendment.</p>	<p>The newspaper notice, Planning Proposal overview exhibited, Planning Proposal and explanatory Council report of 5 February 2019 did not state these were minor amendments. The Council report characterised them as housekeeping to correct drafting errors.</p>
<p>Inadequate notification- only found in newspaper.</p> <p>This review of the Ashfield LEP should only be open to residents of the former Ashfield Council.</p>	<p>The proposal was notified as required under the EPA Act and <i>A guide to preparing local environmental plans</i> which require one newspaper notice and notice provided on Council's website.</p> <p>In addition to this there were weekly newspaper notices, Council newsletter emailed to 2,634 people, draft LEP exhibition promoted on Facebook and Twitter with IWC Facebook having 15,000 followers.</p> <p>Under the plan- making process it is not possible to restrict comments being received from only residents of the former Ashfield Council.</p>
<p>Four submissions included objections to matters that were unrelated to the ALEP amendment pertaining to :</p> <p>Objecting to inclusion of new Heritage Conservation Areas in ALEP 2013. Direct reference made to Fleet Street Conservation Area.</p> <p>Objecting to the Heritage Item listing of 236-242 Liverpool Road.</p> <p>Maximum Floor Space Ratios in Heritage Conservation Areas should be 0.7: 1 like other R2 zones and not 0.5:1 in the current ALEP 2013.</p> <p>Property owners should be allowed to have their land removed from any heritage listings in the ALEP 2013.</p> <p>Reference to the previous enquiry by the then Minister of Planning in 2014 and report produced by external heritage consultants on the new heritage listings in ALEP 2013. Objection to former Ashfield Council's response that the LEP process was sound</p>	<p>The scope of the proposed ALEP 2013 amendment does not pertain to these matters and so it not possible/relevant to address these.</p> <p>The process for considering removal of heritage listings in the ALEP 2013 requires a separate Planning Proposal.</p> <p>Council's policy is not to have letter submissions copied in full and attached to reports on Planning Proposals. Officers are to instead identify particular matters raises and provide a response.</p>

<p>and that the Department of Planning and Environment (as called at the time) accepted this.</p> <p>Request that letter submissions be attached to reports to Council.</p>	
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One submission stated it was undecided as to whether to support the amendments.

Heritage – Department Premier and Cabinet (HDPC)

HDPC comments (**Attachment 5**) were received on 1 August 2019 and supported the amendments. They acknowledged that the amendment to the exemptions clause is required to avoid misapplication and misinterpretation, they encourage (support) amendments to environmental planning instruments that provide the necessary protection to Heritage Items and Heritage Conservation areas.

Conclusion

Submissions have not raised issues that would warrant the housekeeping ALEP 2013 amendments not progressing for the reasons given above.

5.0 Other Council Department comments.

Council's Heritage advisers in the Development Assessment and Regulatory Assessment support the ALEP amendments and advised they provide greater clarity and consistency by:

- removing a clause which has some ambiguity, with the consequent potential for adverse heritage impacts.
- aligning the existing restriction on small lot subdivisions for Heritage Conservation Areas with a similar control for Heritage Items.

6.0 Conclusion

In accordance with Part 3.36 (2) of the EPA Act Council having now completed community consultation may determine whether to make the ALEP 2013 amendment.

The Planning Proposal contained in **Attachment 4** should be supported by Council and proceed to finalisation. As explained in the report considered by Council on 5 February 2013 the ALEP 2013 amendments are necessary to avoid misinterpretation and misapplication of the current clauses and so ensure adequate protection and management of Heritage Conservation Areas and Heritage Items. The amendment will correct drafting errors that occurred prior to gazettal of the ALEP 2013.

Property owners will continue to be able to use Clause 5.10 (3) of the ALEP 2013 to reduce the need to obtain development consent for external works in Heritage Conservation Areas and to Heritage Items as explained in this report.



Gateway Determination

Planning proposal (Department Ref: PP_2019_IWEST_001_00): to amend clause 4.1A(2) and a section of Schedule 2 of the Ashfield LEP 2013.

I, the Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to Ashfield Local Environmental Plan (LEP) 2013 to amend Clause 4.1A(2) and remove a section of Schedule 2 should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to provide an updated project timeline outlining the anticipated time frames for the plan-making process.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with Office of Environment and Heritage under section 3.34(2)(d) of the Act. The Office of Environment and Heritage is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.

6. The time frame for completing the LEP is to be **6 months** following the date of the Gateway determination.

Dated *18th* day of *April* 2019.

**Amanda Harvey
Director, Sydney Region East
Planning Services
Department of Planning and
Environment**

Delegate of the Minister for Planning

PP_2019_IWEST_001_00(IRF19/2122)



**Planning Proposal
Amendment to
Ashfield Local
Environmental Plan 2013**

Planning Proposal - Amendment to Ashfield Local Environmental Plan 2013

June 2019

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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 of the 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 ALEP 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 HIs 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" by the Department of Planning and Environment.

Planning Proposal

EVALUATION AGAINST CRITERIA IN “PLANNING PROPOSALS – A GUIDE TO PREPARING PLANNING PROPOSAL” (THE GUIDE)

PART 1- OBJECTIVES OR INTENDED OUTCOMES

This Planning Proposal is for amendments to the 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 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 611 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 ALEP 2013 was gazetted. An alternative exemption clause, in the form drafted by Parliamentary Counsel after exhibition of the draft LEP, was included that has enabled external alterations to buildings comprising HIs or in HCA (as shown in *Italics* 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(2) in which the content does not exclude Heritage Items from torrens title subdivision for small lots.

The amendment is consistent and supported by the Ashfield Urban Planning Strategy 2010 in its parts dealing with Heritage Conservation and its management at: Part 4.0 - A Great Place to Live, 02 – Action 01. At Part 5.0 Vibrant Village Centres - 02, 03, 04.

Q2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Yes. This Planning Proposal is the best means for achieving the intended outcomes as it is directly 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 sensitive heritage significance in these places.

Given the sensitive nature of heritage conservation the proposed amendments under this Planning Proposal provides better management in the conservation of heritage significance in former Ashfield Local Government Area which the ALEP 2013 applies to. 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.

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
4 - Liveability (Direction – A city for people)	<p>Objective 13 : Environmental heritage is identified, conserved and enhanced.</p> <p>States this objective as: “relates to conserving, interpreting and celebrating Greater Sydney’s heritage values leads to a better understanding of history and respect</p>	<p>The Planning Proposal will intrinsically and 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</p>

	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.	torrens title subdivision. The Planning Proposal is consistent with Objective 13 as it facilitates better management of Heritage Conservation Areas and Heritage Item Buildings.
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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
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. 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.	The Planning Proposal is consistent with Objective 13 and Action 20 and will enable the necessary required level of management of Heritage Conservation Areas and Heritage Item Buildings.

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.

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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** provides an assessment against this strategy.

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 also those in the Haberfield HCA suburb) and 611 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	2. Retain the Heritage Value of Summer Hill Urban Village 3. Retain the Heritage Value of Haberfield Urban Village 4. Retain the Heritage Value of Croydon Urban Village	These places are Heritage Conservation Areas in which the Planning Proposal will better manage the conservation of these places.

