

**Minutes of Ordinary Council Meeting held remotely and livestreamed on Council's website on 10 November 2020**

**Meeting commenced at 6.30pm**

**Present:**

Darcy Byrne	Mayor
Victor Macri	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
Julie Passas	Councillor
Rochelle Porteous	Councillor
Vittoria Raciti	Councillor
John Stamolis	Councillor
Louise Steer	Councillor
Anna York	Councillor
Brian Barrett	Acting General Manager
Elizabeth Richardson	Chief Operating Officer, Director Development and Recreation
Cathy Edwards-Davis	Director Infrastructure
Katherine Paixao	Acting Governance Manager
Carmelina Giannini	Governance Support Officer

**APOLOGIES:** Nil

**DISCLOSURES OF INTERESTS:**

Councillor Kiat declared a non-significant, non-pecuniary interest in Item 4 Post Exhibition - Heritage Listing - 389 Illawarra Road, Marrickville as his family friend is the heritage architect.

Councillor Hesse declared a non-significant, non-pecuniary interest in Item 3 Adoption Leichhardt Park Plan of Management as his cousin is a signatory to the petition from the disability group that want the club house.

**CONFIRMATION OF MINUTES****Motion: (Byrne/McKenna OAM)**

THAT the Minutes of the Extraordinary Council Meeting held on Tuesday, 13 October 2020 and Ordinary Council meeting held on Tuesday, 27 October 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

**PUBLIC FORUM**

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

**C1120(1) Item 16      Mayoral Minute: Telstra Building in Balmain****Motion: (Byrne)****THAT Council:**

- 1. Notes that ongoing delays by Telstra have prevented the completion of a new community open space and streetscape area at 366C Darling Street, Balmain;**
- 2. Writes to Telstra asking the company to immediately re-engage in negotiations with Council's legal team to solve any impasse and to allow the project to proceed; and**
- 3. Receive an update on the progress of the project at the December 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

**C1120(1) Item 18      Mayoral Minute: Leichhardt Oval****Motion: (Byrne)****THAT Council:**

- 1. Notes the recent announcement revealing the NSW Government intends to announce funding for new stadiums at Kogarah, Brookvale, Liverpool and Penrith in the State Budget on 17 November;**

2. Notes that Council has been seeking investment from the State Government for the upgrade of Leichhardt Oval and Henson Park for several years and has yet to receive any funding for the ground; and
3. Writes to the Premier and Treasurer requesting the NSW Government distribute this suburban grounds funding through an open and fair grants application process instead.

**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

**C1120(1) Items 1 and 14 Harmonisation of Rates**

**Motion: (Drury/Steer)**

**THAT Council:**

1. Notes that the NSW Government is requiring all amalgamated councils to harmonise rates by an arbitrary date (1 July 2021). This is despite the fact that the harmonisation of rates and services is a difficult process for a council that is the amalgam of 3;
2. Has commenced harmonising other charges and is in the process of harmonising service standards across the LGA. To compel the Inner West Council to harmonise rates prior to further progress on the harmonisation of services will lead to anomalies;
3. Has been calling on the NSW Government to allow us to transition to its final preferred rating structure over a number of years, acting to 'smooth out' the negative impacts to ratepayers and to align it with our service sat and harmonisation;
4. Understand that the Minister is working on this and a bill may be brought to parliament later this year. Given the Council wants to introduce a minimum rate we are advised we must submit to IPART requires us to submit a Minimum Rate Application by 8 February 2021. With this timetable we will not have time properly engage in community consultation;
5. Note that the Minister has said that the NSW Government remains committed to assisting each new council to identify a path to undertake rating harmonisation that is appropriate to the needs of different local communities. This includes allowing each council to equalise rates gradually over time across their local government area;
6. Call on the Minister to show her commitment to assist and urgently intervene to allow the Inner West Council a transitional arrangement;
7. Place on public exhibition the Proposed Rating Structure (categories, sub-categories) as recommended in the report for community engagement;
8. Place on public exhibition the new Minimum Rates as recommended in the report, for community engagement;

- 9. Place on public exhibition reallocation of Ashfield Mall, Leichhardt Marketplace and Norton Street Plaza from Business General to Business Malls and the redistribution of rates income from Business General to Business Malls as recommended in the report, for community engagement;**
- 10. Commences community consultation on the proposed rating structure including examples for each of the three former local government areas that shows the increase or decrease in rates for the lowest rates, middle rates and highest rates of each category eg Marrickville lowest rate was \$700.00 would now be \$720.00 etc; and**
- 11. Staff report to Council on progress at all following Council meetings until iPart deadline of 1 April 2021.**

