

**Minutes of Ordinary Council Meeting held on 28 April 2020 remotely and livestreamed on Council's website.**

**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 (7.11pm)
Tom Kiat	Councillor
Pauline Lockie	Councillor
Victor Macri	Councillor
Julie Passas	Councillor
Rochelle Porteous	Councillor (6.33pm)
John Stamolis	Councillor
Louise Steer	Councillor
Anna York	Councillor
Michael Deegan	Chief Executive Officer
Elizabeth Richardson	Chief Operating Officer, Director Development and Recreation
Cathy Edwards-Davis	Director Infrastructure
Ian Naylor	Manager Governance
Katherine Paixao	Governance Coordinator

**APOLOGIES:** Nil

**DISCLOSURES OF INTERESTS:** Nil

**C0420(2) Item 13      Mayoral Minute: Anzac Day**

**Motion: (Byrne)**

**THAT Council thank the:**

- 1. Publicans from The Royal Hotel, Leichhardt, The Salisbury Hotel, Stanmore, and the Unity Hall Hotel, Balmain, who hosted three improvised ANZAC Day ceremonies on 25 April 2020;**
- 2. Three buglers, Louise Horwood, David Young and Sarah Brown, who played *The Last Post* at the three improvised ANZAC Day ceremonies on 25 April 2020; and**
- 3. Balmain-Rozelle RSL sub-Branch, RSL NSW and the Leichhardt Celebrity Brass Band for their assistance with the three improvised ANZAC Day ceremonies on 25 April 2020.**

**Motion Carried**

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

**Against Motion:** Nil

Councillor Porteous entered the meeting at 6.33pm

**C0420(2) Item 1      Delegation of Operational Traffic Matters**

**Motion: (Byrne/Stamolis)**

**THAT:**

1. Council note the decision made under delegation by the Mayor;
2. The impact of the decision made under delegation be reviewed in twelve months;
3. Council note that Local Traffic Committee Minutes will continue to go to Council for adoption; and
4. Council report back on its delegations to ensure these are consistent with other councils and also with regard to the Local Government Act.

**Motion Carried**

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

**Against Motion:** Nil

**C0420(2) Item 2      Endorsement of Draft Plan of Management Leichhardt Park**

**Motion: (Byrne/York)**

**THAT Council as land manager of Leichhardt Park;**

1. Endorse the Draft Plan of Management (D500207) and refer this to the Minister for Water, Housing and Property for owners consent; and
2. Note that on receipt of owners consent the Draft Plan of Management will be exhibited for 28 days and brought back to Council for adoption.

**Motion Tied**

**For Motion:** Crs Byrne, Drury, Lockie, Macri, McKenna OAM, Raciti and York

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

The Chairperson used his Casting Vote for the **MOTION** and the **MOTION** was carried.

**Foreshadowed Motion: (Porteous/Da Cruz)**

**THAT Council gives in principle support for the location of the Skate Plaza in Leichhardt Park however notes the many residents have concerns with the current identified location for the Skate Plaza and therefore that the consideration of the Draft Leichhardt Park Plan of Management be deferred and consultation extended until council is able to undertake face to face consultation in situ with residents and skate park users on the proposed site and other sites which have been nominated as alternate sites within the park for location of the Skate Park.**

This Foreshadowed motion lapsed.

Councillor Iskandar entered the Meeting at 7:11 pm.

**C0420(2) Item 3      Endorsement of Tempe Reserve & Tempe Lands Draft Plan of Management**

**Motion: (Byrne/Macri)**

**THAT Council as land manager of Tempe reserve (D1000502 & D500215);**

- 1. Endorse the Draft Plan of Management and refer this to the Minister for Water, Housing and Property for owners consent; and**
- 2. On receipt of owners consent place the Draft Plan of Management on public exhibition for 28 days and the Plan be brought back to Council for adoption.**

**Motion Carried**

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

**Against Motion:**        Crs Da Cruz, Hesse, Kiat, Porteous and Stamolis

**C0420(2) Item 4      Local Traffic Committee Meetings - March and April 2020**

**Motion: (Da Cruz/McKenna OAM)**

**THAT the Minutes of the Local Traffic Committee Meetings held in March and April 2020 be received and the recommendations be adopted.**

**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

**C0420(2) Item 5      Investment Report as at 31 March 2020.**

**Motion: (Da Cruz/Passas)**

**THAT Council:**

- 1. Receive and note the report; and**
- 2. Requests our investment advisers to include the charter of each of the “Socially Responsible Investments” in monthly reports.**

**Motion Lost**

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

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

**Foreshadowed Motion (Drury/Byrne)**

**THAT the report be received and noted.**

**Motion Carried**

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

**Against Motion:**        Cr Passas

**ADJOURNMENT**

8.04pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

8.11pm – The Mayor, Clr Byrne resumed the meeting.