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

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SEPP (Exempt and Complying Development Codes) 2008	Consistent Schedule 2 - Exempt development of Ashfield LEP 2013 includes an 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
2. Environment and Heritage		
2.3 Heritage Conservation	<p>Objective (1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The Direction applies to all planning authorities and applies when a relevant planning authority prepares a planning proposal relating to heritage conservation.</p> <p>A Planning Proposal must contain provisions that facilitate the conservation of Heritage Conservation areas and heritage items.</p>	<p>Consistent. The Planning Proposal is necessary to ensure that this Direction is adequately complied with.</p>

3. Housing, Infrastructure and Development		
3.1 Residential Zones	<p>(1) The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p>	<p>Consistent. The Planning Proposal will not affect permissible residential density of land, and not affect any landuse zoning.</p>
6. Local Plan Making		
6.1 The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	<p>This requires that for all Planning Proposals, that they do not contain the matters identified in direction's clause (4).</p>	<p>The Planning Proposal complies with this direction. There will not be any adverse impacts on the efficient and appropriate assessment of development.</p>
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	<p>This Direction applies to all 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 <i>A Plan for Growing Sydney</i>.</p> <p>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.</p>	<p>A Plan for Growing Sydney has been superseded by <i>A Metropolis of 3 Cities: The Greater Sydney Region Plan</i> (March 2018).</p> <p>The Planning Proposal would be consistent with this Direction if it were in place.</p>

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 affect the maps for the Ashfield LEP 2013.

Part 5 - Community Consultation

The Planning Proposal will be exhibited for a period of 28 days in accordance with the Gateway determination. The exhibition material includes documents required by in the Gateway Determination and in the Department of Planning and Environment Planning Proposal guidelines .

Part 6 - Project Timeline

A project timeline is provided in the table below consistent with the Gateway determination for a 26 week completion timeline.

Phase	Timing
Gateway determination date	18 April 2019.
State agency consultation (during exhibition)	Concurrent with public exhibition
Commencement and completion dates for public exhibition period	End week 15
Consideration of submissions	End week 17
Report to Council	End week 20
Referral to Parliamentary Counsel of written instrument and response	End week 21
Referral to Department for Mapping	Not applicable
Instruction to Department to gazette LEP amendments- upload onto website	End week 24
LEP amendment gazetted.	End week 26



Reference: DOC19/526912

Mr Con Colot
Senior Planner
Inner West Council
PO Box 14
PETERSHAM NSW 2049

con.colot@innerwest.nsw.gov.au

Dear Mr Colot

Planning Proposal – Removal of exempt development on Heritage Items and HCAs, and removal of small lot subdivision of Heritage Items under Ashfield LEP 2013

Thank you for the opportunity to comment on the Planning Proposal to remove exempt development on heritage items and in heritage conservation areas, and to remove small lot subdivision of heritage items under *Ashfield Local Environmental Plan 2013*.

We understand that the planning proposal intends to amend Ashfield LEP 2013 by removing the following clause from Schedule 2 – Exempt Development:

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.*

We understand that, to avoid misapplication and misinterpretation of this clause, Council has chosen to remove the clause and rely on Clause 5.10 (3) of its LEP, which allows Council to provide exemption from development consent, provided sufficient information has been supplied by a property owner. This is considered to be an acceptable.

The planning proposal also intends to amend Clause 4.1A (2) of Ashfield LEP 2013, by including text within the clause which prohibits small lot torrens title subdivision of land which contains a heritage item. This is intended to correct an error in the LEP where small lot subdivision was prohibited in heritage conservation areas, but not on heritage items. This is considered to be a positive heritage outcome.

Heritage encourages amendments to environmental planning instruments which provide for greater protection of heritage items and heritage conservation areas, provided that the necessary due diligence, assessments and notifications have been undertaken.

If you have any questions about the above matter please contact James Sellwood, Senior Heritage Programs Officer – Statewide Programs, Heritage, Community Engagement, Department of Premier and Cabinet by phone on 02 9274 6354 or via email at james.sellwood@environment.nsw.gov.au.

Yours sincerely

Rochelle Johnston
Manager – Statewide Programs
Heritage

1 August 2019

Item No: C1119(1) Item 4
Subject: 2020 COUNCIL MEETING SCHEDULE
Prepared By: Ian Naylor - Manager Civic Governance
Authorised By: Melodie Whiting - Director Corporate

RECOMMENDATION

THAT Council:

- 1. Adopt the 2020 Council Meeting Schedule as detailed in this report; and**
 - 2. Publish the Schedule on Council's website, at Service Centres and in the Inner West Courier.**
-

DISCUSSION

Council has previously adopted a Meeting schedule of 2nd and 4th Tuesdays from February through to November and on 2nd Tuesday of December. Council has also resolved to have a two week meeting and briefing recess in July each year. Local Government elections will be held on 12 September 2020 and Council is in caretaker mode for the 6 weeks preceding the election, so the last meeting for the current Council term is proposed to be 11 August 2020. The first meeting of the new Council is proposed to be 29 September 2020 subject to the announcement of the election results. Taking these factors into account, the below schedule of meeting dates for 2020 is presented for Council's endorsement.

2020 Council Meeting Schedule

Tuesday 11 February
Tuesday 25 February
Tuesday 10 March
Tuesday 24 March
Tuesday 14 April
Tuesday 28 April
Tuesday 12 May
Tuesday 26 May
Tuesday 9 June
Tuesday 23 June
Tuesday 28 July
Tuesday 11 August
Tuesday 29 September (Mayor and Deputy Mayor Election)
Tuesday 13 October
Tuesday 27 October
Tuesday 10 November
Tuesday 24 November
Tuesday 8 December

ATTACHMENTS

Nil.

Item No: C1119(1) Item 5
Subject: AUSTRALIA DAY CITIZENSHIP
Prepared By: Michael Daly - Events Manager
Authorised By: Erla Ronan - Director City Living

RECOMMENDATION

THAT Council:

- 1. Approve the conducting of the mandated Australia Day Citizenship Ceremony in the Marrickville Library on 26 January 2020; and**
 - 2. Approve a new community fireworks program scheduled on 25 January in Enmore Park.**
-

DISCUSSION

Council resolved to consider reframing the Marrickville community festival currently held on 26 January (2018) as part of an events review, together with consulting the Aboriginal and wider community on the nature of Council's 26 January event and recognising the history of Indigenous Australia.

Council officers are finalising the events review, which will be reported to Council presenting an annual program for Council's Major Events and Festivals. Given the timing of the Marrickville community festival on 26 January, it is proposed that this report be considered by Council prior to finalising the events review. A key consideration of the events review is harmonizing existing services and ensuring that major events are spread evenly across the Inner West local government area.

BACKGROUND

The Commonwealth Government has mandated that civic authorities conducting citizenship ceremonies must conduct a ceremony on Australia Day, 26 January. The Commonwealth Government has withdrawn the rights to conduct citizenship ceremonies from Yarra Council and Darebin Councils (Victoria) for not meeting this requirement.

In former Ashfield Council, a Citizenship ceremony was conducted on Australia Day. In former Leichhardt Council, a Citizenship Ceremony was conducted. In former Marrickville Council, the Citizenship Ceremony was embedded within a wider festival, taking place on 26 January, which also included;

- Citizen of the Year Awards,
- Entertainment, food stalls and evening fireworks.

Council has resolved to review its Australia Day observance program.

Post-event in 2019, engagement was undertaken on attitudes towards the current Enmore Park program, and views on evolution of the program to include recognition of Indigenous Australia. Feedback was sought from the Aboriginal and Torres Strait Islander Working Group and the general community.

- The Aboriginal and Torres Strait Islander Working Group noted the central importance of Yabun in Victoria Park on 26 January and preferred not to comment on any Australia

Day event in the Inner West. Individual members were invited to respond to the online survey.

- 37 people responded online, 19% of respondents identifying as Aboriginal and/or Torres Strait Islander. The majority of responses opposed Council holding an Australia Day celebratory event.
- While most people opposed a celebratory event for Australia Day, the people who had attended the event in Enmore Park in the past, did so for summer enjoyment including;
 - Fireworks program
 - Children's activities
 - Picnic
 - Live entertainment

PROPOSAL

It is proposed that Inner West Council meet its mandated requirements to conduct a Citizenship ceremony on 26 January, and that a single ceremony be conducted in the foyer of the Marrickville Library and include the Citizen of the Year Awards.