**Motion Carried**

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

**Against Motion:** Crs Passas and Stamolis

**Amendment (Steer/Da Cruz)**

**THAT the plan be amended to place on exhibition a minimum rate of \$710.**

**Motion Lost**

**For Motion:** Crs Da Cruz, Iskandar, Passas, Stamolis and Steer

**Against Motion:** Crs Byrne, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti and York

**Foreshadowed Motion (Stamolis/Passas)**

**THAT Council defer this item until:**

- 1. A fully amended data report is provided;**
- 2. Broader data comparisons across the three previous Councils are provided;**
- 3. Comparisons with nearby Councils are provided; and**
- 4. A broader analysis of the impact on ratepayers of adjusting the minimum rate to \$850.**

This Foreshadowed Motion lapsed.

**C1120(1) Item 2          Reprioritisation of Park Plans of Management-Alignment with the Land & Property Strategy (LAPS)**

**Motion: (Hesse/Byrne)**

**THAT Council adopt the revised schedule of Park Plans of Management implementation works in order to align with the delivery of the Land and Property strategy.**

**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

Councillor Porteous left the Meeting at 8:06 pm.

**C1120(1) Item 3          Adoption Leichhardt Park Plan of Management**

**Motion: (Byrne/Drury)**

**THAT Council adopt the Leichhardt Park Plan of Management as pursuant to Section 40 of the *Local Government Act 1993* in accordance with 3.23(6) of the *Crown Lands Management Act 2016*.**

**Motion Carried**

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

**Against Motion:**        Crs Passas and Stamolis

**Absent:**                    Cr Porteous

**Amendment (Stamolis)**

**THAT the location of a skate park must be selected on the basis of local community support.**

The Mayor ruled this Out of Order as the location of the skate park is identified in the Plan of Management.

**Amendment (Da Cruz/Steer)**

**THAT the reference to converting Leichhardt Oval Number 2 to a synthetic surface be deleted.**

**Motion Lost**

**For Motion:**                Crs Da Cruz, Hesse and Steer

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

**Absent:**                    Cr Porteous

Councillor Iskandar retired from the Meeting at 8:45 pm.

**C1120(1) Item 4 Post Exhibition - Heritage Listing - 389 Illawarra Road, Marrickville**

**Motion: (Hesse/Steer)**

**THAT Council:**

- 1. Support the amendments to the Marrickville Local Environmental Plan (MLEP 2011) to list 389 Illawarra Road, Marrickville as an item of local heritage significance;**
- 2. Delegate to the Chief Executive Officer or equivalent the authority to finalise the making of the MLEP 2011 amendment; and**
- 3. Forward the planning proposal to the Department of Planning Industry and Environment for finalisation and publication on the NSW Legislation website.**

**Motion Lost**

**For Motion:** Crs Da Cruz, Hesse, Lockie, McKenna OAM, Stamolis and Steer

**Against Motion:** Crs Byrne, Drury, Kiat, Macri, Passas, Raciti and York

**Absent:** Crs Iskandar and Porteous

**Foreshadowed Motion (Kiat/Macri)**

**THAT Council:**

- 1. Note the heritage significance of the site in accordance with the independent heritage report, but does not proceed with the planning proposal in its current form; and**
- 2. Receive a report with advice, following discussions with Churches of Christ Property Trust and Nightingale Housing, on the possibilities for how the proposed affordable housing project can proceed with incorporation of heritage elements of the existing structure, noting that this approach has been previously been successful at Leichhardt Council. Council should seek to partner with the landowner on this affordable housing project, noting that Council has funds set aside for such projects in its Affordable Housing Fund.**

**Motion Carried**

**For Motion:** Crs Hesse, Kiat, Lockie, Macri, McKenna OAM, Passas and York

**Against Motion:** Crs Byrne, Da Cruz, Drury, Raciti, Stamolis and Steer

**Absent:** Crs Iskandar and Porteous

**Amendment (Stamolis)**

**THAT Point 1 of the Foreshadowed motion be deleted.**

This Amendment lapsed for want of seconder.

**ADJOURNMENT**

9.04pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

9.14pm – The Mayor, Clr Byrne resumed the meeting.

**C1120(1) Item 5 WestConnex Independent Property Impact Assessment Panel**

**Motion: (Byrne/Lockie)**

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

**Motion Carried**

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

**Against Motion:** Nil

**Absent:** Cr Iskandar and Porteous

Councillor Porteous returned to the Meeting at 9:16 pm.

