

Minutes of Ordinary Council Meeting held remotely and livestreamed on Council's website on 9 February 2021

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
Brian Barrett	Acting General Manager
Elizabeth Richardson	Chief Operating Officer, Director Development and Recreation
Cathy Edwards-Davis	Director Infrastructure
Caroline McLeod	Acting Director City Living
Katherine Paixao	Acting Governance Manager
Carmelina Giannini	Acting Governance Coordinator

APOLOGIES:

Motion: (Drury/Macri)

THAT apologies from Councillor York be accepted.

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

DISCLOSURES OF INTERESTS: Nil

CONFIRMATION OF MINUTES:

Motion: (Stamolis/Raciti)

THAT the Minutes of the Council Meeting held on Tuesday, 8 December 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 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.

Condolences Motion Liliane Brady, Mayor of Cobar**Motion: (Steer/Porteous)**

THAT Council writes a letter of condolence to Cobar Council and the Brady family expressing our sadness at the passing of Liliane Brady, Mayor of Cobar.

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

Councillor Hesse left the Meeting at 7:40 pm.

Councillor Iskandar left the Meeting at 7:41 pm.

C0221(1) Item 24 Mayoral Minute: Dawn Fraser Baths**Motion: (Byrne)****THAT Council:**

- 1. Notes that engineering delays in supplying water to fire hydrants and sprinklers for emergency services has prevented the reopening of Dawn Fraser Baths in time for the 2020-2021 summer;**
- 2. Notes that Council had budgeted to open the Baths in time for the commencement of the summer season in October 2020 and that Council officers have estimated the cost of fully opening the pool is approximately \$35,000 per month, which will not have been expended from the period October 2020 to March 2021;**
- 3. Waives the cost of entry to the Baths for two weeks after its opening as a gesture of goodwill to the community after the loss of the summer season;**
- 4. Extends the Dawn Fraser Baths swimming season until at least the end of May, noting that the Baths would otherwise be closed within a matter of weeks after opening;**
- 5. Receives a report at the March Ordinary meeting on exercise and recreation programs, community events, social and heritage activities that could be offered by Council or facilitated by community organisations at Dawn Fraser Baths throughout the autumn and winter of 2021 in order to allow for the community to make use of the restored facility throughout the year. This program is to be developed in consultation with all users of the Baths including community sports clubs. It should include consideration of use of the pool itself for water-based activities as well as the facility as a whole for non-swimming activities; and**

6. The cost of the two weeks' waiver and the extended swimming season is to be funded from the 2020/2021 Operational Budget for Dawn Fraser Baths.

Motion Carried

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

Against Motion: Crs Macri and Passas

Absent: Crs Hesse and Iskandar

Councillor Iskandar returned to the Meeting at 7:44 pm.

Councillor Hesse returned to the Meeting at 7:53 pm.

C0221(1) Item 25 Mayoral Minute: Waiving of Hiring Fees for the Newtown Jets

Motion: (Byrne)

THAT Council:

1. **Waives the difference in fees between the existing training ground and Leichhardt Oval for ground hire fees for the Newtown Jets Football Club for three training sessions at Leichhardt Oval in February 2021; and**
2. **Notes Council officers' advice that the fee waiver will need to be publicly advertised.**

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

C0221(1) Item 26 Mayoral Minute: Pipeline Vegetation Works

Motion: (Byrne)

THAT Council writes to the Chief Executive Officer of Ampol Australia and Viva Energy seeking an undertaking that all vegetation clearing works along the Cooks River foreshore pipeline easement will be ceased until adequate consultation with river stakeholders is undertaken and that a Vegetation Management Plan be negotiated with each riverside Council to guide future vegetation management activities. Council to write to relevant stakeholders.