Recognising the community appreciation of Council-sponsored summertime celebrations, it is proposed to offer residents throughout the Inner West the opportunity to enjoy a Lunar New Year Fireworks display in Enmore Park on evening of Saturday 25 January.

FINANCIAL IMPLICATIONS

- Nil additional to the existing budget of \$74,237
- Revenue forgone as food stalls will not be located in Enmore park for the night-time fireworks display
- Costs relating to this report are as follows:

Item	Cost
Fireworks display at Enmore Park including the display costs, security, lighting towers, toilets, first aid.	\$10,000
Promotions budget	\$5,000
TOTAL expected expenditure -	\$15,000

ATTACHMENTS

Nil.

Item No: C1119(1) Item 6
Subject: **NOTICE OF MOTION: PETERSHAM OVAL GRANDSTAND RE-NAMING**
Council at its meeting on 22 October 2019 resolved that the matter be deferred to the meeting to be held on 12 November 2019.
From: **Councillor Victor Macri**

MOTION:

THAT Council re-name the Petersham Oval Grandstand to “The Hughes family-Dudley Seddon Memorial Grandstand”.

Background

Petersham Oval. A place of honour for its great cricketers

Two of the greatest and most influential cricketers ever to grace Petersham Oval were Tommy Andrews and Dudley Seddon. It is therefore no surprise that their names are etched on the prime facilities at Petersham Oval—the scoreboard and grandstand.

The Tommy Andrews Memorial Scoreboard

Tommy Andrews played with the old Petersham Club between 1909 and 1936 scoring just on 11,500 runs in 1st Grade while taking 500 wickets. He went on to play 151 first-class games for NSW and Australia including 16 Test Matches. He also captained NSW four times. Andrews was awarded life membership of the Petersham club in 1924 and 13 years later received the same recognition from the NSW Cricket Association.

The Petersham Oval scoreboard was constructed in 1936 and named in Tommy Andrews’ honour shortly after. It is understood that following his passing in 1970, the name was changed to the T J Andrews Memorial Scoreboard. That name sits atop the scoreboard to the present day.

The D. Seddon Memorial Grandstand

Dudley Seddon played for Petersham from 1915 until 1943. He scored almost 8,000 runs in 1st Grade, captaining the team for seven successive seasons. He also played for NSW six times. While cricket was Dudley’s first love, he was also a capable rugby league centre three-quarter for Newtown who went on to represent NSW when aged just 20.

As an administrator Dudley was first elected to the Petersham committee in 1930 before becoming the club’s delegate to the NSW Cricket Association in 1942, a position he held for the following 26 years. He was made a NSW Cricket Association Life Member in 1951 having previously been conferred with such honour by the Petersham club in July 1940. He became Petersham-Marrickville President in 1959 serving in that role until 1968, the year he retired.

It was Dudley’s role as a State and Australian selector between 1947 and 1967 however, where he exerted his greatest influence on the game. As a national selector for the final 12 years of that period with Sir Donald Bradman and Jack Ryder, he was an integral part of one of the most formidable selection panels in the game’s history. It was this group which established a selection approach and culture which ushered in a golden era of Australian cricket, the benefits of which remain evident in today’s modern game.

Dudley Seddon died at Dulwich Hill on 18 April 1978 just prior to his 76th birthday. In recognition of his contribution to the Petersham club the grandstand at Petersham Oval was named in his honour. For reasons unknown, his name has since been painted over and is no longer visible on the grandstand awning. The attached photo of the 1979-80 Randwick team at Petersham Oval however, clearly shows the name “D. Seddon Memorial Stand”.

The Hughes family

While the names Tommy Andrews and Dudley Seddon are synonymous with Petersham/Petersham-Marrickville cricket, there can be no doubt that the name “Hughes” conjures similar recognition. Two generations of Hughes players, administrators and volunteers covering a period of activity totalling 64 years between 1944 and 2008 gives ample testimony to that claim.

Born in Newtown and a product of Lewisham Christian Brothers, Noel Hughes joined the old Marrickville club as a 15 year old in 1943-44. He joined Petersham the following summer and in 1947-48 made his 1st Grade debut. Over the following 32 seasons, he went on to score over 9,000 runs including 6,817 in 1st Grade.

In 1946, Noel brought along his then girlfriend and later wife Patricia to help out with afternoon teas at Petersham Oval. That was the beginning of a period of voluntary assistance which continued until her “retirement” in 2008—62 years later. Together with two other ladies—Helen Milford who joined her in 1951 and Robin Gardner in 1966—Pat and her “team” became legendary in Sydney Grade Cricket for their Petersham Oval hospitality. Indeed, there would hardly be a 1st or 2nd Sydney Grade cricketer in all that time who wasn’t served “a cuppa” by each of these ladies. In fact, Pat Hughes was as well known in Sydney cricket circles as any leading player.

Noel and Pat Hughes were married in 1951 and in October 1952 their first son Garry was born. Mark followed a couple of years later with Graeme arriving in 1955. Each of the three boys played 1st Grade cricket for Petersham-Marrickville with Graeme fulfilling his father’s dream and playing Sheffield Shield cricket for NSW. Graeme became a dual State representative playing rugby league for NSW. Between father Noel’s debut season of 1947 and the final season of Graeme’s career in 1995, there had hardly been an occasion when Petersham or Petersham-Marrickville 1st Grade team took the field without the Hughes name in the starting line-up.

Noel Hughes was a cricket icon in the Petersham area throughout his career. After filling in for a few matches in 1975-76 Noel Hughes hung up his boots. He continued to serve the club as a committee member however, and when he eventually stood down in 1998, he had chalked up a mammoth 42 successive years as an administrator. Deservedly, he was awarded Life Membership of Petersham Marrickville in 1971 while in 2000 he, along with wife Patricia who had served an estimated 50,000 cups of tea at Petersham Oval, was awarded the Australian Sports Medal by the Governor-General. In 2010 they were again both honoured with Cricket Australia’s 50 Years’ Service Medal.

While Garry and Mark Hughes played 1st Grade with Petersham-Marrickville CC, it was third brother Graeme who had more success on the cricket field. He made his 1st Grade debut at age 17 and went on to play for the following 21 seasons scoring over 6,500 runs with 11 centuries. He was the top-scorer in the Grand Final when Petersham-Marrickville won the 1st Grade premiership in 1974-75. Hughes went on to play 22 matches for NSW making his Sheffield Shield debut against Victoria in 1975 aged 20.

Just prior to his first-class cricket debut, Hughes played his first game of rugby league for NSW against Queensland aged 19 becoming a “Dual Blue”. He followed Dudley Seddon who also achieved that feat.

Hughes was an integral member of the Canterbury-Bankstown Bulldogs sides of the late 1970s-early 80's along with his brothers Garry and Mark. All three played in the NSWRFLL Grand Final of 1980 won by Canterbury-Bankstown 18-4 over Easts with Graeme playing a starring role.

Recommendation

With the renovation of the Petersham Oval grandstand nearing completion, it is felt that consideration should be given to the re-naming of the facility. As indicated above, the name of Dudley Seddon is entirely appropriate to be retained. However, with the passage of time and the contribution and achievements of the Hughes family since the original naming, this club is of the strong view that their name should also be recognised at a venue which was like a "second home" to each and every one of them over a long period of time.

In this regard it is suggested the Petersham Oval Grandstand be re-named "The Hughes family-Dudley Seddon Memorial Grandstand".

Officer's Comments:**Comment from Parks and Recreation Planning Manager:**

A number of memorials and monuments are scattered throughout Petersham Park. The gates and stone gate-post in Brighton Street form an Anzac Memorial (opened 1921). Other memorials include the D Seddon Grandstand and the T J Andrews Scoreboard which commemorate cricketers in the locality. Cricket is however not the only organised sport played at Petersham Park, baseball has been a feature of the park for over thirty years and the grandstand and its facilities are a shared facility.

