

# **AGENDA**

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## **INNER WEST COUNCIL**

**EXTRAORDINARY COUNCIL MEETING**

**TUESDAY 21 AUGUST 2018**

**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**

Inner West Council is committed to ensuring people with a disability have equal opportunity to take part in Council and Committee Meetings. At the Ashfield Council Chambers there is a hearing loop service available to assist persons with a hearing impairment. If you have any other access or disability related participation needs and wish to know more, call 9392 5657.

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

- 1 Acknowledgement of Country**
- 2 Apologies**
- 3 Notice of Webcasting**
- 4 Disclosures of Interest (Section 451 of the Local Government Act and Council's Code of Conduct)**
- 5 Moment of Quiet Contemplation**
- 6 Mayoral Minutes**

Nil at the time of printing.

### **7 Staff Reports**

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## **6 Reports with Confidential Information**

Reports appearing in this section of the Business Paper are confidential in their entirety or contain confidential information in attachments.

The confidential information has been circulated separately.

### **ITEM**

C0818(2) Item 26	Compulsory Acquisition Ashfield, Part 321 Parramatta Road Ashfield Depot
C0818(2) Item 27	Sydney Metro City & Southwest acquisition of freehold interest in Part Murray Street, Marrickville.
C0818(2) Item 28	Status of Westconnex Stage 3 proposed compulsory acquisitions
C0818(2) Item 29	Ashfield Aquatic Centre Project Management

**Item No: C0818(2) Item 1****Subject: MULTICULTURAL POLICY**

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**Prepared By:** Simon Watts - Social and Cultural Planning Manager**Authorised By:** Erla Ronan - Group Manager Community Services and Culture**SUMMARY**

Inner West Council resolved to develop new initiatives in Multicultural Policy on 24 April 2018. A draft Multicultural Policy is proposed for exhibition (Attachment One). This policy is to ensure equity of access to Council services, to ensure the voices of people from multicultural backgrounds are heard in Council's decision-making and that Council advocates for the needs of people from multicultural communities. It seeks to promote Council celebration of its unique and diverse communities. A stocktake of Council policies and services for multicultural communities, and a list of potential new initiatives are proposed. Community engagement on the Policy and potential new initiatives is proposed for August 2018.

**RECOMMENDATION****THAT:**

- 1. Receive and note the stocktake of activities across Inner West Council which support multicultural communities;**
- 2. Receive and note a report back on potential additional multicultural initiatives;**
- 3. Endorse the draft Multicultural Policy for public exhibition; and**
- 4. Endorse the community engagement plan and the action plan 2018-2020 contained in the report.**

**BACKGROUND**

Notice of Motion (C0418 Item 21) Multicultural Policy

THAT Council prepare a report on ways to support our multicultural communities including:

- a) Delivering the largest Lunar festival in the history of the Inner West to celebrate our Chinese and Vietnamese communities;
- b) Establishing an Inner West Anti-Racism Film Festival with entries to come from local residents, community groups and schools;
- c) Creating a Multicultural Advisory Committee and Inter-Faith Reference Group to inform Council decision making;
- d) Instituting Civic Receptions to celebrate the national days of local ethnic communities including the Chinese, Vietnamese, Greek, Portuguese, Italian and Lebanese communities;
- e) Making sure important Council information is available and easily accessible in community languages;
- f) Reestablishing international community to community relationships which existed under the former councils;
- g) Appointing a dedicated multicultural development officer to support local organisations;
- h) The report include detailed costing and additional information such as concept/brief event size, location, reach, capacity and programming; and

- i) The report should fully detail what the Inner West currently does to support multicultural policies either directly or indirectly.

More than one third of the population of the Inner West is from multicultural backgrounds, 66,228 people were born overseas, and 51,597 speak a language other than English at home. This policy seeks to ensure that people from diverse backgrounds participate in local decision making, including in design of Council's services and policies; access and are supported by Council services and policies; and that people from diverse backgrounds are celebrated and acknowledged across our communities in the Inner West. Overall, this policy seeks to ensure that residents of the Inner West from diverse backgrounds achieve high degrees of social and economic participation.

A Mayoral forum was held on 3 July 2018. The Mayor and Councillor Iskandar met with leaders from the Italian, Greek, Portuguese and Chinese communities. A key expressed need was for continuing close engagement with each community, particularly to ensure that any Council response was effective and timely. This was particularly the case where Council advocacy was the recommended response.

Council is deeply engaged in service provision to people from multicultural backgrounds, through specifically designed and tailored services, and through service provision provided for the whole community. A stock take of tailored service provision to people from diverse communities is at Attachment Two.

New initiatives for people from multicultural backgrounds are also proposed for inclusion in community engagement on the Policy. These initiatives include new celebrations for Lunar New Year, creation of an anti-racism film festival, a new inter-faith reference group, new approaches to translation and interpretation for residents who use community languages, and expanded community to community relationships for specific groups.

The Policy supersedes earlier Council plans and policies: Marrickville Cultural Action Plan 2016-2020, Strengthening Marrickville's Migrant Communities: a Local Action Plan 2010-2015, Local Ethnic Affairs Policy Statement (2007), Marrickville's Cultural Diversity Action Plan (2003), Local Ethnic Affairs Policy (1998), Culturally Diverse Society Principles Policy (1997), Culturally Diverse Society Principles NSW Charter (1997) and Ethnic Affairs Policy (1994).

### **FINANCIAL IMPLICATIONS**

The dedicated Multicultural Officer proposed by the resolution would be required. The estimated cost for a four day per week position would be \$89,600 per annum (plus on-costs). It would be appropriate to appoint the Officer for a two year pilot period to implement initiatives as set out in the action plan for 2018-2020, and then review ongoing needs.

### **OTHER STAFF COMMENTS**

Extensive input from Council officers was required for the services and policy stock take, for creation of the Engagement Plan, and for scoping the new initiatives. The draft policy was discussed with the Leadership Team.

### **PUBLIC CONSULTATION**

Public engagement will follow Council consideration of the Policy according to the Plan at Attachment Three.

### **CONCLUSION**

Responding to the needs of people from diverse backgrounds includes improving the manner in which Council services and programs are designed to meet specific needs along with timely and effective advocacy. The proposed policy intends to frame and formalise this requirement.

**ATTACHMENTS**

1. Draft Multicultural Policy
2. Multicultural Services and Policy Stocktake Attachment Two
3. Draft Engagement Plan Attachment Three
4. Draft Multicultural Action Plan 2018-2020 Attachment Four

**Item No:** C0818(2) Item 2**Subject:** DRAFT GRANTS AND FEE SCALE POLICY

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**Prepared By:** Simon Watts - Social and Cultural Planning Manager**Authorised By:** Erla Ronan - Group Manager Community Services and Culture**SUMMARY**

The Grant and Fee Scale Policy outlines integrated, transparent and equitable processes to govern the allocation of grants and fee scales for Council venues and town halls. The policy aligns Council's investment in the community with the strategic directions in the Community Strategic Plan, *Our Inner West 2036*. The Grants and Fee Scale Policy (Attachment 1) provides an overarching grants policy for the IWC Grants Guidelines, as well as providing consistent fee scales across Council's venues and town halls. This report recommends Council's adoption of the policy.

**RECOMMENDATION****THAT Council:**

1. **Notes the Grant and Fee Scale Policy public exhibition has concluded and adopts the policy with the following inclusion:**
  - **local disadvantaged groups be considered for greater access of Council venues and town halls.**
2. **Implement the Grant and Fee Scale Policy from 1 July 2018, and applies to all bookings for Council venues scheduled for use from 1 January 2019.**

**BACKGROUND**

Community resourcing through grants and affordable venues is integral to enabling the community to contribute to delivering enhanced wellbeing, creativity and sustainability in the Inner West. The former Councils of Ashfield, Marrickville and Leichhardt had differing policies regarding the ways they provide community resourcing in the form of grants and fee scales that apply to for venue hire. This Policy addresses the inconsistencies and confusion for residents and staff which have resulted from the lack of a single Inner West policy.

**Context**

Council recognises that innovation and best practice comes from supporting new and emerging ideas. Investing in the community's ingenuity, strengths, and capabilities provides expanded opportunities for community and cultural development; promotion of wellbeing and social inclusion; and environmental improvement. Council's grants and scaled fee structures support community groups to help deliver the Community Strategic Plan.

The Local Government Act 1993 provides the legislative context for Council's Grants and Fee Scale Policy. Section 356 of the Act allows Councils to grant financial assistance to persons for the purpose of exercising its functions (with specific requirements for public notice in some circumstances where private gain is a factor); and Section 610 E allows Councils to waive or reduce fees if it is satisfied that there is a category of hardship or any other category Council determines warrants waived or reduced fees.



**Guiding principles**

The following principles underpin the Grants and Fee Scale Policy:

- Consistency: consistent processes governing applications for grants, and applications to book venues
- Transparency: clear eligibility criteria and decision-making
- Social justice: allocating and pricing community resources in order to promote social inclusion, and address disadvantage, equity, access, participation and rights.

**Strategic Reference**

The Grants and Fee Scale Policy is designed to ensure the allocation of resources aligns with Council's community strategic directions, in particular:

- Strategic Direction 1: An ecologically sustainable Inner West
- Strategic Direction 2: Unique, liveable, networked neighbourhoods
- Strategic Direction 3: Creative communities and strong economy
- Strategic Direction 4: Caring, happy and healthy communities
- Strategic Direction 5: Progressive local leadership

**Policy Implementation**

Grants Guidelines for the five grant programs including program aims; selection and eligibility criteria; reporting requirements are outlined in Attachment 1 (Appendix 1). Guidelines for determining access to scaled fee subsidies for community venues and town halls are contained in Attachment 1 (Appendix 2).

Council resolved (C0418) on 24 April 2018:

THAT:

1. Council notes the Grants and Fee Scale Policy for the purposes of public exhibition;
2. Once adopted Council implements the Grants and Fee Scale Policy from 1 July 2018, and applies to all bookings for Council venues scheduled for use from 1 Jan 2019;
3. Council trial a quarterly small grants stream component to the Community Wellbeing Grants, effective from 1 July, to be reviewed after 12 months operation;
4. The Community Wellbeing Grant Guidelines be revised to include a new small grant stream (for grants from \$200-\$500) to ensure these grants are governed in a professional and transparent manner; and
5. Council allocate \$10,000 each year from the annual Community Wellbeing Grant budget to fund the new small grant stream.

**FINANCIAL IMPLICATIONS**

The following represents an estimate of possible impacts:

- Overall the proposed new fee scales aim to be cost neutral to current income
- The 100% subsidy for all support groups will likely result in a decrease in revenue from support groups of \$14,500
- It is anticipated that 7 out of the 126 regular hirers will be impacted:
  - If they meet the criteria for 50% subsidy: revenue may increase by approximately \$38,000
  - If they meet criteria for 100% subsidy, revenue may decrease by approximately \$74,000

Finance has been consulted around the potential financial impacts of implementing the proposed Fees and Charges Policy. Review will occur in Quarter 3 of this Financial Year.

### **OTHER STAFF COMMENTS**

Community Operations will need to assess community groups applying for fee subsidies based on the group's eligibility and status, level of fees charged to its members and types of activities being undertaken.

### **PUBLIC CONSULTATION**

The Draft Grant and Fee Scale Policy was placed on 28 days public exhibition through Council's Your Say engagement process from 23 May until 20 June. Council's previous grant applicants and venue hirers were notified and invited to comment on the policy. The survey results show that 10 respondents completed the questionnaire. Of these 10 respondents, 4 (or 40%) of respondents accept the policy without changes; 5 (or 50%) of respondents accept the policy with changes and 1 (or 10%) do not accept the policy.

#### **Respondent's comment:**

1. *I would not have been able to teach meditation to more than 2000 people in the Inner West Municipality without the support of a reduced fee. Anonymous 5/25/2018 12:22 PM*

#### **Council's comment:**

Community Operations advise that most respondents are concerned that they may be disadvantaged due to the group charging a fee to participate. Under the new policy, groups will need to be assessed based on their eligibility status and level of fees charged.

#### **Respondent's comment:**

2. *I would like it to say that public health organisations get 100% subsidy i.e. get venues for free. Anonymous 5/26/2018 12:09 PM*

#### **Council's comment:**

Community Operations advise that most respondents are concerned that they may be disadvantaged due to the group charging a fee to participate. Under the new policy, groups will need to be assessed based on their eligibility status and level of fees charged.

#### **Respondent's comment:**

3. *On behalf of The Polly's Club, we would find the reduced or nil fee for the hire of Marrickville Town Hall of great benefit to the continuation of our club. In continuous operation since 1964, the club has been using Marrickville Town Hall for our 5 social dances per year since 2000 and has forged strong ties with local council. We provide a safe and friendly environment where people can be themselves, dance, socialise and be entertained at an affordable price. This format has allowed us to be Australia's longest running LGBTIQ social group, celebrating 55 years in 2019. The biggest threat to our continued existence is operating costs. A reduced or nil fee for Marrickville Town Hall hire will greatly assist in ensuring our continued operation and ability to provide the inner west community with a cheap, safe and friendly social event where they can connect with others and assist in the raising of funds for The Polly's Club charity grants program. This program allows us to donate funds to charities focused on men's health, women's health, youth health, mental health and animal welfare at every dance. Regards, David Haynes, President The Polly's Club. Anonymous 5/29/2018 10:00 AM*

#### **Council's comment:**

Community Operations advise that not-for-profit target groups that charge to attend an activity are not eligible for a fee subsidy and would receive a community rate (at a rate of 50%).

**Respondent's comment:**

4. *Some NFP community groups I work with to run the Open Inner West Festival charge a fee of \$5 entry fee at their events to assist them in covering their costs to hold large scale cultural festivals for the community. A fee of 50% (that they would be eligible for) would still be a significant fee for hire of the large Town Halls where these events take place. Would there be scope to raise this entry fee to \$15?* LSmith 6/08/2018 11:11 AM

**Council's comment:**

Community Operations advise that groups organising activities through Open Inner West Festival charge a cost to participants as part of the festival. This may impact on groups' ability to hold their event as they rely on the small charge to offset costs. This would need to be assessed based on each group's eligibility status and level of fees charged.

**Respondent's comment:**

5. *It's great to see grants for the interpretation of heritage and history. Although the Inner West Council area doesn't have many community museums, it does encompass the Sydney Bus Museum and a number of historical societies which have object collections. I am a little confused by the need for the projects to be linked to the Library's collection. The arbitrary parameters of what one body has managed to collect should exclude a group with a wider, or better, collection from accessing funding for projects that help interpret the inner west's history for the public. I hope that this grant is publicised widely to the groups in the Council area with object collections and that there are training sessions, or advice given on how to approach an application.* Anonymous 6/14/2018 06:21 PM

**Council's comment:**

Community History and Heritage Coordinator advises that the Community History & Heritage Grants are promoted to the wider groups in the council area. These grants are designed to primarily build up the content of the Library and History collections for access by current and future generations. The Grants are designed to be mutually beneficial to the Local History of the area for example if the Sydney Bus Museum or a group holds an object collection the kind of grant application that would be accepted would be the digitisation of the object, or the cataloguing of the collection or a publication that showcased the collection providing online access to the public.

**Respondent's comment:**

6. *Dear Officer, We are a non-profit-making community organization serving people over the age of 55. All staff are volunteers, but we are proud of it. We don't have any funding support. It is already very difficult. If we cannot afford the venue fee, would you tell me please, how we will continue our activities. Thank you.* Anonymous 6/18/2018 11:06 AM

**Council's comment:**

Community Operations advise that most respondents are concerned that they may be disadvantaged due to the group charging a fee to participate. Under the new policy, groups will need to be assessed based on their eligibility status and level of fees charged.

**Respondent's comment:**

7. *Local NFP sporting clubs are a major group providing healthy living and recreation services within our community. The Proposed New IWC Fee Scale Policy doesn't identify sporting clubs as examples in the Fee Subsidy categories. Community-based NFP sporting clubs should sit in the 100% Fee Subsidy category, yet the final criteria of the Activity Type, "and Where there is evidence that payment of a fee for venue use will prevent the activity occurring" may see sporting clubs losing 50% of the fee subsidy. The very nature of community sporting clubs in the IWC is that few, if any, have club houses and they do not have easy access to meeting areas. These clubs are required to hold AGMs, parent information evenings, coach and manager information sessions and other activity-related information sessions; they should not be penalised receiving the 100% subsidy simply because these sessions are a necessity and must occur. IWC should be*

*supporting these community sports clubs by providing a 100% subsidy to community meeting spaces. Anonymous 6/19/2018 10:20 AM*

**Item 2****Council comment:**

Community Operations advises that local not-for-profit sporting clubs are concerned may not be eligible for a fee subsidy. Their applications will need to be assessed based on their eligibility status and level of fees charged to their members.

