
Minutes of Ordinary Council Meeting held remotely and livestreamed on Council's website on 23 June 2020

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 (6.53pm)
Tom Kiat	Councillor
Pauline Lockie	Councillor
Victor Macri	Councillor
Julie Passas	Councillor
Rochelle Porteous	Councillor
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:

Clr Drury declared a significant, non-pecuniary interest in Item 18 Report on Legal Matter as the subject matter of the report relates to his position in State Government and he will leave the meeting.

CONFIRMATION OF MINUTES

Motion: (Drury/Stamolis)

THAT the Minutes of the Extraordinary Council meeting held on 3 June 2020 and Council Meeting held on Tuesday, 9 June 2020 be confirmed as a correct record.

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

C0620(3) Item 21 Mayoral Minute: Callan Park and Kirkbride Precinct EOI

Motion: (Byrne)

THAT Council:

1. Notes that the NSW Department of Planning, Industry and Environment has released an Expressions of Interest (EOI) to find a new tenant for the Kirkbride precinct in Callan Park; and
2. Receives a report on the EOI process and includes an assessment whether Council should submit an EOI to use some or all of the buildings and properties in the Kirkbride precinct.

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

C0620(3) Item 22 Mayoral Minute: ACOSS and JobSeeker

Motion: (Byrne)

THAT Council:

1. Restates its support for the Australian Council of Social Service (ACOSS) *Raise the Rate* campaign, which is advocating that the new Jobseeker Payment not be cut back to the old Newstart rate once the COVID-19 crisis has abated;
2. Writes to all Mayors and Councils across Australia urging them to adopt motions in support of the Jobseeker payment not being returned to the previous level of Newstart; and
3. Supports and promotes ACOSS's campaign on jobseeker and the *Raise the Rate* campaign through all Council communication channels.

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

Councillor Iskandar entered the Meeting at 6:53 pm.

C0620(3) Item 1 Deferred Post Exhibition Report – Draft Inner West Local Environmental Plan 2020 And Associated DCP Amendments

Motion: (Drury/Lockie)

THAT Council:

1. Endorse the planning proposal to facilitate the draft Inner West Local Environmental Plan 2020 (LEP 2020) as exhibited with minor amendments outlined in Attachment 1 and as amended to correct administrative errors identified when mapping Schedule 5 Environmental Heritage;

2. Notes that Council does not have delegation to make the LEP, submit the planning proposal as amended by Part 1 of this resolution to the Department of Planning Industry and Environment for making;
3. Adopt the exhibited amendments in relation to the removal of the notification chapters from the following Development Control Plans (DCPs):
 - a) Marrickville DCP 2011;
 - b) Leichhardt DCP 2013 as well as the deletion of Clause C25(c) (car share); and
 - c) Comprehensive Inner West DCP 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill (Ashfield DCP).
4. Adopt the rest of the exhibited amendments to the DCPs, with the exception of changes that relate to the Moore Street Industrial Precinct in Leichhardt DCP 2013, and align the date the amended DCPs come into force with the finalisation of the Inner West Local Environmental Plan 2020 by the Department of Planning Industry and Environment;
5. Reinstate ‘*hotel or motel accommodation*’ as land use permitted with consent in the B5 Business Development zone.”; and
6. Respond to Minister Stokes’ offer of a revised timeline with confirmation that Inner West Council will retain the originally agreed timeframe, on the basis that Council prefers not to shorten the length of time available for Phase 2 of the LEP process, which is required in the revised timeline offered by the Minister.

Motion Carried

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

Against Motion: Crs Passas, Porteous and Stamolis

Foreshadowed Motion (Porteous/Passas)

That Council, acknowledging the correspondence from the Department of Planning, Industry and Environment (dated 19 June 2020) which grants council a 2 month extension to submit the consolidated LEP (LEP Phase 1) by 31 August 2020 determines to accept this extension and extend the consultation period for the LEP for a further 15 days.

This Foreshadowed Motion lapsed.

Councillor Passas left the Meeting at 7:43 pm.