**C0420(2) Item 6          Progress on Resolutions relating to the Impact of COVID-19**

**Motion: (Drury/Porteous)**

**THAT Council:**

1. **Notes the NSW Government has not provided direction to Councils in responding to residents who may struggle to pay rates because of hardship resulting from the COVID 19 crisis;**
2. **Grant recipients of ‘Jobseeker’ and ‘Jobkeeper’ on application a deferral of their rates for an initial period of six months (until Nov 2020) during which time Council will not charge interest on the outstanding amount;**
3. **Resolve to make use of the hardship policy of the former Leichhardt Council for those residents who are not eligible for JobSeeker or JobKeeper but who are in financial hardship due to COVID 19, noting that this provides for deferral of rates without interest being incurred for up to 12 months;**
4. **Receive a report no later than the May 26 Ordinary Council meeting on the estimated benefits and costs of providing a one-off waste rebate of up to \$400 as part of November 2020 rate instalment to those in receipt of ‘Jobseeker’ and ‘Jobkeeper’;**
5. **Extend the adoption of the 2020-21 Operational Plan and Budget by one month noting that the Minister for Local Government has amended regulations to provide councils with a one month extension to adopt their 2020-21 operational plans and budgets and submit their 2019-20 audited financial statements and annual reports;**
6. **Waives the health, hygiene, licensing and fire safety inspections fees for all businesses that have been closed or had their trading hours curtailed as a result of the crisis for a period of 6 months. Inspections will still be carried out;**
7. **Notes that other Councils have continued to provide Council pick up services and requests Council officers to bring forward the reopening of booking for new pickups and the community recycling centres as a matter of urgency; and**
8. **Notes the previous resolution for a report to be tabled on the redeployment of officers whose work has been affected by the closure of facilities, restates the importance of this resolution, and requires that a report on this be tabled at the next ordinary council meeting.**

**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

**Amendment (Porteous/Steer)**

That Point 3 be replaced with:

3. **Resolve to make use of the hardship policy of the former Leichhardt Council for those residents who are not eligible for JobSeeker or JobKeeper but who are in financial hardship due to COVID 19, noting that this provides for deferral of rates without interest being incurred for up to 12 months. Where evidence is required, Council will not require onerous forms of evidence and will accept a statutory declaration as sufficient.**

**Motion Lost**

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

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

**Amendment (Passas)**

**THAT commercial businesses be afforded the same opportunity given to property owners.**

The Mayor ruled this Out of Order as businesses cannot qualify for jobseeker and jobkeeper payments.

**C0420(2) Item 7 Notice of Motion: WestConnex and Western Harbour Tunnel Community Liaison Forum**

**Motion: (Porteous/Lockie)**

**THAT:**

1. **The WestConnex Community Liaison Forum be continued with the inclusion of the Western Harbour Tunnel and Beaches Link projects, and other infrastructure projects under state control in the Inner West as required;**
2. **Meetings for this forum are to be:**
  - a) **Held in the evening rather than during the day to enable more community members to attend;**
  - b) **Open to the community, including representatives of community groups;**
  - c) **Attended by Council's CEO, and senior members of Transport for NSW and the relevant projects.**
3. **Councillors should also be invited to attend the forum meetings.**

**Motion Carried**

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

**Against Motion:** Cr Passas

**C0420(2) Item 8      Notice of Motion: Sydney Gateway**

**Motion: (Steer/Da Cruz)**

THAT Council receive a report on the impact on the budget on signing the agreement to sell the Tempe Industrial Lands to the Sydney Gateway Project and the proposed or potential investments which could be made with the funds.

**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

**Suspension of Standing Orders**

**Motion: (Porteous/Steer)**

THAT Council Suspend Standing Orders to deal with the two urgency motions at this time.