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

C0221(1) Item 1 Post Exhibition - Planning Proposal and Draft Leichhardt Development Control Plan - 1-5 Chester Street, Annandale

Motion: (Da Cruz/Steer)

THAT Council:

1. **Note the engagement outcomes from the public exhibition of the Planning Proposal and the associated site-specific Leichhardt Development Control Plan 2013 for 1-5 Chester Street, Annandale as detailed in Attachment 1;**
2. **In response to submissions, endorse the proposed minor additions to the exhibited site-specific Leichhardt Development Control Plan 2013 as outlined on page 2 of this report;**
3. **Endorse the amendments to the Leichhardt Local Environmental Plan 2013 and the associated site-specific Leichhardt Development Control Plan 2013 for 1-5 Chester Street, Annandale:**
 - a) **As detailed in Attachment 2;**
 - b) ***To ensure bicycle and motorcycle parking is prioritised, the DCP be amended to increase the provision of bicycle parking to a rate of 1 bicycle space per 3 student housing rooms, 1 visitor bicycle space per 10 student housing rooms and 1 motorcycle space per 5 student housing rooms; and***
 - c) ***For G11.13 Parking Access Objective O2 to read “To minimize car parking to encourage active transport and car sharing”***
4. **Note that Council does not have the delegation to make the LEP amendment and submit the Planning Proposal to the Department of Planning, Industry and Environment Minister to make the amendment under Section 3.36 of the Environmental Planning and Assessment Act 1979; and**
5. **Adopt the site-specific amendment to the Leichhardt Development Control Plan 2013 to come into effect on the same date as the Leichhardt Local Environmental Plan amendment is published on the NSW legislation website.**

Motion Carried

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

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

Foreshadowed Motion (Stamolis/Passas)

THAT Council further consult and refine the LEP/DCP for 1-5 Chester Street and bring back to Council.

This Foreshadowed Motion lapsed.

C0221(1) Item 2 Identifying a Greek precinct**Motion: (Iskandar/Byrne)****THAT Council:**

1. **Receives and notes the Engagement Outcomes report;**
2. **Notes that the majority of respondents agreed to name the proposed precinct “Little Greece”, and that the precinct be located in Marrickville rather than Dulwich Hill;**
3. **Submits the following to the Geographic Names Board for adoption:**
 - a) **Name: Little Greece;**
 - b) **Geographic Precinct: Marrickville Road between Livingstone Road and Victoria Road;**
4. **Celebrates the naming of a Greek precinct with a community event to be held at Marrickville Town Hall on 25 March, which marks the 200th anniversary of Greek Independence Day;**
5. **Consults with the Consul General of Greece in Sydney as well as local Marrickville and Dulwich Hill Greek residents, organisations and community groups and businesses regarding a program of activities to take place during this community event;**
6. **Initiate community consultation on the naming of a precinct on Illawarra Road in Marrickville in recognition of the Vietnamese community. This should include consultation with local Vietnamese businesses and community organisations on the potential name and geographic boundaries of the precinct; and**
7. **Receive a report on the support (or opposition) amongst the Inner West’s non-European communities (e.g. Chinese and Nepalese in Ashfield) for identifying and nominating precincts.**

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

ADJOURNMENT

9.00pm - The Mayor, Cllr Byrne adjourned the meeting for a short recess.

9.10pm – The Mayor, Cllr Byrne resumed the meeting.

C0221(1) Item 3 2020/21 Second Quarter Budget Review

Motion: (Drury/Hesse)

THAT the Second Quarter Budget Review for 2020/21 be adopted.

Motion Carried

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

Against Motion: Cr Passas

Foreshadowed Motion (Passas)

THAT Council defer this matter and hold a Councillor briefing.

This Foreshadowed Motion lapsed for want of seconder.

C0221(1) Item 4 Cleaning Schedule in Town Centres

Motion: (Drury/Kiat)

THAT Council:

- 1. Adopt a planned quarterly high-pressure cleaning service to all main street town centres between 3 am and 6am using in-house staff with residual capacity dedicated to reactive works, parks playground and hotspot mowing activities at a cost of \$181K per annum; and**
- 2. Short term funding be provided in the March quarter budget review and long term funding in the 2021/22 budget deliberations.**

Motion Carried

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

Against Motion: Cr Passas

At 10:07pm, the Mayor, Councillor Byrne issued a warning to Councillor Passas for repeated interjections during debate.