C0620(3) Item 2 Rent Relief for Tenants - Covid 19 Coronavirus

Motion: (Da Cruz/Steer)

THAT Council:

1. Adopt the National Cabinet Mandatory Code of Conduct – SME Commercial Leasing Principles During COVID-19 (Code);
2. Adopt the subsequent Retail and Other Commercial Leases Covid-19 Regulation 2020 (Regulation) which applies to all retail and commercial leases; and

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- 3. Adopt the subsequent Residential Tenancies Amendment (COVID-19) Regulation 2020 which applies to all residential leases; and**
 - 4. Voluntarily apply the Code and subsequent Regulations to retrospectively commence on 23 March 2020; and**
 - 5. Voluntarily apply the Code and subsequent Regulations to all Inner West Council tenancies including Licences and any other formal rights to occupy land which are not ordinarily covered by the Code and Regulations;**
 - 6. Delegate authority to the CEO (and Staff) to negotiate and finalise the terms for the appropriate rent relief with Inner West Council tenants;**
 - 7. Bring back a report to Council on the application of these regulations and codes;**
 - 8. Receive a confidential report to the next Council meeting regarding the Council commercial tenancy at Yeo Park, Ashfield;**
 - 9. Receive a report in 1 month regarding the amount of rent of commercial tenants that has been deferred and likelihood and fairness of recovery, noting this information may need to be reported confidentially. This report includes assessment of:**
 - a) Waiver of three months' rent (March/Apr/May) for all affected businesses tenanted in council buildings. The costs of operating in this time skyrocketed due to all the variations of conditions and restrictions hence the request for waiver.**
 - b) Adopt the National Cabinet Mandatory Code of Conduct – SME Commercial Leasing Principles During COVID-19 (Code) for rental negotiations post May to October per the stipulations outlined in the council recommendation, however we request that an independent business advisor or mediator is assigned to impartially assess how best to compare the revenue figures and impact.**
 - c) That an agreement can be made in good faith as to the rental amount for the total of the 5 month period (Jun-Oct) rather than month by month. This will allow not only the business, but the council to have visibility on rental rather than letting debt mount up and also reduce the paperwork for both parties. Using the code as a guide, and a mediator, we can agree on what the 5 months rent will look like (subject to no second outbreak). We simply need to know where we stand, rather than having to produce a report each month.**
 - d) A review of agreed CPI increases - our lease stipulates a 4% CPI increase which just took effect in Jan. Given the market conditions, we propose this CPI increase be reviewed or waived.**
 - e) Council to support the recovery by investing in suggested local infrastructure projects in and around the business that will enhance both the business and the community. For example, in our case, park benches installed in the park and an additional sheltered/shaded area.**
 - 10. Write to local Tenants Advice and Advocacy Services (Marrickville and Redfern) thanking them for their work for tenants in our LGA and inviting discussion regarding how Council can support their work during COVID e.g. including legal and referral information in Council communications.**

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

C0620(3) Item 3 Heritage Listing - 389 Illawarra Road, Marrickville

Motion: (Drury/Hesse)

THAT Council:

1. Endorse and forward the planning proposal for 389 Illawarra Road Marrickville for the reasons set out in Attachment 1 to the Department of Planning, Industry and Environment (DPIE) with a request for Gateway determination under section 3.34 of Environmental Planning and Assessment Act 1979;
2. Request delegation of the plan-making functions for this planning proposal to the Chief Executive Officer; and
3. Following receipt of a favourable Gateway Determination, place the planning proposal on public exhibition to comply with the requirements of that Determination as well as Council receiving a post exhibition report for its consideration.

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

C0620(3) Item 4 Planning Proposal - 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield

Motion: (Macri/Stamolis)

THAT Council:

1. Endorse and forward the amended Planning Proposal prepared by Council officers for 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield for the reasons set out in Attachment 1 to the Department of Planning Industry and Environment (DPIE) for a Gateway determination under section 3.34 of Environmental Planning and Assessment Act 1979;
2. Request delegation of the plan-making functions for this planning proposal to the Chief Executive Officer; and
3. Following receipt of a favourable Gateway Determination, place the planning proposal on public exhibition to comply with the requirements of that Determination and as well as Council receiving a post exhibition report for its consideration.

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

C0620(3) Item 5 Local Traffic Committee Meeting - June 2020

Motion: (Stamolis/Da Cruz)

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

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

Councillor Passas returned to the Meeting at 8:04 pm.

C0620(3) Item 6 17 Norton Street, Ashfield

Motion: (McKenna OAM/Drury)

THAT Council:

- 1. Approves the sale of 17 Norton Street, Ashfield by Council pursuant to s.713(2)(a) of the Local Government Act 1993; and**
- 2. Authorises the CEO to undertake all actions and negotiation in relation to the sale including the setting of a reserve price and signing all relevant documents to complete the sale.**

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

Absent: Cr Passas

Amendment (Da Cruz/Steer)

THAT a further report be brought back to Council subsequent to the sale of the property including the valuation.

