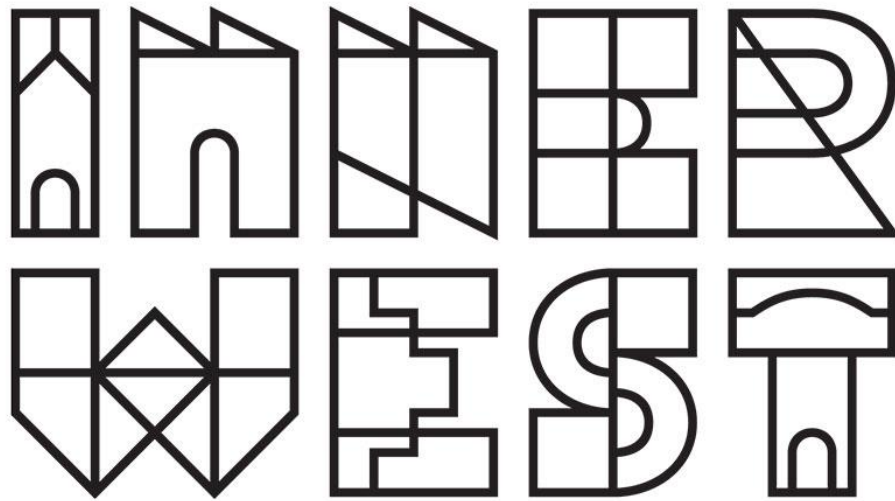


AGENDA



COUNCIL MEETING

TUESDAY 11 FEBRUARY 2020

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 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

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	Nil at the time of printing.	
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	Nil at the time of printing.	
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	Nil at the time of printing.	

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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.

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**Minutes of Ordinary Council Meeting held on 10 December 2019 at
Ashfield Service Centre**

Meeting commenced at 6.30pm

Present:

Darcy Byrne	Mayor
Vittoria Raciti	Deputy Mayor
Marghanita Da Cruz	Councillor
Mark Drury	Councillor (6.31pm)
Lucille McKenna OAM	Councillor
Colin Hesse	Councillor
Tom Kiat	Councillor
Pauline Lockie	Councillor
Victor Macri	Councillor
Julie Passas	Councillor
Rochelle Porteous	Councillor (6.32pm)
John Stamolis	Councillor
Louise Steer	Councillor
Anna York	Councillor
Michael Deegan	Chief Executive Officer
Elizabeth Richardson	Chief Operating Officer, Director Development and Recreation
Cathy Edwards-Davis	Director Infrastructure
Ian Naylor	Manager Civic Governance
Katherine Paixao	Governance Coordinator

APOLOGIES:

Motion: (McKenna OAM/Hesse)

THAT apologies from Councillor Iskandar be accepted.

Motion Carried

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

Against Motion: Nil

Councillor Drury entered the meeting at 6.31pm.

Councillor Porteous entered the meeting at 6.32pm.

DISCLOSURES OF INTERESTS:

Councillor Kiat declared a non-significant, non-pecuniary interest in Item 15 RFT 2119 External Legal Panel as his sister works for one of the firms that tendered.

Motion: (Hesse/McKenna OAM)

THAT Council note the disclosure of interest.

Motion Carried

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

Against Motion: Nil

PRESENTATION

The Mayor presented a Guinness world record award to Lachlan McIntyre for the most consecutive pogo stick jumps without using hands.

CONFIRMATION OF MINUTES

Motion: (Porteous/Raciti)

THAT the Minutes of the Council Meeting held on Tuesday, 26 November 2019 be confirmed as a correct record.

Motion Carried

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

Against Motion: Nil

PUBLIC FORUM

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

C1219(1) Item 20 Mayoral Minute: Removal of Trees Along Railway Parade by WestConnex Contractors

Motion: (Byrne)

THAT Council write to the NSW Transport Minister seeking an explanation and cessation of the removal of hundreds of trees by WestConnex contractors along Railway Parade and Brennan Street, Annandale and insisting any removal of trees must be clearly identified highlighting when any further consultation occurs.

Motion Carried

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

Against Motion: Nil

C1219(1) Item 21 Mayoral Minute: Probity arrangements at former Balmain Leagues Club site

Motion: (Byrne)

THAT Council write to the NSW Transport Minister expressing concern about the obvious conflict of interest created by Transport for NSW acting as a consent authority over the former Balmain Leagues Club site, while also seeking to acquire the site for the lowest necessary cost and seek confirmation about what probity measures are in place to ensure transparency about these conflicts.

Motion Carried

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

Against Motion: Nil

C1219(1) Item 22 Mayoral Minute: Rainbow Crossings

Motion: (Byrne)

THAT Council:

1. Note that Council's LGBTI Working Group has proposed the installation of a Rainbow Crossing in the LGA as a strong, visible sign of pride and support for the LGBTI community;
2. Note a location has been proposed at the intersections of King St and Enmore Rd, Newtown outside Newtown Station, for initial exploration of feasibility;
3. Initiate immediate discussions with stakeholders including City of Sydney and Transport for NSW (TfNSW) to understand the feasibility and requirements for installing a Rainbow Crossing at the intersection of King St and Enmore Rd, noting that the City of Sydney has proposed to install a Rainbow Crossing nearby on Wilson St, at the request of local residents; and
4. Seek further advice, in consultation with the LGBTI Working Group, about the implementation of a Rainbow Crossing at this location as well as advice about potential suitable alternative locations in the LGA.

Motion Carried

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

Against Motion: Crs Macri, Passas and Raciti

C1219(1) Item 23 Mayoral Minute: Unwins Bridge Road Signalised Pedestrian Crossing

Motion: (Byrne)

THAT Council writes to the Deputy Secretary, Greater Sydney at Transport for NSW highlighting the dangers facing pedestrians crossing Unwins Bridge Road, Tempe, adjacent to Tillman Park, including a request for approval and funding of a signalised pedestrian crossing in Unwins Bridge Road adjacent to Tillman Park, as a matter of urgency.

Motion Carried

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

Against Motion: Nil

C1219(1) Item 1 Climate and Renewables Strategy

Motion: (York/Byrne)

THAT:

1. Council adopt the Draft Climate and Renewables Strategy subject to incorporating the amendments in Table 1;

2. The Climate and Renewables Strategy incorporate the principle of 'Climate Justice' to ensure that actions under the Strategy are targeted to benefit those in our community who are disproportionately harmed by the climate and energy crisis;
3. The Strategy's executive summary be revised to clearly state the Strategy's corporate and community targets for renewables and emissions;
4. The implementation plan address the need for adaptation measures within our community, including indoor and outdoor recreation spaces and child care centres, to respond to extreme weather conditions;
5. The implementation plan address the need for adaptation measures within our community, including indoor and outdoor recreation spaces and child care centres, to respond to extreme weather conditions;
6. Council receive advice on how a 'Carbon Emission Implications' section could be included with each item reported to Council; and
7. Council reiterate the below resolutions adopted on 12 November 2019, note the priority of these items in the context of the Climate and Renewables Strategy, and receive an update report in early 2020;

"5. Receive an update report, to be tabled at an Ordinary Council meeting, on the progress of efforts to establish a formal role for Council as a broker of renewable energy projects on public and private properties including, residential, industrial, commercial properties; and

7. Receive information and advice from the CEO together with the forthcoming report on Council's draft Climate and Renewables Strategy addressing the following:

a) The NSW Government's Empowering Homes program due to commence this Summer, with the stated goal of offering 300,000 homes with zero interest loans for solar and battery storage over 10 years to the value of \$3.2 billion in renewables investment; and

b) Options for how Council can offer to partner with the NSW Government to facilitate an accelerated and targeted roll-out of this program within the Inner West LGA, particularly for pensioners and low-income households, including an appropriate source of funds to establish a 'revolving fund' to support this, with a view to enabling the CEO to commence discussions with the relevant Minister/departmental head on this issue."

Motion Carried

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

Against Motion: Crs Macri, Passas and Raciti

Amendment (Kiat/Da Cruz)

THAT:

1. Consistent with Council's declaration of a Climate Emergency, that the Climate and Renewables Strategy be amended to revise Council's net zero corporate

carbon emissions target to be reached by the end of 2020/21;

Motion Lost

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

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

2. Council receive a report on the budgetary options for implementing actions under the Climate and Renewables Strategy at the earliest opportunity in 2020 to ensure it is prioritised in the process of developing the 2020/2021 Operational Plan and Budget. That this report include a draft implementation plan including shorter term interim targets for reaching the Strategy's overall targets, with associated actions and budgetary allocations required;

Motion Lost

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

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

Amendment (Stamolis/Passas)

THAT Council to report broad level financial commitments in the climate and renewables strategy (i.e. a summarised table).

Motion Tied

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

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

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

Foreshadowed Motion (Macri/Passas)

THAT Council adopt the Draft Climate and Renewables Strategy subject to incorporating the amendments in Table 1.

This Foreshadowed motion lased.

ADJOURNMENT

8.06pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

8.18pm– The Mayor, Clr Byrne resumed the meeting.

Motion: (Macri/McKenna OAM)

THAT Council move Items 15, 16, 17, 18 and 19 en bloc and adopt the recommendations contained within.

Motion Carried

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

Against Motion: Nil

REPORTS WITH CONFIDENTIAL INFORMATION

C1219(1) Item 15 RFT 2119 External Legal Panel

Motion: (Macri/McKenna OAM)

a) THAT the tenders submitted below be accepted for the Inner West Council's External Legal Provider Panel:

- 1. Apex Planning and Environment Law;**
- 2. Clayton Utz;**
- 3. HWL Ebsworth Lawyers;**
- 4. Lindsay Taylor Lawyers;**
- 5. Maddocks;**
- 6. Pikes Verekers Lawyers; and**
- 7. Sparkes Helmore Lawyers.**

Motion Carried

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

Against Motion: Nil

C1219(1) Item 16 Tender 18-19 Widening of the Booth Street Bridge, Annandale

Motion: (Macri/McKenna OAM)

THAT Council accept the offer from Statewide Civil Pty Ltd for the widening of the Booth Street Bridge for \$2,081,362 (excl GST).

Motion Carried

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

Against Motion: Nil

C1219(1) Item 17 Reimbursement of Legal Expenses

Motion: (Macri/McKenna OAM)

THAT Council reimburse legal expenses of \$962.50 incurred by the Mayor in obtaining legal representation to attend Court in his role as the Mayor.

Motion Carried

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

Against Motion: Nil

C1219(1) Item 18 Tender T32-19 Dobroyd Point Seawall Upgrade

Motion: (Macri/McKenna OAM)

THAT Council rejects all tenders and cancels the proposal for the contract, Dobroyd Point Seawall Upgrade Tender T32-19.

Motion Carried

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

Against Motion: Nil

C1219(1) Item 19 Tender - SSROC Soil and Turf

Motion: (Macri/McKenna OAM)

THAT Council accept the recommendation to decline and negotiate all offers for:

Category 1 - Supply and Delivery/ Spread of landscaping soils, garden mixes, potting mixes and soil blends.

Category 3 – Supply only and or Supply and Laying of Turfgrass Varieties with the view to entering into a contract with the most suitable contractors in accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, Clause 178 – Consideration of Tenders, sub clauses 1b and 3e. Offers received for these categories were from the service providers and not from the manufacturers and/or wholesalers themselves therefore, the pricing received did not offer a financial advantage and poses a higher risk in the capacity to supply in particular to bigger projects.

Motion Carried

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

Against Motion: Nil

C1219(1) Item 2 Drug and Alcohol Testing of Councillors

Motion: (Passas/Raciti)

THAT drug and alcohol testing of all Councillors be conducted prior to each Council Meeting.

Motion Lost

For Motion: Crs Macri, Passas and Raciti

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

Foreshadowed Motion: (Kiat/McKenna OAM)

THAT Council receive and note the report.

Motion Carried

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

Against Motion: Crs Passas and Raciti

C1219(1) Item 3 Additional Fees and Charges 2019/20

Motion: (Byrne/Drury)

THAT Council:

- 1. Adopt the additional Fees and Charges for 2019/20 as listed in Attachment 1;**
- 2. Not adopt the draft lane hire fee at aquatic facilities;**
- 3. In recognition of the roles that affiliated swimming clubs play in supporting**

Council's squad programs, Council publicly re-exhibit a draft fee for approved affiliated swimming clubs, being 20% of the lane hire fees for other approved aquatic sporting clubs; and

4. In order to ensure optimum use of Council's aquatic facilities, lane hire by approved affiliated swimming clubs shall be subject to bi-annual review where the demand for the use of the lanes, including hours and numbers of lanes, shall be demonstrated by the hiring clubs.

Motion Lost

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

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

Foreshadowed Motion (Macri/Drury)

THAT Council adopt the additional Fees and Charges for 2019/20 as listed in Attachments 1 and 2.

Motion Lost

For Motion: Crs Drury and Macri

Against Motion: Crs Byrne, Da Cruz, Hesse, Kiat, Lockie, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Foreshadowed Motion (Porteous/Passas)

THAT Council adopt the additional Fees and Charges for 2019/20 as listed in Attachments 1 and 2 with the following amendment:

- a) Not adopt the draft lane hire fee at aquatic facilities; and
- b) Publicly re-exhibit draft lane hire fee at aquatic facilities with full fee waiver for approved affiliated swimming clubs.

Motion Tied

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

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

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

C1219(1) Item 4 Classification of Land - Marrickville Affordable Housing Units

Motion: (Kiat/Drury)

THAT Council:

1. Resolves to classify land being lots 3, 44, 89, 95, 111, 129, 147, 173 and 181 in Strata Plan 99426 as Operational Land for the purpose of the Local Government Act 1993; and
2. Indicate in principle support for establishment of an Affordable Housing Fund with the purpose of holding any revenue from affordable housing units and relevant VPA cash contributions, for reinvestment in maintenance of units and new affordable housing projects. Council to receive report on establishment of fund in early 2020 for inclusion in budget process.

Motion Carried

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

Against Motion: Nil

C1219(1) Item 5 Planning Proposal - 245 Marion Street, Leichhardt

Motion: (Da Cruz/Stamolis)

THAT Council:

1. **Not support the Planning Proposal for 245 Marion Street, Leichhardt for the reasons recommended in the Council officers' assessment report (Attachment 1); and**
2. **Should the Proponent request a Rezoning Review by the NSW Department of Planning, Industry and Environment (DPIE), delegation is given to the Senior Manager Planning to lodge a submission in accordance with this report.**

Motion Carried

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

Against Motion: Nil

C1219(1) Item 6 Rates Path Harmonisation

Motion: (Drury/Porteous)

THAT Council:

1. **Make an application to the Minister to vary its Rates Path Harmonisation to 1 July 2021; and**
2. **Receive a timeline of the community engagement plan at the March 2020 Ordinary Council meeting.**

Motion Carried

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

Against Motion: Nil

Councillor Drury left the Meeting at 9:15 pm.

Councillor Drury returned to the Meeting at 9:18 pm.

Councillor Drury left the Meeting at 9:20 pm.

C1219(1) Item 7 Sustainable Procurement Policy

Motion: (McKenna OAM/York)

THAT Council:

1. **Endorse the Draft Sustainable Procurement Policy shown as Attachment 1 with the following amendments:**
 - a) **Council will preference:**

- i. Local Suppliers;
 - ii. Organisations that employ people with disabilities;
 - iii. Indigenous suppliers or people that come from disadvantaged communities, where possible, where other factors are equal and reasonable comparative market rates are offered.
 - b) Replace the section referencing the International Labour Standards with the following simple statement:
 - i. Council will only engage suppliers who act in accordance with Australia's industrial relations laws and awards; and
 - c) Defer implementation of the Adani Boycott pending receipt of responses from affected suppliers whom council has written to regarding the matter and legal advice about the legal consequences of the boycott and how it relates to the local government act and other legislation.
2. Rescind the Sustainable Procurement Policy (THINK Procurement) from the former Marrickville Council.

Motion Lost

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

Foreshadowed Motion (Kiat/Steer)

THAT Council:

1. Endorse the Draft Sustainable Procurement Policy shown as Attachment 1 with the following amendments:
 - a) Council will preference:
 - i. Local Suppliers;
 - ii. organisations that employ people with disabilities;
 - iii. Indigenous suppliers or people that come from disadvantaged communities, where possible, where other factors are equal and reasonable comparative market rates are offered.
2. Rescind the Sustainable Procurement Policy (THINK Procurement) from the former Marrickville Council.

Motion Carried

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

C1219(1) Item 8 Statistical Report on Code of Conduct Complaints

Motion: (McKenna OAM/Porteous)

THAT Council note the Statistical Report on Code of Conduct Complaints for the period 1 September 2018 to 31 August 2019.

Motion Carried

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

Against Motion: Nil

Absent: Cr Drury

C1219(1) Item 9 Learn to Swim Program Enrolments

Motion: (McKenna OAM/Porteous)

THAT Council note the report.

Motion Carried

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

Against Motion: Nil

Absent: Cr Drury

Councillor Drury returned to the Meeting at 9:25 pm.

Councillors Macri and Raciti left the Meeting at 9:26 pm.

C1219(1) Item 10 Notice of Motion: Taking Action on Poverty in the Inner West

Motion: (Byrne/Porteous)

THAT Council:

1. **Seek collaboration and assistance from relevant local organisations and peak bodies to conduct an audit measuring key indicators of poverty in the Inner West including rates of unemployment and underemployment, hunger, rental stress, homelessness and rough sleeping as well as disability, physical and mental ill-health (as they relate to poverty). An update should be provided to Councillors on the response from relevant organisations and their willingness to contribute to the audit;**
2. **Subsequent to any audit being completed, work with others to seek cooperation from the state and federal governments to implement local solutions to the identified issues;**
3. **Write to Councils across NSW to gauge their interest in undertaking such an audit in their communities and collaborating with the Inner West Council to better understand the local impacts of poverty; and**
4. **Give consideration, once a response has been received from the parties listed above, to working with them to develop a tool kit for local communities to be able to audit and measure poverty within their communities and to advocate for local solutions to poverty in their area.**

Motion Carried

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

Against Motion: Cr Passas

Absent: Crs Macri and Raciti

Councillors Macri and Raciti returned to the Meeting at 9:28 pm.