Parks Planning and Engagement notes Council's key role in providing a diverse range of community facilities. The provision of community facilities like all other Council services needs to be balanced against the many needs of the community and the vast range of services that Council provides. Consequently the extent of Council's involvement in delivering any service needs to take into account Council's legal obligations and an analysis of the social and economic benefits, community need and relevant community trends. Parks Planning and Engagement feels that sporting clubs should contribute towards the cost of hiring facilities which Council maintains. Noting that a vast number of sporting clubs are non-for-profit organisations a social inclusion discount could be assessed by Council based on their eligibility status and level of fees charged to its members.

**Respondent's comment:**

8. *I am making this submission on behalf of Leichhardt Swimming Club. The Club receives a fee subsidy from the Council each summer season which enables us to use the swimming pool at LPAC on Saturday mornings from 7:30 am until 10 am without having to pay for lane hire. There seems to be no facility in the grants and fee scale policy for a continuation of this subsidy. The Club caters for approximately 150 children in the inner west area providing opportunities to improve their swimming and compete at area and state levels. Should we be required to start paying for lane hire the Club would cease to function as it is a non-profit organization relying on donations to pay for trophies and ongoing operation costs. This subsidy provision needs to be included in the policy.*  
Anonymous 6/20/2018 08:41 PM

**Council comment:**

It is noted that Council's aquatic and recreation centres and parks are out of scope of this policy and will be reviewed as part of a separate project in 2018/19. The fees and charges for sporting grounds will be reviewed during 2018/19 with a view to making changes from 2019/20.

The Policy needs to be amended (Appendix 2 on page 45 of the document) to read:  
*Venues available for casual and annual hire include community and neighbourhood centres; meeting/activity rooms and are defined in Table 2.*

**Respondent's comment:**

9. *I am writing to you as Treasurer of the AL-ANON Wednesday evening meeting at the Rozelle Senior Citizens Hall in Darling St., and request that you consider us for a lower or nominal rent. We are a community group that supports and assists families with alcohol and associated problems. These groups are often referred to by local medical practitioners and psychologists and are of particular value to low income people as cost is coin donation only or less if people can't afford. As such we provide a valuable and freely available resource for the community and support existing health structures with their patient load. Given that many of the members may be on pensions or be of low income etc we request a lower rent structure. We are aware that some of the other Al Anon groups in the council area make donations of literature and books to women's refuges and local libraries in lieu of rent. We have a meeting that lasts 90 mins but currently charged for 2 hours, with a group coming in straight after we leave. Please consider for rent reduction or nominal payment, with thanks Liz R*

**Council comment:**

Community Operations advises that local support groups are concerned about being disadvantaged however under the new policy local support groups will be eligible for a fee subsidy.

**Respondent's comment:**

10. *We are particularly keen to apply for grants for new projects under your Community Grants Program, and to encourage our community partners to apply for grants for joint projects which will be based at ARCCO. One of the issues in the past has been that if the projects aren't fully funded then the cost of the facility rental for projects is usually shifted onto Addison Road. Because Addison Road relies on rental income to be able to deliver services and programs this cost shifting undermines our ability to support projects in other ways, or commit to supporting future projects. It would be great if Council staff could be mindful of this when assessing future grant applications that include a 'facility rental' component at ARRCO. Another way might be to quarantine some funds available to be distributed as grants, specifically to support facility rental for projects. Sometimes this is the only support community groups need to make a project viable, and a small grants program, say up to \$1,500 per application, might be a way around this.*

**Council comment:**

Council receives many grant applications each year requesting more funding than is available. Applicants are encouraged in Grant Guidelines and at Information Sessions and Grant Writing Workshops to talk with the Grants Team to discuss their projects to assist with their grant submissions.

The Grant Guidelines provide an explanation and example of a budget proposal. Application forms request project costs in the budget section of the grant proposal and questions on the viability of the project are asked. If this information is provided then this perspective is transparent in the Council assessment process and therefore can be taken into consideration.

**CONCLUSION**

The Grant and Fee Scale Policy outlines integrated, transparent and equitable processes to govern the allocation of grants and fee scales for Council venues and town halls. The policy aligns Council's investment in the community with the strategic directions in the Community Strategic Plan, Our Inner West 2036. This report recommends Council's adoption of the policy.

**ATTACHMENTS**

1. Attach 1 Grants and Fee Scale Policy 090518

**Item No:** C0818(2) Item 3

**Subject:** **REVISED PUBLIC ACCESS TO INFORMATION HELD BY COUNCIL POLICY**

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**Prepared By:** Rad Miladinovic - Business Information Services Manager

**Authorised By:** Harin Perera - Group Manager Information Communications Technology

### **SUMMARY**

Under Part 3 Division 2 of the Government Information (Public Access) Act 2009 (GIPA Act), all agencies (other than a Minister) must have an agency information guide (AIG). Further, agencies must review their AIG and adopt a new AIG at intervals of not more than 12 months.

Council's AIG and *Public Access to Information held by Council Policy* were recently reviewed.

### **RECOMMENDATION**

#### **THAT:**

1. Council receives and notes the revised Inner West Council Agency Information Guide (Attachment 1) and Council determines whether to place the revised *Public Access to Information held by Council Policy* (Attachment 2) on public exhibition and if so, determines the duration of the exhibition period;

#### **OR**

2. Council receives and notes the revised Inner West Council Agency Information Guide (Attachment 1) and Council adopts the revised *Public Access to Information held by Council Policy* (Attachment 2).

### **BACKGROUND**

Under Part 3 Division 2 of the Government Information (Public Access) Act 2009 (GIPA Act), all agencies (other than a Minister) must have an agency information guide (AIG). Further, agencies must review their AIG and adopt a new AIG at intervals of not more than 12 months. The *Inner West Council Agency Information Guide* was recently reviewed and updated as part of the annual review (refer to Attachment 1).

Council's *Public Access to Information held by Council Policy* was recently revised and updated with the following changes (refer to Attachment 2):

- inclusion of an "objectives" section as part of the new IWC policy template
- detailed explanation of how Council information can be accessed ie through mandatory proactive release, authorised proactive release, informal or formal release
- change to the service standard for informal access to information requests from 7 to 20 business days

**Proposed Change to the Service Standard for Informal Requests:**

The *Public Access to Information held by Council Policy* is based on the legislative requirements of the *Government Information (Public Access) Act 2009* (the GIPA Act). The service standard for formal public access to information requests is regulated at 20 business days. The service standard for informal requests is discretionary, as follows:

S8(2) of the *NSW Government Information (Public Access) Act 2009* states “an agency can release government information in response to an informal request subject to any reasonable conditions that the agency thinks fit to impose.”

Prior to amalgamation, the service standard for responding to informal GIPA requests by the three legacy councils is as follows:

Ashfield:	up to 20 business days
Leichhardt:	up to 20 business days
Marrickville:	up to 7 business days

Benchmarking the informal GIPA request service standard with 6 neighbouring Councils indicates that most Councils provide a service standard of greater than 3 weeks, with the majority of Councils providing a service standard of “up to 20 business days”.

Individual service standards of the benchmarked Councils are as follows:

<b>Council</b>	<b>Service Standard</b>
Bayside	“up to <b>20 business days</b> ”
Burwood	“ <b>20 working days</b> ”
Canada Bay	“up to <b>20 business days</b> ”
Canterbury-Bankstown	“may take <b>approximately 21 days</b> ”
City of Sydney	“We aim to respond to requests <b>within 10 working days</b> . However, response times will vary depending on the current levels of demand on our services and the type of information being requested.”
Georges River	“Requests will be processed in a <b>timely manner and as soon as practical</b> . Turnaround times will also depend on the volume of information sought and whether documents need to be retrieved from archives.”

Benchmarking more broadly with other Councils provides the following service standards:

<b>Council</b>	<b>Service Standard</b>
Blacktown	“within <b>20 working days</b> ”
Camden	“applications generally take <b>20 working days</b> to finalise”
Campbelltown	“a <b>minimum of 20 working days</b> from receipt of a completed form for a response. This time frame is dependent on current workload and accessibility of the information being sought.”
Central Coast	Current processing time is “ <b>minimum of 4 weeks</b> ”
City of Parramatta	“This process may take <b>up to 4 weeks</b> to obtain certain documents under informal access. Some of the documents listed on the form are available within a week while others are stored offsite and may take longer to access.”
Cumberland	<b>Within 20 working days</b> after receipt of the application
Lane Cove	“ <b>within 7 days</b> of receipt”
Liverpool	“ <b>up to 20 working days</b> to complete”
Penrith	“ <b>up to 20 business days</b> ”
Randwick Council	“requests are generally processed <b>within five (5) working days</b> , however,

<b>Council</b>	<b>Service Standard</b>
	depending upon the availability and/or location of the information requested, some requests may take longer
Strathfield	website states applicants will be <b>"notified within 15 working days"</b> ie what information will be available to the applicant upon retrieval of the requested files
Sutherland	<b>"20 business days"</b>
Waverley	<b>"up to 20 business days"</b>
Wollongong	<b>"up to 10 working days"</b>
Woollahra	Will <b>"respond within 10 working days"</b> to acknowledge the request and to advise action taken to date in response to the request

The "up to 20 business days" service standard can be attributed to the large volume of informal access to information requests that Councils receive seeking access to hardcopy files relating to past development matters. Based on the number of access to information applications processed by Council during the 2017/18 year (2493 applications), the ratio of informal to formal access to information requests is approximately 24:1. In May 2018, Council received 240 Informal access requests, of which approximately 50% related to past development applications requiring Council to retrieve physical files from its eight records repositories. 40% of requests relate to development information which is available in digital format. The remaining 10% of requests are not property-specific and relate to information about Council policies, financial reporting, traffic and parking matters etc.

Further, some request types are quicker to fulfil, and if there is a demonstrated urgency Council endeavours to assist with these requests immediately. For example, requests for property ownership details relating to planned installation of public infrastructure (Telstra, nbn, Sydney Water, Sydney Metro, Department of Planning); requests for ownership details of neighbouring properties for impacting 'dividing fence' matters; requests for copies of approved DA plans, where these have already been stored electronically; unsuccessful applicants requesting a copy of the assessing officer's report (to determine the reasons for refusal); neighbours requesting a copy of the DA approval (to determine the conditions of consent and construction); copies of submissions (redacted for privacy) if we have received 5 or less; assistance with locating Council information such as policies or Council's progress with major projects.

The *Inner West Council Agency Information Guide* and the *Public Access to Information held by Council Policy* will next be reviewed in June 2019. The service standard for informal access to information applications will be assessed with the view to reducing the response time if there is an opportunity to respond most applications more quickly. It is anticipated that the implementation of unified business solutions and the rationalisation and relocation of physical record collections may present this opportunity.

### **FINANCIAL IMPLICATIONS**

Not applicable.

### **OTHER STAFF COMMENTS**

Not applicable.

### **PUBLIC CONSULTATION**

If resolved by Council, the *Public Access to Information held by Council Policy* will be publicly exhibited for the period resolved by Council.



**ATTACHMENTS**

1. IWC Agency Information Guide
2. Revised Public Access to Information held by Council Policy

**Item No:** C0818(2) Item 4

**Subject:** **DELEGATIONS TO LEGAL SERVICES STAFF REGARDING APPEALS  
FROM INNER WEST PLANNING PANEL**

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**Prepared By:** Joe Strati - General Counsel

**Authorised By:** Rik Hart - Interim General Manager

### **SUMMARY**

Land and Environment Court appeals from decisions of the Inner West Planning Panel are subject to the control and direction of the Panel.

In order to avoid any practical difficulties associated with such a process, the Panel has agreed to delegate to appropriate Legal Services staff the function of controlling and directing how the appeals are run.

Council's endorsement of such delegation is required to make the delegation operative.

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### **RECOMMENDATION**

**Pursuant to section 381(3) of the *Local Government Act 1993*, Council approves of the delegations made by the Inner West Planning Panel as outlined in this report.**

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### **BACKGROUND**

As Council would be aware, certain development applications are to be determined by the Inner West Planning Panel ("**Panel**").

Section 8.15(4) of the *Environmental Planning and Assessment Act 1979* ("**EPA Act**") provides that Land and Environment Court appeals against determinations of the Panel are to be commenced against Council as Respondent yet Council remains subject to the control and direction of the Panel in connection with the conduct of the appeal.

This paradigm is considered to create some practical difficulties in the running of appeals, not least because there are numerous decisions to be made throughout an appeal (eg/ selecting expert witnesses, finalising Statements of Facts and Contentions, determining whether to engage counsel, conducting good faith negotiations during section 34/34AA conferences, etc.), some of which are made in limited timeframes or on an urgent basis. Having to obtain the approval of the Panel in the making of those decisions within the timeframes so referenced has the potential to hinder the timely running of appeals. In addition, having to report to the Panel on how appeals are run will require additional resources. Such resources are currently at a premium given the volume of appeals the Council is currently experiencing.

Section 2.20(8) of the EPA Act permits the Panel to delegate any function of the Panel.

In order to address the aforementioned practical difficulties, legal staff at Council approached the Chair of the Panel, Mr David Lloyd QC (a former judge of the Land and Environment Court), to discuss whether the Panel would considering delegating the Panel's function of controlling and directing Council in its conduct of an appeal under section 8.15(4) of the EPA Act. After due consideration, Mr Lloyd QC was amenable to the request subject to remaining members of the Panel also agreeing.

As with any type of delegation, it is important that only Council officers with the requisite skills and knowledge to exercise the function under discussion be delegated that function. In this regard, the Panel was requested to limit its delegation to the Council's General Counsel (Joe Strati), Senior Planning and Environment Lawyer (Mark Bonanno) and Planning and Environment Lawyer (Simon Turner), all of whom are legal practitioners employed by Council to conduct Land and Environment Court appeals and to whom the Council has given delegation to conduct such appeals in the usual course. The 3 staff have over 50 years of combined experience in the planning law field and have run hundreds of planning appeals in that time. The General Counsel is also an accredited specialist in Local Government and Planning Law.

On 12 June 2018, the Panel resolved to grant the requisite delegations as follows:

*Subject to the approval of the Inner West Council and the General Manager thereof, the panel individually delegates to Mr Joe Strati, Mr Mark Bonanno and Mr Simon Turner, for so long as they are employees of Inner West Council and hold a practising certificate that permits them to practice as a legal practitioner in New South Wales, the functions of the panel under section 8.15(4) of the Environmental Planning and Assessment Act 1979.*

A copy of the Panel report and decision are provided at **ATTACHMENT 1**.

Despite the delegation, Council would still remain obliged to keep the Panel informed of appeals as required by section 8.15(4) of the EPA Act. In this sense, the Panel can maintain oversight of how appeals against their decisions have been managed by the delegates.

In essence, the delegation the Panel has agreed to grant will mean that all appeals (ie. ones from decisions of both staff and the Panel) will be run on the same basis – namely, under delegations afforded to Council's legal staff.

Under section 381(3) of the *Local Government Act 1993*, the delegation of functions to Council employees must have the approval of the Council and the General Manager. The General Manager has approved of the delegation. The approval of the Council is, accordingly, now sought to make the delegation operative.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with a failure to afford the necessary delegation.

However, if delegations are not afforded, there is a risk that appeals from Panel decisions will require additional resources to be run effectively which may result in the need to brief the appeal to external lawyers given the current high volumes of appeals.

### **OTHER STAFF COMMENTS**

Not applicable.

### **PUBLIC CONSULTATION**

Not applicable.

### **ATTACHMENTS**

Nil.

**Item No:** C0818(2) Item 5

**Subject:** EEO MANAGEMENT PLAN 2018 - 2022

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**Prepared By:** Melodie Whiting - Group Manager Human Resources

**Authorised By:** Rik Hart - Interim General Manager

### **SUMMARY**

Council has responsibility under the Local Government Act in relation to eliminating and ensuring the absence of discrimination in employment on the grounds of race, sex, marital or domestic status and disability, and promoting equal employment opportunity.

The Inner West Council's EEO Management Plan for 2018 – 2022 and has been developed to meet these responsibilities and to define realistic activities for the recently amalgamated Council when considering the legislative requirements for transferred staff from the former councils under the Local Government Act, and the employment protections resolved by Inner West Council. This plan supports the delivery of our Workforce Management Plan and other supporting strategies including the Inclusion Action Plan and Code of Conduct. The General Manager has overall responsibility for monitoring the effectiveness of this plan, but all managerial levels and all staff are responsible for the practical application of activities within the plan.