The park is a listed heritage item and it needs to be respected as such. In early 2020 Council will be commencing the development of a Plan of Management for Petersham Oval. This is the correct vehicle for Council to consider any proposed name change or naming addition to the grandstand facility. The Plan of Management process will include significant community engagement with both park users and the general community. A change in name to any key assets within the park should be consulted appropriately with the community and the results of community engagement reported back to Council for consideration, prior to any name change being determined by Council.

ATTACHMENTS

Nil.

Item No: C1119(1) Item 7
Subject: NOTICE OF MOTION: COUNCILLORS PERMITTED TO HIRE MEETING ROOMS IN ALL WARD AREAS
From: Councillor Rochelle Porteous

MOTION:

That Council affirms that it is the intention of Council, in allowing Councillors to “book meeting rooms for official business in a specific Council building” (as outlined in the IWC Councillors’ Expenses and Facilities Policy; Part C; Clause 9.2), that Councillors be able to book the meeting room which best meets the needs of the local residents in terms of convenience, accessibility and numbers likely to attend wherever it is located across the LGA of the Inner West Council.

Background

In the Local Government Act Section 232 (1) The role of a councillor is as follows: ... (e) to facilitate communication between the local community and the governing body. In fact a key responsibility of Councillors, as also outlined in the Office of Local Government Councillors Handbook, (Office of Local Government 2017) is to ‘engage and consult with your community’ (p.3). Councillors need to consult regularly with residents, community groups and key stakeholders both to keep them informed of council decisions and to receive feedback from them.

In order to undertake this responsibility Councillors are permitted under the Councillors’ Expenses and Facilities Policy to:

“Part C: Facilities: 9.2. Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through a specified officer in the Mayor’s office or other specified staff member. “

This clause has allowed Councillors to book council meeting rooms – for example the Balmain Town Hall Meeting Room, the Annandale Neighbourhood Centre Meeting Room, Annandale Back Hall, the Hannaford Centre in Rozelle and others, however council staff have recently communicated to individual Councillors seeking to book meeting rooms under the Councillors’ Expenses and Facilities Policy that Councillors will now only be permitted to book the small Councillors’ Rooms in Ashfield and Leichhardt and the meeting rooms in the Petersham Admin Centre (Marrickville Chambers), Ashfield and Leichhardt Admin Centres. None of these rooms are suitable to meet with a number of residents or a larger community groups, some have poor accessibility in the evening and at the weekend and all are not convenient for residents living in other parts of IWC.

Councillors need to be able meet residents in their local area and in rooms that are large enough to allow for a community meeting and easily accessible when residents are able to attend meetings which is often outside of business hours.

Note: Source of funding if required: this motion clarifies the interpretation of the hiring of meeting rooms as part of the Councillors’ Expenses and Facilities Policy. This is the interpretation that has previously been implemented by council staff and has only recently had a change of interpretation. Any funds required would have been previously sourced from the Councillors’ Expenses and Facilities and this would continue with the clarification as outlined in the motion below.

Officer's Comments:**Comment from Civic Governance Manager:**

This policy has been in place since 2017 and Councillors may book meeting rooms free of charge in specified Council buildings. Seven meeting rooms in the three Service Centres and two Councillor Rooms in Ashfield and Leichhardt Service Centres are provided for this purpose. As these rooms are within Council's Service Centres there are no fees associated with these facilities. If Council wishes to amend the policy to include other meeting rooms then the policy would need to be amended, placed on public exhibition and a source of funding be determined. Council has adopted fees for booking town halls eg. Balmain Town Hall Meeting Room is approximately \$70/hour.

ATTACHMENTS

Nil.

Item No: C1119(1) Item 8
Subject: NOTICE OF MOTION: COUNCILLOR ACCESS TO MEDIA
From: Councillor John Stamolis

MOTION:

THAT Councillors Expenses and Facilities Policy be amended to provide access to the Sydney Morning Herald, The Daily Telegraph and the Inner West Courier either by hardcopy or media website; as per the choice of the Councillor.

Background

Councillors require quick and easy access to NSW media for their information and research. This includes the news of the day as well as the ability to find past articles relevant to their research needs.

Current data produced in regard to the Councillors Facilities and Expenses Policy shows that this budget item will have a significant underspend. Moreso, while these funds are available to all Councillors, most Councillors will receive little benefit from their allocation while other Councillors will use a significant part of their allocation (as they are entitled to do so).

It would be useful if the Facilities and Expenses Policy could be more flexible to include fair and reasonable access to relevant and necessary media.

Officer's Comments:

Comment from Civic and Governance Manager:

Councillors are provided with daily media clippings by email where Council is mentioned in a media story. If this motion is supported the policy would need to be amended and exhibited and a funding source determined. The policy and Councillors budget has no current provision for newspaper subscriptions.

Council previously considered this matter in 2018 and resolved not to amend the policy.

ATTACHMENTS

Nil.

Item No: C1119(1) Item 9
Subject: NOTICE OF MOTION: BALMAIN SQUARE: POSSIBILITY FOR EXPANSION
From: Councillor John Stamolis

MOTION:

THAT Council to enter into discussions with Telstra about whether there is any opportunity to expand the Balmain Square (i.e. demolish more of the Telstra building).

Background

Demolition works on the Telstra building - to create the new Balmain Square - are well under way. There still remains opportunity for Council to open up the possibility of expanding the size of the square should Telstra not require the entire remainder of the building.

Looking at the scale of the remaining structure it might be possible that Telstra does not need the portion of the building which is of smaller height. Now would be a good time to open up discussions about this.

It would be a very inefficient result all round if Telstra kept this part of the building 'just in case' it needs it with the intent of handing it over to Council in 5 years time. It would be far more efficient, now, to demolish all the structure that is not need (rather than have two demolitions) and to build the square 'once' (rather than twice).



Officer's Comments:

Comment from Chief Operating Officer, Director Development and Recreation:

In a report to Council meeting of the 27 March 2018, officers presented Council with an option for an expanded square that could have been delivered post-2022 when part of the existing Telstra building becomes surplus to their requirements as a result of the NBN roll-out. Officers advised that the future expansion of the area could be considered once the NBN rollout has been completed. Expanding the yet-to-be-built square post-2022 will require in the order of an additional \$2 million in unbudgeted capital expenditure.

ATTACHMENTS

Nil.

Item No: C1119(1) Item 10
Subject: NOTICE OF MOTION: A SENSIBLE SEPARATED CYCLEWAY ON RAILWAY PARADE AT SYDENHAM STATION
From: Councillor Mark Drury

MOTION:

THAT Council seeks the Minister for Transport for NSW immediately step in and require parts of his portfolio to co-operate to get a sensible separated cycleway on Railway Parade at Sydenham Station.

Background

The NSW Government is currently converting the heavy rail line at Sydenham to Metro services.

The Metro approval requires an access plan to be prepared for Sydenham Station with walking and cycling as the highest priority modes. A separated cycleway needs to be provided connecting Sydenham Station with cycleways outlined in the Marrickville Road East Streetscape Improvement Master Plan and the Marrickville Bicycle Strategy

Sydney Metro has said the Roads Authority will not allow reallocation of any road space so facilities can be provided for people to walk or cycle to the station safely

Safe cycling facilities are needed around the station to support the NSW Government's aim to increase short trips by cycling

Sydenham Station provides an important transport interchange between three suburban train lines and the NSW Government needs to uphold the intentions in its transport strategy to encourage walking and cycling and public transport use.