**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

**Urgency Motion – Council Opposes Extended Powers of Planning Minister to Override Planning Decisions**

Councillors Steer and Porteous requested that an Urgency Motion be considered on Council Opposing Extended Powers of Planning Minister to Override Planning Decisions

**Motion: (Steer/Porteous)**

**THAT the matter be considered urgently.**

**Motion Carried**

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

**Against Motion:**            Crs Passas and Raciti

The Mayor ruled this matter urgent.

**Urgency Motion (Steer/Porteous)**

**THAT:**

- 1. The Mayor and CEO urgently write to the Minister for Planning Rob Stokes MP and the Premier Gladys Berejiklian to express its opposition to the recent changes to the Environmental Planning and Assessment Act which grant the Minister unprecedented powers to override planning decisions made by local councils.**

**2. Council:**

- a) Recognises that planning decisions should be community led and that local councils are best placed to make decisions about planning that is appropriate for their local area and constituents;
- b) Understands that even in times of economic and health crisis, planning approvals should consider the impact of development on the environment, local communities or neighbouring residents;
- c) Recognises that existing oversight powers are in place to make sure profit motivated property developers don't impose undue costs on our community and environment; and
- d) Recognises that extending permissible construction hours has the potential to severely disrupt compulsory work and learn from home arrangements.

3. A report is brought to the next Council meeting outlining the potential impacts on current and upcoming DAs and construction works in the Inner West Council LGA from the Planning Minister's announced changes to the Environmental Planning and Assessment Act 1979 in response to the COVID crisis.

**Motion Carried**

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

**Against Motion:** Crs Passas and Raciti

**Urgency Motion – WestConnex Road Network Changes**

Councillors McKenna OAM and Raciti requested that an Urgency Motion be considered on WestConnex Road Network Changes.

**Motion: (McKenna OAM/Raciti)**

**THAT the matter be considered urgently.**

**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

The Mayor ruled this matter urgent.

**Urgency Motion: (McKenna OAM/Raciti)**

**THAT Council:**

1. Writes to the Premier of NSW and relevant ministers expressing Council's total opposition to the proposed road network changes to key intersections in

Haberfield, Ashfield and Leichhardt located at: City West Link, Norton Street and James Street; Dobroyd Parade and Waratah Street; City West Link, Mortley Avenue and Timbrell Drive and; Parramatta Road and Dalhousie Street.

- a) Seeks the cancellation of the proposed road network changes and the immediate implementation of local traffic calming measures as outlined in the 2018 independent study entitled WestConnex Local Area Improvement Strategy (LAIS).
- b) Insisting that the safety and traffic calming measures in Council's WestConnex Local Area Improvement Strategy be prioritised over the proposed network changes and be funded by the NSW Government immediately.
- c) Requests an extension of the exhibition period until 15 June 2020

2. Receive a briefing on this matter; and

3. In preparing its Submission seek technical expertise if required.

**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

**CONFIRMATION OF MINUTES**

**Motion: (Byrne/Passas)**

THAT the Minutes of the Council Meeting held on Tuesday, 21 April 2020 be confirmed as a correct record.

**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

**ADJOURNMENT**

9.39pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

9.45pm– The Mayor, Clr Byrne resumed the meeting.

**Confidential Session**

**Motion: (Macri/Drury)**

THAT Council enter into Confidential session.

**Motion Carried**

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

**Against Motion:** Crs Kiat, Passas and Porteous



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:

**C0420(2) Item 10 Balmain Leagues Site - Voluntary Planning Agreement** (Section 10A(2)(d)(i) of the Local Government Act 1993) that would, if disclosed prejudice the commercial position of the person who supplied it.

**C0420(2) Item 11 Precinct 75, St Peters – Voluntary Planning Agreement** (Section 10A(2)(d)(i) of the Local Government Act 1993) that would, if disclosed prejudice the commercial position of the person who supplied it.

**C0420(2) Item 12 Proposed Licencing at Tempe Reserve** (Section 10A(2)(d)(i) of the Local Government Act 1993) that would, if disclosed prejudice the commercial position of the person who supplied it and (Section 10A(2)(d)(ii) of the Local Government Act 1993) that would, if disclosed confer a commercial advantage on a competitor of the Council.

Councillor Passas retired from the Meeting at 9:47 pm.