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### **RECOMMENDATION**

**THAT Council notes the EEO Management Plan 2018 – 2022 document.**

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### **BACKGROUND**

Inner West Council recognises its responsibilities under Local Government Act 1993 (Section 344 and 345) in relation to:-

(a) Eliminating and ensuring the absence of discrimination in employment on the grounds of race, sex, marital or domestic status and disability in councils, and

(b) Promoting equal employment opportunity for women, members of racial minorities and persons with disabilities in councils.

The EEO Management Plan 2018 -2022 supports the delivery of the Workforce Management Strategy and the EEO actions are aligned to the strategies and actions of the Workforce Management Plan but are targeted to EEO outcomes. In developing this plan for the 2018-2022 years and determining realistic activities, it is important to consider the current environment for Inner West Council in a newly amalgamated scenario, with legislative requirements relating to transferred staff under the Local Government Act and employment protections resolved by Council. Consideration was also given to the former Councils' EEO Management Plans.

The EEO Management Plan outlines:-

- Practices and programs for the EEO principles to be achieved
- Communication of the plan and programs
- Collection and recording of data

- Review of Human Resources practices covering the employee life cycle and conditions of service
- Setting of objectives and programs where practicable
- Evaluation of objectives and programs
- Revision of this Plan as appropriate

The EEO Management Plan actions cover the following key areas:-

1. Development of Human Resource Management Protocols
2. Communication and Awareness
3. Implementation and Evaluation
4. EEO Target Groups

The General Manager has overall responsibility for monitoring this plan but all levels of management and staff have responsibility for the practical application of this plan.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **OTHER STAFF COMMENTS**

Nil

#### **PUBLIC CONSULTATION**

Not Applicable

#### **CONCLUSION**

Nil

#### **ATTACHMENTS**

1. EEO MANAGEMENT PLAN 2018 - 2022

**Item No:** C0818(2) Item 6

**Subject:** **REPORT ON THE RECRUITMENT PROCESS FOR A GENERAL MANAGER**

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**Prepared By:** Melodie Whiting - Group Manager Human Resources

**Authorised By:** Rik Hart - Interim General Manager

### **SUMMARY**

As requested by Council at the closed session on 24 July 2018, this report outlines the recruitment process for the appointment of a General Manager. The employment contract of the current General Manager terminates on 12 December 2018. The General Manager has not applied to Council to have his employment contract renewed.

### **RECOMMENDATION**

**THAT Council:**

1. **Note the recruitment process and remuneration package, to be determined at the Council meeting, for the appointment of a new General Manager;**
2. **Delegate the task of recruitment to a selection panel consisting of at least the Mayor, Deputy Mayor, another Councillor and McArthur Management Services recruitment agency, as the suitably qualified independent recruitment facilitator, in accordance with the Office of Local Government Guidelines for the Appointment and Oversight of General Managers July 2011;**
3. **Resolve the 'other Councillor(s)' to be a member(s) of the selection panel; and**
4. **Delegate to the Mayor the task of ensuring the selection panel is established and recruitment processes are undertaken in accordance with the Office of Local Government Guidelines for the Appointment and Oversight of General Managers July 2011.**

### **BACKGROUND**

1. Legislative Requirements under the Local Government Act

Council must ensure the appointment of the general manager is made through a competitive recruitment process using merit selection principles, in accordance with Section 349 of the Local Government Act. The recruitment process must be open and transparent but the confidentiality of individual applicants must be maintained. The relevant legislative requirements in accordance with the Local Government Act 1993 for the appointment of a General Manager are as follows:-

- Sect 334 Appointment of General Manager
  - (1) *A council must appoint a person to be its general manager. The person must not be a body corporate.*
  - (2) *The position of general manager is a senior staff position.*
- Sect 336 Filling of Vacancy in position of General Manager
  - (2) *A vacancy occurs in the position of general manager if the general manager:*
    - (b) *completes the term of his or her contract and is not re-appointed, or*
    - (c) *resigns from the position,*

- Sect 348 Advertising of staff positions  
*(1) When it is proposed to make an appointment to a position within the organisation structure of the council, the position must be advertised in a manner sufficient to enable suitably qualified persons to apply for the position.*  
*(3) This section does not apply to:*  
*(a) the re-appointment, under a new contract, of a senior staff member*

## 2. Guidelines for the Recruitment Process

The Guidelines for the Appointment and Oversight of General Managers from the Office of Local Government (July 2011) advise that:

- Council delegates the task of recruitment to a Selection Panel.
- The Selection Panel composition consists of:-
  - ❖ At least the Mayor, Deputy Mayor, another Councillor and a suitably qualified independent recruitment facilitator.
- The Selection Panel membership should remain the same throughout the entire recruitment process.
- Council delegate to the Mayor the tasks of ensuring the pre-interview phase is conducted with the external recruitment facilitator
- The Mayor, or the independent recruitment facilitator, should be the contact person for the position and should maintain confidentiality with respect to contact by potential candidates.
- The Panel report back to a closed meeting of Council on the process and recommend the most meritorious applicant for appointment by the Council.
- The conditions such as the term of the contract (1-5years) and remuneration package is approved by Council
- The Mayor makes the offer of employment after Council has resolved to appoint the successful candidate
- The Standard Contract for Employment of General Managers, as approved by the Office of Local Government, must be the contract used and the standard terms must not be varied.

Typically Council would engage a recruitment consultancy that has a specialty in local government senior executive recruitment to manage the recruitment process for engaging a new General Manager, including sourcing qualified candidates, advertising, shortlisting including any psychological assessment testing, facilitating the interview process, conducting reference checks and pre-employment background screening checks and preparing the report to Council recommending the most meritorious applicant .

Independent specialist recruitment provider McArthur Management Services, were engaged by Council for the recruitment of the Deputy General Manager and Group Manager positions. They have also recently conducted the independent facilitation for the development of the General Managers Performance Agreement. Due to their recent knowledge and understanding of the organisation and requirements for senior staff roles, and the short time schedule available for the recruitment process, McArthur are recommended as the preferred suitably qualified independent recruitment facilitator.

### a) Recruitment and Selection Timeframe:

The current General Manager terminates at the expiry of this contract on 12 December 2018. Therefore, the recruitment process should begin as soon as possible.

### (i) Advertisement:

The advertisement must be placed in a manner to ensure maximum circulation to enable suitably qualified persons to apply for a period of at least two weeks.

### (ii) Applicant assessment and testing:

McArthur Management Services will provide access to this pre-selection screening which can take up to two – three weeks depending on candidate availability.

(iii) Interview:

The interview schedule for short-listed candidates may take up to two – three weeks depending on availability of the Panel and candidates.

(iv) Council Approval:

The selection report for the recommended applicant must be approved by Council in closed session.

(v) On-boarding:

Once the preferred candidate had been offered and accepted the role, it may take up to 3 months for them to start depending on the notice period in their current contract.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **OTHER STAFF COMMENTS**

Nil

#### **PUBLIC CONSULTATION**

Nil

#### **CONCLUSION**

Nil

#### **ATTACHMENTS**

Nil.



**Item No:** C0818(2) Item 7

**Subject:** **LOCAL ENVIRONMENTAL PLAN - FUNDING OFFER FROM DEPARTMENT OF PLANNING AND ENVIRONMENT**

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**Prepared By:** David Milliken - Manager Urban Strategy

**Authorised By:** David Birds - Group Manager Strategic Planning

### **SUMMARY**

One of Council's major projects is the preparation of a consolidated Local Environmental Plan and Development Control Plan. The recently adopted budget included four years of funding to complete the project, and it was expected completion of the final LEP will take approximately 3½ years.

The Department of Planning and Environment has subsequently offered Council funding support of \$2.5m on condition that it completes the project by 30 June 2020 and delivers outcomes aligned with the requirements of the Greater Sydney Commission's Eastern City District Plan. This would be around 15 months faster than otherwise scheduled.

This report discusses the risks and issues associated with the funding offer, including the associated changes in project scope, and recommends that Council should accept the offer and enter into a funding agreement, but should also write to the Minister for Planning requesting a further year within which to complete the project, whilst committing to work to meet the two years project timeframe.

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### **RECOMMENDATION**

**THAT Council:**

- 1. Accepts the offer of \$2.5m funding towards the preparation of the Inner West Council Local Environmental Plan within two years; and**
- 2. Writes to the Minister for Planning requesting a further year within which to complete the project, whilst committing to work to meet the currently proposed two years project timeframe, for the reasons identified in the report.**

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### **BACKGROUND**

One of Council's current major projects is the preparation of a consolidated Local Environmental Plan (LEP) and Development Control Plan (DCP) for the Inner West Council area. Funding has been identified by Council to complete the project over four financial years, and work on the project commenced on 1 July 2018.

The following outcomes from the project have been identified:

- A contemporary, adaptable local planning framework that is consistent with the state planning framework and reflects the desired outcomes of the Community Strategic Plan;
- A clear vision for the future growth of the area, importantly including an appropriate response to major changing local circumstances;
- Setting the planning objectives for the Inner West for next 20+ years;

- Aligning supporting strategies for the former Council local government areas (LGAs) on:
  - Housing;
  - Integrated Transport;
  - Economic, Employment and Retail;
- Taking a local approach to regional issues:
  - Population growth in locally appropriate areas taking note of local considerations, particularly the Parramatta Road and Sydenham to Bankstown growth corridors;
  - Finer grained assessment of heritage and urban design issues in all precincts;
  - Maintaining and boosting local jobs and local industrial areas;
- Focus on outcomes that are locally important including:
  - High quality design of new development;
  - Affordable housing;
  - Creative industries;
  - Night time economy;
  - Open spaces, vegetation and urban greenery;
  - Supporting local businesses and activity;
  - Sustainable transport;
  - New developments providing appropriate community and infrastructure contributions;
- Consolidating the three LEPs and DCPs into a single LEP and DCP;
- Ensuring the DCPs are reviewed to align with the LEP; and
- Concurrent exhibition of the Local Strategic Planning Statement (LSPS), LEP and DCP with extensive consultation across three years to ensure an engaged community.

The relevant initiatives for this project are included in the Community Strategic Plan and Delivery Program 2018-22 as follows:

Strategic Direction	Outcome	CSP Strategy	Initiative
Unique, liveable, networked neighbourhoods	2.1 Development is designed for sustainability and makes life better	2.1.1 Pursue integrated planning and urban design across public and private spaces to suit community, and local environment needs	Prepare a Local Strategic Planning Statement
		2.1.2 Identify and pursue innovative and creative solutions to complex urban planning and transport issues	Prepare an Inner West Council Local Environmental Plan (LEP) and Development Control Plan (DCP)
	2.6 People are walking, cycling and moving around Inner West with ease	2.6.1 Deliver integrated networks and infrastructure for transport and active-travel	Prepare the Inner West Integrated Transport Strategy

In March 2018 the Greater Sydney Commission (GSC) released the final Eastern City District Plan to supplement the Greater Sydney Region Plan. The updated *Environmental Planning and Assessment Act 1979* requires Sydney councils to align their LEPs with the District Plan within three years.

For the Inner West LGA, this alignment will include the following major considerations:

- Ensuring the protection of industrial zoned land;
- Implementing growth in the Sydenham to Bankstown corridor through the LEP;
- Implementing growth in the Parramatta Road corridor through the LEP;
- Working with stakeholders to implement the Camperdown-Ultimo Health and Education Precinct; and
- Implementing the Greenway.

On 22 May 2018 the Department of Planning and Environment (DPE) wrote to Council to offer funding support of up to \$2.5m in order to achieve alignment of Council's LEPs with the District Plan within two years by 30 June 2020.

On 27 July 2018 the DPE wrote to Council agreeing to Council leading the planning for relevant parts of the Sydenham to Bankstown Corridor as part of the LEP review process. Whilst this is a good outcome for Council, it places further pressure on the schedule as planning for this corridor is complicated and requires significant work to complete. Staff have identified significant risks in seeking to complete this to an adequate standard within two years.

### **STAFF COMMENTS**

Whilst potential funding assistance to complete projects as complex and important as the LEP is welcomed, there is concern that delivery within the two-year timeframe is extremely ambitious and subject to a range of risks, many of which are outside of Council's control.

The DPE is primarily concerned with implementing the District Plan through the LEP and appears less concerned with outcomes important to Council such as consolidation of the three former Council LEPs into one, addressing local issues that do not affect the major District Plan deliverables, and work to prepare a comprehensive DCP that supports the new LEP.

Should Council decide to accept the funding offer, the schedule and scope for the delivery of the LEP project would need to be adjusted accordingly. This includes:

- Completing the LEP in line with the DPE requirements by mid-2020, and then undertaking other tasks, such as key aspects of consolidation after that;
- The additional funding will support additional resources up to mid-2020 to enable the completion of more tasks in the first two years.

In addition, Council's newly established role in leading the planning for the Sydenham to Bankstown corridor significantly adds to the project scope. This work needs to commence in the very near future in order to feed into the LEP project at the appropriate time.

The following sections discuss the impacts on the project from a project management perspective in terms of schedule, funding and scope.

### Schedule

The current project plan for the consolidated LEP and DCP includes ten tasks to complete within four years and produce the deliverables identified in the project plan:

Year	Task
2018/19	1. Preliminaries
	2. DCP Alignment
	3. Evidence Based Studies
	4. Local Strategic Planning Statement
2019/20	5. Locality Based Studies
	6. Local Environmental Plan
2020/21	7. Development Control Plan
	8. Gateway
2021/22	9. Exhibition
	10. Finalisation and Review

The DPE has released its version of a project plan, to be completed in two years, as follows (see also **Attachment 1**):

**Item 7**

	Task	Comment
2018/19	1. LEP review	Task required by DPE, not included in current Council Project Plan but able to be accommodated.
	2. Draft Local Strategic Planning Statement <ul style="list-style-type: none"> <li>Undertake studies</li> <li>Prepare and exhibit draft LSPS</li> </ul>	Similar to task 3 in current Council project plan
2019/20	3. Finalise Local Strategic Planning Statement <ul style="list-style-type: none"> <li>Review submissions</li> <li>Implementation options</li> <li>Finalise LSPS</li> </ul>	This will likely take 4-6 months from the close of exhibition of the draft LSPS so is likely to be completed around Nov/Dec 2019.
	4. Gateway <ul style="list-style-type: none"> <li>Prepare LEP and planning proposal</li> <li>Gateway determination</li> </ul>	The DPE project plan moves quickly from LSPS to Gateway and there is a significant risk it provides insufficient time to prepare the provisions/controls in the new LEP, consolidate the three LEPs, consider all local issues and prepare DCP provisions to support the LEP. Council's project plan will be altered to move some of these tasks earlier supported by the additional funding, however there remains a significant schedule/timing risk at this point.
	5. Exhibition <ul style="list-style-type: none"> <li>Prepare material</li> <li>Exhibit planning proposal</li> <li>Finalise planning proposal</li> </ul>	This would need to occur in early 2020 in order to submit the LEP by mid-2020. The schedule/timing risk outlined above under (4) would impact on the date that exhibition would occur.
	6. Submission	The mid-2020 date has been endorsed by Cabinet.

It is noted that the first year of the two project plans are quite similar, in that completing the LSPS and undertaking (evidence base) studies are the priority for that year.

However, the following year of the DPE project plan includes all of the work Council previously intended to do over the following three financial years. The DPE project plan anticipates exhibition in March 2020, whereas the current Council project plan anticipates exhibition in mid-2021. Major differences between the current Council project plan and that proposed by the DPE include:

- The DPE plan does not consider early work Council is currently undertaking to align some DCP provisions that are quite different across the three former Council DCPs, such as the notifications policy;
- The DPE plan provides much less time to undertake locality based studies, which is how the fine grain detailed planning to support the LEP and DCP would be determined, in particular in the Sydenham to Bankstown and Parramatta Road corridors;
- The DPE plan does not fully consider Step 6 of Council's plan, which is the preparation of provisions/controls for the LEP (converting the LSPS into LEP provisions), and where the consolidation of the three LEPs would occur, there appears to be insufficient time in the DPE schedule to complete these tasks;
- The DPE plan does not provide for preparing a supporting DCP; and
- The DPE Plan only considers the statutory 28 days formal public exhibition period.

The proposed schedule, due to its standardised 'one-size-fits-all' approach for all councils, by its nature underestimates the amount of work required for the Parramatta Road and Sydenham to Bankstown corridors, where significant effort and consultation will be necessary to prepare provisions for the LEP and the supporting DCP. By the welcome handing back of the planning for the Sydenham to Bankstown corridor to Council the DPE has added more work to the already constrained schedule. It is proposed to discuss the implications of this with DPE at a forthcoming meeting on planning for the corridor to identify how DPE can provide support to expedite this work.