C1219(1) Item 11 Notice of Motion: Stanmore Public School Pedestrian Safety**Motion: (York/Steer)****THAT Council:**

1. Note the efforts of staff and parents at Stanmore Public School who have been campaigning for traffic calming measures around the school for several years, in light of the significant growth of the school itself, and traffic congestion in the area generally, which have increased concerns for the safety of Stanmore PS school students arriving to and leaving from the school via nearby roads – particularly Holt St, Cambridge St and Trafalgar St;
2. Note that the school has successfully secured a traffic warden for the Holt St crossing, which has reportedly made a great difference to the safety of school children arriving at and leaving from the school;
3. Note that the school and P&C received written advice from TfNSW in 2017 advising that RMS would install additional speed zone signs and pavement markings on Trafalgar St and investigate other possible safety treatments. Two years later, no speed zone signs or pavement markings have been installed;
4. Write to the Minister for Roads requesting the commitments made by RMS in 2017 be honoured, and that additional speed zone signs and pavement markings be installed on Trafalgar St as soon as possible; and
5. Organise a meeting with the Inner West Council CEO to discuss how Council can support further safety measures and traffic calming around the school grounds.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna
OAM, Passas, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil**C1219(1) Item 12 Notice of Motion: Stanmore Pocket Parks****Motion: (York/Steer)****THAT Council:**

1. Notes that funds have been budgeted in the 2019-20 budget for renewal works at Bain Playground and Crammond Park, Stanmore, and that public consultation was opened in November regarding these works;
2. Re-commits to completing these works as planned in 2020; and
3. Where possible and appropriate, seeks to incorporate some signage in the works that provides interpretation of the heritage of the parkland and area, which might include reference to the origin of the names of the parks and/or the historical uses of the land.

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

C1219(1) Item 13 Notice of Motion: Initiated a proposal to de-merger the Inner West Council

Motion: (Porteous/Steer)

That Council defer this Item Until 11 February 2020 Meeting.

Motion Carried

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

Against Motion: Cr Passas

Foreshadowed Motion (Passas)

THAT Council not support the de-merger proposal.

This Foreshadowed Motion lapsed for want of seconder.

Urgency Motion

Councillor Stamolis requested that the meeting consider an Urgency Motion with regards to Resourcing Council meetings after 10.00pm.

The Mayor declared this matter not urgent.

Meeting closed at 9.36 pm.

PUBLIC SPEAKERS:

Item #	Speaker	Suburb
Item 1:	Anna Harvey Rachel Green	Croydon Lewisham
Item 7:	Janet Kossy Gillian Reffell	Newtown Summer Hill
Item 10:	Jorge Gutierrez	Summer Hill

Item No: C0220(1) Item 1

Subject: TREE MANAGEMENT DCP

Prepared By: Gwilym Griffiths - Urban Forest Manger

Authorised By: Michael Deegan - Chief Executive Officer

RECOMMENDATION

THAT Council adopt the amended Tree Management DCP (version 4) shown as Attachment 1 and revoke the Tree Management DCP adopted by Council on 27 August 2019 and revoke existing controls as set out in:

- a. **Part 2.20 Tree Management of the Marrickville Development control 2011;**
 - b. **Part 4 Tree Preservation and Management and Tree Replacement and New Tree Planting contained within Chapter C, Sustainability of the Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill; and**
 - c. **C1.14 Tree Management contained with part C – Place of the Leichardt DCP 2013.**
-

DISCUSSION

The Draft Tree Management DCP (version 3) was placed on public exhibition from the 30 October 2019 to 11 December 2019. Every property was notified via a letter box drop. The flyer was available in six languages English, Greek, Italian, Chinese (simplified), Arabic and Vietnamese.

A total of **942** submissions were received. A majority of responses did not support the exhibited Tree Management DCP. The full Engagement Report can be viewed: <https://yoursay.innerwest.nsw.gov.au/tree-management-dcp2>

Comments are in support of making the management of trees on private property easier. There is however a strong theme presented in support of increasing tree canopy within the Inner West and a view that these amendments to the Tree DCP will achieve the opposite. It is also stated that the changes are inconsistent with the State Government's 40% canopy target and Inner West Council's Climate Emergency declaration. As a result of comments received it is recommended that the following amendments be made to the Draft Tree Management DCP:

- *Section 3.0 – Tree work that does not require Council consent*
 - Pruning of branches above a roof line to 3m is excessive, 2m is recommended.
 - The 2.5m canopy lifting without a diameter limit is also excessive and will result in poor pruning practices. A diameter limit of 150mm is recommended.
- *Section 5.2 - Application Assessment Criteria*
 - The majority of submissions received do not support the assessment criteria which was based on the Hills District DCP (refer to question 9 in the Engagement Summary Report). The two local Government areas are vastly different; the Hills Shire average population is 4.46 person per hectare compared to the Inner West 56.28 persons per hectare with much smaller lot sizes (<https://profile.id.com.au/inner-west>).
 - It is recommended to reduce the distance exemption to one (1) metre and revert the remaining assessment criteria back to the originally exhibited criteria which allows for an evidence-based approach to tree removal.

- Other various minor amendments that assist with clarity and validity of the document.

These changes are reflected in the Draft Tree Management DCP version 4 as shown in Attachment 1.

Council also needs to revoke the previously adopted Tree DCP on 27 August 2019 as well as the DCP controls contained in the former council DCP's.

ATTACHMENTS

1. [↓](#) Tree Management DCP_Draft version 4

DRAFT version four

Inner West Council Tree Management DCP



Inner West Council Development Control Plan

Generic Provisions

1. Purpose

This section has been made in accordance with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the Vegetation SEPP) and prescribes the vegetation to which the Vegetation SEPP and /or Clause 5.10 of the LLEP, MLEP and ALEP applies and the applicable consent process.

Council has established canopy targets for the Inner West LGA based on the zoning of the land. Those canopy targets are derived from the *Greater Sydney Commission - District Plans and Greener Places - Urban Tree Canopy Guide* and are as follows:

Zone	Canopy Target
R1 General Residential	40%
R2 Low Density Residential	
R3 Medium Density Residential	
R4 High Density Residential	25%
Business zones (B1 Neighbourhood Centre, B2 Local Centre)	
B4 Mixed Use	15%
B5 Business Development	
B6 Enterprise Corridor	
B7 Business Park	
IN1 General Industrial	25%
IN2 Light Industrial	

2. Objectives

The following objectives guide the protection and management of trees within the Inner West LGA:

- 01 To establish a coordinated approach to the assessment and management of trees
- 02 To ensure the safety of the community, private property and public infrastructure assets.
- 03 To protect trees within and adjacent to development sites and to ensure that all new development provides an opportunity for existing and new trees to grow.
- 04 To manage the urban landscape so trees continue to make a significant contribution to its quality, character and amenity.
- 05 To maintain and enhance the amenity of the Inner West LGA through the preservation of appropriate trees and vegetation.
- 06 To ensure the cost burden of meeting tree canopy targets does not fall unreasonably on property owners and lower income residents in particular.
- 07 To achieve Inner West's tree canopy targets through retention of appropriate trees and expansion of new trees in the public and private domain



Outline of the Processes for Tree Removal or Pruning

The process for tree removal or pruning is via one of four means:

1. Tree work that does not require Council consent is outlined in Section 4 Tree work that does not require Council Consent.
2. Tree work that requires an application via Development Consent is outlined in Control C5. This applies to a minority of trees.
3. Tree work that requires an application via a Tree Works Permit is outlined in Control C6. This is a simplified approval process.
4. Tree work that requires an application via minor works request is outlined in Control C7. This applies to only undesirable tree species.

3. Prescribed trees (vegetation)

C1 For the purposes of this DCP, a prescribed (protected) tree is:

- i. any tree with a height equal to or greater than 6 metres above ground level (existing); or
- ii. any tree that is under 6 metres in height that has a trunk diameter of more than 300mm at ground level (existing);
- iii. any tree with a canopy spread equal to or greater than 3 metres;
- iv. any palm tree or tree fern with a stem length equal to or greater than 4 metres above ground level (existing);
- v. any tree that is required as the habitat of native animals.

Under the provisions of Clause 7 of the Vegetation SEPP a person must not *clear vegetation* without the consent of Council.

4. Tree work that does not require Council Consent

C2 The following works do not require Council consent, provided the work is carried out in accordance with AS 4373 - 2007 – *Pruning of amenity trees* and the Safe Work Australia Code of Practice 'Guide to Managing Risks of Tree Trimming and Removal Work' 2016:

- a. Canopy lifting to 2.5 metres above ground level, pruned branches must not exceed 150mm in diameter at the branch collar;
- b. Selective pruning to a 2 metre clearance above the roof or from the face of all structures. Pruned branches must not exceed 150mm in diameter at the branch collar; and
- c. The pruning of deadwood that does not have hollows or provide habitat for native fauna.
- d. Works to trees owned by, or under the care, control and management of Inner West Council and undertaken by delegated Council staff or their authorised contractors.

Neighbouring trees

A person may prune the branches of a tree overhanging their property in accordance with AS4373—Pruning of amenity trees provided that the pruning is consistent with 4 Tree work that does not require Council Consent but must not prune a tree beyond the property boundary. You must consult with your neighbour before you undertake the work.



5. Trees to be protected

- C3** The exemptions above in C2 do not apply to:
- i. Work that is contrary to a development consent that requires trees to be retained; or
 - ii. Tree(s) required to be planted as a condition of development consent or as a compensatory planting condition in a permit; or
 - iii. Trees or bushland to which *State Environmental Planning Policy No. 19 – Bushland in Urban Areas* applies; or
 - iv. Threatened species or land that contains native vegetation (including dead trees) which is habitat for threatened species, populations or ecological communities listed in Schedule 1 and 2 of the *Biodiversity Conservation Act 2016* and protected matters listed under the *Commonwealth Environment Protection Biodiversity Conservation Act 1999*; or
 - v. Land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*; or
 - vi. Land identified on the *Sensitive Biodiversity Values (SBV) Map* and *Coastal Environment Map* (refer to NSW Department of Planning, Industry and Environment website); or
 - vii. Land declared critical habitat under Part 7A of the *Fisheries Management Act 1994*; or
 - viii. Any native tree located within a wildlife corridor as shown on the Biodiversity Map in *Part 2.13 - Biodiversity* of Marrickville DCP 2011 – Appendix 3; or
 - ix. Any tree that is a heritage item, forms part of a heritage item, or is listed in the **heritage trees list**.
 - x. Any tree that is within a heritage conservation area where the works are:
 1. Not of a minor nature; or
 2. Likely have an adverse impact on the heritage conservation area.
 - xi. A tree identified on Council's *Significant Tree Register*.

Biodiversity and Land Management

Biodiversity and Land Management reforms commenced on 25 August 2017. The *SEPP* and *Biodiversity Conservation Act 2016 (BC Act)* were introduced as part of those reforms. The BC Act establishes the *Biodiversity Offsets Scheme (BOS)* thresholds, comprised of the *Biodiversity Values Map (BVM)* and an Area Clearing Threshold. If you are proposing works to trees on land mapped on the BVM or the extent of the works exceed the relevant area threshold, the proposal will exceed the BOS threshold. Council cannot issue a permit for tree works which exceed the BOS threshold and the application must be provided to the Native Vegetation Panel.

Refer to Department of Planning, Industry and Environment website for more information.

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5.1. Types of Tree Applications

- C4** Council consent is required before any clearing of vegetation (removal or pruning or tree/s) are carried out other than the exempt activities referred to in Control C2. Applications for consent will be assessed and determined either through:
- Development Application (as set out in Control C5); or
 - Tree Permit application (as set out in Control C6); or
 - Tree Minor Works request (as set out in Control C7)
- C5** **A Development Application** is required for works or removal of trees only in the following circumstances:
- Removal of trees identified on the Inner West Council **Heritage Trees List**.
 - The tree forms part of an Aboriginal object or that is located within an Aboriginal place of heritage significance.
 - Trees in heritage conservation areas that do not meet the criteria for 'works of a minor nature' or will adversely impact on the heritage conservation area
- C6** **Tree Works Permit** is required, except where the tree or the works to the tree/s are an exempt activity under Section 3 *Tree work that does not require Council Consent*, to:
- Prune a tree; and/or
 - Remove a tree other than those trees which require Development Consent under Control C5
- C7** **Tree Minor Works request** is required for the removal of tree species listed below if they are under 10m in height otherwise a Tree Works Permit is required. Council approval is not required to prune any of these species provided the work is carried out in accordance with AS 4373 – Pruning of Amenity Trees and the Safe Work Australia Code of Practice 'Guide to Managing Risks of Tree Trimming and Removal Work' 2016.

5.2. Exempt Tree Species

This section identifies exempt tree species that do not require consent from Council to prune or remove:

Species Name	Common Name
<i>Acer negundo</i>	Box Elder
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Albizia lophantha</i>	Silk Tree
<i>Alnus jorullensis</i>	Evergreen Alder
<i>Archontophoenix alexandrae</i>	Alexandra Palm
<i>Archontophoenix cunninghamiana</i>	Bangalow Palm
<i>Bambusa spp. Phyllostachys spp.</i>	Bamboo species
<i>Celtis australis</i>	Hackberry
<i>Celtis sinensis</i>	Chinese Hackberry
<i>Cinnamomum camphora</i>	Camphor Laurel

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<i>Citharexylum spinosum</i>	Fiddlewood
<i>Cotoneaster spp.</i>	Cotoneaster
<i>Cupressus sempervirens 'Stricta'</i>	Pencil Pine
<i>Cupressus marocarpa</i>	Monterey Cypress
<i>Eriobotrya japonica</i>	Loquat
<i>Erythrina x sykesii</i>	Coral Tree
<i>Ficus benjamina</i>	Weeping Fig
<i>Ficus elastica</i>	Indian Rubber Tree
<i>Gleditsia triacanthos</i>	Honey Locust
<i>Lagunaria patersonia</i>	Norfolk Island Hibiscus
<i>Ligustrum lucidum</i>	Broad Leaved Privet
<i>Ligustrum sinense</i>	Small Leaved Privet
<i>Liquidambar styraciflua</i>	Liquidambar
<i>Melia azedarach</i>	White Cedar
<i>Morus spp</i>	Mulberry
<i>Nerium oleander</i>	Oleander
<i>Olea europaea var. africana</i>	Wild Olive/ African Olive
<i>Pinus radiata</i>	Monterey Pine/ Radiata Pine
<i>Pittosporum undulatum</i>	Sweet Pittosporum
<i>Populus nigra 'italica'</i>	Lombardy Poplar
<i>Robiniapseudoacacia</i>	False Acacia/Black Locust
<i>Salix spp.</i>	Willow
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Schinus terebinthifolius</i>	Broadleaf Pepper Tree
<i>Syagrus romanzoffianum</i>	Cocos Palm
<i>Tamarix aphylla</i>	Athel Tree
<i>Toxicodendron oucchedaneum</i>	Rhus Tree
<i>x Cupressocyparis Leylandii</i>	Leyland Cypress
A fruit tree grown for the purpose of fruit production, excluding naturally grown native fruiting species.	

Trees that are considered an imminent risk to human life or property

If a tree on your property is suspected to be an *imminent risk to human life or property* you should first contact Council and detail why the tree is considered to be a risk. Council may require a brief statement and or photos to demonstrate that the tree requires immediate removal. Council will issue expedited consent in writing to allow removal of an imminently dangerous tree under the provisions of Part 2, Clause 8 (3) of Vegetation SEPP 2017.

If Council is not satisfied that the tree is a risk to human life or property you will be advised to lodge the relevant application.



5.3. Application Assessment Criteria

Council will use the following assessment criteria when considering an application to **remove** a tree/s:

1. Trees located within one (1) metre of a dwelling house or garage, unless the tree is protected under section 4 of this part, will be given extra weighting in consideration for removal. The distance is measured horizontally from the closest point of the trunk at one (1) metre from ground level to the closest point of the vertical alignment of the building structure's wall.
2. Whether the tree/s presents an unacceptable level of risk* that cannot be managed through pruning or other risk mitigation measures (*risk is to be determined by an Australian Qualification Framework Level 5 Arborist qualified in tree risk assessment);
3. Damage to Principal Building on private property proven to be directly caused by the tree/s and where remediation of the damage cannot be achieved by reasonable or practicable means; and
4. Whether there is any public infrastructure damage being caused by the tree/s, that is considered significant and cannot be overcome by any other reasonable or practicable means;
5. The health and structural condition of the tree/s;
6. The significance/ canopy value of the tree/s;
7. The location of the tree in terms of its sustainability in the foreseeable future, including future structural damage;
8. Any other reason at the discretion of delegated Council staff, which may be justified either on arboricultural, technical or legal grounds according to particular circumstances.
9. Replacement tree planting.

Criteria not considered

The following criteria are generally not considered justification for tree removal or pruning:

1. The dropping of leaves, flowers, fruit, sap, seeds or small elements of deadwood (or other natural processes);
2. Insect/animal nuisance;
3. Solar access to solar panel or data receivers where it is proven the tree was there first;
4. Increase general natural light or reduce shade created by a tree;
5. Enhance view corridors;
6. Minor lifting of driveways, paths and paving or minor damage to outbuildings, garden structures, walls or landscape structures;
7. Damage to underground services (such as sewer lines, water services) and where there are feasible

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- alternatives to mitigate or solve problems and retain the tree;
- 8. The tree is large or overhanging neighbouring property or roof line;
- 9. Pruning to reduce height, except pruning to reduce the height of hedge/s

Tree Pruning Assessment Criteria

Council will use the following assessment criteria when considering an application to prune a tree/s:

- 1. Safety or potential damage to property;
- 2. The health and structural condition of the tree/s;
- 3. The growth habit of the tree/s;
- 4. The stability of the tree/s;
- 5. The growing environment of the tree/s; and
- 6. Whether the tree/s will be adversely affected by the pruning

5.4. Right of Appeal

Review of tree permit determinations

If an application is refused or if the application is approved with conditions the applicant has the opportunity to request a review of determination that will be determined by the CEO. A review of determination must be completed within 6 months of the determination of the original application. Applicants need to ensure that they submit their application for review with enough time to allow Council to conduct the review within this 6 month period.

In accordance with the Vegetation SEPP you may, within three (3) months from the date of original determination, appeal to the NSW Land and Environment Court if you are dissatisfied with the Council's determination.

If you wish Council to review the decision you may request a review of tree permit application. Reviews must be lodged within six (6) months of the original determination date. With your submission you will need to include additional information to support your appeal application that was not available as part of the original application. Where tree works are determined by way of a Development Application, the same legal right of appeal applies, as applies for Development Applications.

5.5. Tree Planting Requirements

- C8** Council will require replacement tree/s to be planted as a condition of any consent to remove a tree to effectively maintain the urban forest canopy across the Inner West LGA. Where replacement of trees is approved, Council prefers that trees that are removed are replaced on the site with a suitable replacement canopy tree and in a suitable location onsite. However, there may be circumstances when there is no suitable location on site (for example, in the case of small backyards); a financial

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contribution will be required to be paid to support public tree planting. Fees are set out in Council's Fees and Charges.

- C9** Replacement tree/s will be conditioned at an advanced container size must be maintained in a healthy and vigorous condition until they are protected by this Part.
- C10** A person must not fail to plant, protect or care for a replacement tree which is required to be established as a condition of consent issued by Council. Verification of the planting of any replacement tree will be required.