C0221(1) Item 5 Ashfield Aquatic Centre, Shading Project**Motion: (Drury/Kiat)****THAT Council:**

- 1. Endorses the installation of all Priority 1 shade proposals detailed in the report for the Ashfield Aquatic Centre at an estimated cost of \$310K; and**
- 2. Funds the works from the \$1.5m contingency fund for the Centre in the March quarter budget review.**

Motion Carried**For Motion:** Crs Byrne, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous and Steer**Against Motion:** Crs Da Cruz, Passas, Raciti and Stamolis**Foreshadowed Motion (Passas/Da Cruz)****THAT a report be brought back to provide the shade with permanent structures with solar panels**

This Foreshadowed Motion lapsed.

C0221(1) Item 6 Office of Sport Coordinator Position**Motion: (Byrne/Stamolis)****THAT Council endorses the permanent position of the Office of Sport Coordinator, noting that the role will align strategically with both Councils Recreation Needs Study and broader ongoing objectives.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Raciti, Stamolis and Steer**Against Motion:** Cr Passas**C0221(1) Item 7 Local Traffic Committee Meeting - December 2020****Motion: (Byrne/Macri)****THAT the Minutes of the Local Traffic Committee Meeting held in December 2020 be received and the recommendations be adopted with the following amendment:**

- Deferring Item 4 Minor Traffic Facilities to obtain consent from the neighbouring property.**

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

En bloc

Motion: (Byrne/Kiat)

THAT Council move Items 10, 12, 13 and 15 en bloc and adopt the recommendations contained within.

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

C0221(1) Item 10 Rates Harmonisation - January 2021 Progress Update.

Motion: (Byrne/Kiat)

THAT the progress report as at 31 January 2021 on Rates Harmonisation be received and noted.

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

C0221(1) Item 12 Investment Report as at 30 November 2020.

Motion: (Byrne/Kiat)

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 and Steer

Against Motion: Nil

C0221(1) Item 13 Investment Report As At 31 December 2020.

Motion: (Byrne/Kiat)

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 and Steer

Against Motion: Nil

C0221(1) Item 15 Notice of Motion: Potential park locations for the exercise equipment

Motion: (Byrne/Kiat)

THAT Council investigate potential park locations for the exercise equipment in storage through the whole LGA.

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

C0221(1) Item 8 Response to Continuation of Remote Access to Council Meetings for the Public

Motion: (Passas/Byrne)

THAT Council:

- 1. Upgrade the Council Chambers to allow hybrid meetings; and**
- 2. Makes a minor amendment to the Code of Meeting Practice to add an additional clause 4.24 'Attendance of a registered speaker at a Council meeting may be in person or via an audio-visual link'.**

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

C0221(1) Item 9 National General Assembly of Local Government 2021

Motion: (Byrne/Da Cruz)

THAT Council defer this item to the March 2021 Ordinary Council meeting to seek clarification from Australian Local Government Association (ALGA) about the arrangements for remote participation and Covid-19 restrictions at the 2021 conference.

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

C0221(1) Item 11 Incidents at Ashfield Aquatic Centre

Motion: (Byrne/Macri)

THAT Council note the actions undertaken in relation to the Ashfield Aquatic Centre.

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

C0221(1) Item 14 Notice of Motion: Submissions of Motions

Motion: (Stamolis/Passas)

THAT Councillors submit Notices of Motion up to 12.00pm on the Monday of the previous week of the Council Meeting.

Motion Tied

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

Against Motion: Crs Byrne, Drury, Hesse, Iskandar, Lockie, Macri and McKenna OAM

The Chairperson used his Casting Vote against the **MOTION** and the **MOTION** was lost.

Amendment (Da Cruz/Passas)

THAT Council receive staff reports 11 days before a Council meeting.

Motion Lost

For Motion: Crs Da Cruz, Passas and Raciti

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

The Mayor, Clr Byrne retired from the meeting at 10:55pm and vacated the chair and the Deputy Mayor, Clr Macri assumed the chair.

Suspension of Standing Items

Motion: (Drury/McKenna OAM)

THAT Council Suspend Standing Orders to enter into confidential session and deal with Items 22 and 23 at this time.

Motion Carried

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

Against Motion: Crs Passas and Stamolis

Absent: Cr Byrne

Confidential Session

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:

C0221(1) Item 22 Potential purchase of part of 49A Hercules Street, Dulwich Hill contains personnel matters concerning particular individuals (other than councillors) (Section 10A(2)(a) of the Local Government Act 1993); AND information (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.