It is also noted that the standard DPE project plan does not consider locally important matters such as affordable housing, design quality or creative industries. It also does not provide for time to prepare a consolidated LEP for the entire Council. This is also due to the standard nature of the plan which is applied to all councils, and does not consider the additional challenges faced by amalgamated councils, as for Inner West Council the three existing former council LEPs are substantially different in the detail behind them and require significant work to align them.

If Council accepts the funding agreement, the current Council project plan will need to be refined to better reflect the DPE project plan. The additional funding could be used to support certain tasks starting earlier, such as:

- Work on the Sydenham to Bankstown corridor starting in the very near future in order to feed into the LEP prior to it being submitted for Gateway;
- Work on the consolidation of the LEPs could begin in September 2018; and
- Work on a supporting DCP could also begin before the end of 2018.

However, the schedule is still very ambitious and carries significant risk of slippage towards the end of 2019.

#### Funding

The \$2.5m funding offer is a maximum funding amount, where the DPE will fund works and resources towards achieving an LEP aligned with the District Plan by 30 June 2020. There is no guarantee of funding provision after this date if the schedule slips.

The State does not pay GST contributions and the agreement would require Council to continue an allocation up to \$250,000 over the two years.

Council's current budget includes a total of \$4.709m over four years to complete the consolidated LEP and DCP, as follows:

	<b>18/19</b>	<b>19/20</b>	<b>20/21</b>	<b>21/22</b>	<b>Total</b>
<b>Current Project Costs</b>	\$1,113,000	\$700,000	\$194,000	\$125,000	\$2,132,000
<b>Current Staff Costs</b>	\$635,000	\$651,000	\$667,000	\$624,000	\$2,577,000
<b>Current Total Cost</b>	\$1,748,000	\$1,351,000	\$861,000	\$749,000	<b>\$4,709,000</b>

The DPE has prepared a funding agreement which includes the following milestones and payments:

- \$250,000 upon signing of the funding agreement (immediately);
- \$500,000 upon DPE approval of project plan (short term);
- \$625,000 upon exhibition of draft LSPS (~June 2019);
- \$625,000 upon submission of LEP for Gateway approval; and
- \$500,000 upon submission to the Secretary of the final LEP, no later than 30 June 2020.

Assuming that the DPE timeframe can be satisfied, the likely maximum funding would be:

	18/19	19/20	20/21	21/22	total
<b>DPE Funding</b>	\$1,375,000*	\$1,125,000 <sup>#</sup>	Nil	Nil	\$2,500,000

\* assumes LSPS is advertised before 30 June 2019.

<sup>#</sup> assumes all tasks completed before 30 June 2019.

The change to the schedule and scope would mean that Council would undertake additional tasks over the first two years of the project, importantly including much more work associated with the Sydenham to Bankstown corridor.

	18/19	19/20	20/21	21/22	Total
<b>Current Project Costs</b>	\$1,113,000	\$700,000	\$194,000	\$125,000	\$2,132,000
<b>Current Staff Costs</b>	\$635,000	\$651,000	\$667,000	\$624,000	\$2,577,000
<b>New costs to accelerate program</b>	\$1,375,000	\$1,125,000	Nil	Nil	\$2,500,000
<b>Current Total Cost</b>	\$3,123,000	\$2,476,000	\$861,000	\$749,000	<b>\$7,209,000</b>

	18/19	19/20	20/21	21/22	total
<b>IWC Funding</b>	\$1,748,000	\$1,351,000	\$861,000	\$749,000	\$4,709,000
<b>DPE Funding</b>	\$1,375,000*	\$1,125,000 <sup>#</sup>	Nil	Nil	\$2,500,000
<b>Total Funding</b>	\$1,351,000	\$861,000	\$749,000	\$7,209,000	<b>\$7,209,000</b>

\* assumes LSPS is advertised before 30 June 2019.

<sup>#</sup> assumes all tasks completed before 30 June 2019.

It is anticipated that the much of the additional funding provided by the DPE would be required to complete the accelerated program. In particular, additional resources are likely to need to be identified to undertake the detailed planning for the Sydenham to Bankstown corridor, and providing for additional resources to begin consolidating the LEPs and preparing DCPs earlier than originally considered.

At the end of each budget period expenditure would be drawn down from the DPE allocation first, followed by the Council budget allocation. Any funds not spent from Council's allocation would either be carried forward, or returned as project savings. It is also considered a prudent risk-management strategy to maintain the budget allocations for the project in 2020/21 and 2021/22 as, at this stage, there is a significant risk that the ambitious schedule set by DPE may not be met and some tasks will be completed once the LEP has been submitted, such as finalising the DCP.

### Scope

Acceptance of the funding agreement would provide access to staff resources within the DPE to assist with the project, however at this stage there is little clarity as to what this may entail. The two year schedule remains an extremely ambitious timeframe in any event, and requires significant adjustment of the project scope in order to meet the DPE deliverable in the time required.

The changes to the scope as a result of accepting the DEP funding would include:

- Work on the Sydenham to Bankstown corridor starting in the very near future in order to feed into the LEP prior to be submitted for Gateway;
- Work on the consolidation of the LEPs would begin in September 2018;
- Work on a supporting DCP would also begin before the end of 2018; and

- Some tasks not critical for the final submission of the LEP would occur following submission, such as the finalisation of the DCP.

#### Risks Associated With Accepting the Funding Agreement

The following is a summary of the risks to meeting the agreement requirements should Council decide to accept the funding agreement:

- The Local Strategic Planning Framework must be exhibited by 30 June 2019 in order to secure the associated funding in that financial year. This is a tight timeframe but achievable if there are no major delays.
- There is a significant risk that the milestones for the second year of the DPE funding will not be achieved in the time required. Should the LEP not be submitted for Gateway by 30 June 2020 there is a financial risk of \$625,000. The final draft LEP must also be submitted to the Secretary of DPE by 30 June 2020 to receive the final payment of \$500,000. Given the amount of work required to prepare LEP provisions for the Sydenham to Bankstown and Parramatta Road corridors, and the need to undertake exhibition in that year, there is a very high risk that these timeframes may not be met. There is no guarantee of funding post June 2020.
- There is no contingency allowance time in the schedule, so unexpected issues such as key staff and/or consultant changes or changing requirements from DPE and the like, would have a direct impact on the schedule;
- LEPs for all priority Councils would be submitted to DPE at the same time, and there is a risk that DPE would not be able to process them in the time required;
- There is a shortage of planning staff and consultant resources in NSW and there may be risks of engaging and retaining suitable staff and consultants and keeping on schedule;
- The DPE project plan does not provide for the preparation of a DCP, this still needs to be done as the existence of a LEP without a complementary DCP would be a poor planning outcome and would have the potential to delay development outcomes;
- Whilst the funding agreement does provide for DPE staff resources it is unclear at this stage how this will assist, and past experience has shown that securing these resources can sometimes prove difficult; and
- There is a lack of clarity of the DPE's monitoring and approval role, and little information as to what penalties might or might not exist if the schedule is not met.

In this respect it is noted that the funding offer does have provision for variations but at this stage discussions with DPE staff have indicated that no particular circumstances have been identified where these may be agreed. Nonetheless it is notable that many of the risks identified in this report are outside of Council's control and should they arise it would seem reasonable to seek to agree appropriate variations to the schedule with DPE. There are also no penalty provisions that appear to apply that would enable seeking the return of staged payments already made.

#### Options

1. If Council decides to accept the funding offer, staff will revisit the project plan to adjust the scope accordingly, as outlined in this report. Council would be accepting the funding with an understanding of the associated risks with such an ambitious schedule. In the event that the project is completed under Council's budget, project savings would be returned to Council. The extent of potential savings will become clear as the project progresses.
2. Should Council decide not to accept the funding offer, then the LEP project will continue in line with the current project plan and budget, noting that Council is required to complete the LEP in three years in any event. Council would be required to fully fund the project directly.

3. Council could write to the Minister and the DPE accepting the offer but noting the project risks that arise due to Council's particular circumstances, and whilst committing to work to meet the currently proposed two years project timeframe, requesting more time to complete the LEP for the following reasons:
- Consolidating the LEPs into a single LEP is important in order to build a consistent vision for the future of the Inner West and to reduce the inefficiencies of continuing to operate three different planning frameworks;
  - The work required to prepare a LEP that includes appropriate provisions for the Sydenham to Bankstown and Parramatta Road corridors is significant, and there is a high risk this may not be completed in the scheduled time together with all of the other tasks associated with this project without the allocation of further support to Council;
  - The geographic size of the Council and complexity of the planning issues it faces requires appropriate resources and time to consider these issues adequately;
  - The Inner West community will only support updating the planning framework through extensive, ongoing and detailed consultation, not just a statutory 28 days exhibition period; and
  - An additional year would more realistically enable a consolidated LEP to be prepared that aligns with the District Plan, includes fully planned appropriate provisions for the corridors, considers important local matters, and is supported by a DCP that is fully complementary to the consolidated LEP. This would be a good outcome for Council, for the State, and would reduce the risks associated with a constrained timeframe.

#### Recommendation

It is recommended that Council accepts the offer but also writes to the Minister requesting a further year within which to complete the project, whilst committing to work to meet the currently proposed two years project timeframe, for the reasons outlined above.

#### **FINANCIAL IMPLICATIONS**

The immediate financial implications are nil as the LEP/DCP project is identified within Council's current budget allocations. However the offer of funding provides for additional work necessary to be completed in FY2018/19 and FY2019/20 in order to achieve an LEP within two years. This may result in budget savings and may also help meet new costs to Council that may potentially arise due to Council's new role leading planning for the Sydenham to Bankstown corridor.

#### **PUBLIC CONSULTATION**

Nil for this report, although the project itself will include extensive public consultation.

#### **CONCLUSION**

While the offer of additional funding is welcomed there are significant risks associated with accepting the funding proposal and seeking to complete the project in a shortened timeframe. Notwithstanding this the additional funding would allow Council to complete the LEP in line with the DPE's goals and also complete locally important tasks such as consolidating the three LEPs. In order to help manage the schedule risks, it is recommended that Council accepts the offer but also writes to the Minister requesting a further year within which to complete the project, whilst committing to work to meet the currently proposed two years project timeframe.

#### **ATTACHMENTS**

1. Timeline for accelerated LEP review and update



**Item No:** C0818(2) Item 8

**Subject:** **COUNCIL SUBMISSION TO WESTCONNEX PARLIAMENTARY INQUIRY**

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**Prepared By:** Kendall Banfield - Manager WestConnex Unit

**Authorised By:** David Birds - Group Manager Strategic Planning

### **SUMMARY**

On 21 June 2018 the NSW Legislative Council's Upper House Public Accountability Committee announced it had commenced an inquiry into the impact of WestConnex. Council had been calling for an inquiry into WestConnex for some time. This report presents Council's draft submission to the Inquiry.

Though the inquiry's terms of reference focus on strategic and economic aspects of WestConnex, Council's draft submission raises issues beyond these aspects. This is appropriate as the inquiry terms of reference includes "any other related matter", and Council is of the view that the project has imposed significant health and other costs on the community that have been ignored in the business case.

It is recommended the draft submission be used as the basis for a final submission to be lodged before the due date of 31 August 2018. It is also recommended that comments received from Council and the community be integrated into the submission.

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### **RECOMMENDATION**

**THAT Council:**

- 1. Notes the draft Council submission to the WestConnex Inquiry at Attachment 1, to be used as a basis for developing a final submission to be lodged by the due date of 31 August 2018;**
- 2. Provides edits, additions and general comments on the draft submission to assist the development of the final version; and**
- 3. Notes that further community issues will be integrated into the submission, including issues raised at the forthcoming community workshop on preparing submissions on this matter.**

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### **BACKGROUND**

On 21 June 2018 the NSW Legislative Council's Upper House Public Accountability Committee announced it had commenced an inquiry into the impact of WestConnex. The terms of reference for the inquiry are at Attachment 2 and are also available on the [NSW Parliament website](#). The inquiry is welcomed, as Council has been calling for an inquiry into WestConnex in various submissions and representations for some time.

It is noted from the terms of reference that the inquiry will focus on strategic and economic aspects of WestConnex. These aspects include the business case, benefit-cost analysis, governance structure of the organisations involved, compulsory acquisitions and relationship to other motorway projects.

Whilst it is appropriate that these strategic aspects are examined, Council is concerned that these terms of reference do not include health and other impacts on residents from the

construction and operation of the project. In the absence of such a term, these pertinent issues have been raised under the inquiry term “*any other related matter*”. In any event, it is considered that it is not possible for the inquiry to properly assess the benefits and costs of the project without considering the way it continues to impose health and other costs on the community from its construction and operation.

In October 2017 the then newly-elected Council made a number of resolutions on WestConnex, including “*That Council commits to writing to all members of State Parliament seeking their support for a full inquiry into WestConnex and that the EIS for Stage 3 not proceed until the inquiry is concluded.*”

Subsequently, Council’s October 2017 submission on the WestConnex Stage 3 Environmental Impact Statement (EIS) included a request that “*Prior to any further consideration of the Stage 3 EIS, an inquiry should be held into all parts of WestConnex examining issues with the project’s business case, flawed Stage 3 EIS and unacceptable construction and operational impacts. Findings of the inquiry to determine whether Stage 3 should proceed and to recommend improvements to Stages 1 and 2 in relation to its design, conditions of approval and environmental licensing to reduce currently unacceptable impacts.*”

The draft submission at **Attachment 1** draws on Council’s October 2017 submission on the Stage 3 EIS, which had included issues arising in the former Ashfield, Leichhardt and Marrickville Council’s submissions on EISs for Stages 1 and 2. This is appropriate as most of the issues raised in these submissions remain pertinent.

In drawing on these EIS submissions, this inquiry submission raises strategic issues, process issues, current construction issues based on experiences with Stages 1 and 2, forthcoming construction issues for Stage 3 and forthcoming operational issues for all three stages of WestConnex, as well as the proposed Western Harbour Tunnel (WHT).

The draft submission draws on two documents that have also been attached to the submission:

- the 2016 SGS Economics & Planning (2016) *WestConnex Business Case Review* for former Leichhardt Council & City of Sydney Councils; and
- notes from five public meetings convened by Inner West Council in late 2017 and early 2018 to discuss WestConnex construction and operational issues.

The draft submission also draws on Council’s experience with engaging with the community over WestConnex through a variety of means, including:

- Council meetings;
- meetings of Council’s WestConnex Community Liaison Forum (WCLF);
- meetings of the NSW Government’s WestConnex Community Reference Group (WCRG);
- a public meeting in late 2017 to discuss the Stage 3 EIS;
- a set of five public meetings in late 2017 and early 2018 to discuss Stage 3 construction issues (notes from these meetings are attached to the inquiry submission);
- a drop-in meeting to discuss operational traffic issues in late 2017;
- various less formal meetings between staff and affected residents and resident groups; and
- various meetings between Council staff, project staff (SMC and its contractors) and staff from relevant NSW Government agencies, predominantly Roads & Maritime Services (RMS), the Department of Planning & Environment (DP&E) and the Environment Protection Authority (EPA).

At its 24 July 2018 meeting, Council resolved to:

- provide information on the Council website to residents regarding the inquiry’s key issues, how to make a submission and key issues that could be included in a submission;
- use e-news, social media and the Inner West Council page in the Inner West Courier to inform residents about the inquiry and how they can make a submission; and

- convene a public workshop on how to make a submission providing information on some of the key issues that can be included in a submission.

The abovementioned public workshop, to be held on the evening of Thursday 16 August 2018, is being designed to assist the community by providing information on Council's key issues as a prompt for community members to draft their own submissions. It is also being designed to allow Council staff to obtain community feedback so it can be incorporated into Council's submission.

The draft submission has an introduction that includes background to the development of the submission, Council's position on WestConnex, Council resolutions and submission statements calling for an inquiry and process issues related to the planning of the project.

The draft submission then discusses Council's issues with WestConnex according to:

- strategic justification;
- all local impacts (summary);
- construction impacts;
- air quality impacts;
- health impacts;
- operational traffic impacts;
- impacts on public transport;
- impacts on active transport;
- land use & property impacts;
- social & economic impacts;
- urban design & visual amenity impacts; and
- other impacts.

A summary of key strategic issues raised in the draft submission is as follows:

- Council continues to oppose the project;
- Council prefers public transport solutions to Sydney's traffic problems;
- Council seeks to mitigate negative impacts and seize opportunities for community benefits;
- planning of the project has been rushed and consultation tokenistic;
- the project is not justified at a strategic level on economic and environmental grounds;
- the project's business case is flawed, with little consideration of alternative transport and demand-management options; and
- there has been no accounting of the significant health and other costs imposed on communities, and the equity impacts of tolls.