- C11** The following minimum tree planting requirements are required for any development site:

Property Size:	Number of trees to be planted
Less than 300m ²	minimum of one (1) tree.
exceed 300m ²	minimum of two (2) trees

Tree container size and mature tree height will be determined by Council and will generally be based on available land space and land zoning canopy targets, a preference is placed on advanced container sizes.

6. Trees on Development Sites

- C12** All development proposals must be designed to maintain or improve the urban forest values of the site by minimising the impact on tree/s and planting compensatory tree/s for tree/s that are proposed for removal. This requirement applies to Council owned trees and trees on private or other property and adjoining land.
- C13** The design of buildings or alterations and additions to buildings must provide sufficient distance from existing trees (whether on the site or on adjoining land), in accordance with AS 4970 *Protection of trees on development sites*, to ensure the tree/s' practical retention.
- C14** Trees on public land must be protected during demolition, excavation, the erection of hoarding and construction works as set out in Section 4 of AS 4970 *Protection of trees on development sites*. Council will require the payment of a security deposit in relation to a tree on public land if:
- Development is proposed within the TPZ of that tree or;
 - Council determines that the development may adversely affect the roots or crown of the tree.
- C15** Development must allow for any existing overhead electrical lines to be converted into aerial bundled cabling (ABC) or redirected underground to reduce the impact upon surrounding trees.



7. Definitions

In this Part:

AS 4373 means Australian Standard 4373 *Pruning of amenity trees*.

AS 4970 2009 means Australian Standard 4970 *Protection of trees on development sites*.

Clear Vegetation includes: (a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or (b) lop or otherwise remove a substantial part of the vegetation.

Dead means no green cambium (tissue) and no green foliage and that the tree is no longer capable of performing any living functions.

Dwelling house means a building containing only one dwelling

Dying means a tree in a state of decline where it is unlikely to recover. Generally, this may be represented by only $\leq 20\%$ live canopy.

Foreseeable future means the next 12 months.

Imminently dangerous includes but is not restricted to obvious instability of the root system, evidence of soil heave or cracking, loss of structural roots, root decay, storm damage and structural defects that are imminently hazardous, such as splitting branches.

LGA means the Inner West Local Government Area.

Risk to human life or property is where a tree presents an unacceptable level of risk to life or property.

Tree Protection Zone (TPZ) means the area around a tree required to protect the tree's crown and roots during the construction process. The tree protection zone must be calculated in accordance with AS 4970 .

Urban forest means all trees and vegetation (both naturally occurring and planted) that occur within or near urban areas.

NB *All references to Acts, Australian Standards, Policies, and Strategies, are to those documents as amended from time to time*



Item No: C0220(1) Item 2
Subject: CREATION OF LITTLE ITALY PRECINCT
Prepared By: Prue Foreman - Engagement Manager
Authorised By: Erla Ronan - Director City Living

RECOMMENDATION

THAT:

1. Council determine whether to name a Little Italy precinct in Leichhardt and/or Haberfield; and
2. If endorsed, Council submit the application to the Geographical Names Board.

DISCUSSION

In September 2019 (C0919(2) Item 23), Council resolved to:

1. Note the long standing relationship between the Inner West community and Italo-Australians;
2. Consult with the Italian Consulate General regarding the naming of an Italian precinct in the Inner West;
3. Launch consultation at the Norton Street Italian Festa on Sunday 27 October, with community consultation to be offered on this day; and
4. Consult with the local Italian and Leichhardt community and businesses regarding:
 - An appropriate geographic area for a formal Italian precinct in the Inner West; and
 - An appropriate name for the precinct or precincts.

Approximately 118 people provided feedback on the proposal including identifying the 'heart' of an Italian precinct/s:

- 85 supported Leichhardt (evenly spread along Norton Street)
- 27 supported Haberfield
- 2 supported both areas
- 3 opposed the establishment of a precinct

Of those who supported a precinct, there was unanimous support for the name 'Little Italy'. There was strong sentiment for support of economic growth through events and activations in public spaces regardless of which location was selected. The Italian Consulate submission noted that although Italian nationals are well integrated across NSW, Leichhardt retains a highly symbolic and historical significance for its strong Italian cultural heritage. Consulate staff supported 'Little Italy - Il Bel Paese' (Little Italy - the Beautiful Country) as the preferred name, and Leichhardt as the preferred area. The Engagement Outcomes Report is on <https://yoursay.innerwest.nsw.gov.au/little-italy-precinct>

ATTACHMENTS

Nil.

Item No: C0220(1) Item 3

Subject: DOG OFF LEASH AREAS IN PARKS POLICY

Prepared By: Aaron Callaghan - Parks and Recreation Planning Manager

Authorised By: Elizabeth Richardson - Chief Operating Officer, Director Development & Recreation

RECOMMENDATION

THAT Council:

1. **Adopt the Dogs Off-Leash Areas in Parks Policy;**
 2. **Rescind the former Council's policies including: Companion Animals Management Plan 2009 (former Ashfield), the Local Companion Animals Management Plan and Open Space Strategy for Dogs Policy (former Leichhardt), the Off Leash Dogs Policy (former Leichhardt) and the Open Space Strategy for Dogs (former Leichhardt);**
 3. **Develop a map of all dog off-leash areas in parks, as a resource for the community; and**
 4. **Commences the development of a Commercial Dog Walking Policy which address key issues associated with equity of access, public liability insurance, compliance with legislative requirements and the effective management of parks and open space areas.**
-

DISCUSSION

The purpose of the Policy is to identify appropriate criteria for dog off-leash areas in parks so that public spaces can be enjoyed by all members of the community and natural areas are protected.

The draft Dogs Off-Leash Areas in Parks Policy was placed on public exhibition on the Your Say Inner West website from the 4 September to 2 October 2019. The draft policy was promoted via a suite of promotions including Facebook, Twitter, the Council page in the Inner West Courier on 17 September, at the Dulwich Hill – Village Fair and at the Summer Hill – Neighborhood Feast.

771 people visited the Your Say website and 122 people made a submission. 74 people (61%) support the Policy, 24 people (20%) do not support the Policy and 24 people (20%) are uncertain/ neutral. The Engagement Report is available on the Your Say website. Of the people who responded to the survey, 94 provided comments. Their key themes outlined in the comments were as follows:

Commercial Dog Walking in Designated Dog off leash Parks.

Commercial dog walking is becoming a regular occurrence in Council's parks and open space network. Council has received complaints from local residents and park users in relation to the unregulated nature of this activity.

Given the limitations and increasing pressures on the use and access to the Park and Open Space network, it is recommended that Council develop a Commercial Dog Walker Permit policy to address:

- equity of access,
- public liability issues associated with commercial dog walkers
- Ability to identify, mitigate and manage dog behavioral related matters
- compliance with relevant companion animal legislation
- the effective management of parks and open space areas to prevent over use and minimise the potential for recreational conflict (with other park users).

Under the Companion Animals Act, a dog is not considered to be under the effective control of a person if the person has more than 4 dogs under his or her control. Concerns have been expressed from the community that a number of commercial dog walkers are not adhering to the law in this regard and that a number of parks currently being accessed by commercial operators are not suitable spaces for such high use. A policy framework is needed to provide clarification on the obligations of commercial dog walkers as well as ensure good open space management. This policy will be developed with input and ownership from Council's Companion Animal Services team, Legal Services and Sport and Recreation.

FINANCIAL IMPLICATIONS

Park Plans of Management as developed will consider costs associated with off leash areas.

ATTACHMENTS

1. [↓](#) Dog Off Leash Areas in Parks



Dog Off-Leash Areas in Parks Policy



November 2019

Dog Off-Leash Areas in Parks Policy

DOCUMENT PROFILE

Title	Dog Off-Leash Areas in Parks Policy
Summary	The purpose of the Policy is to identify appropriate dog off-leash areas in parks so that public spaces can be enjoyed by all members of the community and natural areas are protected.
Background	Council encourages the appropriate use of public spaces for dog walking as it helps contribute to the health, wellbeing and liveability of the Inner West. It is Council's objective to ensure that dog walking in public spaces is suitable and managed in a manner which is safe and which is appropriate to the local natural environment and surrounding community.
Policy Type	Council
Relevant Strategic Plan Objective	<p>Strategic direction 4: Caring, happy, healthy communities Outcome 4.1 Everyone feels welcome and connected to the community 1. Foster inclusive communities where everyone can participate in community life</p> <p>Outcome 4.3 The community is healthy and people have a sense of wellbeing: 1. Provide the facilities, spaces and programs that support wellbeing and healthy communities</p> <p>Strategic direction 1: An ecologically sustainable Inner West Outcome 1.2 Inner West has a diverse and increasing urban forest that supports connected habitats for flora and fauna</p> <p>Outcome 1.3 The community is water sensitive, with clean, swimmable waterways</p>
Relevant Council References	<p>Events in Parks Guidelines Sporting Grounds Allocations Policy Commercial Fitness Trainers Policy Park Plans of Management Companion Animal Action Plan Recreation Needs Study: A Healthier Inner West</p>
Main Legislative Or Regulatory Reference	<p>Companion Animals Act 1998 Companion Animals Regulations 2008 Biodiversity Conservation Act 2016</p>
Applicable Delegation Of Authority	As per delegations' register
Record Notes	External available document
Version Control	See last page

Document:	Council Policy	Uncontrolled Copy When Printed	
Custodian:	Parks & Recreation Planning Manager	Version #	Version #
Approved By:	Director Infrastructure	TRIM Ref #	XXXXXX
Adopted By:	Council	Publish Location	Intranet/ Internet
Adopted Date and Minute #:	Xx / xx / xx	Next Review Date	XX / XX / xx

1. PURPOSE

The purpose of the Policy is to identify appropriate dog off-leash areas in parks so that public spaces can be enjoyed by all members of the community and natural areas are protected.

2. OBJECTIVE

Council is responsible for the management of all activities within parks, reserves, sporting grounds and public open space. There is an ongoing high demand for open space resources within the Inner West, particularly with increasing densities. Council must actively manage access to the parks.

Many Inner West residents own dogs and wish to walk and exercise them in public spaces and public parks.

Council encourages the appropriate use of public spaces for dog walking as it helps contribute to the health, wellbeing and liveability of the Inner West. It is Council's objective to ensure that dog walking in public spaces is suitable and managed in a manner which is safe and which is appropriate to the local natural environment and surrounding community.

3. SCOPE

3.1. In scope

This Policy applies to all Council owned and managed public parks (including areas of Callan Park licenced to Council - Balmain Road, Glover Street and Waterfront Drive sporting grounds and the Callan Park bushcare area).

3.2. Out of scope

This Policy does not apply to privately owned land or land which is not Council owned or managed.

Parks Managed by the State Government

This Policy does not apply to parks owned and managed by the State Government, including Callan Park (all areas outside of the areas licenced to Council) and Ballast Point Park.

4. POLICY STATEMENT

Council encourages the appropriate use of public spaces for dog walking as it helps contribute to the health, wellbeing and liveability of the Inner West. It is Council's objective to ensure that dog walking in public spaces is suitable and managed in a manner which is safe and which is appropriate to the local environment and surrounding community.

The purpose of the Policy is to identify appropriate dog off-leash areas in parks so that public spaces can be enjoyed by all members of the community and natural areas are protected.

5. POLICY

5.1. Control of Dogs

All dogs must be leashed in all public spaces and public parks, except in designated off-leash areas in parks. In off-leash areas, all dogs must continue to be under the effective control of their owners or handlers.

The control and management of dogs is addressed in the Companion Animals Action Plan.

5.2. Off-Leash Areas in Parks

The Companion Animals Act requires Council to provide at least one off-leash area within the Inner West.

In a high density, inner city area such as the Inner West, public spaces to walk or run the dog are very important. Off-leash exercise helps to socialise dogs, relieve boredom and reduce incidences of unacceptable nuisance behaviour such as uncontrolled barking.

To maximise opportunities for off-leash exercising and socialising of dogs, Council will provide designated off-leash parks and open space areas and progressively explore opportunities for additional off-leash areas when evidence and community feedback indicates this is appropriate.

Consideration must be given to other park users and to the protection of biodiversity, including native wildlife. Off-leash areas are still public areas and they are open for all to enjoy, not just dog owners.

All dogs within designated off-leash areas must be under the effective control of their owner or handler. The responsible management of dogs is covered by the Companion Animal Action Plan.

Effective signage and stencilling will be used to identify off-leash parks and open spaces. Dog-tidy stations will be installed and maintained in off-leash areas.

Dogs must be on a leash unless signs specifically permit otherwise.

5.3. New Off-Leash Areas in Parks

Off-leash areas in parks must be included within the relevant park Plan of Management. The Plans of Management across the Inner West are being reviewed in accordance with a prioritised strategy.

When investigating potential new off-leash areas in parks, the following criteria will generally be applied:

- Open spaces where there is sufficient width to ensure safe use and passage by other park users (without dogs);
- Open space that has natural boundaries (eg. Plantings or grade changes);
- Open spaces that are not within 10 metres of a playground or children's playing apparatus;
- Open space that are not within 10 metres of a food preparation areas, BBQ, picnic area or food consumption areas;
- Open spaces that are located at a safe distance from busy roads (noting that owners must still have effective control of their dogs);
- Open spaces that are not located adjacent to bushcare / ecological restoration sites unless they are fenced; and
- Open spaces that are not located within Council declared wildlife protection area or where there may be detriment to public safety or wildlife.

Consideration may be given to time share arrangements, where the park may be off-leash at certain times of the day/ week and on-leash at other times.

New off-leash areas will not generally be fenced. New additional lighting will not generally be installed in new off-leash areas.

Council will generally provide bubblers, with dog bowls, within or near off-leash areas in parks. Council will generally support the planting of trees if there are insufficient trees for shade purposes.

5.4. Dog Waste

In all public areas, public parks and off-leash areas in parks, dog owners have a legal responsibility to immediately remove their dog's faeces and properly dispose of them.

Dog faeces can be a hazard to human health and has been shown to contribute to high bacteria levels in local waterways. In all public areas, including footpaths, verges, bushcare sites, natural areas, public parks and off-leash areas in parks, dog owners have a legal responsibility to immediately pick up all their dog's waste.

Council will provide dog tidy stations (including dog litter bags) at off-leash parks and other suitable locations.

5.5. Prohibited Areas

Dogs are prohibited from some public places, at all times, including:

- Children's playgrounds;
- Sporting grounds when booked for use by sporting clubs or schools;
- Signposted recreation areas, such as sporting grounds, pitches and courts; and
- Signposted and/or fenced bushcare protection / ecological restoration areas.

Council may provide dog tying posts near the above prohibited areas, to assist dog owners in restricting their dogs from entering these areas.

A person with a disability is entitled to be accompanied by a certified assistance animal into or onto any building or place open to the public (including the above prohibited areas).

5.6 Commercial Dog Walking In Designated Dog off Leash Parks.

There are increasing pressures on the use and access to Council's Parks and Open Space network. Under the Companion Animals Act, a dog is not considered to be under the effective control of a person if the person has more than 4 dogs under his or her control. Concerns have been expressed from the community that a number of commercial dog walkers are not adhering to the law in this regard and that a number of parks currently being accessed by commercial operators are not suitable spaces for such high use. In response to this community issue, Council will develop a Commercial Dog Walker Permit policy to address:

- equity of access,
- public liability issues associated with commercial dog walkers
- Ability to identify, mitigate & manage dog behavioural related matters
- compliance with relevant companion animal legislation
- the effective management of parks and open space areas to prevent over use and minimise the potential for recreational conflict (with other park users) .

A policy framework will provide clarification on the obligations of commercial dog walkers as well as ensure good open space management. This policy will be developed with input and ownership from Council's Companion Animal Services team, Legal Services and Sport and Recreation.

6. RESPONSIBILITIES

Parks & Recreation Planning staff are responsible for:

- Engaging with the community on proposed new off-leash areas in parks;
- Installing appropriate signage &/or stencilling in parks regarding dog management;
- Installing appropriate infrastructure such as dog tidy stations in parks;
- Reviewing and revising this Dog Off-Leash Areas in Parks Policy when required. Substantive changes must go to Council for approval (this does not include minor administrative updates).

Regulatory Services staff are responsible for:

- The management of dogs and companion animals in public spaces and public parks;
- Preparation and implementation of the Companion Animal Action Plan; and
- Enforcement of relevant Companion Animals Legislation

7. ASSOCIATED PROCEDURES

The following are related legislation, policies and procedures:

- Companion Animals Act 1998
- Companion Animals Regulations 2008
- Local Government Act 1993
- Events in Parks Guidelines
- Sporting Grounds Allocations Policy
- Commercial Fitness Trainers Policy
- Park Plans of Management and Masterplans
- Recreation Needs Study: A Healthier Inner West
- Companion Animal Action Plan

Version Control - POLICY HISTORY:

Governance Use only:

Version	Amended By	Changes Made	Date	TRIM #
1	Director Infrastructure	New IWC Policy	November 2019	
2				

Item No: C0220(1) Item 4

Subject: COMPANION ANIMAL ACTION PLAN 2019-2023

Prepared By: Jenny Nelson - Team Leader Companion Animal Services

Authorised By: Elizabeth Richardson - Chief Operating Officer, Director Development & Recreation

RECOMMENDATION

THAT Council:

1. Adopt the Draft Companion Animal Action Plan, and
 2. Write to all who made submissions in relation to the Draft Companion Animal Action Plan to inform them of Council's decision.
-

DISCUSSION

The Draft Companion Animal Action Plan 2019-2023, details how Council intends to manage responsible companion animal ownership in the Inner West for the next 4 years.


Section 6(A) of the *Companion Animals Act 1998*, requires NSW councils to promote awareness of the requirements of the Act and manage procedures related to the responsibilities of [companion animal ownership](#). There are approximately 35,500 dogs and 29,200 cats identified on the NSW Companion Animals Register as residing within the Inner West LGA.

The Draft Companion Animal Action Plan was publicly exhibited from 28 October 2019 to 24 November 2019 and a total of twenty (20) submissions were received. The majority of submissions supported the plan and provided feedback on off-leash area, monitoring of public spaces and the environment. This feedback will be considered in the implementation of the Plan.

A copy of the community engagement report can be viewed at:
<https://yoursay.innerwest.nsw.gov.au/companion-animal-action-plan>

Attachment 1 has been published separately in the Attachments Document on Council's Website <https://www.innerwest.nsw.gov.au/about/the-council/council-meetings/current-council-meetings>

ATTACHMENTS

1.  Companion Animal Action Plan 2019 – 2023 - (published separately on Council's website)

Item No: C0220(1) Item 5

Subject: VOLUNTARY PLANNING AGREEMENT POLICY

Prepared By: Bojan Sodic - Strategic Investments Manager

Authorised By: Elizabeth Richardson - Chief Operating Officer, Director Development & Recreation

RECOMMENDATION

THAT Council:

1. Endorse the draft Voluntary Planning Agreement Policy provided in Attachment 1; and
 2. Rescind the Voluntary Planning Agreement policies of the former Leichhardt and Marrickville councils.
-

DISCUSSION

The draft Voluntary Planning Agreements Policy has been prepared to provide a framework for the preparation and execution of planning agreements. This Policy applies to planning agreements that the Council might enter into with a land owner or developer who requests changes to a Local Environmental Plan either through a planning proposal request or a development application for land within the Inner West local government area

FINANCIAL IMPLICATIONS

The Policy states that Council will receive 50% of the uplift in land value due to the approval of a Planning Proposal.