I'm not aware of the history of this but the council staff seem to think this is a good idea too

Officer's Comments:

Comment from Group Manager Strategic Planning:

This Notice of Motion is consistent with Council staff's discussions with Sydney Metro staff. It is important that the separated cycleway is provided to accord with Council's plans to support local active transport, including providing good access to the station.

ATTACHMENTS

Nil.

Item No: C1119(1) Item 11
Subject: NOTICE OF MOTION: INNER WEST COUNCIL CALLS ON NSW GOVERNMENT TO GET SERIOUS ABOUT A CITY WEST CYCLE LINK
From: Councillor Mark Drury

MOTION:

THAT Council recommits to the City West Cycle link proposal and calls on the NSW Minister for Transport to conduct a feasibility study.

Background

Many Inner West residents have been seeking a safer and more rideable way of cycling into the Sydney CBD. The City West Cycle link (CWCL) would help achieve this. Now is a unique opportunity to secure a corridor to make the CWCL a reality.

The Leichhardt and then Inner West Council, in conjunction with the City of Sydney and bicycle user groups, has been seeking the CWCL this since 2010;

The Construction of WestConnex Stage 3b, provides a linear park on the former Rozelle Railyards thus providing a unique window of opportunity to:

- o Construct a path in the park
- o Connect to both Lilyfield Road and the light rail corridor

The Inner West Council notes resident concern over the proposed Lilyfield Road Cycleway could be significantly reduced if the CWCL were to be constructed. If the CWCL were to be constructed immediately it may overcome the need to build a separated cycleway in Lilyfield Road.

For the CWCL to work there will need to be a preservation of corridors, for Transdev to permit access beside and crossing of the light rail lines (only crossing lines to the maintenance facility)

Therefore a feasibility study should be conducted which works with all the authorities to get a better outcome for our community

Officer's Comments:

Comment from Group Manager Strategic Planning:

It is important to seek to ensure that the opportunity arising to secure the City West Cycle Link whilst various other NSW Government works proceed is not lost. The proposal accords with the approach staff are taking to this issue.

ATTACHMENTS

Nil.

Item No: C1119(1) Item 12
Subject: NOTICE OF MOTION: WESTCONNEX: TREE CANOPY AND NOISE,
VIBRATION AND AIR QUALITY REPORTING
From: Councillor Marghanita Da Cruz

MOTION:

THAT Council call on the Minister for Planning, Environment and Industry to urgently:

- a) replace the Inner West tree canopy removed for the construction of Westconnex; and
- b) provide noise, vibration and air quality data and monitoring reports to the Inner West Council for publication on our website.

Background

There has been extensive land clearing for the construction of Westconnex stages 1, 2 and 3 including the remnant of critically endangered at Kingsgrove, Trees in Sydney Park and Haberfield and most recently in Rozelle and Annandale.

Many of these trees around City West Link in particular have been Casuarinas which were planted by RMS along busy roads because of their effectiveness in filtering air pollution. "Casuarina plants removed air pollutants more efficiently than Eucalyptus plants." - Casuarina and Eucalyptus response to single and multiple gaseous air pollutants Elkley, T. & Ormrod, D.P. Water Air Soil Pollut (1987) 36: 365. <https://doi.org/10.1007/BF00229678>

"It [vegetation] helps filter air and water borne pollutants, provides shade and comfort from the sun and converts carbon dioxide to oxygen. It is a structural component of our road infrastructure and provides long-term self-repairing stability to cuttings and embankments." - Landscape design guideline, Design guideline to improve the quality, safety and cost effectiveness of green infrastructure in road corridors, Roads and Maritime Services, December 2018, <https://web.archive.org/web/20190330071657/https://www.rms.nsw.gov.au/documents/projects/planning-principles/urban-design/landscape-guideline.pdf>

Officer's Comments:

Comment from Group Manager Strategic Planning:

WestConnex has had a significant immediate negative impact through removal of trees. However, all three stages of the project include provisions within conditions of approval requiring retention and replacement of trees, in particular that as many trees are retained as possible and that all trees lost are replaced within reasonable proximity to the project so that there is a net increase in the total number of trees. Noting the present position with tree clearance, it is appropriate to raise with the NSW Government the significance of trees lost to date and the need for the tree replacement provisions to be implemented in full. The planting of substantial trees has also been constrained by WestConnex-related infrastructure and/or inappropriate roadway design guidelines.

Whilst most noise, vibration and air quality data and monitoring reports are available for public view on the WestConnex website, these can be difficult to locate and it is not known whether

all such reports are publicly available. Council can request the NSW Government makes all reports publicly available, and seek assistance from the NSW Government to include a brief description of key reports (with weblinks) on its website so as to improve public access to this important information.

ATTACHMENTS

Nil.

Item No: C1119(1) Item 13
Subject: NOTICE OF MOTION: USER POLICY FOR SHARED SPORTING FACILITIES
From: Councillor Victor Macri

MOTION:

THAT Council develop a user policy for the many shared sporting facilities that it has created. The prime example is the basketball/tennis facilities. There are a number of them around the LGA. If these policies are already in place then the motion will be for them to be signposted at all these facilities.

Background

I have had a number of residents complain to me regarding the tennis courts that have been repurposed into multi use courts and confrontations that are occurring with no visible policy in place to guide how are to be utilised, this leads to an undesirable outcome for the community.

Officer's Comments:

Comment from Parks and Recreation Planning Manager:

Council officers are proactively managing shared sporting facilities including basketball/tennis courts. Users are advised that the facilities are a shared community asset and to be respectful of other court users by limiting games to 1 hour. Users are also requested to be respectful of nearby residents and keep noise to a minimum. Examples of signage can be found in Attachment 1.

ATTACHMENTS

1. [↓](#) Examples of Signage



Richard Murden Reserve Multi Purpose Courts

These courts are available for the use and enjoyment of the community.

Courts are not available for public use between 4pm - 9pm from 1 March to 30 September due to sporting club bookings.

Except as stated, courts are available for free casual use from 8am - 8pm (no booking required).



Foodlighting is not available for public use



Limit play to 1 hour when others are waiting

The following are prohibited on the courts:



Please keep noise to a minimum and respect the amenity of neighbours.

ALL USE IS AT OWN RISK.

This site is inspected regularly
Report any concerns to Inner West Council
Phone: (02) 9392 5000
Website: www.innerwest.nsw.gov.au

**FINES APPLY FOR NON-COMPLIANCE OF PARK SIGNS
AND PENALTIES APPLY PURSUANT TO
SECTION 632 - LOCAL GOVERNMENT ACT 1993**

Item No: C1119(1) Item 14
Subject: NOTICE OF MOTION: APIA LEASE
From: The Mayor, Councillor Darcy Byrne

MOTION:

THAT Council:

- 1. Continue to negotiate with APIA Tigers Leichhardt Football Club with the intention to enter into a new lease that will enable APIA to continue using Lambert Park as their home ground into the future;**
 - 2. Work with APIA to actively pursue grant opportunities to help fund restoration work at Lambert Park; and**
 - 3. Officers report to Councillors at an ordinary Council meeting regarding the current state of lease negotiations with APIA.**
-

Background

Negotiations have been ongoing over the lease of Lambert Park with the APIA Leichhardt Tigers Football Club (APIA) who earlier this year exercised their option to renew for a further 5 years. The Club's preference is for a new, long term lease to be agreed to.

Council Officers are having regular meetings with APIA representatives to progress the issue, and I am advised that they are working to overcome a number of obstacles.

Recently, Council Officers, in collaboration with APIA, submitted a \$1,000,000 grant application to the Regional Sports Infrastructure Fund to allow replacement of the grandstand roof; upgrades to seats; lighting and drainage; and other works. This followed on from APIA in 2013 having successfully lobbied for government funding that was used to install a state-of-the-art synthetic pitch, new dressing rooms and a new club pavilion.