A summary of key local issues raised in the draft submission is as follows:

- air quality impacts from ventilation facilities and increased surface traffic;
- the full range of construction impacts, including construction noise and vibration, dust and contaminants, truck movements, employee parking demands – from a multitude of construction sites across the Inner West Council area and beyond;
- residents suffering health issues from cumulative construction impacts;
- continuation of impacts at Haberfield-Ashfield and St Peters as a result of Stage 3;
- noise, safety and amenity impacts from construction truck movements and ad-hoc stabling of trucks on streets;
- operational traffic impacts, particularly around the Haberfield, Rozelle and St Peters interchanges;
- operational traffic congestion impacts on main roads, including Anzac Bridge and The Crescent / Johnston Street;
- need for a stronger commitment to reducing surface road capacity and implementing streetscape and public transport improvements – in particular, along Victoria Road and Parramatta Road;

- the social and economic impacts of all compulsory acquisitions;
- risk of damage to buildings as a result of construction vibration and settling;
- need for full delivery of residual lands to Council at no cost with all landscaping, paths and facilities constructed by the proponent;
- a potential right-of-way through the Rozelle Rail Yard (RRY) site for future a future light rail link to White Bay has been compromised;
- Council's strong objection to permanent deletion of Buruwan Park and temporary use of publicly-accessible areas of open space for the project; and
- the need to address a range of other local issues continually raised by Council and the community.

**FINANCIAL IMPLICATIONS**

Nil.

**PUBLIC CONSULTATION**

In accordance with Council's 24 July 2018 resolution on this matter, information on the inquiry has been posted on Council's website and a public workshop on community issues raised by WestConnex for the inquiry is being arranged to be held on the evening of Thursday 16 August 2018.

**ATTACHMENTS**

1. Draft Council Submission to Parliamentary Inquiry
2. Terms of Reference - Parliamentary Inquiry
3. Notes from five meetings regarding WCX impacts
4. SGS WestConnex business case review

**Item No:** C0818(2) Item 9

**Subject:** **SPORTING GROUNDS ALLOCATION POLICY - DISCUSSION PAPER**

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**Prepared By:** Cathy Edwards-Davis - Group Manager Trees, Parks and Sports Fields

**Authorised By:** Elizabeth Richardson - Deputy General Manager Assets and Environment

### **SUMMARY**

This report provides information on the principles outlined in the Sporting Grounds Allocation Policy – Discussion Paper. The report also summarises the feedback received from local Sporting Clubs and Associations on the Discussion Paper, which will be utilised to inform the drafting of the Policy.

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### **RECOMMENDATION**

#### **THAT:**

- 1. The principles, transparent, equitable and consistent, for the Sporting Grounds Allocation Policy, as outlined in the Discussion Paper be adopted by Council;**
- 2. Council draft a Sporting Grounds Allocation Policy taking into consideration the feedback received from the clubs on the Discussion Paper;**
- 3. The draft Sporting Grounds Allocation Policy specify that staff will continue to make the allocation determinations; and**
- 4. The draft Sporting Grounds Allocation Policy be reported to Council prior to being placed on public exhibition.**

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### **BACKGROUND**

At the Council meeting on the 27 February 2018 it was resolved (in part):

*That Council prepare a draft sporting field allocation policy. That the principles to be applied for the allocations of the sporting field be consulted with the sporting clubs, brought to a councilor briefing then brought to Council for council adoption. That following exhibition of the proposed allocation the final allocation also be brought to council for adoption. Allocation for all clubs should be made transparently available following the adoption of the policy.*

The purpose of the Sporting Grounds Allocations Policy is to contribute to a Healthier Inner West by encouraging active sports participation. The Policy will also establish eligibility and the selection criteria by which the use of sporting grounds are allocated by Council.

The objective of the Discussion Paper was to provide further information on the principles which will inform the development of the Sporting Grounds Allocation Policy. It also raised questions to which Council requested comments and feedback from the sporting clubs.

The following background information and statistics highlight the issues which need to be addressed and managed by the Sporting Grounds Allocation Policy.

- The Inner West has 28 sporting grounds.
- In the winter season, within the sporting grounds, there are 38 senior fields and five junior fields.
- In the summer season, within the sporting grounds, there are 29 senior fields and one junior field.
- There are 46 clubs currently utilising sporting grounds for seasonal sport.
- Ideally, the sporting grounds should have a total maximum capacity of 1,047 hours per week, this is an average of 29.1 hours per sporting ground.
- Currently, across the Inner West, the sporting grounds are used for a total of 1176 hours per week in winter. This is an average of 32.7 hours per week.
- This means that the sporting grounds are currently being utilised at an average 112% of their capacity. That is, they are already being over-utilised.
- Ideally, the sporting grounds would be rested for three weeks between the summer and winter season and for three weeks between the winter and summer season.
- Council currently rests the sporting grounds for one week between the summer and winter season and for one week between the winter and summer season.
- All sporting grounds must be rested for one day per week (generally Mondays).

### **Principles**

Principles will form the foundation for the development of the Sporting Grounds Allocation Policy. These principles were presented to the Sports Forum on the 9 April 2018 where it was generally agreed by those present that they were appropriate. The principles include:

- Transparent
- Equitable
- Consistent

The principles are outlined in greater detail in the Discussion Paper, which is attached.

### **Feedback from the Sporting Clubs**

The Sporting Grounds Allocation Policy Discussion Paper was emailed to all sporting clubs currently utilising sporting grounds in the Inner West on the 14 May 2018. The clubs were requested to provide feedback on the Discussion Paper by the 25 June 2018.

A workshop was held with the clubs on the 18 June 2018. 19 sporting club representatives attended the workshop. The notes taken at the workshop are attached.

Six written submissions were received from the clubs. These submissions are attached.

The key feedback and issues raised by the sporting clubs are summarised as follows:

<b>Summarised comments from clubs</b>	<b>Council staff response</b>
The principle of capital contributions for longer tenure needs to be carefully worked as you don't want to be seen to be buying access to the detriment of other organisations or community groups.	<p>It is proposed that the Policy will provide longer tenure and/ or reduced fees for clubs who provide a capital contribution. However, it is proposed that there will be conditions and limitations placed around this.</p> <p>Further, it is proposed that there will be other weighted criteria which will prioritise other factors such as historical access to the grounds, diversity of sports and clubs with increased participation of minority groups.</p>
How to balance how damage from one season affects the ground use going into another season. Does the "damaging party" have their season reduced?	It is proposed that the Policy will have penalties for (deliberate) breaches.
Would like to see overuse and shifting allocations to reduce wear and damage included in the policy.	One of the Principles of the Policy is that the sporting grounds are managed to maximise long term usage (minimise over-use).
Appropriate penalties for breaches include: fines; loss of privileges; fees moved up from subsidised to commercial level for the remainder of the season.	It is proposed that the Policy will have penalties for breaches.
First grade facilities should be managed separately. This includes: Pratten Park, Henson Park, Leichhardt Oval and Petersham Park. These locations require specialised maintenance.	<p>One of the Principles of the Policy is that the sporting grounds are managed to maximise long term usage (minimise over-use).</p> <p>Different maintenance programs are already in place for Council's high profile parks.</p>
To a degree the club has reached a threshold in size dictated by the availability of fields for training and games. Some clubs may not exercise such self-regulation and this could disadvantage those who do.	<p>It is proposed that the Policy will allow clubs to request greater access (locations, times) to sporting grounds. However, there will be caps on the amount of this increase from year to year.</p> <p>Individual Parent Associations also have a role to play in monitoring club numbers to ensure equity and fairness in competition formats and also to work in partnership with Council and sporting clubs to ensure seasonal longevity of sporting grounds for competition formats.</p>
The policy should address circumstances in which a club uses both council and other fields so that its total access to fields is appropriate to its needs.	<p>This would be difficult for Council to monitor and it would rely on accurate self-reporting from the clubs.</p> <p>Council is unlikely to meet the entire needs of all clubs. Sporting grounds are a limited resource and as such the objective is to manage them in a transparent, equitable and consistent manner.</p>
The intention to continue priority to clubs with the majority of members in the IWC is welcomed. This should be refined so allocations match suburbs as much as possible. This will improve accessibility/ reduce travel.	<p>Agreed.</p> <p>Where possible, this should be taken into consideration.</p>

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The proposal of increased tenure or reduced fees in return for capital contributions by clubs requires careful consideration for all its ramifications if it is to be equitable.	<p>It is proposed that the Policy will provide longer tenure and/ or reduced fees for clubs who provide a capital contribution. However, it is proposed that there will be conditions and limitations placed around this.</p> <p>Further, it is proposed that there will be other weighted criteria which will prioritise other factors such as historical access to the grounds, diversity of sports and clubs with increased participation of minority groups.</p>
Fees are kept as low as possible to encourage participation. Any fee increase would necessarily be passed on to players.	<p>This Policy seeks to manage the allocation of sporting grounds.</p> <p>The harmonisation of fees and charges will be a second stage process, to be carried out in 2018/2019. Clubs will be engaged through this process. It is likely that any changes in fees and charges will be modified over a period of some years.</p>
Any increase in the resting period between seasons should be shared equally between summer and winter sports.	Agreed.
The resting of fields would cut into pre-season training because the season is set by the association not the clubs.	Noted. Pre-season training will be considered in the Policy.
If Council wishes to extend the inter-season resting time it may be possible to retract use from a field or two as training usage generally phases in, and games phase out toward the end of the season.	Noted. The definition of the seasons will be considered in the Policy. Sharing by agreement will be encouraged.
Additional fields could be considered at Marrickville and Fort Street High Schools and Wilkins Public Schools. Arrangements similar to those successfully used for Sydney Secondary College might be appropriate.	Agreed. The draft Recreation Needs Study: A Healthier Inner West confirms the shortfall in sporting grounds. Council staff will investigate opportunities to increase the number of sporting grounds available to the community, including possible partnerships with local schools.
Improvements to fields would be welcomed.	Noted. This will be considered as part of the Long Term Financial Plan and the ten year capital works program.
Flexibility in starting times and lighting for weekend games would be welcomed.	<p>Generally in residential areas weekend games are permitted from 8am to 6pm. Lighting is generally only utilised for training during the week.</p> <p>One of the principles outlined in the Discussion Paper is the need to manage to sporting grounds to maximise long term usage (minimise over-use).</p>
The permissibility of hosting neutral games and finals is not clear. This should be clarified.	Agreed. This will be clarified in the Policy.
Capital contributions made by clubs over the past 5 years should be taken into account when determining increased tenure and reduced fees.	This is a new Policy. As such any proposed increase in tenure/ reduction in fees will be for future works.
Existing long term leases should be disclosed	Lease/ licence details such as the



and the basis for those leases being agreed.	organisation and length of the contract can be disclosed. Other details may be confidential.
Historical claims to grounds needs to reflect substantial usage within modern times.	It is proposed that there will be multiple weighted criteria which will allow the prioritisation of Allocations. The weighted criteria will be based on the principles outlined in the Discussion Paper.
Focus on utilisation of fields; sports with high, audited participation rates must be given preference.	It is proposed that there will be multiple weighted criteria which will allow the prioritisation of Allocations. The weighted criteria will be based on the principles outlined in the Discussion Paper.
Recognition of the community's changing preferences for playing certain sports all year round should be a consideration.	It is proposed that there will be multiple weighted criteria which will allow the prioritisation of Allocations. The weighted criteria will be based on the principles outlined in the Discussion Paper.  Traditional "winter" and "summer" sports will be given consideration.
Changeover dates between seasons should give consideration to actual usage patterns. Seek to share usage during the shoulder seasons via agreement.	Noted. The definition of the seasons will be considered in the Policy. Sharing by agreement will be encouraged.
Easter shut-down should be limited to Thursday-Monday.	The definition of the seasons will be considered in the Policy. Rest periods will be determined at the start of the season and notified to Clubs. As Easter moves each year, the Easter shutdown will need to be considered on a year by year basis.
Any breaches of the policy are properly documented so the individuals involved can be readily identified and penalties imposed directly.	It is proposed that the Policy will have penalties for breaches.
Further disclosure of the process for harmonising fees must be provided to the club prior to any change in fees. There must be transparency with the fees.	This Policy seeks to manage the allocation of sporting grounds.  The harmonisation of fees and charges will be a second stage process, to be carried out in 2018/2019. Clubs will be engaged through this process. It is likely that any changes in fees and charges will be modified over a period of some years.
The draft Allocations Policy should be released directly to the clubs at the same time it is presented to Council, prior to it going on public exhibition.	The draft Policy will be printed on the Council meeting agenda and available on the Council's website in advance of the Council meeting.
Need to assess the appropriate weighting to be applied for the specific allocation criteria to be used in the policy.	It is proposed that there will be multiple weighted criteria which will allow the prioritisation of Allocations. The weighted criteria will be based on the principles outlined in the Discussion Paper.
The weighted criteria should be subject to review on a regular basis.	All Council Policies are subject to periodic review.
Capital contributions should not be used as a criteria for the allocation of grounds.	It is proposed that the Policy will provide longer tenure and/ or reduced fees for clubs

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	<p>who provide a capital contribution. However, it is proposed that there will be conditions and limitations placed around this.</p> <p>Further, it is proposed that there will be other weighted criteria which will prioritise other factors such as historical access to the grounds, diversity of sports and clubs with increased participation of minority groups.</p>
<p>Supportive in principle that capital contributions increase tenure and/ or reduce hiring fees.</p> <p>IWC should not accept capital contributions from a sporting club that preclude or reduce the access of the sporting grounds to other sporting clubs.</p>	<p>It is proposed that the Policy will provide longer tenure and/ or reduced fees for clubs who provide a capital contribution. However, it is proposed that there will be conditions and limitations placed around this.</p> <p>Further, it is proposed that there will be other weighted criteria which will prioritise other factors such as historical access to the grounds, diversity of sports and clubs with increased participation of minority groups.</p> <p>Agreed. The acceptance of any capital contribution will need to consider the suitability of these works and the needs of all park users.</p>
<p>Capital contributions should only be accepted on an unconditional basis and should not lead to facilities that preclude or reduce other users from utilising these facilities.</p>	<p>It is proposed that the Policy will provide longer tenure and/ or reduced fees for clubs who provide a capital contribution. However, it is proposed that there will be conditions and limitations placed around this.</p> <p>Further, it is proposed that there will be other weighted criteria which will prioritise other factors such as historical access to the grounds, diversity of sports and clubs with increased participation of minority groups.</p> <p>Agreed. The acceptance of any capital contribution will need to consider the suitability of these works and the needs of all park users.</p>
<p>The policy should factor in the cyclical nature of sport participation. Medium term participation should be used rather than year-on-year changes.</p>	<p>It is proposed that there will be multiple weighted criteria which will allow the prioritisation of Allocations.</p> <p>The weighted criteria will be based on the principles outlined in the Discussion Paper.</p>
<p>The policy should weight historical access materially higher than other criteria.</p>	<p>It is proposed that there will be multiple weighted criteria which will allow the prioritisation of Allocations.</p> <p>The weighted criteria will be based on the principles outlined in the Discussion Paper.</p>
<p>Consideration should be given to the impact of different sports on the grounds. The setting of hiring charges should consider maintenance costs.</p>	<p>All active sports impact on the sporting grounds, and require greater maintenance than passive recreation.</p> <p>This Policy seeks to manage the allocation of sporting grounds.</p>

	The harmonisation of fees and charges will be a second stage process, to be carried out in 2018/2019. Clubs will be engaged through this process. It is likely that any changes in fees and charges will be modified over a period of some years.
Delays in availability of grounds due to high maintenance requirements from some sports should be reflected in the access allocation.	All active sports impact on the sporting grounds, and require greater maintenance than passive recreation.
The policy should provide for an appeals process where there are major disputes to allocations.	Agreed. The Policy will include an appeals process.
Consequences for the repeated breach of policy should be developed and disclosed.	It is proposed that the Policy will have penalties for breaches.
Consequences for breaches may include: Reduction in access to sporting grounds Higher future fees and charges Temporarily assigned a low priority for ground allocation.	It is proposed that the Policy will have penalties for breaches.
There is a risk that clubs will “over bid” for grounds so there should be an ability to “return” allocated grounds. Alternatively clubs should be allowed to sub-lease grounds.	Agreed. Council would request that Clubs “return” grounds which they are not utilising. Council will not allow the sub-leasing of grounds. Council needs to ensure that grounds are being utilised in accordance with Policy and that the park users have appropriate public liability insurance.
Consideration needs to be given to the draw and overlaps between the summer/ winter season. Encourage codes to work together.	Noted. The definition of the seasons will be considered in the Policy. Sharing by agreement will be encouraged.
Further clarification is needed on how it is proposed to harmonise the fees and charges.	This Policy seeks to manage the allocation of sporting grounds.  The harmonisation of fees and charges will be a second stage process, to be carried out in 2018/2019. Clubs will be engaged through this process. It is likely that any changes in fees and charges will be modified over a period of some years.
Consider having a person who acts as an advisory person/ community advocate for the clubs.	Council has considered a report for an Office of Sport Coordinator (staff member), who could perform this role. Council has deferred consideration of this matter. It is understood the Northern Beaches have a volunteer (community member) who performs this role. Council is happy to liaise with such a person, should someone be willing to volunteer for this role.
Regardless of who determines the allocations, there needs to be a transparent and equitable formula for decision makings.	Agreed. It is proposed that there will be multiple weighted criteria which will allow the prioritisation of Allocations. The weighted criteria will be based on the principles outlined in the Discussion Paper. These weighted criteria will be outlined clearly within the published Policy.
The allocation formulas need to consider club	It is proposed that there will be multiple

numbers.	weighted criteria which will allow the prioritisation of Allocations. The weighted criteria will be based on the principles outlined in the Discussion Paper.
Private school use of grounds needs to be reviewed.	Private schools will be subject to the Policy and the weighted criteria process.
Fees need to be uniform across the board.	This Policy seeks to manage the allocation of sporting grounds.  The harmonisation of fees and charges will be a second stage process, to be carried out in 2018/2019. Clubs will be engaged through this process. It is likely that any changes in fees and charges will be modified over a period of some years.
Training areas should have minimum numbers. Some codes have a whole ground for training compared with others who have multiple teams training on the same ground.	Council will adopt a program of regular spot checks on sporting grounds to ensure that approved allocations, including actual training numbers compared with allocated numbers, are being adhered to. It is proposed that the Policy will have penalties for breaches.
Put club numbers up on the website.	Agreed. It is intended to publish the seasonal allocations on Council's website.
Further clarification is needed on how the weighted criteria will be calculated.	Agreed. It is proposed that there will be multiple weighted criteria which will allow the prioritisation of Allocations. The weighted criteria will be based on the principles outlined in the Discussion Paper. These weighted criteria will be outlined clearly within the published Policy.