PUBLIC CONSULTATION

The Voluntary Planning Agreement Policy was placed on public exhibition and one submission was received in relation to the 50% uplift and no change is recommended to the exhibited policy. The engagement outcomes report can be viewed:

<https://yoursay.innerwest.nsw.gov.au/voluntary-planning-agreement-policy>

ATTACHMENTS

1.  Draft Voluntary Planning Agreement Policy

INNER WEST COUNCIL VOLUNTARY PLANNING AGREEMENTS POLICY

June 2019



This document was prepared by Latitude 4-40 Consulting Pty Ltd.

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Inner West Council Planning Agreement Policy

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BACKGROUND TO THE INNER WEST COUNCIL PLANNING AGREEMENTS POLICY

The Inner West Council (IWC) Voluntary Planning Agreements (referred to hereafter as Planning Agreements) Policy has been prepared to provide a framework for the preparation and execution of Planning Agreements pursuant to the provisions of Part 7 of the *Environmental Planning and Assessment (EP&A) Act 1979*. The policy sets out the purpose, scope and objectives for the preparation of Planning Agreements and also includes a set of guidelines to assist in the application of the policy to planning and development within the local government area.

The policy forms part of Council's local planning framework including the Community Strategic Plan, Local Environmental Plans and Contribution Plans. At the writing of this policy the NSW Department of Planning and Environment was in the process of reviewing the Voluntary Policy Agreements Policy Framework, and the review results were not yet available. The Department had however identified some key outcomes expected from the Policies. These were namely:

- public benefit from the Voluntary Planning Agreement that relates to the development
- a fair, reasonable and transparent Voluntary Planning Agreement negotiation process
- identifying appropriate infrastructure through an assessment of local community needs.

These key outcomes are addressed in this policy.

PART A. ABOUT THE POLICY

1.0 Purpose

This policy establishes a framework to guide the use of Planning Agreements by Inner West Council, in keeping with the provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

2.0 Scope

This Policy applies to Planning Agreements that the Council might enter into with a land owner or developer who is not a landowner, who requests changes to a Local Environmental Plan either through a Planning Proposal request or a Development Application for land within the Inner West local government area.

3.0 Objectives of policy

The objectives of this policy are to:

- 3.1 Facilitate flexible and innovative delivery of public infrastructure, facilities, works services and social amenities in line with Council strategic planning objectives for Planning Proposals and/or development proposals;
- 3.2 Safeguard compensation for loss of or damage to a public amenity, service, resource or asset through replacement, substitution, repair or regeneration and that this is underwritten by proponents to mitigate for risk;
- 3.3 Ensure that development delivers a net public benefit to the wider community that is of greatest demand in the development area or precinct consistent with any relevant Council policies and priorities and that quality of asset delivery is assured for Council;
- 3.4 Ensure Planning Agreements capture an agreed proportion of value that is consistent throughout the Local Government Area (LGA) and that consistency is achieved across all council policies where they exist, or any other approach applied by the amalgamated entities to ensure an equitable application of the new Planning Agreements policy;

- 3.5 Include affordable housing as a constituent part of benefits from potential Planning Agreement contributions;
- 3.6 Provide a robust set of guidelines or procedures for determining how residual value is captured and applied and to set achievable and robust targets consistent with Council's policies and plans;
- 3.7 Provide clarity on the negotiation process and how it fits in to the Planning Agreement process from initiation to execution to delivery of negotiated benefits;
- 3.8 To facilitate dovetailing of the Planning Proposal and/or Development Application processes with the Planning Agreements process to ensure the best possible outcome is achieved for the wider community; and
- 3.9 Establish a transparent, consistent and accountable system that governs the use of Planning Agreements by Council

4.0 Definitions

The following terminology is used in this policy.

Act means the Environmental Planning and Assessment Act 1979

Council means Inner West Council

developer is a person who has sought to change to an environmental planning instrument (which includes the making, amendment or repeal of an instrument (section 7.4(11) of the Act), or who has made or proposes to make a Development Application, or who has entered into an agreement with or is otherwise associated with such a person.

Development Application has the same meaning as in the Act.

development contribution means the kind of provision made by the developer under a planning agreement, being a monetary contribution, the dedication of land free of cost or the provision of a material public benefit. The term thus includes both section 7.11 (of the Act) and section 7.12 (of the Act) contributions.

Explanatory Note means a written statement that provides details of the objectives, nature, effect and merits of a Planning Agreement, or an amendment to or revocation of a Planning Agreement. **Net public benefit** means an overall gain to the public resulting from the consideration of the effects of both the development proposal and the development contributions under a Planning Agreement.

A **Planning Agreement** is a voluntary agreement between the Council and a landowner or developer who seeks an amendment to the planning controls for land or who seeks approval for a proposed development. The developer may be required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose under a Planning Agreement.

A **planning authority** means the Inner West Council.

planning benefit means a development contribution that confers a net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of a particular development on surrounding land or the wider community

planning obligation means an obligation imposed by a Planning Agreement on a developer requiring a developer to make a development contribution

Planning Proposal has the same meaning as in the Act.

public includes a section of the public

Public amenities or **public services** do not include water supply or sewerage services.

public benefit is a benefit enjoyed by the public as a consequence of a development contribution. **Development Application** has the same meaning as in the Act.

explanatory note means a written statement that provides details of the objectives, nature, effect and merits of a Planning Agreement, or an amendment to or revocation of a Planning Agreement.

public facilities means public infrastructure, facilities, amenities and services

Public Notice is a notification made to the public advising them of a proposed planning agreement in relation to a Planning Proposal or development application

Regulation means the Environmental Planning and Assessment Regulation 2000

Residual Land Value is the value of land with development potential

Special Infrastructure Contributions schedule is the schedule prepared by Council for development contributions towards infrastructure provision in a special contributions area pursuant to Division 7.1, Subdivision 4 of the Act.

Uplift Value is the uplift or increase in land value as a result of the change proposed by a Planning Proposal.

5.0 Overview of Planning Agreements

Planning Agreements are voluntary agreements). They enable development contributions to be applied to deliver a public benefit. This can be in the form of, but not limited to:

- a) public amenities and public services;
- b) affordable housing;
- c) community facilities; and
- d) transport or other infrastructure.

Contributions can be made through:

- e) dedication of land to Council;
- f) monetary contributions;
- g) construction of public infrastructure;
- h) provision of materials for public benefit and/or use; or
- i) a combination of these.

Planning Agreements cannot be entered into unless public notice has been given and an explanatory note made available for inspection for at least 28 days.

6.0 Planning Agreement Policy principles

The principles for this Planning Agreement policy provide a framework for entering into and administering policies.

The principles are:

- 6.1 Planning Agreements are used exclusively for planning purposes.
- 6.2 Planning Agreements are not to restrict Council in the exercise of its functions.
- 6.3 Individuals or interest groups do not outweigh the public interest when considering Planning Agreements.
- 6.4 Negotiation of Planning Agreements with developers will be consistent, fair and impartial across the Council area.
- 6.5 Development Applications or Planning Proposals will be assessed on their own merits without undue weight being given to associated or proposed Planning Agreements.
- 6.6 The outcomes of Planning Agreements will be aligned with the relevant strategies, plans and studies of Council
- 6.7 Planning Agreements are to be consistent with the Act, the Regulations and any other applicable law or State Planning Policy requirements

7.0 Who to Contact

The contact for all Planning Agreement queries is Property Department, phone: 93925000, email: council@innerwest.nsw.gov.au

PART B. THE POLICIES

8.0 Scope of Agreements

This policy provides guidance in relation to the scope of Planning Agreements and how they are to be administered.

The scope of Planning Agreements will include (but not be limited to) the following:

- 8.1 Parties to the Planning Agreement are Council and the landowner. Developers who are not landowners will be considered by Council on the merits of the case.
- 8.2 Developers who are not landowners that Council agrees to enter into agreement with will also be a party to the Planning Agreement for purposes of consenting to registration of the agreement on the certificate of title and enforcement of the rights granted to Council under the agreement.
- 8.3 A Planning Agreement can be made in partnership or in other arrangement with another Council for development of land that is not within the Inner West Council area.
- 8.4 Planning Agreements may be considered that relate to Planning Proposals or Development Applications other than a Planning Proposal or Development Application lodged by a proponent for their land.
- 8.5 Planning Agreements may be used by Council for purposes of funding any public facilities that compliment Council's contributions plan(s) or Special Infrastructure Contributions schedule where applicable.

9.0 Circumstances in Which Council can Enter into a Planning Agreement

The circumstances in which Council will negotiate and/or enter into a Planning Agreement will include (but not be limited to):

- 9.1 Where there is any Development Application or Planning Proposal to change the provisions of a Local Environmental Plan.
- 9.2 Relevance of the Planning Agreement to an application or proposal and whether it should be considered in relation to the Development Application or Planning Proposal.
- 9.3 That infrastructure works identified in an adopted Developer Contributions Plan will be prioritized and infrastructure not identified in such a plan, but achieves a net public benefit, will be considered.
- 9.4 That the terms of the letter of offer of the land owner or developer are consistent with the Planning Agreement.
- 9.5 That the Planning Agreement mitigates or compensates for impact of development.
- 9.6 That the Planning Agreement meets the requirements of Council's infrastructure works program and the objectives of other Council policies, strategies or plans.
- 9.7 That benefits provided by a Planning Agreement will be contributing to a net public benefit for the wider community.

10.0 Assessing proposed provisions

Inner West Council is responsible for the assessment of Planning Agreements and may engage the services of independent professionals such as valuers towards that purpose. In terms of assessment of the provisions in a Planning Agreement, the following matters are to be satisfied:

- 10.1 The value of a Planning Agreement will be determined through a market assessment of the capital appreciation of land value as a result of a proposed Development Application or a Planning Proposal that results in a change to a Local Environmental Plan.

- 10.2 All Planning Agreements will meet the acceptability test (see the "Acceptability Test contained in Part C, Section 18.0 of this Policy).
- 10.3 Demand for new public infrastructure or services that is created by the Planning Proposal or Development Application is to be considered and taken into account.
- 10.4 Independent third parties will be used where necessary to assess provisions of Planning Agreements (see "Probity Guidelines" contained in Part C, Section 22.0 of this Policy).
- 10.5 The timing of development is to align with the delivery of the public benefit.
- 10.6 If the costs of any works-in-kind that are to be provided by a developer exceed costs of those works as agreed with Council in a Planning Agreement (excluding a change in scope agreed by Council) that this will not lead to any of the following:
 - a. Council agreeing to a Planning Agreement providing for the additional costs to be refunded to the land owner or developer or offset against any development contributions required from the developer; or
 - b. The land owner or developer being able to make any further claim against Council for the additional works.
- 10.7 In a situation where competing applications are accompanied by an offer to enter into a Planning Agreement that provides benefits not wholly unrelated to the development, then Council may consider it appropriate to approve the proposal that offers the greatest planning benefit in terms of both the development and related internal or external benefits.
- 10.8 Whether past infrastructure provision shortfalls or deficiencies that would otherwise hinder development are being addressed.

11.0 Types of contributions and benefits

Inner West Council's policy on the types of contributions and public benefits that can be negotiated or required in Planning Agreements is explained below. Notwithstanding, Council is not limited to this list of contributions and benefits.

- 11.1 For consistency, fairness and certainty across the Council area, the value of contributions for a Planning Agreement, will be fixed at 50% of the uplift value due to a Planning Proposal, Local Environmental Plan (LEP) reforms or Development Application.
- 11.2 Council may request developers, through a Planning Agreement, to make development contributions towards the recurrent costs of public facilities or services. Payment of recurrent costs may be for a limited time.
- 11.3 Planning Agreements may require funding for infrastructure and works in addition to contributions that would apply under divisions 7.11 and 7.12 of the Act.
- 11.4 The material contribution offered may be other than dedication of land, or payment of monetary contribution.
- 11.5 Monies received under the terms of Planning Agreements can be pooled by Council and applied progressively toward infrastructure. Planning Agreements will include a provision setting out such intention.
- 11.6 Contributions by developers will include funding for reviewing, monitoring and managing of the Planning Agreement process by Council. The Planning Agreements will include a provision setting out such intention.
- 11.7 Public benefits required or negotiated under a Planning Agreement will include: infrastructural, social, economic, environmental, educational, cultural or other benefits as Council deems beneficial to the public.
- 11.8 Public benefits required or negotiated under a Planning Agreement will consider areas in the sectors above (in section 10.6) such as (but not limited to) affordable housing, local renewable energy, local reuse and recycling infrastructure, community gardens community art and cultural activities infrastructure.
- 11.9 Public benefit arising from a Planning Agreement does not necessarily need to be connected to the development itself and can be directed to demand as Council determines.

12.0 Transparency

Transparency in the preparation and execution of Planning Agreements is important for the Council and the community to ensure that Council is working together with the community as expressed in the Community Strategic Plan (CSP). The following matters will facilitate such transparency.

- 12.1 Information on Planning Agreements, including a register of Planning Agreements and dates they were entered into, will be transparent and accessible to the public (see "Probity Guidelines" contained in Part C, Section 22.0 of this Policy).
- 12.2 Planning Agreements will not be entered into before the public has been provided with an opportunity to inspect the proposed agreement as specified in the Act (7.4).
- 12.3 The process from when a Development Application is made or Planning Proposal is lodged to when a Planning Agreement is entered into will be provided by the Council (see "The Planning Agreement Process" contained in Part C, Section 16.0 of this Policy).

13.0 Provision of security

In relation to security, this policy establishes parameters to ensure that Council and the community are covered against damage or loss of community infrastructure or any breach of Planning Agreement by developers. Consequently:

- 13.1 Planning Agreements will safeguard compensation for loss of or damage to a public amenity, service, resource or asset through replacement, substitution, repair or regeneration and that this is underwritten by developers to mitigate for risk; and
- 13.2 There will be a provision of a bond or bank guarantee or other suitable means to enforce the Planning Agreement in the event of a breach of the agreement by the landowner or developer (see details in "Administration and Implementation of Planning Agreements" in Part C, Section 20.6 of this Policy)

14.0 Probity

This policy seeks to ensure that there is integrity and accountability in the Planning Agreement system so that fairness and justice is practiced and effective management of any conflicts of interest is undertaken. Consequently, the following matters apply:

- 14.1 To avoid conflict of interest, the involvement of independent third parties will be instituted if necessary (See "Probity" in Part C, Section 22.1 in this Policy for example circumstances);
- 14.2 Council staff delegated with responsibility for negotiating a Planning Agreement will not be directly involved in the assessment of development approvals or assessment of the changes to a Local Environmental Plan to which the Planning Agreement relates;
- 14.3 Councilors will not be involved in the face-to-face negotiations of Planning Agreements; and
- 14.4 All negotiations by Council with a land owner or developer and their consultants will be documented and will be undertaken at arm's length.

15.0 Administration of Planning Agreements

The administration of Planning Agreements includes an understanding of how the Planning Agreements will be managed during development and once an agreement is entered into. The administration of Planning Agreements will be consistent with the following matters: .

- 15.1 Council may require that before commencement of development, the Planning Agreement includes a condition that the parties are to enter into an implementation or other agreement as necessary (see "Administration and Implementation" in Part C, Section 20.1 in this Policy, for matters necessitating such side or supplementary agreements);
- 15.2 Council will monitor and review the progress of Planning Agreements on a regular basis to ensure that developers' planning obligations are met. Each Planning Agreement will set out how this will be achieved;

- 15.3 Planning Agreements will set out how the developers' obligations under the agreement may be modified or discharged. Circumstances that may lead to modifications are detailed in the "Administration and Implementation" in Part C, Section 20.4 of this Policy;
- 15.4 Council will generally require Planning Agreements to contain a provision whereby the developer acknowledges that Council will make a notation under S10.7 of the Act about the Planning Agreement on any certificate issued under the Act; and
- 15.5 Council may require that the developer register the Planning Agreement on the land title. If registration is not possible, the Planning Agreement will be required by Council to place conditions on the developer (refer to "Administration and implementation" in Part C, Section 20.5 of this Policy).

PART C. GUIDELINES/PROCEDURES

This guide has been prepared to aid in understanding Planning Agreements, what needs to be done to enter into a Planning Agreement with Council, and what Council does and considers in entering into such agreements. The guide will be reviewed and amended as found necessary from time to time.

16.0 The Planning Agreement process

The process for putting in place a Planning Agreement involves the following:

- a) Preliminary discussions by a developer¹ regarding potential Planning Agreement offers before submission of a Planning Proposal or Development Application
- b) Submission of a Planning Proposal or Development Application by a developer;
- c) Council meeting with the developer to discuss the proposal and establish the land value;
- d) Creation of a draft Planning Agreement document in liaison and in negotiation with the developer;
- e) Consultation with relevant internal stakeholders in Council before putting the approved draft Planning Agreement on public exhibition;
- f) Final approval of the Planning Agreement following public exhibition;
- g) Signing and execution of Planning Agreement by the parties (before Council resolves to forward the related Planning Proposal to the Minister for finalization pursuant to Section 3.36 of the Act); and
- h) Recording the agreement in Council's Master Planning Agreement Register.

This process occurs in parallel with the associated Planning Proposal process where applicable, and is shown in figure 1 overleaf.

¹ The provisions applying to developers apply equally to landowners seeking to enter into a Planning Agreement with Council.