Lambert Park is APIA's traditional home ground and has been since 1954. Since opening in 1954 it has been used for most of APIA's home games. It is now home to the largest and most prestigious football program in the Inner West. APIA's Mens' and Womens' First Grade teams both play at the highest level of football in New South Wales (which includes boys and girls from the age of nine to first grade football).

They are an Inner West institution, and Council needs to work productively with APIA to ensure that a lease is put in place and continues for future generations.

The current lease involves APIA paying all recurrent maintenance costs and having exclusive use of the ground (while the Club provides usage of the facility to a variety of groups).

One possible solution could be for Council to assist with some of these maintenance costs, in return for increased access to the ground for the broader community.

Officer's Comments:**Comment from Chief Operating Officer, Director Development and Recreation:**

APIA have an existing lease over Lambert Park. This lease has a 5-year extension option that APIA have sought to exercise. The terms of the lease are such that an extension option cannot be exercised while the lease is in breach.

Over the last five (5) years, APIA has breached conditions of the lease including but not limited to:

- a) late payments of sinking fund payments;
- b) routinely exceeding its hours of operation causing complaints from neighbours;
- c) not carrying out agreed Site Maintenance and Capital Works which has led to serious concerns including in relation to fire safety, structural failure of the grandstand, and unsafe and unlawful electrical cabling; and
- d) not ensuring it meets its legislative requirements for Work Health and Safety.

On 16 April 2019, after APIA had failed to meet repeated requests for a Structural Engineers report on the safety of the Grounds, Council engaged a Structural Engineer to report and were advised of a number of serious risks that required immediate closure of the Sportsfield and Council taking actions to ensure public safety, costs totalling over \$53,000. This sum has not yet been reimbursed to Council.

In light of above, it is not the intention of officers to recommend renewal of the lease. It open for Council to seek public Expressions of Interest in Lambert Park. Nevertheless, in recognition of APIA's long-term interest in the site, officers are progressing a new five (5) year lease conditional, in part, upon APIA's agreement to remedy the above concerns, and will include provisions where failure to comply with the terms of the lease will see its termination.

ATTACHMENTS

Nil.

Item No: C1119(1) Item 15
Subject: NOTICE OF MOTION: BROKERING SOLAR INSTALLATION FOR LOCAL RESIDENTS
From: Councillors The Mayor, Councillor Darcy Byrne and Councillor Anna York

MOTION:

THAT Council:

1. Support, in principle, the solar installation partnership between Inner West Community Energy, Camperdown Commons and Acre restaurant and provide active advice and assistance regarding the development assessment process for the project;
 2. Note that this pilot project provides a model through which the community, Council, not for profit entities and business can collaborate to deliver new solar installations and create new renewable energy capacity in our local community;
 3. Note the request for assistance from Leichhardt Bowling Club to have solar pv installed to assist with the financial viability and environmental sustainability of that Club and convene a meeting with the Club, Inner West Community Energy and other relevant parties to assist with initiating the project;
 4. Congratulate Leichhardt Market Town on the recent launch of a large scale solar installation on the roof of the shopping centre and note the potential for this project to be replicated at shopping centres across the Inner West.;
 5. Receive an update report, to be tabled at an Ordinary Council meeting, on the progress of efforts to establish a formal role for Council as a broker of renewable energy projects on public and private properties including, residential, industrial, commercial properties; and
 6. Receive a plain English language report, to be tabled at an ordinary Council meeting, on how the development assessment process for installation of solar on individual homes can be made simpler and cheaper. This should include any identification of necessary amendments to state legislation as well Council's planning controls.
-

Background

Inner West Council has made a commitment to become a leader in renewable energy and to punch above its weight in the environmental debate in Australia. Now that Council's program of renewable energy initiatives is well-established, it is time Council took practical steps to help residents, property owners, businesses and organisations access the benefits of solar power. Council Officers have begun investigations into a process whereby Council can help connect residents and larger providers who can broker access to solar technology on their property. It is important that this program progresses quickly to allow property owners an easy, cost neutral way to reduce their environmental footprint, access the great benefits of solar power and get real savings for their household budgets. This initiative would compliment the range of Council renewable programs already in place, including the following:

100 per cent divestment from fossil fuels

In June Council became the first NSW council to be 100 per cent divested from fossil fuels, well ahead of schedule. TCorp has now joined with Council to pilot a green investment product, which means that Council is pioneering a new, more environmentally sound way for councils to do business.

Moree Solar Farm Contract

On 1 July Council marked a new milestone in its target of using 100% renewable energy, with the commencement of the contract to purchase power from the Moree Solar Farm. With the agreement operational, approximately 25% of all Council's energy usage is now solar powered.

Solar My School

Council is now licensed to offer Solar my School to schools in the Inner West LGA. The program provides free independent and expert support and guidance to selected primary and secondary schools looking to power their buildings with solar energy. The program offers the schools the opportunity to :

- Generate their own clean renewable energy
- Reduce your school's energy bills and carbon footprint
- Showcase community leadership
- Receive educational resources for students

Over 100 Sydney schools, including nine in the Inner West, are already part of this program. The program was jointly founded and developed by Randwick, Waverley and Woollahra Councils in 2016. Inner West schools include:

- Ashfield Public School;
- Wilkins Public School;
- Orange Grove Public School;
- Sydney Secondary College (Leichhardt);
- Dulwich Hill Public School;
- Kegworth Public School;
- Marrickville High School;
- Dobroyd Point Public School (recently registered);
- Rozelle Public School (recently registered); and
- Marrickville Public School (recently registered).

Retrofitting Solar Power on Council Facilities

Earlier this year Council installed new solar panels on the Petersham Town Hall and retrofitted the facility with an LED lighting upgrade, which will save around 15 tons of carbon every year and reduce energy costs. Solar and energy efficiency capital works completed thus far include:

- Petersham Town Hall Solar and LED lighting - 15kW solar array on Petersham Town Hall, combined with an LED upgrade at the site.
- Solar on Yirran Gumal early learning centre
- Solar on Leichhardt Park Children's Centre.

Further solar projects being delivered in 2019-20 include:

- Fanny Durack Aquatic Centre,
- Ashfield Aquatic Centre,
- Herb Greedy Hall and
- Haberfield Library.

Energy efficient LED lighting upgrades are in progress at five early learning centres.

Street Light Replacement Program

Council has worked with Ausgrid to fast track a program to rollout new energy efficient LED streetlights as a standard for all existing streetlights within residential streets. In 2018, Inner

West Council, along with 16 other Councils, agreed to accept Ausgrid's offer to accelerate the replacement of all existing streetlights (on minor residential roads) with the new lights. Ausgrid is replacing approximately 4600 street lights within the Inner West Council area under this program. As of May 2019, Ausgrid advised that approximately 65% of planned LED replacement had been completed throughout the Inner West Council area.

SunSPoT

Council worked with Australian PV Institute (AVPI) to map the Inner West area so that residents can use an online tool to look at their own rooftop and calculate how much electricity and money a solar PV system could save their home or business.

Our Energy Future

Inner West Council was a founding member of the Our Energy Future program, a collaboration of 12 Sydney councils. It provides a service that helps with energy and solar advice, quotes for solar panels, hot water systems, LED lighting and insulation from independently vetted suppliers. Council residents contribute over one-quarter of total installed solar through Our Energy Future.

Office of Renewable Energy Innovation

Council's new Office is addressing the barriers and leveraging opportunities to increase the take-up of renewable energy across the Inner West. The Renewable Energy Innovation Officer is working with community energy groups, organisations and the private sector to pilot, develop and implement innovative renewable energy solutions.