### Allocation Process

The Discussion Paper outlined a number of options for determination of the seasonal sporting ground allocations, including:

- Staff determination (the existing methodology)
- Allocation committee determination
- Association determination
- Council determination

The feedback from different clubs/ associations with regards to the allocation process is varied. The feedback is summarised as follows:

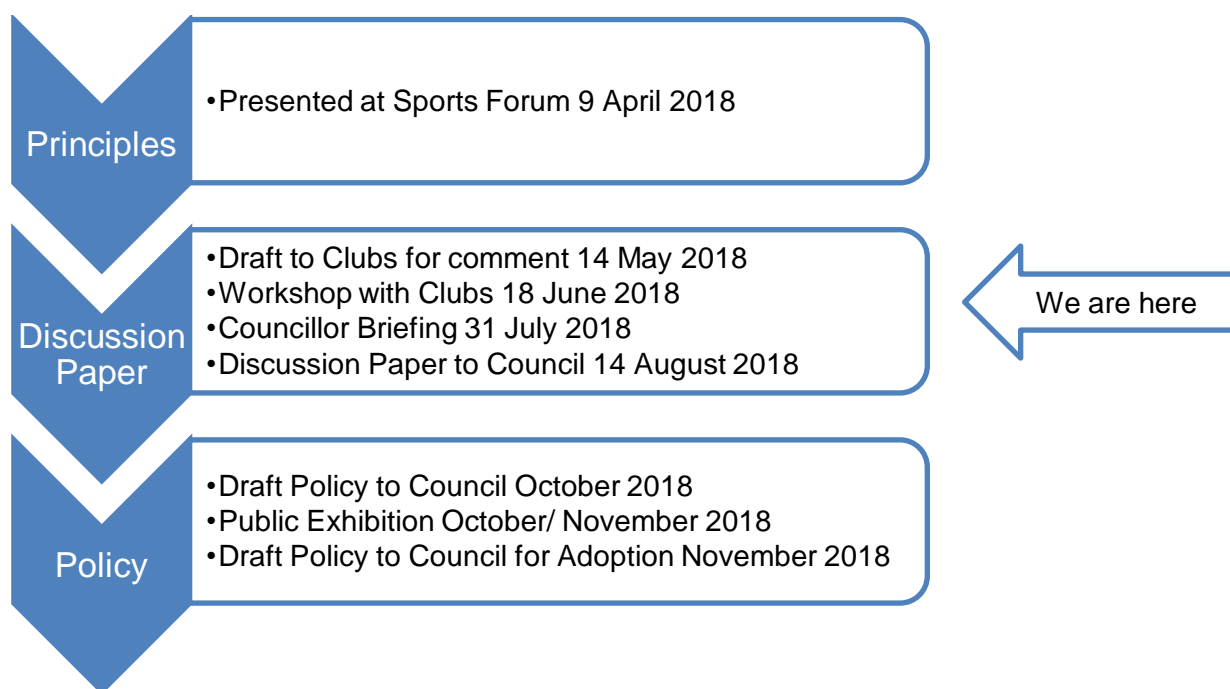
Allocation Option	Supported By
Staff determination (the existing methodology)	4 x Clubs 1 x Club (training only)
Allocation committee determination	1 x Club 1 x Club (as part of an Appeals process only)
Association determination	1 x Association 1 x Club 1 x Club (games only)
Council determination	Nil

As demonstrated by the table above, there was a lack of consensus on the allocation determination. Further, there was limited demonstrated demand for changing the current process. Given this, it is recommended that staff continue to make the allocation determination.

In relation to the allocation timing, a number of clubs mentioned that they would like the winter allocations to be brought forward. This will be considered in the drafting of the Policy.

### **Where to From Here?**

The following diagram illustrates the process to develop the Sporting Grounds Allocation Policy.



### **FINANCIAL IMPLICATIONS**

Staff resources have been allocated to the preparation and administration of this Policy as part of their annual action plan.

### **OTHER STAFF COMMENTS**

The draft Sporting Grounds Allocation Policy, when prepared, will be distributed for staff comments.

### **PUBLIC CONSULTATION**

The sporting clubs have been consulted, as outlined in the report. The draft Sporting Grounds Allocation Policy is intended to be placed on public exhibition.

### **CONCLUSION**

In general, the Clubs and Associations have indicated that they support the principles (Transparent, Equitable, Consistent) outlined in the Discussion Paper.

Council has received feedback from the Clubs and Associations which will help in the drafting of the Allocations Policy. The draft Policy will be reported back to Council, prior to public exhibition.

**ATTACHMENTS**

1. Sporting Grounds Allocation Policy - Discussion Paper
2. Sporting Grounds Allocation Policy - Discussion Paper - Workshop Notes 18 June 2018
3. Sporting Grounds Allocation Policy - Discussion Paper - Submissions Received

**Item No:** C0818(2) Item 10

**Subject:** **AMENDMENT NO. 16 TO LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013 - 17 MARION STREET, LEICHHARDT**

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**Prepared By:** Gunika Singh - Strategic Planner and Aleksandar Kresovic - Strategic Planner

**Authorised By:** David Birds - Group Manager Strategic Planning

### **SUMMARY**

This report relates to a draft amendment to *Leichhardt Local Environmental Plan 2013 (LLEP)* for 17 Marion Street, Leichhardt which seeks to facilitate the redevelopment of the site for the purpose of seniors housing with a maximum floor space ratio of 2:1, a maximum building height of RL 57.5 and 15% of the dwellings to comply with the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP 2004) definition of an affordable place.

The post exhibition outcomes of the Planning Proposal were reported to Council on 24 April 2018 and it was determined that Council proceed with the amendment of the LLEP as detailed in the post exhibition report.

This report provides an update on the LLEP amendment process and seeks Council's endorsement to make the Plan.

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### **RECOMMENDATION**

#### **THAT:**

- 1. Council delegate the plan making function for Amendment 16 to the Leichhardt Local Environmental Plan 2013 to the Group Manager Strategic Planning.**
- 2. The Plan, once made, be forwarded to the NSW Department of Planning and Environment for publication.**

---

### **BACKGROUND**

At its meeting on 24 April 2018, Council considered a report (**Attachment 1**) on the community consultation outcomes of the Planning Proposal for 17 Marion Street, Leichhardt.

Council determined (C0418 Item 7) that it would:

- 1. Amend the Leichhardt Local Environmental Plan 2013 (LLEP) for 17 Marion Street, Leichhardt as detailed in this report;*
- 2. Liaise with the NSW Parliamentary Counsel's Office and the NSW Department of Planning and Environment to draft and finalise the LLEP amendment;*
- 3. Delegate the making of the LLEP to the General Manager;*
- 4. Following the completion of (3) above, request the Department of Planning and Environment to notify the Plan; and*

5. *Adopt the draft Development Control Plan for 17 Marion Street, Leichhardt.*

The intent of the *Leichhardt Local Environmental Plan 2013 Amendment 16* is to enable the redevelopment of the former Annesley House at 17 Marion Street, Leichhardt for a seniors' housing development with affordable residential units and minimal adverse impacts.

The proposed outcome will be achieved by including a new local provision in the LLEP that:

1. Confirms the objective of the proposed amendment as enabling a seniors housing development with minimal adverse impacts;
2. Includes requirements for:
  - A maximum floor space ratio of 2:1;
  - A maximum building height of RL 57.5;
  - 15% of the dwellings to comply with the SEPP 2004 definition of an affordable place;
3. Restricts the maximum development capacity to seniors housing only; and
4. Stipulates that the maximum development capacity in the LLEP will only be available if the development does not also seek to rely upon the bonus floor space provisions of the SEPP 2004.

The proposed additional local provision provides certainty to Council that consent can be granted to a seniors' housing development without relying on the bonus floor space provisions of SEPP 2004. This would also rule out any potential double dipping scenario where the applicant uses the proposed LLEP floor space ratio uplift and the bonus floor space provisions of SEPP 2004 to seek additional floor space.

#### **UPDATE ON THE PROCESS**

On 10 May 2018, a request was sent to Parliamentary Counsel's Office (PCO) that an amendment to LLEP 2013 be drafted to reflect the Planning Proposal for 17 Marion Street, Leichhardt in accordance with Council's 24 April 2018 resolution.

On 10 July 2018, Council received an Opinion from PCO that the plan can be legally made (**Attachment 2**).

The draft plan is accompanied by the amendment to the LLEP Key Sites map which would identify the subject site as a key site to associate it with the proposed Additional Local Provision Clause.

A Voluntary Planning Agreement (VPA) between the site owners Uniting and Council was executed in July 2018. The VPA requires a contribution of 15% Affordable Housing Units in perpetuity under the SEPP 2004. Uniting is a charitable community housing provider and the units will remain under its authorisation.

#### **MAKING OF THE PLAN**

The Gateway Determination issued on 11 December 2017 delegated Council to exercise the functions of the Minister for Planning under Section 3.36 (previously Section 59) of the Environmental Planning and Assessment Act 1979 in relation to the subject Planning Proposal to make this local environmental plan amendment.

On 24 April 2018, Council considered the post-exhibition outcomes report and resolved to delegate the making of the LLEP Amendment to General Manager. However, Council reconsidered the General Manager's delegations in its meeting on 22 May 2018 and gave new delegations to the General Manager. Technically, this decision revoked Council's previous



resolution where the making of the LLEP 2013 Amendment No. 16 was delegated to General Manager.

The drafting of the LLEP amendment has now been completed. It is therefore recommended that Council delegate administrative responsibility to the Group Manager Strategic Planning to make the LLEP amendment. The Plan will come into effect the day it is published on the NSW legislation website.

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **OTHER STAFF COMMENTS**

Nil.

#### **PUBLIC CONSULTATION**

The Planning Proposal was exhibited for 28 days from Tuesday 30 January 2018 until Tuesday 27 February 2018. The post exhibition outcomes report (**Attachment 1**) was considered by Council on 24 April 2018 which recommended the support of the Planning Proposal as mentioned in the above resolution (C0418 Item 7).

#### **CONCLUSION**

It is recommended that Council resolve to make the LLEP amendment as drafted and delegate this function to the Group Manager Strategic Planning. Once made, the Plan will be forwarded to the Department of Planning and Environment with a request that it be published.

#### **ATTACHMENTS**

1. Post exhibition report and Council minutes - 24 April 2018 - 17 Marion Street, Leichhardt
2. Parliamentary Counsel Final Opinion - LLEP 2013 Amendment No. 16

**Item No:** C0818(2) Item 11

**Subject:** STATEMENT OF BUSINESS ETHICS

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**Prepared By:** Joe Cavagnino - A/Group Manager Procurement and Fleet

**Authorised By:** Elizabeth Richardson - Deputy General Manager Assets and Environment

### **SUMMARY**

Council conducts business for the supply of goods and services as part of its normal course of operations. The Statement of Business Ethics has been developed to ensure good governance and an understanding of expectations between suppliers/contractors and council staff.

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### **RECOMMENDATION**

**THAT the draft Statement of Business Ethics be placed on public exhibition, with a further report to Council at the completion of the public exhibition process.**

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### **BACKGROUND**

The Statement of Business Ethics reinforces Council's ethical values and provides guidance for all sections in the community conducting business with Council. Council's ethical standards are enshrined in our Code of Conduct, corporate values and other governance policies.

It is Council's expectation that contractors and other providers of goods and services to Council will comply with these standards when conducting business with, or on behalf of Council. This Statement also outlines what you can expect from Council when conducting business with the Inner West Council.

The draft Inner West Council Statement of Business Ethics replaces the below former policies;

- Marrickville Council Statement of Business Ethics
- Ashfield Council Statement of Business Ethics
- Leichhardt Council Statement of Business Ethics

### **FINANCIAL IMPLICATIONS**

Nil.

### **OTHER STAFF COMMENTS**

Not applicable.

### **PUBLIC CONSULTATION**

The draft Statement of Business Ethics is to be exhibited in line with Council's Community Engagement Framework.

### **CONCLUSION**

Not Applicable.

**ATTACHMENTS**

1. Statement of Business Ethics

**Item No:** C0818(2) Item 12

**Subject:** **SUSTAINABLE PROCUREMENT POLICY**

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018

**Prepared By:** Joe Cavagnino - A/Group Manager Procurement and Fleet

**Authorised By:** Elizabeth Richardson - Deputy General Manager Assets and Environment

### **SUMMARY**

The draft Sustainable Procurement Policy provides the principles that underpin the framework for procuring goods and services for the organisation. The policy depicts Council's commitment to Economic, Social, Environmental & Governance principles during the procurement process.

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### **RECOMMENDATION**

**THAT the draft Sustainable Procurement Policy be placed on public exhibition, with a further report to Council at the completion of the public exhibition process.**

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### **BACKGROUND**

Inner West Council procures in excess of \$136 million worth of materials and services per annum.

It is appropriate and prudent that Council formalise a Policy in order to establish the principles that underpin the framework for procuring goods and services for the organisation.

This draft Policy will, upon adoption, supersede Council's existing policies, both pre and post-amalgamation.

The attached Policy has been developed to formalise a policy document for the Inner West Council that provides a framework for procurement taking into consideration the four main pillars of best-practice procurement:

- Economic
- Environmental
- Social
- Governance

The objectives of this policy are to ensure that Council satisfies legislative requirements and achieves best practice in its business operations, with due consideration for the effective and efficient management of resources, while delivering fair, value for money outcomes for the local community.

Good, sustainable procurement practices encompass the following:

- Efficient and effective operations
- Value for money
- Legislative compliance
- Probity, transparency and accountability
- Social sustainability with positive outcomes for the local community
- Sustainable outcomes along the whole supply chain
- Comprehensive Risk Management

It is recommended that the draft Sustainable Procurement Policy be placed on public exhibition, with a further report to Council at the completion of the public exhibition process.

**FINANCIAL IMPLICATIONS**

Not applicable

**OTHER STAFF COMMENTS**

Council's Leadership Team endorsed the draft Policy in 2017.

**PUBLIC CONSULTATION**

The draft Policy is to be exhibited in line with Council's Community Engagement Framework.

**CONCLUSION**

Not Applicable

**ATTACHMENTS**

1. Sustainable Procurement Policy

**Item No:** C0818(2) Item 13

**Subject:** FIRE AND RESCUE NSW

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**Prepared By:** Stephen Blaydon - Fire Safety Officer

**Authorised By:** Harjeet Atwal - Group Manager Development Assessment and Regulatory Services

### **SUMMARY**

This report provides mandatory notification to Council under the Environmental Planning and Assessment Act 1979 (EPAA) of correspondence regarding fire safety concerns received from Fire & Rescue NSW. Following a review of the correspondence and a site inspection by Council's Fire Safety Team, this report seeks Council to note the exercise of Authorised Officer powers under EPAA to require upgrades of the buildings to the satisfaction of Council's Fire Safety Team in order to:

- Improve the provisions for fire safety at the premises;
- Improve the provision of fire safety awareness;
- Improve the adequacy of the premises to prevent fire;
- Improve the adequacy of the premises to suppress fire or prevent the spread of fire; and
- Improve the safety of persons in the event of fire.