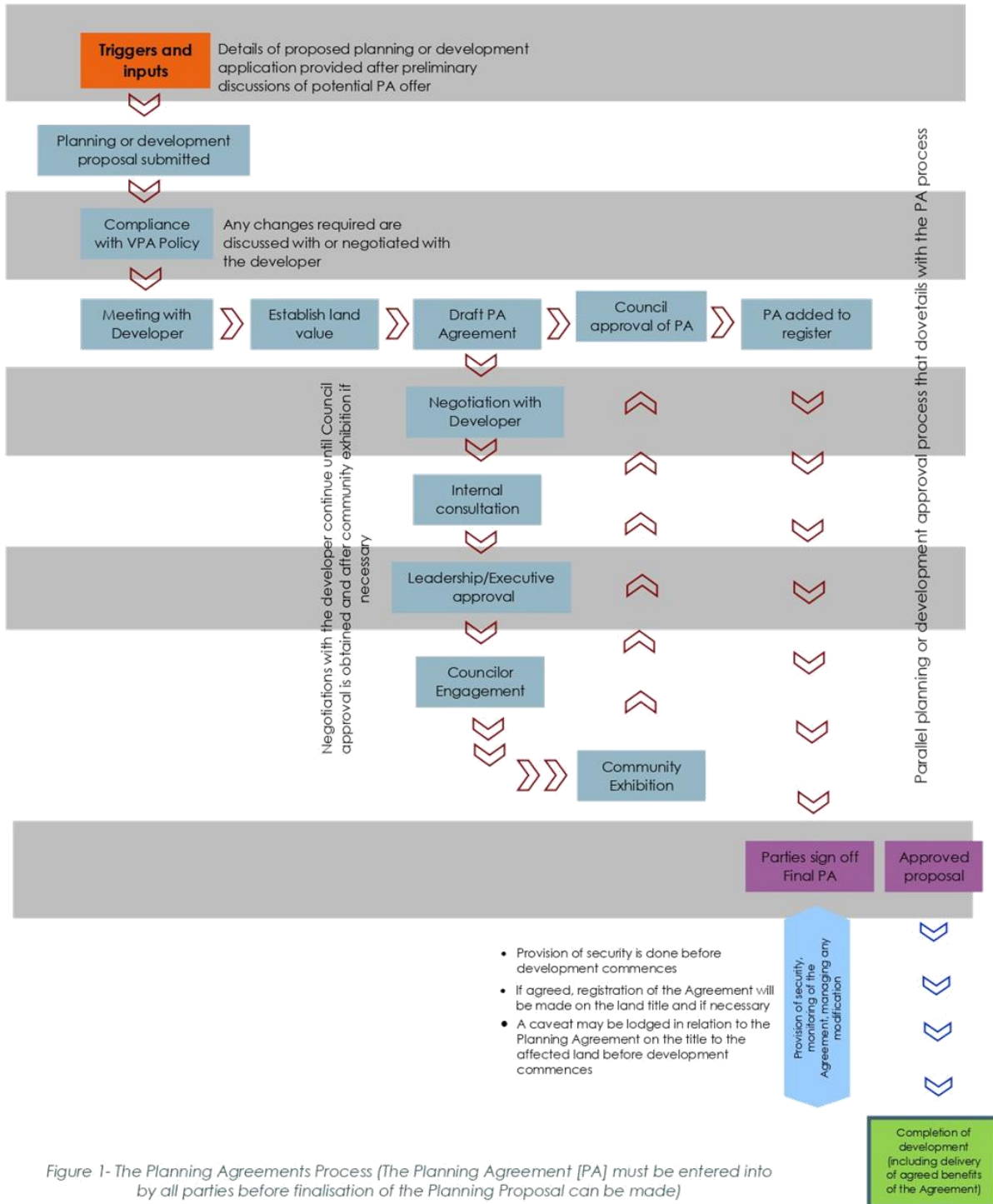


Figure 1- The Planning Agreements Process (The Planning Agreement [PA] must be entered into by all parties before finalisation of the Planning Proposal can be made)

The detailed steps in negotiating a Planning Agreement with a developer are set out in Section 17.0 of this Part.

17.0 Negotiation process

Procedures and schedules for the negotiation will be agreed upon. Parties may if necessary, appoint a person or persons to represent them in the negotiations or appoint third parties. Negotiation with a developer from initiation to implementation will be documented. Among other things documented, it is to reflect the outcomes of the matters considered under section 17.1

- 17.1 Considerations in the negotiations will include:
- a) Other parties that may need to be involved and are agreed to by the parties
 - a) The infrastructure that is to be provided both on and/or off the site.
 - c) The payments and their timing.
 - d) Infrastructure to be provided and the timing of provision.
 - e) Land to be dedicated and the timing of dedication.
 - f) Whether contributions or levies are to still to be paid, and what amounts and for what infrastructure and when.
 - g) How payment is to be made for the preparation of the draft Planning Agreement and the explanatory note and other costs.
 - h) Whether the Planning Agreement is to be registered on the land title.
 - i) Whether bank guarantees are required for security.
 - j) Whether the Planning Agreement is to be registered on the land title of the development site in accordance with Section 7.6 of the Act.

If a draft Planning Agreement is negotiated, it is documented as a draft Planning Agreement and the parties agree on the draft Planning Agreement. The parties also agree on the content of the application to which the draft agreement relates.

17.2 Steps in the negotiations:

Step 1. Before an application is made, sufficient detail of the proposed Development Application or Planning Proposal must be provided. Although this might not include the final design detail, such matters as: the proposed height; the floor space for proposed uses; the number and sizes of dwellings; the car spaces proposed; open space to be provided; public facilities and services proposed; and other information that clearly delineates the project must be provided.

Step 2. The developer makes the application to Council, that includes the draft Planning Agreement and the developer's offer to enter into that agreement if the application is approved. In the case of an application to change an environmental planning instrument (LEP), the application must include the developer's offer to enter into the Planning Agreement if the change to the instrument occurs or where relevant, consent is subsequently granted to a Development Application relating to the change to the instrument.

Step 3. Compliance with the Council's Planning Agreement Policy is reviewed by Council, and preliminary investigation of any mitigation measures required to address the impact of the development proposal is also undertaken and the developer is engaged to address or negotiate changes required.

Step 4. The infrastructure required for the development proposal is broadly investigated and the land value uplift is established, and contributions or levies are calculated.

Step 5. Relevant public authorities, other stakeholders and the Council leadership team (comprising of members from the Council Executive as determined from time to time) are consulted in relation to the application and the draft Planning Agreement and any consequential amendments required to the application, draft agreement and explanatory note are made in consultation with the developer before approval by the Council leadership team.

Step 6. The application, draft Planning Agreement and explanatory note are publicly notified and exhibited in accordance with the Act and Regulation for a minimum period of 28 days. Any consequential amendments required to the application and draft agreement are made and, if necessary, the amended application, draft Planning Agreement and explanatory note are re-exhibited. Any amendment to the draft Planning Agreement requires amendment of the application to reflect the developer's offer to enter into the amended draft Planning Agreement.

18.0 How Council Assesses Provisions

This Guideline provides details on how the Council assesses provisions of Planning Agreements.

18.1 Acceptability Test

Council determines whether a Planning Agreement meets the Acceptability Test by considering whether the agreement:

- a) is directed towards proper or legitimate planning purposes. The statutory planning controls and other adopted planning policies applying to a development will generally assist in ascertaining this; and
- b) ordinarily provides for public benefits that bear a relationship to development that is not *de minimus* or in other words, not wholly unrelated to the development; and
- c) produces outcomes that meet the general values and expectations of the public and protect the overall public interest; and
- d) provides for a reasonable means of achieving the relevant purposes and outcomes and securing the benefits sought by Council; and
- e) protects the wider community against harm resulting from inappropriate impacts of development that is not supported by commensurate levels of local infrastructure.

19.0 Valuation of Land Value Uplift and Benefits

It may be necessary for purposes of assessing land value uplift, material public benefit or land dedication, for Council to seek the services of independent valuation. All independent consultants employed must have qualifications accepted by Council.

19.1 Valuation of Land Value Uplift

Land value uplift as a result of a planning proposal will be valued to determine the uplift in value. The method of calculation will be based on identifying and agreeing on what the residual land value (RLV[a]) for the land under consideration is. Council will either have the residual land value (RLV[a]) of the land already assigned, or will procure the services of a registered independent land valuer acceptable to both parties to determine the residual land value.

Council or a registered land valuer will then value the expected residual land value (RLV[b]) as a result of the proposed change arising from a planning proposal. The uplift in value (RLV[b] – RLV[a]) will be used to determine the value of contributions for Planning Agreements. All contributions are valued at 50% of the uplift value of land and therefore the contributions will be calculated as:
50% of (RLV[b] – RLV[a]).

19.2 Valuation of contributions as a Result of a Development Application

Valuation of contributions (under Division 7.1 of the Act) arising from a development application which effectively seeks an increase in floor space will be based on the difference between the maximum allowable floor space (Base FS) which exists for the Site under the current LEP (without any additions or amendments from the Standard Instrument provisions) and the total floor space being sought (New FS).

If the contributions for the maximum allowable floor space development is the Base Contribution (BC) the value of the contribution due to increase of floor space will be the

Base contribution (BC) per unit floor space multiplied by the additional floor space (New FS-Base FS). That is $(BS/\text{Base FS}) \times (\text{New FS} - \text{Base FS})$.

19.3 Valuation of Benefits

Carrying out of works for a public purpose will generally require Council to value the benefit of the completed works on the basis of a cost estimate prepared by Council or a consultant on behalf of Council.

For valuation of land where required, Council or a qualified independent registered valuer that is acceptable to the parties will provide the valuation. In the case of uplift in value from increased material development, the increase in value will be determined on the basis of a cost estimate of the increased material development from Council or an independent registered Quantity Surveyor that is acceptable to both parties.

20.0 Administration and Implementation of Agreement

The administration of a Planning Agreement and its implementation will involve various stakeholders including various sections of the Council.

20.1 Entering into a Planning Agreement

- a) A Planning Agreement is entered into when it is signed and dated by all parties to the agreement.
- b) Parties to a Planning Agreement are the Council and the owner or developer of the land. If the developer is not the land owner, Council will consider the matter on its own merit.
- c) If the developer is not the land owner and becomes one of the parties to the Planning Agreement, the land owner must still be a party to the Planning Agreement for purposes of consenting to registration of the Planning Agreement on the certificate of title to the land and all enforcement rights granted to Council under the Planning Agreement.
- d) A side (supplementary) agreement may be entered into before the commencement of development, subject to the development, for matters such as (but not limited to the following):
 - i. Design and technical specifications or standards of works required by the Planning Agreement to be undertaken by the developer;
 - ii. Terms of provision of land by the developer to Council;
 - iii. How completed work is to be handed over to Council;

20.2 Costs of Entering into a Planning Agreement

- a) Costs of preparing, negotiating, executing and monitoring the terms of a Planning Agreement together with the cost of employing independent consultants and/or independent third parties, are all costs associated with entering into a planning agreement and are therefore part of that Agreement.
- b) Generally, Council requires all reasonable costs in this regard be met by the developer, however circumstances may vary and allow costs to be the subject of negotiation.

20.3 Monitoring of a Planning Agreement

- a) Council will routinely monitor (every quarter with more stringent frequency for high risk development) the performance of the developer's obligations under a Planning Agreement and report them in accordance with the Act.
- b) Council may require the developer (at the developer's cost), to report periodically to Council on their compliance with obligations under the Planning Agreement.
- c) The Planning Agreement will contain a provision that allows for a periodic review(s) with all parties involved in the agreement relating to the delivery of the developer's obligations to Council.

20.4 Modifications to a Planning Agreement

Council may agree to the modification or discharge of a developer's obligations under a Planning Agreement in the following circumstances including (but not limited to):

- a) The developer's obligations have been fully completed in accordance with the agreement; or
- b) There has been a material change to the planning controls for the land to which the agreement relates; or
- c) There has been a material modification to the development consent to which the agreement relates; or
- d) The development consent to which the agreement relates has lapsed; or
- e) The development consent to which the agreement relates has been revoked; or
- f) Other material changes in the overall planning circumstances of an area affecting the operation of the Planning Agreement have arisen; or
- g) The developer has fully and completely assigned the developer's interest under the agreement in accordance with its terms; or
- h) Council and the developer otherwise agree to the modification or discharge of the agreement.

20.5 Registration of a Planning Agreement

Registration of a Planning Agreement on the title to a developer's land may be required where a Planning Agreement has been entered into by both parties.

- a) Before registration of the Planning Agreement on the title, Council may require the lodgment of a caveat on the title to the affected land.
- b) Council will require, consent for registration of the Planning Agreement on the land title from the land owner and a caveat, or procurement of consent of prior registered interests.

20.6 Provision of Security

Where the security provided by a developer is agreed to be a bank guarantee, it will be an unconditional bank guarantee from a major Australian Bank in favour of Council to the full value of the developer's obligations under the Agreement and on terms otherwise acceptable to Council. The procedure for providing a bank guarantee will be as follows:

- a) The full contribution amount due or outstanding at any time under a Planning Agreement plus interest and charges associated with establishing or operating a bank guarantee shall be supported by a bank guarantee from a major Australian bank. The bank guarantee must comply with the following:
 - i. It is unconditional and includes an amount calculated by Council for the cost of monitoring and reviewing the developer's performance under a planning agreement.
 - ii. It must be able to be drawn on by Council at any time that monetary contributions, land dedications or the provision of a material public benefit fail to be provided or completed as agreed under the terms of the Planning Agreement.
 - iii. It must be able to be drawn on by Council unconditionally in accordance with the terms of the Planning Agreement.
- b) The bank guarantee will be discharged when all commitments by the developer and/or land owner under the terms of a Planning Agreement have been met.
- c) The bank guarantee must be such that all bank charges and other costs of setting up and maintaining it are met by the developer.

21.0 Dispute resolutions

21.1 Dispute Resolutions.

Planning Agreements will be required to make provision for appropriate dispute resolution processes. As Planning Agreements may differ in content, there is no one particular dispute

resolution process that will be appropriate in all case. Options that may be considered however include:

- a) Direct negotiation between senior representatives of the parties;
- b) Mediation; and
- c) Expert determination.

Litigation is usually seen as a last resort option and, accordingly, Council is likely to require other appropriate forms of dispute resolution to have been exhausted before litigation may be taken.

22.0 Probity Guidelines

22.1 Use of Independent third parties.

Independent third parties will be used when it is necessary. Circumstances that may require use of third parties include:

- a) Where an independent planning assessment of a proposed change to an environmental planning instrument or Development Application is considered desirable or necessary;
- b) Where factual information is necessary in the course of negotiations such as in obtaining independent costings for valuations;
- c) Where dispute resolution is required under a Planning Agreement;
- d) Where sensitive financial or other confidential information might need to be established or verified during the course of negotiations;
- e) In order to facilitate complex negotiations where numerous parties are stakeholders or large projects are involved; and
- f) In order to ensure transparency, objectivity and accountability in the Planning Agreement processes.

22.2 Access to Planning Agreements

- a) Council will keep a register of Planning Agreements applying to land within the Council's areas, whether the Council is party or not to a Planning Agreement. The Council will record in the register the date a Planning Agreement was entered into and a short description of the agreement, including any amendment.
- b) The register will include the following information:
 - i) a short description of any Planning Agreement and any amendment;
 - ii) the date the agreement was entered into;
 - iii) the names of the parties to the agreement;
 - iv) the land to which it applies;
 - v) any breaches and/or revocation of the Planning Agreement and reasons; and
 - vi) the date on which the Planning Agreement requirements were completed.
- c) The Council will make the following available for public inspection during ordinary office hours:
 - i) this Policy;
 - ii) the Planning Agreements register kept by the Council;
 - iii) copies of all Planning Agreements (including amendments) that apply to the area of the Council; and
 - iv) copies of the Explanatory Notes relating to those agreements or amendments.
- d) Council will also make the Planning Agreement register available to the public on its website.
- e) Council must include in its annual report, the particulars of compliance with, and the effect of any Planning Agreements (during the year to which the report relates) whilst such agreements remain in force.

Item No: C0220(1) Item 6

Subject: GRANTS AND FEE SCALE POLICY AND GRANT PROGRAM GUIDELINES 2020

Prepared By: Tess Newton-Palmer - Community Resourcing and Research Supervisor,

Authorised By: Erla Ronan - Director City Living

RECOMMENDATION

THAT Council amends the Grants and Fee Scale Policy and adopts the Grant Program Guidelines 2020 as shown in Attachments 1 and 2.

DISCUSSION

The Draft Grants and Fee Scale Policy and Draft Inner West Grant Program Guidelines 2020 were circulated to Councillors on 3 September 2019 and placed on public exhibition for 28 days from 19 October 2019 to 17 November 2019.

PUBLIC CONSULTATION

During the exhibition period, Council received 8 submissions. Submissions provided feedback on the operation of the grants programs and this was considered as part of the Grant Program Guidelines.

The community engagement outcomes report can be viewed here:



<https://yoursay.innerwest.nsw.gov.au/49907/widgets/262891/documents/128749>

FINANCIAL IMPLICATIONS

Council's Annual Grant Program is supported by recurrent funding of \$443,000.

Attachment 2 has been published separately in the Attachments Document on Council's Website <https://www.innerwest.nsw.gov.au/about/the-council/council-meetings/current-council-meetings>

ATTACHMENTS

1.  Draft Grants and Fee Scale Policy
2.  Draft Inner West Grant Program Guidelines 2020 - **(published separately on Council's website)**



INNER WEST COUNCIL

Grants and Fee Scale Policy

Title	Grants and Fee Scale Policy
Summary	The Policy outlines integrated, transparent and equitable processes to govern the allocation of grants and fee scales for indoor venues, parks, and residents' neighbourhood street parties.
Background	Community resourcing through grants and affordable venues and facilities is integral to residents and local organisations creating new opportunities for wellbeing, creativity and sustainability in the Inner West. This Policy builds on and replaces the earlier single policy adopted in November 2018, locating all fee waiver policies in one place. It also replaces the 2012 Grants and Community Resourcing Policy of the Former Leichhardt Council.
Policy Type	Council-wide
Relevant Strategic Plan Objective	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
Relevant Council References	<ul style="list-style-type: none"> • Our Inner West 2036 Community Strategic Plan • Events in Parks Policy • Fees and Charges Schedule 2019/2020 • Grants and Fee Scale Policy 2018 • Grants Program Guidelines 2019 • 2012 Grants and Community Resourcing Policy, former Leichhardt Council
Main Legislative Or Regulatory Reference	Local Government Act 1993
Applicable Delegation Of Authority	As per the delegations' register
Attachments	Appendix 1

Document:	Council Policy	<i>Uncontrolled Copy When Printed</i>	
Custodian:	Director, City Living	Version #	Version # 2
Endorsed By:	Director, City Living	TRIM Ref #	18/45139
Adopted By:	Council	Publish Location	Intranet/ Internet
Adopted Date and Minute #:		Next Review Date	01/10/2022



1. PURPOSE

The purpose of this policy is to provide clarity regarding the ways Council can assist others, through grants, fee waivers and other resources such as Council venues, to deliver projects and activities which contribute to achieving the community strategic vision. The policy will guide the allocation of community resources and replace the version adopted in 2018.

2. OBJECTIVE

The policy aims to deliver a consistent, overarching framework for the provision of financial and other assistance across the Inner West Council area, while ensuring good governance and accountability. The policy seeks to align Council's investment in the community with Council's Community Strategic Plan.