Motion Lost

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

Against Motion: Crs Byrne, Drury, Hesse, Iskandar, Kiat, Macri, McKenna OAM, Raciti and York

C0620(3) Item 7 Precinct 75, St Peters Voluntary Planning Agreement public exhibition**Motion: (Da Cruz/Steer)****THAT Council:**

- 1. Enter into the Voluntary Planning Agreement for Precinct 75, St Peters, as provided in Attachment 1 to this report;**
- 2. Note that the DCP will require the development to include affordable housing, and that this is VPA entirely separate and in no way contributes to this requirement; and**
- 3. Review its consultation process for Voluntary Planning Agreements to see where improvements could be made.**

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

8.40pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

8.48pm– The Mayor, Clr Byrne resumed the meeting.

C0620(3) Item 8 Virtual town hall meetings**Motion: (Kiat/Stamolis)****THAT Council:**

- 1. Receive and note the report;**
- 2. Facilitate participation of community speakers in the 'community forum' section of Council meetings from the next Council meeting, whether meetings occur online or in person;**
- 3. Ensure that required ICT support is given to Councillors to ensure they can participate in meetings;**
- 4. Recommence virtual meetings for engagement for Parks Plans of Management and new public exhibited polices; and**
- 5. Recommence the WestConnex Community Forums as virtual meetings soon as possible.**

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

C0620(3) Item 9 Investment Report as at 31 May 2020**Motion: (Kiat/Lockie)****THAT the report be received and noted.****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**C0620(3) Item 10 Ashfield Aquatic Centre - Progress Update****Motion: (Drury/McKenna OAM)****THAT Council receive and note the report and that the neighbours to the pool receive a communication about the timetable for the completion of works on the pool and the associated car parks.****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**C0620(3) Item 11 Amended Council Meeting Schedule****Motion: (McKenna OAM/Stamolis)****THAT Council adopt the amended 2020 Council Meeting Schedule and publish the schedule on the Council Website.****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**C0620(3) Item 12 Notice of Motion: Traffic Changes on Parramatta Road Haberfield****Motion: (Raciti/Macri)****THAT Council:**

- 1. Immediately implements the unanimous Council resolution on August 2019 to close Chandos Street Haberfield to left hand turns from Paramatta Road; and**
- 2. Consults with the residents of Walker, Alt and Bland Streets Haberfield and offers similar treatments or a no left turn from Parramatta Road during the morning peak.**

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

Foreshadowed Motion (Passas/Da Cruz)

THAT Council convenes a meeting with Transport for NSW with interested Councillors and officers as a matter of urgency.

This Foreshadowed Motion lapsed.

C0620(3) Item 13 Notice of Motion: Banning the sale of fur and exotic animal skins on Council property

Motion: (Lockie/Steer)

THAT Council:

- 1. Reviews its event and market application forms and guidelines to prohibit the sale of fur products, mislabeled fake fur products, and other exotic animal skins on Council property including looking at how an exemption for Aboriginal and Torres Strait Islander vendors that may be impacted could be applied;**
- 2. Writes to the Minister for Home Affairs to call for the introduction of random forensic testing of imported fake fur products, as well as an investigation into prohibition of fur product imports into Australia;**
- 3. Writes to the NSW Minister for Better Regulation and Innovation to request a fur task force be established to assess the size and impact of illegal fur labelling; and**
- 4. Promotes through its website and other suitable communications channels:**
 - a) Information to help local residents and businesses report the sale of suspected illegal animal products to the relevant authorities; and**
 - b) Ethical and sustainable alternatives to reselling or throwing out old or vintage fur products.**

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

C0620(3) Item 14 Notice of Motion: Council Membership of Committees and Organisations and retention of membership of the Sydney Coastal Councils Group

Motion: (Porteous/Passas)

THAT:

- 1. Any proposal to leave or to join an external Local, Regional or State-wide Committee or Organisation eg Local Government NSW, SSROC and SCCG must come to Council for endorsement;**
- 2. The membership of Inner West Council in the Sydney Coastal Councils Group be retained and renewed for 2020/21 financial year; and**

3. All current regional and state memberships be renewed.

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

Councillor York left the Meeting at 10:23 pm.

C0620(3) Item 15 Notice of Motion: Budget 2020/21: Further Councillor Briefing to be scheduled

Motion: (Porteous/Passas)

THAT a further Councillor briefing on the Revised Delivery Program 2018 – 2022; combined Draft Operational Plan 2020/21 and Budget 2020/21 and Draft Updated, Long Term Financial Plan 2020 – 2030 be organised as soon as possible and within the current consultation period.