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### **RECOMMENDATION**

**THAT Council:**

1. **Note the correspondence provided by Fire and Rescue NSW for development on land at "Balmain Backpackers" – 673 Darling St Rozelle (Attachment 1);**
2. **Endorse the Councils Officers use of statutory powers (and discretion as appropriate) under the Environmental Planning and Assessment Act 1979 to require upgrades to buildings to the satisfaction of Council's Fire Safety Team in order to:**
  - a. **improve the provisions for fire safety at the premises;**
  - b. **improve the provision of fire safety awareness;**
  - c. **improve the adequacy of the premises to prevent fire;**
  - d. **improve the adequacy of the premises to suppress fire or prevent the spread of fire, and**
  - e. **Improve the safety of persons in the event of fire.**

**BACKGROUND**

In accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EPAA), Fire and Rescue NSW (FRNSW) has referred a letter to Council detailing a number of concerns with the fire safety measures and fire safety procedures for this property in the Inner West Council area.

Owners of buildings such as assembly buildings, commercial premises, residential flat buildings etc., have a legal obligation to ensure that all fire safety measures installed on the premises are, at all times, maintained and working to their relevant standard of performance for the safety of the buildings occupiers or users – whether the building is occupied or not. This is done through the installation of fire safety measures compliant with the National Construction Code (Building Code of Australia - BCA) or an alternative solution endorsed by a qualified Fire Engineer.

A fire safety measure is any aspect of construction, piece of equipment or strategy, that are required to enhance the safety of people within the building in the event of a fire. These fire safety measures can vary significantly depending on the age of the building, its design and its use. The determination of the appropriate fire safety measure is guided through the deemed to satisfy provisions / functional statements of the Building Code of Australia or through Alternative Solutions designed and developed by Fire Engineers and Accredited Certifiers (registered with the NSW Building Professionals Board).

FRNSW and Council's Fire Safety Team have undertaken an inspection of premises referred and have determined appropriate actions required by property owners in order to:

- improve the provisions for fire safety at the premises;
- improve the provision of fire safety awareness;
- improve the adequacy of the premises to prevent fire;
- improve the adequacy of the premises to suppress fire or prevent the spread of fire; and
- improve the safety of persons in the event of fire.

As the premises are on private land, any required upgrades are able to be undertaken through the issuing of orders under EPAA, thereby allowing the works to be undertaken without the necessity for the lodgment of a Development Application. After all solutions are implemented and a Fire Safety Certificate is issued the building is listed on Council's Fire Safety Register and Annual Fire Safety Inspections are required to be undertaken in accordance with the Environmental Planning and Assessment Regulation 2000.

This annual inspection is to ensure that:

- i. All fire safety measures are inspected by a competent fire safety practitioner to ensure they are maintained to the appropriate Standard of Performance.
- ii. Fire Safety Statements are maintained in the approved form and are displayed in a clearly visible position and available for viewing by Fire and Rescue NSW or Council Authorised Officer.

In accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EPAA), Fire and Rescue NSW (FRNSW) has referred correspondence to Council detailing a number of concerns with fire safety measures and fire safety procedures associated with development on land at:

Property	Reason for referral:
Balmain Backpackers - 673 Darling St Rozelle	The modification of the fire safety system where thermal detection is in place of smoke detection in some areas of the premises.

In response Council's Fire Safety Team undertook an inspection of the premises as per the table below:

Property	Key Requirement
Balmain Backpackers - 673 Darling St Rozelle	Inspection of premises has been carried out by Council and a Notice of Intention to Serve an Order Under Schedule 5 of the EPAA is to be issued on the owner of premises.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **OTHER STAFF COMMENTS**

Nil

#### **PUBLIC CONSULTATION**

Nil

#### **CONCLUSION**

The letter from Fire and Rescue NSW has identified a number of fire safety matters that are required to be addressed. Following an inspection, Council's Fire Safety Officer has determined that Notices of Proposed Orders and Orders requiring various audits and upgrade to the buildings is required to be undertaken. These requirements will promote adequate fire safety or fire safety awareness in the buildings. These works are able to be undertaken in accordance with State Planning provisions through the issuing of Orders under EPAA without the need to obtain a Development Application.

#### **ATTACHMENTS**

1. Letter from Fire and Rescue NSW regarding Balmain Backpackers 673 Darling St Rozelle



**Item No: C0818(2) Item 14****Subject: EASY TO DO BUSINESS PROGRAM**

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**Prepared By:** Duncan Gilchrist - Manager Economic Development**Authorised By:** David Birds - Group Manager Strategic Planning**SUMMARY**

The *Easy to do Business* program is a free NSW Government program that brings together agencies, local councils, and industry bodies to make the process of opening or expanding a small business simpler and faster. The program is currently focussed on the café, small bar and restaurant sector but is likely to be extended to other businesses in the future.

Under the program Service NSW provides a digital platform and upfront information regarding what is required by a potential new business owner from all the approval authorities, including Council. A single digital form replaces the 48 existing forms and a business concierge service (staffed by Service NSW), via a single phone number, is also provided to support customers through the process. The program brings a range of additional benefits including improving the quality of information given to Council, which in turn helps to reduce development application processing and assessment times.

The program is available at no cost to Council and does not change current Council functions. It is recommended that Council join the *Easy to do Business* program.

**RECOMMENDATION****THAT:**

1. **Council delegates authority to the General Manager to enter into an agreement with Service NSW to join the Easy to do Business program; and**
2. **Any necessary documents be authorised for execution by the General Manager.**

**BACKGROUND**

The *Easy to do Business* program is a joint initiative between the Department of Premier and Cabinet, the Customer Service Commissioner, the Office of NSW Small Business Commissioner, and Service NSW that brings together agencies, local councils, and industry bodies to make the process of opening or expanding a small business simpler and faster. The program is currently focussed on the café, small bar and restaurant sector but is likely to be extended to other businesses in the future.

- The initiative was initially piloted at the City of Parramatta Council in May 2016 focusing on the café, small bar and restaurant sector and in February 2017 the pilot program was expanded to incorporate Dubbo Regional, Georges River and the Northern Beaches councils.
- The program aims to streamline the process of opening a new business, which can typically require a business owner to deal with 13 agencies (including Council) and to complete 48 forms, with the entire process taking up to 18 months.
- The pilot program has been a success and has demonstrated that a business can potentially obtain the necessary approvals to open in 90 days rather than 18 months. It is now available for other councils to join as partners.
- Service NSW provides a digital platform and upfront information regarding what is required by a potential new business owner from all the approval authorities, including Council. A

single digital form replaces the 48 existing forms. A business concierge service (staffed by Service NSW), via a single phone number, is also provided to support customers through the process.

Benefits of the partnership with Service NSW as part of the *Easy to do Business* program include:

- Improved support and a single source of information providing what is required by a potential new business owner from all of the approval authorities.
- A business concierge team to provide support for businesses with new business ideas which should promote economic activity within the area.
- A single digital form will assist businesses to enter information quickly and to avoid the need for repeated entry of the same data.
- Improved quality of information provided to Council, helping to reduce development application processing and assessment times.
- Streamlining of the processes associated with opening and growing a business.

Participating in the *Easy to do Business* program has four main phases as follows:

1. Passing of a Council Resolution – The Service NSW Act requires a resolution of Council to allow Service NSW to support Council's customer service functions. In accordance with the *Service NSW (One-stop access to Government Services) Act 2013*, a resolution of Council is required to allow Council to enter into a Service Partnership Agreement (see Memorandum of Understanding at Attachment 1) and to delegate the relevant customer service functions related to the administration of the *Easy to do Business* program to the Chief Executive Officer, Service NSW.
2. Operational Readiness – Operational readiness workshop with Council and the Service NSW Business Concierge team to understand each other's requirements and role.
3. Launch and Announcement – Go live with the *Easy to do Business* service for the café, small bar and restaurant sector.
4. Maintain and Build – Work to maintain and build the capability to include other subsectors such as clothing retail, housing construction, print businesses and road freight in the future.

## **FINANCIAL IMPLICATIONS**

The *Easy to do Business* program is a free service with no cost to Council to sign up and participate in the program.

## **OTHER STAFF COMMENTS**

Economic Development Unit:

- The service is free to Council and complements current Council services but is not a substitute for them.
- Council remains the consent authority for its existing functions.
- The service is free to the public and is provided by professional business advisors.
- Council can withdraw from the program at any time without repercussions of any nature.

## **PUBLIC CONSULTATION**

The NSW Small Business Commissioner and Service NSW were consulted during the preparation of this report.

## **CONCLUSION**

The program brings a range of benefits to support persons seeking to open or expand small businesses and also improves the quality of information made available to Council, which in turn can help to reduce development application processing and assessment times.

The program is available at no cost to Council and it is recommended that Council joins the program.

**ATTACHMENTS**

1. Council and Service NSW MOU

**Item No:** C0818(2) Item 15

**Subject:** NOTICE OF MOTION: PRINCIPLES OF CO-OPERATION AGREEMENT WITH 'METRO'

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**From:** Councillor Marghanita Da Cruz

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**MOTION:**

**THAT the General Manager write to the CEO of the Metropolitan Local Aboriginal Land Council with a view to commencing negotiations towards the signing a Principles of Co-operation Agreement between Inner West Council and The Metropolitan Local Aboriginal Land Council ('Metro').**

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**Background**

In 2004, Leichhardt Council became the first council to sign a principles of cooperation agreement with the Metropolitan Local Aboriginal Land Council ('Metro'). The Agreement can be viewed at <http://www.leichhardt.nsw.gov.au/Community/Aboriginal-Community/Principals-of-Cooperation>

Since then the City of Sydney, Canada Bay, Willoughby, North Sydney and other Local Government councils have signed similar agreements with 'Metro'. The Principles of Co-operation Agreement with City of Sydney can be viewed at: [http://www.cityofsydney.nsw.gov.au/\\_data/assets/pdf\\_file/0020/113672/Principles-of-cooperation.pdf](http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0020/113672/Principles-of-cooperation.pdf)

"The Metropolitan Local Aboriginal Land Council ('Metro') was established under the Aboriginal Land Rights Act 1983 (NSW) ('the Act'). Its primary objectives are set out in s 51 of the Act - namely, 'to improve, protect and foster the best interests of all Aboriginal persons within the Council's area and other persons who are members of the Council.'

Metro's core business areas are described as follows:

(a) Culture and Heritage:

Among other roles, Metro's Aboriginal Culture and Heritage Unit is responsible for the conservation of Aboriginal sites and relics in the area (including more than 6,800 registered sites of cultural significance). It also carries out education programs with the broader community, conducts Cultural Heritage Site Assessments for developers and participates in projects for the repatriation of Aboriginal remains.

b) Land Claims

In accordance with the Act, 'Metro's Land Rights Unit researches and makes claims on vacant crown land within Metro's boundaries of the greater Sydney metropolitan area. This work has enabled Metro to become the largest single landholder in a number of Sydney local government areas.' Metro also monitors outstanding land claims.

c) Housing

Metro's Property Unit aims 'to equip [Metro's] members with suitable and affordable housing, clean water, heating and decent living conditions.' It is also 'responsible for the management and maintenance of Metro residential and business properties.'

Metro's other business includes Culture and Promotions, Employment and Training, Joint Ventures and Tourism.

Metro is a Public Benevolent Institution that seeks 'funding from various bodies, groups and individuals to run programs that meet the needs of the Aboriginal community within [its] boundaries.'

Source: Metropolitan Local Aboriginal Land Council, Agreements, Treaties and Negotiated Settlements Project, Centre for Health and Society, The University of Melbourne, viewed 2 July 2018, <http://www.atns.net.au/agreement.asp?EntityID=1832>

**Officer's Comments:**

**Comment from Group Manager Community Services and Culture:**

If this motion is adopted, initial consultations and collaboration can be undertaken within existing resources.

**Resource Implications:**

Nil additional for initial consultations and collaboration.

**ATTACHMENTS**

Nil.

**Item No:** C0818(2) Item 16

**Subject:** **NOTICE OF MOTION: REGISTER OF VOLUNTARY PLANNING AGREEMENTS**

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**From:** **Councillor John Stamolis**

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**MOTION:**

**THAT Council create a register of VPAs to be accessible on its website.**

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**Background**

Council should create a publicly accessible register of VPAs on its website. The register should provide up to three years of past data as well forward looking information (i.e. proposals). It should be included on Councils webpage: <http://www.leichhardt.nsw.gov.au/Planning---Development/Planning-Controls--DCPs--LEPs--VPAs-/Voluntary-Planning-Agreements>

The register should detail for each VPA:

- DA number
- Site address or location
- A brief description of the DA
- The value of the DA
- Monetary contribution of VPA
- Other contribution (eg affordable housing, open space)
- Month/Year of agreement
- Status of agreement

Example: Waverley Planning Agreement Register (ATTACHMENT 1)

**Officer's Comments:**

**Comment from Deputy General Manager – Assets & Environment:**

Council's Voluntary Planning Agreement Register can be made available on Council's website with only minimal resourcing impact (both in establishment and on-going maintenance)."

**ATTACHMENTS**

1. Planning Agreement Register - Waverley Council

**Item No:** C0818(2) Item 17

**Subject:** NOTICE OF MOTION: REVIEW OF FOOD ORGANICS WASTE MANAGEMENT

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**From:** Councillor Lucille McKenna OAM

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**MOTION:**

**THAT:**

1. Council expedite a review of food organics services and programs, through use of an external contractor engaged by the Environment and Sustainability Unit, and make recommendations on appropriate services to reduce food organics in landfill;
2. Work with leaders in the organics and waste management field on best practice organics management;
3. Council officers contact the producers of the War on Waste TV program to identify whether there are any opportunities for collaboration; and
4. Council officers report back following the review with the options for food organics services.

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**Background**

For the Inner West to meet its objective of becoming a zero waste community we need to reduce or eliminate all the food presented in the garbage bin.

Food makes up 37 per cent of the average Inner West residential garbage bin (red lid). This equates to approximately 14,250 tons each year, which is around twice as much as the garden waste total of 7,400 tons per year across the Inner West Council area.

Inner West Council does not have a single service offering for food organics but has a range of services across each service area:

- fortnightly kerbside green waste collection in each of the three service areas
- education and information on food waste avoidance for residents and business,
- home and community composting,
- food organics only (FOO) collection from Leichhardt apartments and
- food organics and garden organics collection (FOGO) trial in Marrickville.

**Organics review:**

To meet our own objective for zero waste, Council should prioritise the review of existing Council food organics services and trials and make recommendations on the best way forward for organics management.

The review should compare effectiveness and recovery rates of the various services and their applicability to varied housing types and include:

- Leichhardt Food in Apartments Service,
- Marrickville FOGO trial,
- best practice organics services in other local government areas and
- local and home composting.

The review would make recommendations for an integrated Inner West Organics Service offering.

The review should also work with leaders in this field to investigate new and innovative technologies and opportunities to recover organics from both residents and businesses.

**Officer's Comments:**

**Comment from Group Manager Environment and Sustainability:**

No funding has been allocated for a fast-tracked review of the food organics services for Inner West Council . It is estimated that a budget of \$50,000-\$70,000 would be required to bring this review forward.

Funding is available in the Domestic Waste Management Reserve for this work.

**ATTACHMENTS**

Nil.



**Item No: C0818(2) Item 18****Subject: NOTICE OF MOTION: RECYCLING AT INNER WEST COUNCIL**

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**From: Councillor Lucille McKenna OAM****Item 18**

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**MOTION:****THAT Council:**

- 1. Note that the three former Councils of the Inner West Council have current contracts for the receipt and processing of recycling with Visy Recycling;**
- 2. Note that Inner West Council is committed to the continuation of kerbside recycling;**
- 3. Acknowledge and encourage Inner West residents for their commitment to kerbside recycling which resulted in over 16,000 tons of recycling being diverted from landfill in 2016-17; and**
- 4. Officer produce a report into steps that can be taken to increase the quality of material recycled, and further options to help Council maintain a high quality recycling service without burdening Inner West ratepayers.**

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**Background**

Councils across Australia have been thrown into turmoil following China's decision to limit the foreign recycling products it accepts.

Beijing last year banned the imports of 24 types of waste, including types of plastic and unsorted paper. This month it extended the ban to more recyclable materials, including steel waste, used car parts and old ships.