**C1120(1) Item 6 Notice of Motion to Rescind: Adoption of Tempe Reserve Plan of Management - 27 October 2020**

**Motion: (Passas/Stamolis)**

**THAT Council rescind C1020(2) Item 1 Adoption - Tempe Reserve Plan of Management.**

**Motion Lost**

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

**Against Motion:** Crs Byrne, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Raciti, Steer and York

**Absent:** Cr Iskandar

**C1120(1) Item 7 Notice of Motion: Completion of works - Elizabeth Street Ashfield 'Pocket Park'**

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

**THAT:**

- 1. The works for the 'Pocket Park' in Elizabeth Street, Ashfield be completed immediately and a request for a new shade cloth be installed; and**
- 2. Council receive a report back at the Ordinary Council meeting in December 2020 on the progress of the shade sail installation program.**

**Motion Carried**

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

**Against Motion:** Crs Byrne, Drury, Lockie and York

**Absent:** Cr Iskandar

The Mayor, Clr Byrne left the meeting at 9:40pm and vacated the chair and the Deputy Mayor, Clr Macri assumed the chair.

**C1120(1) Item 8      Notice of Motion: Cleaning Regime Town Centres**

**Motion: (Passas/Raciti)**

**THAT Council receive a report at the February 2021 Ordinary Council meeting detailing Council’s cleaning schedule, type of cleaning and any changes in cleaning schedules and type of cleaning since amalgamation in all Town Centres. The report should also detail Town Centre cleaning schedules in nearby Councils.**

**Motion Carried**

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

**Against Motion:**              Cr Drury

**Absent:**                              Crs Byrne and Iskandar

**C1120(1) Item 9      Notice of Motion: Fees to Pool**

**Motion: (Passas/Stamolis)**

**THAT Council:**

- 1. Survey and report back to Council the fee structure on all pools operated by Council in our Local Government Area with the view for Council to decide entry and user costs and that the previously provided free one-off family pass for Ashfield residents continue. This pass was sent out with rate notices. Also, Council has an obligation to ensure that learn to swim facilities are available for people on low incomes and support benefits, for that purpose entry fee should be waived for these attending learn to swim classes;**
- 2. Receive a report on fee structures for Learn to Swim participants, including advice on how accessibility could be increased by waiving entry fees for participants;**
- 3. Conduct community consultation on the accessibility of our pools in terms of affordability, with the aim of reaching a progressive fee structure that ensures no one is excluded from our aquatic centres (including gyms and other facilities) based on their inability to pay;**
- 4. Commit to extending as soon as possible the ‘Lifestyle Membership’ to all pools, without increasing the current cost of this membership, noting that the pools whose operations are outsourced to Belgravia have not yet been included;**
- 5. Receive a report on the total cost of subsidies and waivers provided to Belgravia as a result of Council’s 8 September 2020 resolution to vary the service contract;**
- 6. Report back on costs for seniors, concession card holders and pensioners at the various aquatic centres;**
- 7. Receive a report outlining options for promoting Ashfield Aquatic Centre in the community through targeted promotions e.g. ‘seniors swim free week’, or other free entry days aligned with special days or events; and**
- 8. Note that none of these actions are actioned until a report is brought back to Council.**



**Motion Carried**

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

Councillor Byrne returned to the Meeting at 10:13 pm.

The Deputy Mayor, Clr Macri vacated the chair at 10.13pm and the Mayor, Clr Byrne assumed the chair.

**C1120(1) Item 10 Notice of Motion: Final Pool Costs - Ashfield Pool**

**Motion: (Passas/Byrne)**

**THAT Council receive a detailed comprehensive report on the final costs to date which includes unfunded works, new items included that were not in the original budget.**

**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  
**Absent:** Cr Iskandar

**C1120(1) Item 11 Notice of Motion: Damage to Council Property**

**Motion: (Passas/Byrne)**

**THAT Council receive a full report on Council's policy regarding restoration and damage to public property.**

**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  
**Absent:** Cr Iskandar

**C1120(1) Item 12 Notice of Motion: Synthetic Turf and Arlington Oval**

**Motion: (Passas/Byrne)**

**THAT Council receive a report on:**

- 1. What caused the deterioration of the synthetic turf at Arlington Oval after a short period;**
- 2. What duration the synthetic turf should have had;**
- 3. The terms and conditions of the contract and warranty why these terms and conditions have caused considerable cost on Council;**
- 4. How Council can be assured that the replacement surface will last, and further major costs are not incurred; and**
- 5. What is the warranty of the new surface.**

**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

**Absent:** Crs Iskandar

**Confidential Session**

**Motion: (Byrne/Drury)**

THAT Council enter into Confidential session.