Officer's Comments:**Comment from the Chief Executive Officer:**

With regards to recommendation one (1) a merit-based assessment will need to be undertaken of any development application received for a solar installation project. With regards to recommendation three (3) Council staff have advised that the Leichhardt Bowling Club project has positively moved past this point. With regards to recommendation five (5), Council pays an annual fee of \$12,000 to Australian Energy Foundation for Our Energy Future to provide a brokering service. The Australian Energy Foundation is commissioned to deliver the program until June 30 2020. It is not recommended to duplicate an offering in this space.

ATTACHMENTS

Nil.

Item No: C1119(1) Item 16
Subject: NOTICE OF MOTION: CLIMATE EMERGENCY - COUNCIL CONTRACTS
From: Councillor Tom Kiat

MOTION:**THAT:**

1. Council receives a report from Council officers before the end of 2019 detailing:
 - a) companies that are both on *The Adani List* and currently have contracts with the Council;
 - b) or have had contracts with Council during 2019; and
 - c) the implications for Council of withdrawing from any contractual agreements with GHD and any other contractor identified as being on *The Adani List* until it withdraws from Adani's project.
2. With regard to the awarding of future Council contracts, resolves to, where other factors are equal, give preference to contractors that are not on *The Adani List*. Tenderers for Council contracts should be notified of this and tender reports to Council should note whether any proposed contractor is on *The Adani List*; and
3. Council writes to the Board of GHD and any other companies found to be both contractors to the Council during 2019 and on *The Adani List* to:
 - a) request that they cease any involvement with Adani's Carmichael Coal Mine and Rail Project; and
 - b) advise them that in awarding future contracts Council will give preference to contractors whose policies and practices align with Council's commitment to facing the climate emergency - and specifically, to contractors that are not on *The Adani List*.

Background

Council notes:

1. That the Council has declared a Climate Emergency which means that tackling global heating is a key strategic priority of Council. Burning coal is the biggest driver of global heating so stopping new coal mines is vital.
2. That the Council has resolved to oppose the building of the Adani mine. Now is the time to act on that decision.
3. That the Council has passed a motion to divest ratepayer's money from fossil fuels which recognises residents are concerned about global heating.
4. That a growing number of councils are aligning procurement with their values. It is timely for the Council to clearly state how its values will impact upon the Council's engagement of contractors.
5. That a list of companies working on the Adani Carmichael Coal Mine and Rail Project is available on *The Adani List* <<https://www.marketforces.org.au/info/key-issues/theadanilist/>>, which is managed by independent research organisation *Market Forces*. It is notable that many companies on *The Adani List* work with councils.

6. That the Council currently employs the GHD Group, a company working with Adani to open the Carmichael mine and also open the Galilee basin.
7. Council is in a strong position to contribute to pressure on current and potential contractors to Adani and help to prevent the building of the Adani Carmichael Coal Mine.

Officer's Comments:**Comment from Legal Counsel and Purchasing Services Manager:**

The Draft Sustainable Procurement Policy includes consideration of social and environmentally sustainable principles in purchasing decisions and will be tabled at 26 November Council Meeting.

A legal review of all contracts involving GHD Group and other companies on *The Adani List* will have significant resource implications for Council's Legal Services team and a report will not be able to be provided on financial implications of contractual arrangements until February 2020.

ATTACHMENTS

Nil.

Item No: C1119(1) Item 17
Subject: NOTICE OF MOTION: URGENT SAFETY MOTION
From: Councillor Julie Passas

MOTION:

THAT the pocket park in Elizabeth Street Ashfield be closed immediately and the upgrade commence as a matter of urgency and Council be reminded of its duty of care.

Background

Council resolved to upgrade the pocket park in Elizabeth Street Ashfield over one year ago, since then I have raised a safety issue with the gate not having a closing or locking device.

The park is situated on one of the busiest streets in Ashfield after reporting the issue again, I went down to ascertain whether any interim closing device was installed. I found my requests have been ignored and half the gate missing. This is unacceptable especially when Council is spending thousands of ratepayers money on events and festivals. The nearby well maintained off leash dog park has two double secured gates. Are dogs more important to this Council than our children?

Officer's Comments:

Comment from Parks and Recreation Planning Manager:

Community engagement on the upgrade of Elizabeth Street Playground closed on 14th July 2019. Work is currently being finalised on a design upgrade for the new playground facility. This includes new fencing and gate facilities. Works on a new playground facility are planned to commence in early 2020.

The playground entrance gate is located 20m from Elizabeth Street with access to the park gained from a side laneway, not the main street. The main street section of the park on Elizabeth Street is fully fenced and enclosed.

Currently part of the main gate (half of the gate) to the playground is missing. A replacement panel is being sourced and will be installed in the next few weeks. There are no significant or inherent risks to children using the play area. Parents and caregivers have a duty of care to supervise children using the playground. The photo in Attachment 1 highlights the section of gate which is missing from the laneway entrance to the park.

ATTACHMENTS

1. [↓](#) Photo of Elizabeth Street Playground

Item 17



Attachment 1

Item No: C1119(1) Item 18
Subject: NOTICE OF MOTION: EMERGENCY SITUATION
From: Councillor Julie Passas

MOTION:

THAT Councillors be advised of action required in such circumstances and contact details for afterhours reporting.

Background

From time to time an urgent situation arises in our LGA when this occurs outside business hours Councillors do not have the details of who to contact. I recently reported an issue involving a large broken branch which had the potential to cause injury and damage to passing cars, this was reported on a weekday. I was informed that "it was not a danger". On the weekend the branch fell further and I was forced to call the SES, the result was the branch was removed by tree contractors in the dark. This motion calls for a report on the incident including cost for afterhours attendance by contractors.

Officer's Comments:

Comment from Chief Executive Officer:

Councillor Passas has now kindly provided further information. It is clear from her advice that the original tree identified was not the one requiring urgent treatment.

ATTACHMENTS

1. [↓](#) Photos of Tree

Item 18



Attachment 1



Item 18

Attachment 1

Item 18



Attachment 1

Item No: C1119(1) Item 19
Subject: NOTICE OF MOTION: CODE OF CONDUCT
From: Councillor Julie Passas

MOTION:

THAT Council receive a full report on the recent outcome of the Supreme Court decision involving a local Councillor and the ramifications to the Council's Code of Conduct, ie the need for an Internal Ombudsman and Code of Conduct reviewers etc.

Officer's Comments:

Comment from Civic Governance Manager:

The Office of Local Government issued a circular on this matter which was circulated to Councillors on 8 October and have further advised that legislation is being drafted to clarify the sanctions available under the Model Code of Conduct.

ATTACHMENTS

Nil.

Item No: C1119(1) Item 20
Subject: NOTICE OF MOTION: LEGAL EXPENSES
From: Councillor Julie Passas

MOTION:

THAT the General Manager provide a full report to Council each meeting of all legal action pending, current and completed, outcomes and all costs of such determinations.

Background

Council fortunately or unfortunately is involved in legal actions related to the administration of Council's responsibility to the community, which involves a significant amount each year.

Officer's Comments:

Comment from Chief Executive Officer:

A report on legal matters and associated expenses are updated monthly on Council's website and can be viewed at:

<https://www.innerwest.nsw.gov.au/about/reports-and-registers/legal-matters>

ATTACHMENTS

Nil.