Motion Carried

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

Against Motion: Nil

Absent: Cr York

Councillor York returned to the Meeting at 10:26 pm.

Motion: (Porteous/Passas)

THAT this additional briefing should include:

- a) **A detailed breakdown of the way the revised delivery plan and combined draft operational plan 2020/21 will be delivered for each of the 6 key areas of council. The briefing to include any proposed changes from the 2019/20 delivery plan and operational plan. The key being:**
 - **Corporate**
 - **City Living**
 - **Infrastructure**
 - **Development and Recreation**
 - **Environment and Economic Development**
 - **Financial Management**
- b) **A presentation on the Long-term Financial Plan for Council 2020 – 2030 as Councillors are yet to receive a presentation on this. This presentation should include how figures in the plan have been arrived at;**
- c) **A detailed breakdown on the risk factors with this budget, particularly in terms of the impact of COVID-19 and parameters on best base, worst case scenarios as to the immediate, medium and long term predicted impacts on the IWC delivery plan, budget and long-term financial plan; and**
- d) **A detailed breakdown on how savings identified as having been achieved in the 2019/20 budget have been achieved and how these saving will impact delivery and the budget in 2020/21 and beyond.**

Motion Carried

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

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

C0620(3) Item 19 Infrastructure Stimulus Program

Motion: (Drury/Byrne)

THAT Council pool its developer contributions reserves and accelerate \$20 million for the delivery of infrastructure projects, generally in line with the list provided in Attachment 1 to this report and receive a briefing on this matter prior to the next Council meeting on 28 July.

Motion Carried

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

Against Motion: Crs Hesse, Kiat, Passas, Porteous and Stamolis

Foreshadowed Motion (Porteous/Stamolis)

THAT Council note the report on pooling our developer contributions reserves and accelerate \$20 million for the delivery of infrastructure projects, generally in line with the list provided and that we request that we receive a briefing on this matter and that it be brought back to the meeting on 28 July.

This Foreshadowed Motion lapsed.

Extension of time

Motion: (Lockie/Steer)

That Council extends the meeting until 11.30pm.

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

C0620(3) Item 20 Request for Postponement of Rates Notices.

Motion: (Byrne/Lockie)

THAT Council resolve to postpone the 1st Instalment of 2020/21 Rates Notices to 31 August 2020.

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

11.04pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

11.08pm— The Mayor, Clr Byrne resumed the meeting.

Councillor Passas retired from the Meeting at 11:08 pm.

Confidential Session

Motion: (Byrne/Drury)

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:

C0620(3) Item 17 1-13 Parramatta Road, Annandale - Voluntary Planning Agreement (Section 10A(2)(c) 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

C0620(3) Item 18 Report on Legal matter (Section 10A(2)(g) of the Local Government Act 1993) that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Motion: (Byrne/Steer)

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

Motion Carried

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

Against Motion: Nil

Absent: Crs Drury and Passas

REPORTS WITH CONFIDENTIAL INFORMATION

C0620(3) Item 17 1-13 Parramatta Road, Annandale - Voluntary Planning Agreement

Motion: (Drury/Da Cruz)

THAT Council:

THAT the proposed Voluntary Planning Agreement for 1-13 Parramatta Road, Annandale be:

1. Endorsed in principle, subject to the proponent providing:
 - a) Land dedication (McCarthy Lane) – 67.991m²;
 - b) Pedestrian Corridor (Johnston’s Creek) 3500mm wide dedication stratum of 168.04 square metres; and
 - c) Works in kind which include public stairs, a lift and embellishments works

2. Place the Voluntary Planning Agreement on public exhibition for a minimum of 28 days and receive a further report after the exhibition period.

Motion Carried

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

Against Motion: Cr Porteous

Clr Drury left the meeting at 11:09pm as he declared a significant, non-pecuniary interest in Item 18 Report on Legal Matter as the subject matter of the report relates to his position in State Government.

C0620(3) Item 18 Report on Legal matter

Motion: (Byrne/Lockie)

THAT Council receive and note the report and note the Council resolution from 3 June 2020.

Motion Carried

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

Against Motion: Nil

Absent: Crs Drury and Passas

Meeting closed at 11.17 pm.

The Minutes of the Ordinary Meeting of Council held on the 23rd day of June, 2020 were confirmed as a correct record on this 28th day of July, 2020.

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CHAIRPERSON