**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

**Absent:** Cr Iskandar

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:

**C1120(1) Item 13 Tender Recommendation-IWC Parramatta Rd Urban Amenity Improvement - Construction - T07-20** (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; AND commercial information of a confidential nature (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.

**C1120(1) Item 17 Mayoral Minute: Gender Equity in Executive Positions** contains personnel matters concerning particular individuals (other than councillors) (Section 10A(2)(a) of the Local Government Act 1993).

**C1120(1) Item 15 Update on Permanent General Manager Recruitment** contains personnel matters concerning particular individuals (other than councillors) (Section 10A(2)(a) of the Local Government Act 1993).

**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, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

**Against Motion:** Nil

**Absent:** Cr Iskandar

**REPORTS WITH CONFIDENTIAL INFORMATION**

**C1120(1) Item 13      Tender Recommendation-IWC Parramatta Rd Urban Amenity Improvement - Construction - T07-20**

**Motion: (Drury/Byrne)**

**THAT Council:**

- 1. Accept the tender submitted by CA&I Pty Ltd be accepted for the construction of the IWC Parramatta Road Urban Amenity Improvements for Inner West Council; and**
- 2. Inform the unsuccessful Tenderers of the resolution to decline to accept those tenders.**

**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  
**Absent:**                              Cr Iskandar

**C1120(1) Item 17      Mayoral Minute: Gender Equity in Executive Positions**

**Motion: (Byrne)**

**THAT Council:**

- 1. Notes Inner West Council’s Workforce Management Strategy 2018-2022, which was adopted in June 2018;**
- 2. Notes that a Gender Equity Strategy is being developed by Council officers, with a draft strategy due to come to Council by June 2021;**
- 3. Supports the aim of having female representation in at least 50 per cent of senior executive roles.**

**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  
**Absent:**                              Cr Iskandar

**C1120(1) Item 15 Update on Permanent General Manager Recruitment**

**Motion: (Byrne/Hesse)**

**THAT Council:**

1. Approve a change in title of the existing position of Chief Executive Officer to General Manager;
2. Approve the recruitment consultancy recommended in Confidential Attachment 1 to assist Council in recruiting a permanent General Manager;
3. Appoint the Mayor, Deputy Mayor, Councillors Hesse and Raciti to the recruitment panel; and
4. Delegate to the selection panel the authority to conduct the selection process and make a recommendation on the appointment of a new General Manager for determination by Council.

**Motion Carried**

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

**Against Motion:** Crs Passas, Stamolis and York

**Absent:** Cr Iskandar

**Amendment (Passas/Da Cruz)**

**THAT there be no independent panel member.**

**Motion Carried**

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

**Against Motion:** Crs Byrne, Drury, Hesse, Lockie, McKenna OAM and York

**Absent:** Cr Iskandar

As the Amendment was carried, the independent panel member in point 3 was removed.

**Amendment (Stamolis/Passas)**

**THAT Council appoint Councillors Da Cruz and Raciti to be on the recruitment panel and remove Councillor Hesse.**

**Motion Lost**

**For Motion:** Crs Da Cruz, Passas, Raciti and Stamolis

**Against Motion:** Crs Byrne, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Porteous, Steer and York

**Absent:** Cr Iskandar

**Amendment (Passas/Steer)**

**THAT Council appoint Councillor Da Cruz to be on the recruitment panel.**

**Motion Lost**

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

**Amendment (Stamolis/Macri)**

**THAT Council appoint Councillor Raciti to be on the recruitment panel.**

**Motion Tied**

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

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

As this Amendment was carried, it was incorporated into the Primary motion.

Meeting closed at 11.00 pm.

**PUBLIC SPEAKERS:**

Item #	Speaker	Suburb
<b>Item 3:</b>	Liam James	Hurlstone Park
	Andrew Alcorn	Rozelle
	Liza Schaeper	Annandale
<b>Item 4:</b>	Scott MacArthur	Tempe
	John Engeler	Sydney (CEO of Shelter NSW)
<b>Item 6:</b>	Rod Aanensen	Marrickville
	Philippa Clark	Leichhardt
	Louise Stuart	Petersham
	Gary Schmidt	Marrickville

The Minutes of the Ordinary Meeting of Council held on the 10<sup>th</sup> day of November, 2020 were confirmed as a correct record on this 24<sup>th</sup> day of November, 2020.

.....  
 CHAIRPERSON