**ADJOURNMENT**

9.47pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

9.49pm– The Mayor, Clr Byrne resumed the meeting.

**Motion: (Byrne/Drury)**

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

**Motion Carried**

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

**Against Motion:** Nil

**Absent:** Cr Passas

**REPORTS WITH CONFIDENTIAL INFORMATION**

**C0420(2) Item 10 Balmain Leagues Site - Voluntary Planning Agreement**

**Motion: (Macri/McKenna OAM)**

**THAT the proposed Voluntary Planning Agreement for Balmain Leagues Site 138-152 Victoria Road, Rozelle be placed on public exhibition for a minimum of 28 days and be reported back to Council after public exhibition.**

**Motion Lost**

**For Motion:** Crs Drury, Iskandar, Macri, McKenna OAM, Raciti and York

**Against Motion:** Crs Byrne, Da Cruz, Hesse, Kiat, Lockie, Porteous, Stamolis and Steer

**Absent:** Cr Passas

**Foreshadowed Motion (Stamolis/Byrne)**

**THAT Council defer the exhibition of the VPA until the resolution of the Development Application issues between the proponent and Council is achieved.**

**Motion Carried**

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

**Against Motion:** Crs Da Cruz, Kiat and Porteous

**Absent:** Cr Passas

**C0420(2) Item 11 Precinct 75, St Peters – Voluntary Planning Agreement**

**Motion: (Drury/Byrne)**

**THAT the proposed Voluntary Planning Agreement for Precinct 75, St Peters (Site 73-83 Mary, 50-52 Edith & 43 Roberts Streets, St Peters) be:**

1. Endorsed in principle, subject to JVM Holdings Pty Ltd (the proponent):
  - a) Dedication of fully fitted out Artist Studios of more than 239m<sup>2</sup> in size;
  - b) At least half of the monetary contribution of \$2,000,000 to be used for affordable housing or public domain upgrades be used for affordable housing by way of contribution to the affordable housing fund;
  - c) Central open public space of more than 600m<sup>2</sup> in size; and
  - d) Pocket Park open space on Roberts Street.
2. Placed on public exhibition for a minimum of 28 days; and
3. Reported back to Council after public exhibition.

**Motion Carried**

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

**Against Motion:** Cr Porteous

**Absent:** Cr Passas

**Amendment (Kiat/Hesse)**

**THAT at least half of the monetary contribution of \$2,000,000 to be used for affordable housing or public domain upgrades be used for affordable housing by way of contribution to the affordable housing fund.**

**Motion Carried**

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

**Against Motion:** Crs Byrne, Drury, Macri and Raciti

**Absent:** Cr Passas

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

**C0420(2) Item 12 Proposed Licencing at Tempe Reserve**

**Procedural Motion: (Porteous/Kiat)**

**THAT this matter be considered in open council and be deferred to the next meeting.**

**Motion Lost**

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

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

**Absent:** Cr Passas

**Motion: (Drury/Byrne)**

**THAT Council:**

- 1. Approves signing of a non-binding Heads of Agreement with Newington College generally in the form provided at Attachment 1;**
- 2. In its capacity as land manager of Tempe Recreation Reserve, approves the subsequent entering into of an Agreement for Licence on the terms outlined in the Heads of Agreement once all legislative requirements have been completed;**
- 3. Endorses a Licence period of up to 30 years, subject to approval by the Minister for Local Government; and**
- 4. Nominate whether it wishes to pursue further partnering opportunities at Tempe Recreation Reserve, through an Expression of Interest process.**

**Motion Carried**

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

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

**Absent:** Cr Passas

**Foreshadowed Motion (Kiat)**

**THAT Council:**

- 1. Protect access to Tempe Reserve for the whole community, including school children of other schools that are closer, by not entering into the Heads of Agreement with Newington College regarding their exclusive use during certain times; and**
- 2. In future not enter into confidential negotiations with private schools regarding agreements whereby Council would accept cash in exchange for preferential access to public parks.**

This Foreshadowed Motion lapsed.

Meeting closed at 10.48pm.

The Minutes of the Ordinary Meeting of Council held on the 28<sup>th</sup> day of April, 2020 were confirmed as a correct record on this 12<sup>th</sup> day of May, 2020.

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CHAIRPERSON