C0221(1) Item 23 Stronger Communities Fund - Legal advice contains advice concerning litigation, or advice (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: (Macri/Stamolis)

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

Motion Carried

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

Against Motion: Nil

Absent: Cr Byrne

REPORTS WITH CONFIDENTIAL INFORMATION

C0221(1) Item 22 Potential purchase of part of 49A Hercules Street, Dulwich Hill

Motion (Drury/McKenna OAM)

THAT Council:

1. Resolves to purchase the triangular shaped area of approximately 7.6m² of vacant land at the very rear of the property at 49a Hercules Street, Dulwich Hill for \$30,500.00; and
2. Delegates to Council’s General Counsel all matters relating to the subdivision of the triangular shaped area of approximately 7.6m² of vacant land at the very rear of the property from 49a Hercules Street, Dulwich Hill and the purchase of the subdivided portion of approximately 7.6m² of vacant land.

Motion Carried

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

Against Motion: Nil

Absent: Cr Byrne

C0221(1) Item 23 Stronger Communities Fund - Legal advice

Motion: (Drury/McKenna OAM)

THAT Council receive and note the update.

Motion Carried

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

Against Motion: Nil

Absent: Cr Byrne

Extension of time

Motion: (Macri/Da Cruz)

THAT the meeting be extended until 11.30pm

Motion Carried

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

Against Motion: Nil

Absent: Cr Byrne

C0221(1) Item 16 Notice of Motion: Council tree failures

Motion: (Passas/Macri)

THAT Council:

- 1. Report back about the number of Council trees failures over 2020, whether damage was caused to property and any other information that can be provided such as how many residents receive compensation;**
- 2. Be informed of what inspections are done on Council trees; and**
- 3. Furnish a full report on a Council tree which has caused damage to a private property in Summer Hill in September 2020.**

Motion Lost

For Motion: Crs Macri, Passas, Raciti and Stamolis

Against Motion: Crs Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, McKenna OAM, Porteous and Steer

Absent: Cr Byrne

C0221(1) Item 17 Notice of Motion: Basic Council Services

Motion: (Passas)

THAT the General Manager to set a date for an urgent briefing on Councils basic services (cleaning, mowing, street sweeping, litter, parks etc) in response to the increasing level of complaints from residents and businesses.

The Chair, Deputy Mayor Councillor Macri ruled this motion out of order as a briefing date has already been set.

C0221(1) Item 18 Notice of Motion: Fishing Hazard Assessment

Motion: (Stamolis/Macri)

THAT:

- 1. Council to conduct an assessment of locations where fishing occurs on the Balmain Peninsula to address physical and health risks to persons and pets from fish hooks and other associated material left in these areas; and**
- 2. A report to be prepared for the April 2021 Council meeting on how best this problem might be resolved.**

Motion Carried

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

Against Motion: Crs Drury and Iskandar

Absent: Cr Byrne

C0221(1) Item 19 Notice of Motion: Cohen Park Tennis Courts

Motion: (Macri/McKenna OAM)

THAT Council:

- 1. Notes that due to the need to safely socially distance children during the COVID-19 crisis, Leichhardt Tennis Academy has requested the temporary use of a second tennis court at Cohen Park for training lessons; and**
- 2. Undertakes at least 2 weeks community consultation with local residents and users of the second court on the proposal from the Leichhardt Tennis Academy to remove the current free community use on the second court between 5.15 and 6.15 for the first and second school terms in 2021.**

Motion Carried

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

Against Motion: Nil

Absent: Cr Byrne

Meeting closed at 11.22 pm.

PUBLIC SPEAKERS:

Item #	Speaker	Suburb
Item 1:	Tania Taylor Sue Strudwick Warren Duncan	Annandale Annandale Annandale
Item 2:	Natasha Vlahos Ryan Bondfield Aydan Casey	Dulwich Hill Leichhardt Marrickville
Item 6:	Joseph Grech Michael Woods	Birchgrove Leichhardt
Item 7:	Jennifer Heywood	Balmain
Item 18:	Tom Quealy Annette Hartman	Balmain East Balmain East

Unconfirmed minutes of the Ordinary Council meeting held on 9 February 2021.