3. SCOPE

3.1. In scope

This policy applies to two major areas of Council support for community initiatives:

1. Inner West Council Grants Program: A suite of project-based grants including community wellbeing, arts, community history and heritage, environment, recreation, community-led celebration day (multicultural) and resident association.
2. Scaled fee structures which provide for reduced or waived fees or charges: Applicable to the hire of indoor venues, parks, and street closure and occupation for resident street parties.

3.2. Out of scope

Reduced or waived fees and charges for the following are not supported by Council or are out of scope for scaled fee structures under this policy:

- Aquatic Centres
- Banner erection, flags and temporary signage
- Leases of Council properties and facilities
- Recurrent funding allocated for organisations in return for significant public benefits relating to community wellbeing and cultural development
- Road closure and occupation other than for existing approvals and resident street parties
- Seasonal bookings for recreation facilities and sporting grounds
- Waste and recycling services provided to the community for events in parks, at schools, street festivals and events.

4. POLICY STATEMENT

Council will be guided by the Grants and Fee Scale Policy in the allocation of grants, and in determining the category of scaled fees charged for the use of indoor venues, parks, and street closure and occupation for resident street parties.



5. GRANTS AND FEE SCALE POLICY

5.1 Context

Council recognises that it cannot do everything on its own and that the best ideas to support and inspire communities come from within communities themselves. Council also 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, 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 (1) 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. Section 428 of the Act requires Council to report on the contribution scaled fees make to Council achieving its annual delivery plan.

5.2 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.

5.3 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:

- An ecologically sustainable Inner West
- Unique, liveable, networked neighbourhoods
- Creative communities and strong economy
- Caring, happy and healthy communities
- Progressive local leadership.



5.4 Inner West Council Grants Program

The Inner West Council Grants Program provides financial assistance to groups and individuals to enable them to deliver programs and services that are consistent with Council's strategic directions.

Applicants address grant assessment criteria published annually in the Grants Program Guidelines, included at Appendix One. Grants are available in the following grant streams:

- **Arts Grants:** Support projects and initiatives that provide opportunities for creative participation and the celebration of local history; enhance creativity and connection to place in the public sphere; develop skills; and strengthen the sustainability and capacity of the Inner West Council's cultural and creative industries.
- **Community History and Heritage Grants:** Support research and projects and interpret the Inner West's historically significant activities, places and people with a view to building the Library's physical and digital collections
- **Community Wellbeing Grants:** Provide financial and in-kind assistance to not-for-profit community-based organisations or community groups auspiced by an organisation, for sustainable local projects which address local issues; promote social justice; enhance wellbeing; foster inclusion and encourage social connection
- **Environment Grants:** Supports projects which strengthen the capacity of local groups to benefit the environment and community through projects focused on environmental improvement, sustainability education, awareness-raising and the promotion of sustainable living as a way of life
- **Recreation Grants:** Provides financial support to community sporting and recreation groups and non-government community recreation organisations that offer recreation programs and services to residents in the Inner West
- **Community-Led Celebration Day (Multicultural) Grants:** Provides financial support to plan and deliver celebrations of national cultures or national days of cultural significance in local communities across the Inner West
- **Community Material Small Grants:** Supports not-for-profit community-based organisations or community groups to establish, develop or expand community wellbeing activities with materials or resources.
- **Resident Association Small Grants:** Supports not-for-profit resident associations to address neighbourhood issues; providing opportunities for local communities to come together to work on issues that are important to them and their places.



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5.5 Scaled fee structure

The provision of quality indoor venues and parks requires significant and on-going maintenance and capital expenditure by Council. Council provides scaled fee structures for the hire of indoor venues, parks, and street closure and occupation for resident street parties in keeping with legislative requirements under Section 8B of the *Local Government Act 1993* which relate to Council's obligations to have effective financial and asset management.

Scaled fee structures aim to strike a balance between the need to charge fees to help offset operational costs of assets, and ensuring these resources remain accessible to the community. [Council fees and charges](#) are documented in the annual schedule, including any fees applied for damage bonds, key deposits, supply of waste and recycling receptacles and removal of waste, and energy usage.

Fee categories comprise:

- Category 1: 100% fee waived
- Category 2: 50% of fee
- Category 3: Full fee.

In making scaled fee decisions, Council considers these categories:

- The nature of the group applying for venue use
- The nature of the activity for residents.

The process for making scaled fee decisions is at Appendix One.

Scaled fee access to the following facilities and services may be sought on the Application Form:

- Indoor venues
- Parks
- Application and processing of applications for local road closure and occupancy for street parties by residents.

5.6 Policy Implementation

5.6.1 Grants

The Guidelines for the grant streams, including program aims; selection and eligibility criteria; and reporting requirements provide support in the development of grant proposals; and the process for evaluation and determination of proposals; for monitoring and evaluating grant results; and for continually improving guidelines and processes.

5.6.2 Scaled Fee Structure

A group or individual seeking access to a scaled fee under this policy may apply on the Council website and Schedule of Scaled fees. Applicants may seek a review of any fee determination, on written request to the Director, City Living.

Attachment 1



5.7 Evaluation

Council will monitor and evaluate the effectiveness of this policy through:

- Regular reviews and updates of the policy every 4 years to coincide with the Community Strategic Plan review cycle.
- Annual updates of Council guidelines and processes.

6. RESPONSIBILITIES

Director, City Living

7. ASSOCIATED PROCEDURES

Draft Inner West Grant Program Guidelines 2020

Version Control - POLICY HISTORY:

Version	Amended By	Changes Made	Date	TRIM #
1	Governance: Policy and Risk	New IWC Policy replacing pre-merged versions	June 2017	#
2	City Living	This policy replaces the 2018 policy, policy fragments from other areas of Council, and the 2012 Grants and Community Resourcing Policy of the former Leichhardt Council	February 2020	



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Appendix 1: Guidelines for determining scaled fee

Introduction

Council provides a scaled fee structure for hire of indoor venues, parks, and street closure and occupation for resident street parties.

The policy regarding scaled fees for community resources is underpinned by the need for them to be affordable and accessible for not-for-profit groups. Categories such as access and affordability for local residents; the health and wellbeing benefits of the activity; the necessity of Council support to enable activities to proceed; and the extent to which the activity aligns with Council's strategic priorities are therefore reflected in the scaled fee structure.

Fee scales

The Community Strategic Plan *Our Inner West 2036* identifies three Strategic Directions, including:

- Unique, liveable, networked neighbourhoods
- Creative communities and a strong economy
- Caring, happy, healthy communities.

How to apply

Council accepts scaled fee applications on the Application Form. Applicants will need to demonstrate their organisational status, provide estimates of number of the number of participants living in the Inner West Council area, estimate the number of number of participants with concession entitlements and describe the health and wellbeing benefits of the activity being provided.

Applicants will be required to identify the scaled fee category they believe they are eligible for and provide evidence to support that categorisation.

Assessment process

An assessment panel comprising specialist staff will assess the applications and determine fee categories based on the information provided and the categories outlined in Table 1 (below); and reference to the Community Strategic Plan.

Applications for scaled fee will be determined by the Chief Executive Officer's delegate.

Review process

Any applicant who believes that an incorrect category has been applied to their application may write to the Director, City Living to seek a review. The requested review must include the following:

- Current financial statement, including all revenue and operating costs of the group
- Fees charged per participant
- Number of participants at the activity
- % of participants who are residents of IWC
- % of participants on low incomes (health care card holders)
- Analysis of ability of the activity to be held at one of IWC's lower cost venues.
- Benefits to IWC residents and the community need being addressed.

Attachment 1



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Further Information

Council's website and application form will provide the contact details of staff who can assist with any queries regarding fee categories, as well as other information including conditions of hire community venues and town halls, recreation facilities and parks, and street closure and occupation for resident street parties.

Table 1: Schedule of Scaled Fees and Categories of Organisation

Scaled Fee	Organisation	Activity	Examples
1 100%	<ul style="list-style-type: none"> Incorporated not for profit organisation Unincorporated local not for profit group Parents and Citizens and Parents and Friends Associations from schools in the Inner West Council local government area 	<ul style="list-style-type: none"> Services that enables achievement of specific Community Strategic Plan objective for residents Where there is evidence that payment of a fee for venue use will prevent the activity from occurring 	<ul style="list-style-type: none"> Alcoholics Anonymous and other mutual support fellowships in the twelve-step tradition Cultural and arts performance organisations that draw a local ticket purchasing audience Local meetings of registered political organisations Local youth band rehearsals Men's groups P&C/P&F fundraiser Play groups Seniors and cultural social support Women's groups
2 50%	<ul style="list-style-type: none"> Incorporated NFP organisation Unincorporated local NFP group Sole traders with public liability insurance 	<ul style="list-style-type: none"> Services that enables achievement of specific Community Strategic Plan objective for residents Groups that charge a fee of \$2 or more for participation in the event, or for membership Offering community focused activities, and discounted access to health care card holders 	<ul style="list-style-type: none"> Dance groups Painting classes Yoga for cancer patients U3A Charity event with over 50% beneficiaries being residents.



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		<ul style="list-style-type: none"> Religious institutions (ATO defined) 	<ul style="list-style-type: none"> Religious services 	<ul style="list-style-type: none"> Religious services and other forms of worship or religious study
3	Full fee	<ul style="list-style-type: none"> Private individuals Commercial organisations, businesses, sole traders Political parties, or activities that are overtly political in nature Regular, organised sporting activities/events Schools, TAFE, tertiary institutions, school Parents and Friends/Citizens (where acting on behalf of a school) State or federal government agencies /departments. Activities where Inner West Council residents comprise less than 50% of participants. 	<ul style="list-style-type: none"> Private events by invitation only (e.g. weddings, celebrations) Activities designed for benefit of the business sector Activities that are for the benefit of a private individual or organisation that are not open to Inner West residents Community activities designed to cater for residents of other Council areas Activities/events carried out by sporting clubs, sporting groups or associations. 	<ul style="list-style-type: none"> For-profit conferences or events Political rallies or overtly political public events Large scale sporting events Events by other levels of government with a relatively greater capacity to pay.

Attachment 1

Item No: C0220(1) Item 7

Subject: NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2020

Prepared By: Katherine Paixao - Governance Coordinator

Authorised By: Melodie Whiting - Director Corporate

RECOMMENDATION

THAT Council:

1. **Give consideration to Councillors attending the National General Assembly of Local Government 2020; and**
2. **Give consideration to putting forward and adopting any motions that meet the National General Assembly's criteria by 27 March 2020.**

DISCUSSION

The National General Assembly of Local Government 2020 will be held in Canberra from 14-17 June 2020. The purpose of the General Assembly is to bring together councils from around Australia to discuss, debate and adopt motions of national significance. The cost for registration, travel and accommodation for the General Assembly will be approximately \$2000 per Councillor. Funds are available in the Councillors Conference and Training Budget to cover these expenses.

The National General Assembly is an important opportunity for councils to influence the national policy agenda. The primary focus of all motions should be to strengthen the capacity of local government to provide services and infrastructure in Australia. To be eligible for inclusion in the Business Papers, and subsequent debate on the floor, motions must meet the following criteria;

- Be relevant to the work of local government nationally;
- Be consistent with the theme of 'Working Together for our Communities';
- Complement or build on the policy objectives of your state and territory local government association;
- Propose a clear action and outcome; and
- Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions must be adopted by the Ordinary Council Meeting on 24 March to meet the Conference deadline of 27 March. To assist councils to identify motions that address the 2020 theme, 'Working Together for our Communities', the Australian Local Government Association Secretariat has prepared a short discussion paper shown as Attachment 1.

FINANCIAL IMPLICATIONS

Nil.

ATTACHMENTS

1. [National General Assembly Discussion Paper 2020](#)

**WORKING
TOGETHER
FOR
OUR
COMMUNITIES
NGA20**

**Call for Motions
Discussion Paper 2020**

14-17 June 2020
National Convention Centre Caberra

nga20.com.au



AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

KEY DATES

18 November 2019

Opening of Call for Motions

27 March 2020

Acceptance of motions close

14 - 17 June 2020

National General Assembly

To submit your motion go to:

alga.asn.au/nga20-motions/

SUBMITTING MOTIONS

The National General Assembly of Local Government (NGA) is an important opportunity for you and your council to influence the national policy agenda.

To assist you to identify motions that address the theme of the 2020 NGA – Working Together for Our Communities, the Australian Local Government Association (ALGA) Secretariat has prepared this short discussion paper. You are encouraged to read all the sections of the paper but are not expected to respond to every question. Your motion/s can address one or more of the issues identified in the discussion paper.

Remember that the focus of the NGA is on partnerships and working together so your questions could focus on how Local Governments can work in partnership with the Australian Government to address the challenges our communities face, or the opportunities that are arising as we approach the crossroads before us.

Criteria for motions

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. be relevant to the work of local government nationally
2. not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic importance and should be discussed at a national conference
3. be consistent with the themes of the NGA
4. complement or build on the policy objectives of your state and territory local government association
5. be submitted by a council which is a financial member of their state or territory local government association
6. propose a clear action and outcome i.e. call on the Australian Government to do something
7. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

OTHER THINGS TO CONSIDER

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. Motions should commence as follows - This National General Assembly calls on the Australian Government to

e.g. This National General Assembly calls on the Australian Government to restore funding for local government Financial Assistance Grants to a level equal to at least 1% of Commonwealth taxation revenue.

In order to ensure efficient and effective debate where there are numerous motions on a similar issue, the ALGA Board NGA Subcommittee will group the motions together under an overarching strategic motion. The strategic motions have either been drafted by ALGA or are based on a motion submitted by a council which best summarises the subject matter. Debate will focus on the strategic motions. Associated sub-motions will be debated by exception only.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.asn.au. All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council. **Motions should be received no later than 11:59pm AEST on Friday 27 March 2020.**

Please note that for every motion it is important to complete the background section on the form. Submitters of motions should not assume knowledge. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee, as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Sub-Committee considers the importance and relevance of the issue to local government.

Please note that motions should not be prescriptive in directing how the matter should be pursued. With the agreement of the relevant council, motions may be edited before inclusion in the NGA Business Papers to ensure consistency. If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer.

Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

There is an expectation that any Council that submits a motion will be present at the National General Assembly to move and speak to the motion.

INTRODUCTION

The purpose of this discussion paper is to provide guidance to councils developing Motions for Debate at the 2020 National General Assembly (NGA). This NGA will focus on working together for our communities and how local governments can achieve success through partnerships. It will consider how strategic partnerships can assist councils to address the challenges and opportunities we are facing today and tomorrow.

Some of the challenges and opportunities facing Australia were outlined in the CSIRO's Australian National Outlook 2019. Many of the challenges have direct implications for local governments and the communities they represent and provide services for. These challenges can also be opportunities that, if seized and managed appropriately, can ensure that our councils and communities thrive. This will require long-term planning, significant effort, and a cultural shift that will rebuild trust in institutions and all tiers of government, encourage healthy risk taking, and incorporate environmental and social outcomes in decision-making.

Collaboration and partnerships across sectors and with a diverse range of organisations will be vital to develop and implement solutions to the challenges ahead and to seizing the opportunities that emerge.

The National Outlook

The Australia National Outlook 2019 released by the CSIRO¹ revealed that Australia is at a crossroads. The research highlighted that we need to think and act differently if we are to ensure a bright future where GDP per capita could be as much as 36% higher in 2060 and growth is environmentally sustainable and inclusive. Failure to adequately address the significant economic, environmental and social challenges identified would result in a slow decline.

The CSIRO identified six important challenges that are already taking hold or on the horizon:

- **The rise of Asia** – The development boom in China that fuelled strong demand for Australian commodities (particularly resource and energy exports) is tapering off as China transitions to a new phase of growth fuelled by domestic consumption and services. However, growth in Asia could also create significant opportunities for Australia. By 2030, the Asia-Pacific region is set to consume more than half of the world's food, 40% of its energy, and be home to an estimated 65% of the world's middle class, resulting in increased demand for Australia's quality produce and service exports including tourism, education, health and aged care services, entertainment and financial and professional services.

How can local government position its communities to reap the benefits of the rise of the Asian middle class and manage any impacts? What partnerships are important?

- **Technological change** – New disruptive technologies are transforming industries and the way people live, work, and interact with each other. They are also changing the skills that will be needed in the workforce of the future. In the face of declining academic results Australia faces difficulties in ensuring that the workforce is prepared for the jobs of the future. With adaptation strategies in place embracing technology can have a net positive outlook for jobs.

What are the pre-requisites for commitments to take advantage of technological change?

What adaptation strategies are required at a local level to ensure councils and local communities are ready for the jobs of the future? What partnerships may be required?

- **Climate change and environment** – a broad range of impacts will be experienced in Australia as a result of global climate change, the severity of which will depend on the effectiveness of global emission reductions and local adaptation. The impacts include more extremely high temperatures and few extremely low temperatures, less rainfall and more droughts in southern Australia, less snow, more intense rainfall and fire weather, and fewer but stronger cyclones, and sea level rise. These changes will increase stress on Australia's ecosystems that are already threatened, and significantly affect agriculture, forestry, fisheries, transport, health, tourism, finance and disaster risk management. It is possible to strive towards zero emissions through a range of actions that target key sectors including energy, land use, urban infrastructure and industrial systems.

How do we work together to ensure that there is local adaptation to climate change and climate extremes? What partnerships are available to achieve zero emissions?

- **Demographics** – Australia's population is estimated to reach 41 million by 2060. This increase will be accompanied by an ageing of the population resulting in a reduction in the proportion of working age people from 66% in 2018 to an estimated 60% in 2060. This will impact economic output and infrastructure requirements and place pressure on government budgets. The impacts of population growth are likely to be felt most strongly in urban environments, with Sydney and Melbourne projected to be home to 8-9 million people and Brisbane and Perth increasing to 4-5 million people. If density does not increase, more and more people will be distanced from jobs, higher education, health services and transport.

What partnerships and forward planning are required to manage the impact of population growth in urban areas? How do regional and rural areas work in partnership to realise the benefit of population growth?

- **Trust** – Trust in institutions including governments, businesses, non-government organisations and the media has declined significantly since 1993 when 42% trusted government compared with just 26% in 2016. The loss of trust threatens the social licence to operate for Australia's institutions, restricting their ability to enact long term strategies.

How can local governments utilise partnerships to strengthen our social licence to operate?

- **Social cohesion** – like trust, social cohesion has declined falling from a baseline of 100 in 2007 to 88.5 in 2017, according to the Scanlon Foundation Index. This index considers survey respondents' sense of belonging and worth, social justice and equity, political participation and attitudes towards minorities and newcomers. The drivers of social cohesion are not fully understood but the following factors may all play a role: issues related to trust; financial stress, slow wage growth; poor housing affordability and its disproportionate affect on low income earners; and the rise of inequity.

How can local governments work in partnership with their communities and others to build and maintain social cohesion?

If Australia tackles these six challenges head on using a collaborative approach, we can achieve a bright future as a nation. However, there are five major shifts or changes that must occur. Each of these shifts have several “levers” that support their attainment. Local government has a role in some of the levers.