Item No: C1119(1) Item 21
Subject: NOTICE OF MOTION: SUPPORTING THE NEWTOWN BREAKAWAYS AFL CLUB
From: Councillor Anna York

MOTION:

THAT Council:

- 1. Notes that IWC's 2018 Recreation Needs Study identified the need to prioritise actions that will meet the demand in the community for a significant increase in the participation of women and girls in sport;**
- 2. Notes the unique commitment of the Newtown Breakaways to diversity, community and supporting women in sport - as a foundation independent women's club with strong community connections and support, and a focus on encouraging women of all experience and abilities to play AFL;**
- 3. Notes with disappointment the decision by NSW/ACT AFL to decline the Breakaways application to retain their status as a Premier Women's Division Club in 2020 and beyond;**
- 4. Continues to work with the club and NSW/ACT AFL to support the Breakaways to return to the Premier Division as soon as possible, noting the NSW/ACT AFL's commitment to support the Breakaways' Preseason Carnival, club development, recruitment of club coach/es, and infrastructure improvements in 2020;**
- 5. Receives a report back to Council on options for funding urgent improvements to facilities at Mahoney Oval; and**
- 6. As a gesture of support for the club and in recognition of their significant community contribution to the Inner West, and Inner West women's AFL in particular, commits in principle to hosting the Newtown Breakaways at Henson Park in 2020 and urgently investigates options to support this, regardless of the club's Division status.**

Officer's Comments:**Comment from Parks and Recreation Planning Manager:**

In relation to Point 5, Council officers are currently reviewing the Capital works programme for amenity facility upgrades. Options for bringing forward planned upgrades at Mahoney Reserve are currently being explored. In relation to Point 6, The Newtown Breakaways have been advised that they can apply for access to Henson Park for games in 2020, noting however that allocations may displace current users including the Newtown Jets and NSW AFL. Ideally, allocation for access should be negotiated with NSW AFL.

ATTACHMENTS

Nil.

Item No: C1119(1) Item 22
Subject: NOTICE OF MOTION: SUPPORTING STREET PARTIES IN THE INNER WEST
From: Councillor Anna York

MOTION:

THAT Council:

1. Notes the benefits of making it easier for neighbours to come together in their streets, front yards or laneways for street parties, which include:
 - a) building communities, fostering cooperation, understanding and respect between neighbours;
 - b) revitalising streets and laneways by fostering pride in the area, which may reduce instances of graffiti and dumping; and
 - c) making streets and laneways safer places for all residents.
 2. Further notes the work of residents in the community who have been hosting annual get-togethers in their street for many years, and acknowledges the significant contribution these residents make to the Inner West;
 3. Notes that following the Notice of Motion unanimously supported by Councillors at the 25 June 2019 meeting directing Council to draft a new street parties guideline and supporting timeplates, Council has updated its policy and templates on the IWC website which now include:
 - a) An updated, consistent Street Parties guideline covering the entire LGA;
 - b) A nominated point of contact within Council to advise on road closures;
 - c) A nominated point of contact at Summer Hill depot to organise access signs and barricades to implement road closures (where available); and
 - d) Advice regarding access for street party organisers to Council's public liability insurance.
 4. Directs that a simple checklist template also be included on the Council webpage to further support residents' planning small-scale neighbourhood street party events. The simple checklist is to include a brief one-line description of the key tasks required by street party organisers, along with a suggested timeline to guide ease of planning, for example:
 - a) Approach neighbours and discuss street party ideas xx weeks ahead of event
 - b) Lodge Street Party Application with Council xx weeks ahead of event
 - c) Discuss street party plans with Council officers, xx weeks ahead of event including any planned street closure, insurance, etc
 5. Shares this information in regular communication channels including Mayor's update in local papers to support ease of planning for summer 2019/20 street parties in the Inner West.
-

ATTACHMENTS

Nil.

Item No: C1119(1) Item 23
Subject: QUESTIONS ON NOTICE
From: The Mayor, Councillor Darcy Byrne

Question

What process has been established by Council to review the performance, efficiency and membership of the Inner West Planning Panel?

Answer

The Inner West Local Planning Panel is established by the State Government to undertake planning functions independently. The panel consists of chairs, independent experts and community representatives. The chairs presiding over the planning panel are appointed by the Minister, the independent experts are selected by Council from a specialised pool endorsed by the Minister and the community representatives are appointed by Council. The maximum term for a single appointment to the panel is up to 3 years. The current panel members have been appointed to February 2021. Council is liaising with the Department of Planning to ascertain the procedures as to review the panel appointment prior to the end of the appointed tenure.

Question

Council has previously resolved to require the Inner West Planning Panel to provide a briefing or report to Council at regular intervals. Why has this not occurred?

Answer

The Chair of the Inner West Planning Panel has previously briefed Councillors. Please see below performance statistics for the 12 months period between July 2018 to June 2019 for the Development Assessment Section of Council:

	July – Dec 2018	Jan – June 2019
Development Applications Lodged	1219	978
Applications determined	796	720
Applications Approved	729	663
Applications Refused	67	57
Total Construction Value	\$539,289,215	\$532,465,517
Average DA Processing Time	100	110
Number of applications outstanding at end of period (all application types)	611	520

Average DA processing times increased in January-June 2019 (predominantly due to the determination of large scale Sydney Eastern City Planning Panel applications and staff shortages).

Applications reduced in the 2018/19 financial year by 91 applications (14.8%). This is due to the IWLPP delegating some of its powers back to Council staff. This reduced the backlog of small scale applications to be determined by the panel to ensure a quicker turnaround time.

As at the end of October 2019, Council has approximately 390 DAs outstanding. This improvement is due to recent changes in the Development Assessment Section which are aimed at improving application outcomes and determination timeframes. The changes include:

- Streamlined procedures for efficient internal feedback resulting in a reduction in the backlog of outstanding referrals from specialists such as engineers.
- A single officer for Pre-Development Application and Development Application assessment, so applicants are dealing with the one person until completion; and
- Establishing common customer service standards and workflow timeframes.

Question

Following the introduction of the Leichhardt Council Planning Panel there was a marked reduction in Council's legal expenses. What has been the yearly expenditure on legal expenses related to building development matters, for the Inner West Council for the years 2016/17 - 2018/19 and 2019/20 (year to date)?

Answer

Council's yearly expenditure on appeals to the Land & Environment Court from refusals or deemed refusals of development applications is:

2016/17	\$1,614,000
2017/18	\$ 841,000
2018/19	\$ 567,000
2019/20 to date	\$ 84,000

Question

What surveying has been conducted of proponents and objectors about their experience of the Inner West Planning Panel process? Why have the results of this consultation not been reported to Councillors?

Answer

The Inner West Planning Panel and associated processes have been mandated by the State Government. The State Government recently undertook a survey however the results are not publicly available. Also as part of the performance monitoring of the panel, Council is required to provide any records of complaints to the State Government on the panel's conduct. In the last quarter Council received one formal complaint which was forwarded on to the Department of Planning.

Question

What surveying has been conducted of the experience of applicants and objectors regarding the development assessment process at Council generally? Will the results of this be reported to Councillors or the public?

Answer

Council commenced a customer satisfaction survey in mid-June. Approximately 603 surveys were sent out accompanying the final determination packages for applications. Despite a large number of surveys being sent out, Council has only received a very small amount of responses (13 responses) which does not provide a good statistical basis to identify customer satisfaction. Council is continuously sending out surveys and reminders to customers to complete the survey.

Question

Which Council resources, policies and documents are currently available in languages other than English? What specific plans are in place (in keeping with resolutions passed by Council) to expand this?

Answer

Council is progressively expanding materials available in languages other than English. Examples include:

- Tree Management DCP flyer translated to five community languages – view at: <https://yoursay.innerwest.nsw.gov.au/tree-management-dcp2>
- Shade sail program 2019 engagement collateral translated to community languages: view at: <https://yoursay.innerwest.nsw.gov.au/shade-sails-program2019>
- Winter safety campaign translated into six community languages: view at <https://www.innerwest.nsw.gov.au/about/news/media-releases/2019-media-releases/stay-safe-this-winter>

Councillors will shortly receive a briefing note of research officers have been conducting, into need for translation by geographic areas and age groups across the Inner West.

Question

When will the adopted resolution to review staff and public parking arrangements in the car park at Leichhardt Administration Centre be carried out and the matter reported to Council?

Answer

A report will be tabled at the Council Meeting on 26 November.

ATTACHMENTS

Nil.