This is having a large impact on recycling in Australia, to the point where Ipswich City Council recently took the drastic step of axing its recycling scheme. After a public outcry, Ipswich reversed their decision and will now continue their recycling scheme, albeit with increased household rates.

The ban is a massive wake-up call for countries like Australia who have relied on China to buy and handle their trash, rather than address the issue ourselves.

China and other countries, including some in Europe, will still buy high-quality scrap material that can be recycled into new items, but will no longer take low grade polluting material.

There is some hope from experts that it will in fact force the entire supply chain to change, from the initial design of the product, to local waste collection authorities, to the companies that sort and recycle trash.

Rather than viewing the change to the recycling environment as an overwhelming challenge, Inner West Council should see it as a catalyst to move forwards towards creating a zero waste community.

**Officer's Comments:****Comment from Group Manager Environment and Sustainability:**

This recommendation is entirely in line with current work to develop a common resource recovery service across the Inner West.

Communications have been developed to encourage residents to continue to recycle and information is available on Council's website. Council is also promoting the Return and Earn program through the two sites across the Inner West – Addison Road reverse vending machine and the Citizens Blue enterprise in St Peters Contain Deposit

Staff are working on the development of a *Zero Waste Strategy* and a transition plan for Inner West Council which will outline the steps to achieve a common service across the area.

Development of the *Zero Waste Strategy* is underway. First stage is a Discussion Paper that maps the current range of services and makes recommendations for research and reviews required for each service. The second stage involves data analysis and engagement of stakeholders to identify the options for a common Inner West resource recovery service that will deliver a zero waste community and, the final stage involves selecting the preferred service model/s and planning for their introduction over the immediate, medium or longer term.

A report is planned for a Council meeting in the second quarter of 2018/2019 that outlines the approach Council will take with the Strategy development and the transition to a common service for recycling. The report will also outline the approach for all other services including clean up, land fill, organics (food and garden (green) waste).

**Resource Implications:**

Funding is available in the current 2018/2019 budget for external consultants who will need to be engaged to assist with service review, cost benefit assessments, and development of business cases and service scenarios.

**ATTACHMENTS**

Nil.

**Item No:** C0818(2) Item 19

**Subject:** NOTICE OF MOTION: CONDOLENCE MOTION VALE LIZ BUTTERWORTH

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**From:** Councillor Marghanita Da Cruz

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**MOTION:**

**THAT Council write a letter of condolence to the family of Liz Butterworth.**

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**Background**

Liz Butterworth was a committed and tireless worker for our community for many years. Liz was one of the founding members of No WestConnex Public Transport Inc and went on to found No WestConnex Annandale. She was strongly focused on informing the community about the impacts of WestConnex and the need for real investment in public transport in Sydney. She embraced the cause of stopping WestConnex with great dedication and passion and organised public meetings, pop up protests, information leaflets, newspapers and very successful rallies and marches. Liz worked closely with many of the Councillors of the former Councils of Leichhardt, Marrickville and Ashfield and with many local community groups as an advocate for her community and against the terrible impacts of the WestConnex tollway.

Liz was also a gifted and highly respected local English teacher who loved her work and students.

Even when she was not feeling well, Liz kept organising and working hard for her community. Liz worked so hard and did so much. She gave generously of her time and energy to the No WestConnex Public Transport campaign. She was a real local hero and she will be greatly missed by many.



**ATTACHMENTS**

Nil.

**Item No:** C0818(2) Item 20

**Subject:** NOTICE OF MOTION: MARRICKVILLE PARK

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**From:** Councillor Victor Macri

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**MOTION:**

**THAT Council include in the Capital Works Program a hedge in Marrickville Park along the frontages of Livingstone Road and Fraser Street to provide a buffer from surrounding streets.**

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**Background**

The masterplan for Marrickville Park included 'mass planting of shade tolerant plants as a green buffer from surrounding streets'. When the upgrade of Marrickville Park occurred this buffer was not installed due to lack of available funds. Since the upgrade to the park there has been a number of incidents where animals have ran from the park onto the surrounding roads and this hedge would minimise these incidents from occurring.

**Officer's Comments:**

**Comment from Group Manager Trees, Parks and Sports Fields:**

This project has not been funded as part of the 2018/2019 budget. Consideration to funding this project will need to be considered in future parks capital works programs.

**ATTACHMENTS**

Nil.

**Item No:** C0818(2) Item 21

**Subject:** NOTICE OF MOTION: SUPPORTING USE OF KEEP CUPS

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**From:** The Mayor, Councillor Darcy Byrne

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**MOTION:**

**THAT:**

1. Council immediately supports the successful Responsible Cafes initiative by becoming a program partner for two years at a cost of \$3500, to be funded through domestic waste levy; and
2. A report be prepared on the potential for piloting a reusable cup initiative to reduce consumption of single use, disposable coffee cups. The report should include assessment of:
  - a. The potential for a pilot to be limited to a single suburb to allow universal café participation to be achievable in the short term.
  - b. Local café owners who might be willing to become advocates and assist council in recruiting other businesses to participate
  - c. Links to any available business cases or reviews of municipal or city wide or government initiated reusable cups schemes
  - d. Given the large proportion of disposable cups that are deposited in domestic waste bins, the potential for such a pilot to be funded through the waste levy or reserve.

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**Background**

It's estimated that Australians use more than **three billion** disposable single use coffee cups annually.

A considerable amount of resources and energy is required to produce and transport disposable coffee cups only for them to be used once and thrown away. Planet Ark reports that in terms of offsetting the production impacts (energy use) of a **resuable** coffee cup it only takes 17 uses to break even.

Coffee cups are not accepted in kerbside recycling as they are a composite material (paper with a plastic waterproof layer). Coffee cups are also a major source of littering.

International approaches to reducing single use coffee cups include Friburg's city wide reuseable coffee cup scheme, which offers an alternative to disposable coffee cups or customers bringing their own cup.

This involves cafes from across a geographic area all participating in a single scheme in which reusable cups can be collected or exchanged at any of the participating businesses.

The cup is a hard plastic (polypropylene) cup with a disposable plastic lid. The cup can be used up to 400 times and then recycled. Customers drop their empty cup to a participating café which disinfects it and provides another for reuse.

The adoption of a similar approach is likely to impact on the amount of domestic waste collected, as disposable cups will no longer find their way into household garbage.

**Officer's Comments:**

**Comment from Group Manager Environment and Sustainability**

Responsible Cafes program

Council has encouraged reusable coffee cup use since at least 2009, for example running a program with businesses in Newtown through the Green Living Centre.

In the Inner West, Council, businesses and community members currently support and participate in the national **Responsible Cafes** program. The program is led and managed by a not-for-profit organisation. It gained significant momentum this year due to the ABC's *War on Waste* series.

There are now over 3,600 cafes, councils and universities in the program nationwide.

The average responsible café saves 10,147 cups and lids per year, amounting to an approximate reduction of over 36 million cups and lids to landfill nationally.

Essentially participation means customers are offered a discount on coffee (usually of about 50 cents) when they bring a reuseable coffee cup. Some cafes in Australia have gone a step further and do not offer disposable cups at all. Reusable cups are readily available and can be bought at many local businesses and supermarkets. They are often given away free by companies to support brand recognition.

The Freiburg scheme is coordinated and subsidised by government and there is no additional labour or other costs to businesses.

**ATTACHMENTS**

Nil.

**Item No:** C0818(2) Item 22

**Subject:** **NOTICE OF MOTION: DARLEY ROAD SIGNALISED PEDESTRIAN CROSSING**

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**From:** **Councillor Lucille McKenna OAM**

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**MOTION:**

**THAT Council writes to the Minister for Transport and Infrastructure, and Minister for Roads, Maritime and Freight highlighting the dangers facing pedestrians crossing Darley Road, including:**

- a. A request for installation of a signalised pedestrian crossing in Darley Road at the Hawthorne Light Rail Stop, as a matter of urgency; and**
- b. Highlighting the benefits of a crossing at that location – namely access to Hawthorne Light Rail Stop and Shields Playground; Hawthorne Canal Reserve; Darley Road Reserve; netball courts in Richard Murden Reserve and future connection to the Greenway.**

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**Background**

Darley Road is a classified State Road under the jurisdiction of Roads and Maritime Services (RMS). It is extremely busy as it provides an easy route between the City West Link and Parramatta Road, via MarketPlace, and easy access to the western section of Leichhardt.

In April 2016 Council made representations to the Chief Executive of Roads and Maritime Services about the strong need for a pedestrian crossing on the road.

This was just the latest step in a long battle by the former Leichhardt Council with respective Ministers for Roads to get traffic calming measures along Darley Road. Council has also been pressing for the installation of traffic signals, as currently the only traffic signals are those that have been installed for the Leichhardt North Light Rail Stop.

Consultation for the WestConnex Local Area Improvement Study study again highlighted local safety concerns. A high number of residents requested pedestrian crossings at the Charles Street intersection, as well as at the Hawthorne and Leichhardt light rail stops. There were also requests for reduced speed limits.

There is a pedestrian refuge in Darley Road near the Hawthorne Light Rail Stop; however, pedestrians must give way to vehicles when crossing and are exposed to speeding vehicles. Mothers with prams have been observed in this refuge struggling to cross the road.

Council has been asking RMS and Transport for NSW to install traffic lights at this location in order to improve safety for pedestrians and access to the light rail stop, Shields Playground, Hawthorne Canal Reserve and Darley Road Reserve.

RMS has recently advised that after pressure from local residents, they are working on a design for a new pedestrian refuge closer towards Allen Street, although funding for this work is yet to be confirmed.

However, there is still an urgent need for a signalised pedestrian crossing in Darley Road near the Hawthorne Light Rail stop.



**Officer's Comments:****Comment from Group Manager Roads & Stormwater:**

Resolution can be implemented within existing operational resources. Estimated cost in staff time to prepare correspondence is \$200.

**ATTACHMENTS**

Nil.

**Item No:** C0818(2) Item 23

**Subject:** NOTICE OF MOTION: ABANDONED SHOPPING TROLLEYS

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**From:** The Mayor, Councillor Darcy Byrne

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**MOTION:**

**THAT:**

1. Council undertake a review of existing major shopping retailers (e.g. Woolworths, Coles, Aldi, IGA) within the LGA to identify what (if any) “containment” systems (i.e. coin exchange, auto locking etc.) are in place to reduce the ongoing abandonment of trolleys in public places;
  2. Council undertake a review of existing major shopping retailers (e.g. Woolworths, Coles, Aldi, IGA) within the LGA to identify what collection systems are in place to track (e.g. GPS or community reporting) and collect trolleys abandoned in public places;
  3. Using the information obtained in points 1 & 2 above, initiate a review of the former Ashfield Council - Abandoned Shopping Trolleys Policy (2012) against relevant legislative provisions with the aim of application for the Inner West Council Local Government Area; and
  4. A report outlining, findings, options and a draft policy is to be reported to Council.
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**Background**

An unacceptable number of trolleys are regularly abandoned by customers throughout the Inner West Local Government Area.

Trolleys left in streets and public car parks pose a potential danger to residents, visitors and property and diminish the quality of the local environment.

Whilst the organisations responsible for these trolleys – Woolworths, Coles, Aldi, IGA – do take action to collect trolleys, they should be doing more to stop them being taken off site and abandoned in the first place.

Preventative measures may include:

- Installation of an effective Deposit/Refund Scheme whereby a deposit is paid by each trolley user for the release of a trolley, where a refund is provided only upon the return of the trolley to a trolley bay.
- Installation of a containment system whereby a radio signal or other safe and effective method physically prevents shopping trolleys from leaving the retailer’s premises or shopping centre.
- A public education program to inform customers that trolleys should not be removed from the premises or shopping centre and that penalties apply for abandoning trolleys in public places. Council would be willing help you develop and implement such a campaign if requested.

**Officer’s Comments:**

**Comment from Group Manager Development Assessment & Regulatory Services:**

If this motion is implemented, it can be accommodated using existing staff resources.

A report can be brought back to Council within 6 months.

**ATTACHMENTS**

Nil.

**Item No:** C0818(2) Item 24  
**Subject:** **NOTICE OF MOTION: PORTUGUESE COMMUNITY COLLABORATION**  
Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.  
**From:** **Councillor Sam Iskandar**

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**MOTION:****THAT:**

1. Council develops an Institutional Co-operation Plan as required to implement the Co-operation Protocol between Inner West Council, the Ministry of Foreign Affairs of the Portuguese Republic, the Sydney Portugal Community Club and the Portugal Madeira Club;
  2. The following initiatives be undertaken and reflected in the Plan
    - a. In recognition of Portuguese cultural capital in Petersham;
    - b. That the Mayor write to relevant organisations/authorities making representation on the inclusion of Portuguese art and design motifs, including:
      - i. in the development of the RSL sites in Petersham; and
      - ii. in the redevelopment of the Petersham Railway Station including public domain embellishments.
    - c. That Council Officers consider and appropriately reference Portuguese cultural and community and business when undertaking land-use planning and other strategic planning in Petersham, including place naming of streets and Council-owned properties;
  3. Council officers meet with Portuguese event organizers of the forthcoming international Portuguese Festival to explore if possible sites could include Inner West Council locations;
  4. Council's current investigation of exploring ways to support our broader multicultural community including:
    - a. investigating re-establishing the international community to community relationships under prior Councils, for instance with the city of Funchal on the southern coast of Madeira Island;
    - b. making sure Council material is available in community languages; and
  5. Exploring street activation by Portuguese internationally acclaimed street artists, international artist residencies, and cultural celebrations.
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**Background**

The Portuguese community and their local organisations such as the Portugal Community Club and the Portugal Madeira Club play a very important role for people throughout the inner west.

Council resolved **C0402 Urgency Motion Signing Friendship Protocol with Portugal** to sign a cooperation agreement with the Ministry of Foreign Affairs of the Portuguese Republic and local representatives and leading Portuguese organisations, and further resolved to

*Work with the local Portuguese community to identify ways Council can help preserve the Portuguese character of the Inner West.*

The Co-operation Agreement signed on 27 February 2018 requires that the signatories to the Agreement within 180 days:

*Create...an institutional cooperation plan which may relate to the consular, cultural, social or business sphere.*

Inner West Council is to:

*Promote to its local population the purpose of the present Protocol and the sphere of intuitional cooperation it establishes.*

Each of the signatories is to designate a person/s to develop the institutional cooperation plan.

Representatives of the signatories to the Protocol met with the Mayor and myself, and Council's Group Manager Community Services and Culture to discuss areas of collaboration, that could be reflected in the Institutional Cooperation Plan.

Council's commitment to supporting our multicultural communities, including investigating re-establishing community to community relationships such as with the city of Funchal on the southern coast of Madeira Island was central to this discussion.

#### **Officer's Comments:**

##### **Comment from Group Manager Community Services and Culture:**

The event resourced to deliver the existing program but not additional major events.

#### **ATTACHMENTS**

Nil.

**Item No:** C0818(2) Item 25

**Subject:** NOTICE OF MOTION: LEWIS HERMAN RESERVE

Council at its meeting on 14 August 2018 deferred this item to the meeting to be held on 21 August 2018.

**From:** Councillor Mark Drury

**MOTION:**

**THAT Council write to the Roads Minister requesting that RMS recommit to granting control of the Lewis Herman Reserve to Council so that it can be utilised for much needed open space.**

**Background**

Lewis Herman Reserve is located within the suburb of Ashfield. The site is currently vacant and unused open space. The Park is an irregular shaped allotment, bound by Holden Street to the west. Development adjoining the site to the south is an aged care facility, while low density residential land adjoins the site to the north. Lewis Herman Reserve is zoned RE1 Public Recreation.



The former Ashfield Council at its meeting on the 24 February 2004 resolved to name the site Lewis Herman Reserve, named after former Mayor of Ashfield, Mr Vale Lewis Herman. Lewis Herman was Ashfield's longest serving Mayor, serving from 1976-1991.

The Park is owned by Roads and Maritime Services (RMS) and has undergone significant remediation works, as a result of site contamination consisting of Benzo(a)pyrene and bonded

cement sheet fragments. The Reserve remains fenced off from the broader public by wired fencing.

There are currently no facilities or amenities in the Park. A draft Plan of Management has been prepared for the site in the anticipation that RMS will grant control of the Reserve Land to Council by Order published in the Government Gazette as provided by section 159 of the Roads Act 1993. It is understood staff have been discussing the handover of control of the park with RMS.

Appropriate uses for the Park will be facilitated by the future creation of a Master Plan, which will identify proposed amenities and provide details relating to the design. Staff have indicated that appropriate uses may include a dog off leash area and a children's playground.

As the Inner West population increases, there is ongoing pressure on existing open space. Lewis Herman Reserve presents a rare opportunity to establish a new park

#### **ATTACHMENTS**

Nil.