- An industry shift to enable a productive, inclusive and resilient economy with new strengths in both the domestic and export sectors
 - Increase the adoption of technology to boost productivity in existing industries that have historically supported Australia’s growth, as well as new industries.
 - Invest in skills to ensure a globally competitive workforce that is prepared for technology-enabled jobs of the future.
 - Develop export-facing growth industries that draw on Australia’s strengths and build competitive advantage in global markets and value chains.

What can be achieved through partnerships that can address the gap between regions that are struggling and those that are well-off?

- An urban shift to enable well-connected, affordable cities that offer more equal access to quality jobs, lifestyle amenities, education and other services.
 - Plan for higher-density, multicentre and well-connected capital cities to reduce urban sprawl and congestion.
 - Create mixed land use zones with diverse high-quality housing options to bring people closer to jobs, services and amenities.
 - Invest in transportation infrastructure, including mass-transit, autonomous vehicles and active transit, such as walking and cycling.

Rural communities are essential to Australia’s wellbeing. What is required to ensure equitable access to quality jobs, lifestyle amenities, education and other services? What role do partnerships have to play in this?

Local governments are vital partners in achieving the urban shift? What needs to be brought to the partnerships by other parties? What policies need to be developed or changed?

- An ENERGY shift to manage Australia’s transition to a reliable, affordable, low-emissions energy economy that builds on Australia’s existing sources of comparative advantage.
 - Manage the transition to renewable sources of electricity, which will be driven by declining technology costs for generation, storage and grid support.
 - Improve energy productivity using available technologies to reduce household and industrial energy use.
 - Develop new low-emissions energy exports, such as hydrogen and high-voltage direct current power.



What role do local governments play in the energy shift? How will local governments and communities benefit?

- A LAND shift to create a profitable and sustainable mosaic of food, fibre and fuel production, carbon sequestration and biodiversity.
 - o Invest in food and fibre productivity by harnessing digital and genomic technology, as well as using natural assets more efficiently.
 - o Participate in new agricultural and environmental markets, such as carbon forestry, to capitalise on Australia's unique opportunities in global carbon markets.
 - o Maintain, restore and invest in biodiversity and ecosystem health, which will be necessary to achieve increased productivity.

How can rural and regional communities' benefit from the land shift? What partnerships are required to achieve this shift?

- A CULTURE shift to encourage more engagement, curiosity, collaboration and solutions, and should be supported by inclusive civic and political institutions.
 - o Rebuild trust and respect in Australia's political, business and social institutions.
 - o Encourage a healthy culture of risk taking, curiosity and an acceptance of fear of failure to support entrepreneurship and innovation.
 - o Recognise and include social and environmental outcomes in decision-making processes.

How can local governments build partnerships with their local communities that also benefit the nation as a whole?

How can local governments work in partnership with the Australian Government and other key stakeholders to achieve these shifts and other significant policy challenges?

Can a partnership approach address the current infrastructure backlog and ensure that infrastructure (including transport infrastructure) is available and fit for the future?

Trust

To effectively implement the scale of change and reform that will be required for the growing Australian population, government needs to focus on rebuilding trust. According to the *Edelman Trust Barometer*², trust in government around the world fell to record lows in 2018. While modest increases were reported in the 2019 study including in Australia, citizens around the world are struggling to trust that their governments are working in their best interest.

The 2018 report *Trust and Democracy in Australia: Democratic decline and renewal*³ revealed that Members of the Australian Parliament (MPs) in general are distrusted by nearly half the population (48 per cent) with only one in five (21 per cent) are willing to express that they trust them "a little bit". For State MPs and local councillors, the figure is slightly better with 31 % and 29 % respectively indicating they "trust them a little bit". Table 1 details the level of trust in different generations.

	Generation Z (1995-present)	Millennials (1980-94)	Generation X (1965-79)	Baby Boomers (1946-64)	Builders (1925-45)
State/Territory Government	38.5%	40.0%	26.7%	35.7%	44.1%
Federal Government	39.5%	31.5%	21.5%	30.8%	39.2%
Political parties	26.9%	15.6%	12.2%	16.7%	15.7%
Local Government	66.5%	47.1%	33.6%	47.5%	54.9%
Government ministers	27.5%	24.5%	15.7%	24.3%	31.1%
MPs in general	26.9%	23.2%	16.1%	20.2%	22.3%
Local Councillors	33.8%	31.7%	24.7%	27.2%	33.3%
Public Servants	45.4%	40.4%	34.4%	39.4%	35.9%
Your local MP	29.2%	30.5%	27.5%	31.2%	39.8%

Table 1: Levels of political trust in different generations (source: Stoker et al 2018)

The report revealed that one thing that appears to unite most Australians is complaining about their politicians with the three biggest grievances being:

- politicians are not accountable for broken promises;
- that they don't deal with the issues that really matter; and
- that big business/trade unions have too much power.

Professor Ken Smith, the Dean and CEO of the Australia and New Zealand School of Government (ANZSOG), is intent on understanding the factors that drive distrust in government and developing innovative ways to counter some of these trends. He has highlighted⁴ that people look at central government and see bureaucrats far removed from their own local circumstances. In Australia, where people live in very varied conditions, it is crucial for policymaking to be based in local realities. Yet locally-based solutions have not been the method of choice so far in Australian politics. The answer, according to Professor Smith, is devolved government, or subsidiarity where "policies are driven by and tailored to the needs of the local community – to avoid the problem of service provision that completely misses the mark".

Some commentary suggests that declining trust and confidence is driven by a perceived failure of our institutions to uphold promises and deliver outcomes. Research undertaken for *Trust and Democracy in Australia: Democratic decline and renewal*⁵ revealed a significant appetite for reform including the co-design of policies with ordinary Australians, citizen juries, to solve complex problems that parliament can't fix, and reforms aimed at creating a stronger community or local focus to decision-making.

The Review into the Australian Public Service (APS) had a focus on delivering local solutions⁶ not only in terms of place-based policy making but also by paying attention to communities (often specific communities determined by interest or identity). The review found that there is currently no guiding set of administrative principles or coordinated holistic architecture either within the APS or across the APS and other levels of government to fully support and enable local delivery solutions.

The report⁷ went on "evidence suggest the need for increasing localised solutions in genuine partnership with communities to achieve best social, economic and environmental outcomes. Top down policy making is no longer sufficient alone to deal with community expectations or the complexity of challenges faced in community settings. Communities themselves need to be part of the solutions, right from problem conception to design, implementation and evaluation". "There are opportunities for the APS to get closer to the communities it services directly and indirectly (through effective partnerships with other levels of government and civil society".

How can local governments address the trust deficit with their local communities and assist the Australian Government to do the same?

How can the Australian Government and local governments maximise the strengths and abilities of the public service (including council staff) and deliver in partnership for our communities?

How can we draw on the strengths and resourcefulness of local governments and local communities to work in partnership with the Australian Government to tackle issues of national significance and lift key economic and social indicators?

What do local governments bring to the table to tackle issues of national significance?

REFERENCES

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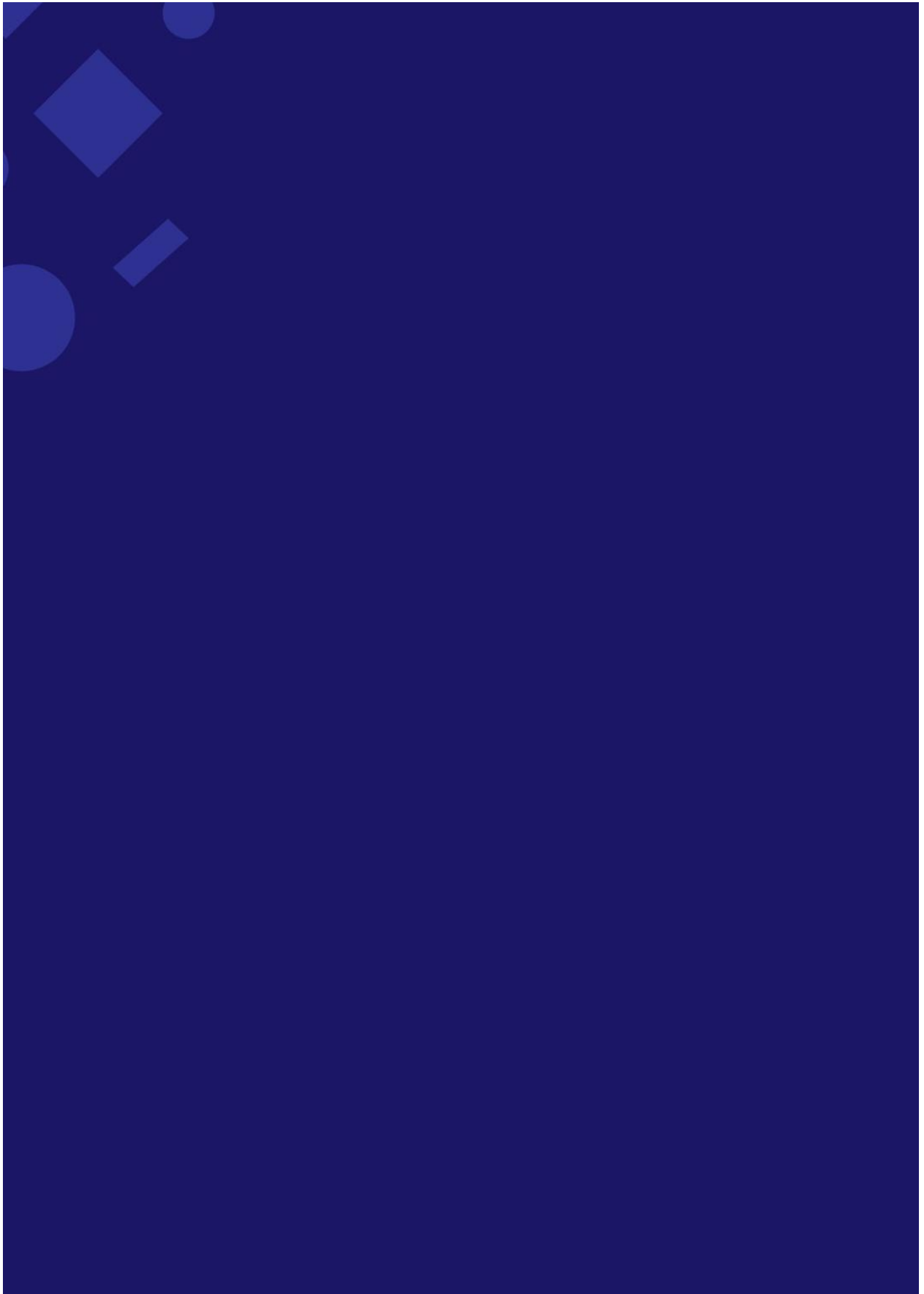
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Item No: C0220(1) Item 8
Subject: NOTICE OF MOTION TO RESCIND: C0918(1) ITEM 2 LOCAL DEMOCRACY – OUTCOMES OF PROPOSED NEW ADVISORY GROUP STRUCTURE PUBLIC EXHIBITION - 11 SEPTEMBER 2018
From: Councillor John Stamolis

MOTION:

The abovementioned Councillor, hereby submits a Notice of Motion to rescind Council's resolution of **C0918(1) Item 2 Local Democracy – Outcomes of Proposed New Advisory Group Structure Public Exhibition** and propose the alternative Motion be adopted as follows:

THAT Council to reinstate Council Committees at the commencement of the 2019/20 year.

Background

Council to rescind:

Motion: (York/McKenna OAM)

THAT Council:

1. Receive and note the public exhibition outcomes of the proposed local democracy advisory committees and groups' structure;
2. Adopt the amended local democracy advisory committees and groups' structure as outlined in the report with the addition of an extra working group for International Women's Day;
3. Receive and note information about pre-amalgamation facilities committees and plans to engage the Inner West community about facilities over the next two-three years;
4. Receive and note information about Your Say Inner West outreach stalls; and
5. Adopt the proposed Residents' Association Small Grants Program, funded from the Community Wellbeing Grants program to a maximum allocation of \$7,500, reviewed within one year.

Prior to the merger, all three Councils ran formal Council committees (as do many NSW Councils). These were run for years and proved to be a vital means for which Councillors, Council officers, experts and the general public would interact with Council in a meaningful and ongoing way. The flexibility for people to attend allowed for the committees to be quite effective. People attended and contributed as per their interest and expertise.

Recommendations from the previous committees flowed through to the Ordinary Council meeting. The meeting agenda was public and so too were the minutes.

Under the current Local Democracy Groups, very little information flows to Councillors while Councillor participation and engagement is limited. There is virtually no knowledge of LDGs in the community and no opportunity for wider public participation.

The previous committees were a way of demonstrating to our community that decision-making within the Councils was open, transparent and accountable.

There has been a noticeable loss of engagement and participation since these committees were ceased. There has also been a significant loss of communication and information flow since the committees ended.

To assist with the reinstatement of Council committees it would be important to immediately form a committee of Councillors to drive this process forward, to develop an agreed model, to detail the committees and to seek the participation of all current LDG participants as core members of the new committees.

Officer comment from Communications and Engagement Manager:

An interim review, as noted in the report C0818(3) Item 4, is currently underway. Council will receive a report of the review when complete.

ATTACHMENTS

Nil.

Item No: C0220(1) Item 9
Subject: NOTICE OF MOTION: PETERSHAM OVAL GRANDSTAND RE-NAMING
From: Councillor Victor Macri

MOTION:

THAT Council re-name the Petersham Oval Grandstand to “The Hughes family-Dudley Seddon Memorial Grandstand”.

Background

Petersham Oval. A place of honour for its great cricketers

Two of the greatest and most influential cricketers ever to grace Petersham Oval were Tommy Andrews and Dudley Seddon. It is therefore no surprise that their names are etched on the prime facilities at Petersham Oval—the scoreboard and grandstand.

The Tommy Andrews Memorial Scoreboard

Tommy Andrews played with the old Petersham Club between 1909 and 1936 scoring just on 11,500 runs in 1st Grade while taking 500 wickets. He went on to play 151 first-class games for NSW and Australia including 16 Test Matches. He also captained NSW four times. Andrews was awarded life membership of the Petersham club in 1924 and 13 years later received the same recognition from the NSW Cricket Association.

The Petersham Oval scoreboard was constructed in 1936 and named in Tommy Andrews’ honour shortly after. It is understood that following his passing in 1970, the name was changed to the T J Andrews Memorial Scoreboard. That name sits atop the scoreboard to the present day.

The D. Seddon Memorial Grandstand

Dudley Seddon played for Petersham from 1915 until 1943. He scored almost 8,000 runs in 1st Grade, captaining the team for seven successive seasons. He also played for NSW six times. While cricket was Dudley’s first love, he was also a capable rugby league centre three-quarter for Newtown who went on to represent NSW when aged just 20.

As an administrator Dudley was first elected to the Petersham committee in 1930 before becoming the club’s delegate to the NSW Cricket Association in 1942, a position he held for the following 26 years. He was made a NSW Cricket Association Life Member in 1951 having previously been conferred with such honour by the Petersham club in July 1940. He became Petersham-Marrickville President in 1959 serving in that role until 1968, the year he retired.

It was Dudley’s role as a State and Australian selector between 1947 and 1967 however, where he exerted his greatest influence on the game. As a national selector for the final 12 years of that period with Sir Donald Bradman and Jack Ryder, he was an integral part of one of the most formidable selection panels in the game’s history. It was this group which established a selection approach and culture which ushered in a golden era of Australian cricket, the benefits of which remain evident in today’s modern game.

Dudley Seddon died at Dulwich Hill on 18 April 1978 just prior to his 76th birthday. In recognition of his contribution to the Petersham club the grandstand at Petersham Oval was named in his honour. For reasons unknown, his name has since been painted over and is no

longer visible on the grandstand awning. The attached photo of the 1979-80 Randwick team at Petersham Oval however, clearly shows the name “D. Seddon Memorial Stand”.

The Hughes family

While the names Tommy Andrews and Dudley Seddon are synonymous with Petersham/Petersham-Marrickville cricket, there can be no doubt that the name “Hughes” conjures similar recognition. Two generations of Hughes players, administrators and volunteers covering a period of activity totalling 64 years between 1944 and 2008 gives ample testimony to that claim.

Born in Newtown and a product of Lewisham Christian Brothers, Noel Hughes joined the old Marrickville club as a 15 year old in 1943-44. He joined Petersham the following summer and in 1947-48 made his 1st Grade debut. Over the following 32 seasons, he went on to score over 9,000 runs including 6,817 in 1st Grade.

In 1946, Noel brought along his then girlfriend and later wife Patricia to help out with afternoon teas at Petersham Oval. That was the beginning of a period of voluntary assistance which continued until her “retirement” in 2008—62 years later. Together with two other ladies—Helen Milford who joined her in 1951 and Robin Gardner in 1966—Pat and her “team” became legendary in Sydney Grade Cricket for their Petersham Oval hospitality. Indeed, there would hardly be a 1st or 2nd Sydney Grade cricketer in all that time who wasn’t served “a cuppa” by each of these ladies. In fact, Pat Hughes was as well known in Sydney cricket circles as any leading player.

Noel and Pat Hughes were married in 1951 and in October 1952 their first son Garry was born. Mark followed a couple of years later with Graeme arriving in 1955. Each of the three boys played 1st Grade cricket for Petersham-Marrickville with Graeme fulfilling his father’s dream and playing Sheffield Shield cricket for NSW. Graeme became a dual State representative playing rugby league for NSW. Between father Noel’s debut season of 1947 and the final season of Graeme’s career in 1995, there had hardly been an occasion when Petersham or Petersham-Marrickville 1st Grade team took the field without the Hughes name in the starting line-up.

Noel Hughes was a cricket icon in the Petersham area throughout his career. After filling in for a few matches in 1975-76 Noel Hughes hung up his boots. He continued to serve the club as a committee member however, and when he eventually stood down in 1998, he had chalked up a mammoth 42 successive years as an administrator. Deservedly, he was awarded Life Membership of Petersham Marrickville in 1971 while in 2000 he, along with wife Patricia who had served an estimated 50,000 cups of tea at Petersham Oval, was awarded the Australian Sports Medal by the Governor-General. In 2010 they were again both honoured with Cricket Australia’s 50 Years’ Service Medal.

While Garry and Mark Hughes played 1st Grade with Petersham-Marrickville CC, it was third brother Graeme who had more success on the cricket field. He made his 1st Grade debut at age 17 and went on to play for the following 21 seasons scoring over 6,500 runs with 11 centuries. He was the top-scorer in the Grand Final when Petersham-Marrickville won the 1st Grade premiership in 1974-75. Hughes went on to play 22 matches for NSW making his Sheffield Shield debut against Victoria in 1975 aged 20.

Just prior to his first-class cricket debut, Hughes played his first game of rugby league for NSW against Queensland aged 19 becoming a “Dual Blue”. He followed Dudley Seddon who also achieved that feat.

Hughes was an integral member of the Canterbury-Bankstown Bulldogs sides of the late 1970s-early 80’s along with his brothers Garry and Mark. All three played in the NSWRL

Grand Final of 1980 won by Canterbury-Bankstown 18-4 over Easts with Graeme playing a starring role.

Recommendation

With the renovation of the Petersham Oval grandstand nearing completion, it is felt that consideration should be given to the re-naming of the facility. As indicated above, the name of Dudley Seddon is entirely appropriate to be retained. However, with the passage of time and the contribution and achievements of the Hughes family since the original naming, this club is of the strong view that their name should also be recognised at a venue which was like a “second home” to each and every one of them over a long period of time.

In this regard it is suggested the Petersham Oval Grandstand be re-named “The Hughes family-Dudley Seddon Memorial Grandstand”.

Officer’s Comments:

Comment from Parks and Recreation Planning Manager:

A number of memorials and monuments are scattered throughout Petersham Park. The gates and stone gate-post in Brighton Street form an Anzac Memorial (opened 1921). Other memorials include the D Seddon Grandstand and the T J Andrews Scoreboard which commemorate cricketers in the locality. Cricket is however not the only organised sport played at Petersham Park, baseball has been a feature of the park for over thirty years and the grandstand and its facilities are a shared facility.

The park is a listed heritage item and it needs to be respected as such. In early 2020 Council will be commencing the development of a Plan of Management for Petersham Oval. This is the correct vehicle for Council to consider any proposed name change or naming addition to the grandstand facility. The Plan of Management process will include significant community engagement with both park users and the general community. A change in name to any key assets within the park should be consulted appropriately with the community and the results of community engagement reported back to Council for consideration, prior to any name change being determined by Council.

ATTACHMENTS

Nil.

Item No: C0220(1) Item 10
Subject: NOTICE OF MOTION: INITIATED A PROPOSAL TO DE-MERGER THE INNER WEST COUNCIL
From: Councillor Rochelle Porteous

MOTION:

THAT Council notes that:

1. **Leichhardt, Marrickville and Ashfield councils were forcibly amalgamated in May 2016 by the Baird Government to form the Inner West Council;**
2. **After 3 years of the forced amalgamation of 3 good, high functioning councils the amalgamation has not achieved the cost savings promised by the Baird Government and in fact has put additional pressures on staff and systems which has impacted on the quality of services delivered by the council and left the council with on-going budget deficits. Participatory democracy has also been seriously eroded by this forced council amalgamation;**
3. **This council supports the right of this council and other councils in NSW to de-amalgamate where the community demonstrates their preference for council to de-amalgamate; and**
4. **Council immediately writes to the Minister for Local Government requesting that in light of the recent decision to de-merge Snowy Valleys Council and Cootamundra-Gundagai Regional Council that the State Government fund a referendum of the Inner West to ask the community if they wish to demerge.**

Background

The Minister for Local Government Shelly Hancock has this week given notice that she will proceed to the next stage for de-merger of the forcibly amalgamated councils of Snowy Valleys and Cootamundra-Gundagai.

Media Release from Minister Hancock's office:

*Shelley Hancock Minister for Local Government
MEDIA STATEMENT Tuesday, 26 November 2019
SNOWY VALLEYS AND COOTAMUNDRA-GUNDAGAI REGIONAL COUNCILS*

Today I have determined that proposals to demerge Snowy Valleys Council and Cootamundra-Gundagai Regional Council should proceed to the next stage in the formal assessment process.

I have listened carefully to the views of the community, the councils and local members in making this decision. The elector proposals have been initially assessed by the Office of Local Government against criteria under the Local Government Act and found to be valid. This included confirming with the NSW Electoral Commission that signatories to the proposals were enrolled electors.

As required under the Act, I will now give public notice of the proposals to allow the councils and electors to make submissions.

By law I am then required to consider all submissions before formally referring the proposals to the Local Government Boundaries Commission, an independent statutory authority, for examination and report.

I have also asked the Office of Local Government to continue to work closely with Snowy Valleys and Cootamundra-Gundagai Regional councils and monitor their performance. MEDIA: Nicholas Story | 0438 255 020

Leichhardt, Marrickville and Ashfield Councils were 3 councils with strong finances; quality services which met the needs of local residents and consistently very high ratings on all surveys of resident's satisfaction. These 3 local councils were also strong and effective voices advocating for their local area – no wonder we were at the top of Mike Baird's hit list.

After 18 months under the Administrator and over 2 years with an elected council it is clear this forced amalgamation is not working. The Inner west Council has had an ever-increasing deficit while staff numbers have increased significantly. Despite the deficit and increase in staff numbers, we are losing events and community organisations are being de-funded; service levels have not improved and there has been a loss of active participatory democracy in the inner west as the voice of the community is increasingly silenced. The ongoing discontent and anger people feel about this forced amalgamation runs deep.

Every survey conducted by the 3 councils prior to the forced amalgamation showed that overwhelmingly residents did not want their council amalgamated into a mega council.

It is time this council let the people, not the Coalition State Government decide if we should continue with this forced amalgamation or not.

Officer's Comments:

Staff have no comment.

ATTACHMENTS

Nil.

Item No: C0220(1) Item 11
Subject: NOTICE OF MOTION: COUNCIL RESPONSE TO BUSHFIRE CRISIS,
EXTREME WETHER AND CLIMATE CHANGE
From: The Mayor, Councillor Darcy Byrne

MOTION:

THAT Council:

1. Note the existing policies and programs which have been instituted by our local government to reduce carbon emissions, invest in renewable energy, reduce energy costs to ratepayers and mitigate impacts on local people of extreme weather, including;
 - a. Sourcing the equivalent of Council's daytime energy usage from Moree Solar Farm;
 - b. Systematically replacing residential street lighting with LED lighting;
 - c. Establishing the Solar my School program;
 - d. Becoming 100 per cent divested from fossil fuels and incorporating divestment principles into tendering processes;
 - e. Committing to being 100 per cent powered by renewable energy and achieving carbon neutrality by 2025; and
 - f. Resolving to double to investment in tree plantings in the 2020/21 Budget and establishing a dial-a-tree program to provide free trees for planting to local residents.
2. Request a report from the CEO to be tabled at the March Ordinary meeting on further actions to be taken by Council in response to the bushfire crisis and the new environmental hazards posed, including;
 - a. Establishing a sister Council relationship with a fire effected LGA in NSW to provide short medium and long-term support to their council and community. This should include consideration of staff secondment to assist with services, loaning or provision of assets and resources and community to community activities that can allow residents, businesses and organisations in the Inner West to contribute to recovery and ongoing support;
 - b. Options for how Council can assist in the recovery efforts following the biodiversity crisis created by the bushfires;
 - c. The health and safety monitoring and compliance for council staff and facilities and the general community, including whether increased air quality monitoring from the responsible state government agencies is required;
 - d. The existing statutory and adopted policy/compliance processes for closure of council facilities such as pools and sporting grounds impacted by air pollution;
 - e. Review of Council's existing heat monitoring and alleviation strategies for our community, including the potential to of provide cooling areas, especially for vulnerable populations, on hot days;
 - f. Consultation with the Local Area Health Service seeking advice about mitigation measures Council can undertake to reduce impacts on the population during periods of poor and hazardous air quality and extreme heat;
 - g. Water storage options for council buildings, and any programs with the state government to encourage people to properly invest in and use grey water;
 - h. Consultation with local bushcare and biodiversity groups and environmental peak bodies on the above actions;

-
- i. A potential partnership with Inner West Tree Growers, a newly established community group which is seeking to partner with Council on the implementation of our tree planting program; and
 - j. Confirming the implementation timeline for the implementation of Council's existing solar and sustainability programs throughout 2020.
-

Background

This summer has seen the tragic devastation caused by bushfires ravaging across Australia.

We have also seen an unprecedented number of Australians in urban areas desperate to help those in need, and there are several practical ways Metropolitan Councils can provide relief to affected communities in regional and rural NSW.

The heat and smoke that has accompanied these fires has also been affecting communities across the country, and the Inner West has not been immune to these impacts.

The times require us to review the policies and actions we are taking to protect both Council staff and the broader Inner West population.

Communities across Australia are seeking that their political leaders and Governments have coordinated plans and policies to help address and mitigate the impact of climate change on their daily lives.

Officer's Comments:

Staff have no comment.

ATTACHMENTS

Nil.

Item No: C0220(1) Item 12
Subject: NOTICE OF MOTION: NEW RESIDENTIAL TENANCY LAWS (FROM 23 MARCH 2020)
From: Councillor John Stamolis

MOTION:

THAT Council advertise the changes to NSW residential tenancy laws on its website.

Background

With 44% of dwellings in the Inner West being rented compared with 32% across NSW, the recently announced changes to residential tenancy laws will have significant relevance here.

Changes to the residential tenancy laws commence 23 March 2020, with amendments to the Residential Tenancies Act 2010 and the new Residential Tenancies Regulation 2019.

The changes improve tenants' renting experience while ensuring landlords can effectively manage their properties. The changes aim to reduce disputes over repairs and maintenance, increase protection and certainty for tenants, and clarify the rights and obligations of tenants and landlords.

Here are the key changes which start on 23 March 2020.

- [Minimum standards to clarify 'fit for habitation'](#)
- [New smoke alarm obligations for landlords](#)
- [Changes of a 'minor nature'](#)
- [Damage and removing modifications](#)
- [New mandatory set break fees for fixed term agreements](#)
- [Strengthened information disclosure requirements](#)
- [New material facts](#)
- [New information to be disclosed to prospective strata tenants](#)
- [Remedies for tenants for breaches to information disclosure requirements](#)
- [Water efficiency measures](#)
- [New rectification order process](#)
- [New standard form of agreement](#)

Officer's Comments:

Staff have no comment.

ATTACHMENTS

Nil.

Item No: C0220(1) Item 13
Subject: NOTICE OF MOTION: TREES IN HIGH VOLUME
From: Councillor John Stamolis

MOTION:

THAT Council:

- 1. Develop a tree care and management policy for areas of high public and traffic use; and**
- 2. Prioritise tree planting over hot surfaces to reduce the urban heat island effect, to provide more shade for the public and to beautify the local environment.**

Background

The recent tree failure on Norton Street highlights the need for Council to be more active in maintaining its trees, especially in areas of high public and traffic use. This motion requests Council to develop an effective assessment and maintenance program for trees in areas of high use. Residents have also suggested that there are currently trees along highly used streets such as Norton Street and Marion Street that need assessment while there are other local streets where there has been no Council maintenance for many years. In years where there is drought and as the impact of climate change becomes more pronounced, it is vital that our trees are protected and cared for and that public risk is minimised.

A more effective tree inspection and maintenance program for Council trees will not only reduce risk, it could save many trees through early intervention and it could improve tree management and planting strategy in high use areas. Council should also prioritise tree plantings over hot surfaces such as roads and footpaths in order to reduce the urban heat island effect, to provide more shade for people and to beautify our area. There is enormous scope and opportunity across the Inner West to increase shade over hot surfaces and to improve our local environment. Council should set performance targets and make these publicly available. Such indicators would not only include the number of trees planted but the expected canopy as well.

Officer's Comments:

Comment from Urban forest and Ecology Manager:

Council undertakes proactive and reactive maintenance on all its street trees on a regular basis. An LGA wide tree inventory has just been finalised which will allow Council to develop a detailed forward inspection and tree maintenance cyclic program. This program will be maintained as a live database to ensure the data is kept up to date and Council is able to monitor the condition of its urban forest effectively.

On the back of this inventory a new tender for tree maintenance and management service is currently being prepared and will be put in place at the start of the 2020/2021 financial year. This tender will include a best practice specification and set a high standard of tree maintenance for the Inner West. Aspects such as prioritising tree maintenance along high traffic areas will be included in this specification. Council's tree planting program currently already prioritises planting based on heat and uses the latest available heat maps to inform the program. The upcoming planting for the 5 million trees program focuses primarily on sites covered in concrete to help reduce the urban heat island effect.

ATTACHMENTS

Nil.

Item No: C0220(1) Item 14
Subject: NOTICE OF MOTION: COUNCIL SUBMISSION AND ASSISTANCE TO RESIDENTS: EIS WESTERN HARBOUR TUNNEL
From: Councillor Rochelle Porteous

MOTION:

THAT:

- 1. The Mayor and CEO write to the Minister for Transport requesting that the exhibition period for the EIS be extended to 30 March 2020;**
- 2. Council make a submission to the EIS for the Western Harbour Tunnel and Warringah Freeway;**
- 3. A short report be brought to the 25 February Council meeting outlining how Council's submission to the EIS will be undertaken and which consultants have been or will be appointed. The report should also identify any additional funding required for specialist consultants and should ensure the submission council submits is well-researched, detailed and carefully evidenced;**
- 4. Council holds a public meeting to provide residents with the staff's analysis of the impacts of the Western Harbour Tunnel and advice to residents in writing their own submissions. The Balmain Ward Councillors should also be invited to speak at this public meeting; and**
- 5. Council provide information on the EIS; the council's analysis of impacts and help with making a submission on council's website.**

Background

Late last week the Balmain and Rozelle community was informed via email and letterbox drop that the Environmental Impact Statement (EIS) is now out for the Western Harbour Tunnel Tollway which will run under the Balmain peninsular and link through to Rozelle, possibly with the Balmain Leagues Club (Tigers) as a dive site. Submissions to the EOI will close on 12 March 2020, which is very little time for Council and community groups and individuals to research and make submissions. At the very least the date to accept submissions should be extended to 30 March 2020. This development, should it proceed, would have significant negative impacts on the residents and local businesses of the Balmain peninsula as well as residents and businesses in Rozelle and Lilyfield.

It is critical that council allocate the resources needed to produce a well-researched, detailed and carefully evidenced submission on behalf of local residents and businesses. This is likely to need additional consultants to undertake elements of the submission particularly in relation to issues such as the management of the large amount of soil which will be dredged from the harbour; the impact of the depths of the tunnels on local infrastructure, homes and the many heritage buildings on the peninsula; vibration and noise impacts; air pollution and unfiltered exhaust stacks impacts; traffic impacts and impacts on marine life from the dredging. It is also important that the community is supported with developing and lodging their submissions and that they have access to information and studies done by council and have the opportunity to attend a public meeting run by council staff which can provide them with independent information about the development.

Officer's Comments:

Comment from Director Infrastructure:

Staff are reviewing the substantial EIS documentation. It is anticipated that a draft submission will be reported to Council's Meeting on 10 March. Transport for NSW have arranged public information sessions to discuss the EIS. These will be held in the Balmain Townhall on Thursday 6 February 2020 4pm to 7pm and Saturday 22 February 2020 11am to 2pm.

ATTACHMENTS

Nil.

Item No: C0220(1) Item 15
Subject: NOTICE OF MOTION: WESTCONNEX AND WESTERN HARBOUR TUNNEL COMMUNITY LIAISON FORUM
From: Councillor Rochelle Porteous

MOTION:

THAT:

1. The WestConnex Community Liaison Forum be continued with the inclusion of the Western Harbour Tunnel Beaches Link Project, to be renamed the WestConnex and Western Harbour Tunnel Community Liaison Forum; and
2. Meetings be held in the evening rather than during the day to enable more community members to attend. That relevant community groups opposing the Western Harbour Tunnel be invited to attend the Forum together with the current community group representatives, the authority representatives and representatives from RMS and the contractors. Councillors and the General Manager should also be encouraged to attend.

Background

Westconnex has been one of the most devastating developments in the Inner West and prior to the forced amalgamation of the 3 councils – Leichhardt, Marrickville and Ashfield, all 3 councils were strong and united in their opposition to WestConnex. The Administrator of the forcibly amalgamated council, Richard Pearson, soon realised that WestConnex was a critically important issue for local residents and following strong lobbying from the community established the WestConnex Unit within council and the WestConnex Community Liaison Forum which met monthly with alternate day and evening meetings. The forum has been a real lifeline for many community groups with relevant authorities attending and providing information and answering questions at these meetings – such as the *Environment Protection Authority and Department of Planning, Industry & Environment*.

It is unfortunate that the RMS and the contractors have not attended recent meetings and they should be encouraged to attend. Attendance from the community groups has been solid and consistent noting in the last 4 meetings community representatives from Haberfield, St Peters, Leichhardt, Annandale, Rozelle and Balmain, Ashfield and Newtown. I note that Councillors were not consulted on the decision to discontinue the forum nor have they received any notification that the Forum has been discontinued, similarly the community members were not alerted beforehand to the fact that the forum was at risk of being discontinued.

Discontinuing this Forum could not come at a worse moment with the construction of the M4-M5 Link proceeding and residents once again being kept in the dark and treated very poorly by the contractors and the RMS. In the opinion of members of the Forum the TfNSW WestConnex Community Reference Group (WCRG) does not in any way substitute the role of the WestConnex Community Liaison Forum.

In addition the EIS for the Western Harbour Tunnel Beaches Link Project has just been announced with the closing date for submissions being 12 March 2020. Local community groups are rightly very concerned about the impact of the Western Harbour Tunnel and the Liaison Forum would provide a voice for the community and support through council to relevant authorities for community groups opposed to this proposed development.

Officer's Comments:

Comment from Director Infrastructure:

Recently Council has been reviewing the operation and effectiveness of all its committees. The need for WCLF has been falling away as WestConnex issues have become less strategic in nature, and WCLF functions are increasingly being served by the TfNSW WestConnex Community Reference Group (WCRG). The ability for the contractors and State agencies directly address the community's issues has improved. Council now has a multiplicity of major projects affecting our community. The CEO is proposing a higher level strategic discussion between Council, TfNSW and the community.

ATTACHMENTS

Nil.

Item No: C0220(1) Item 16
Subject: NOTICE OF MOTION: COUNCIL LOGO
From: Councillor Julie Passas

MOTION:

THAT Council receive a full report on the new logo, name of the successful group or person, cost of the logo Meetings, staff time and other resources. Amount to be paid to the successful tender and who decided on the logo for our Council.

Background

Councillors have been sent a copy of the new Council logo and were told it was to be made public on the 3 February 2020. Please advise why Councillors were not given the opportunity to comment on or approve the new logo.

Officer's Comments:

Comment from Communications and Engagement Manager:

At the Council Meeting on 26 June 2018, Council resolved that a 9 person panel be established to determine and finalise the selection criteria, brief expressions of interest, make the final decision, oversee the engagement strategy on a new brand. The resolution also stated that Council commence the rollout of the new brand/logo once the panel had made its decision. The panel had representation from Councillors, the community and staff.

ATTACHMENTS

Nil.

Item No: C0220(1) Item 17
Subject: NOTICE OF MOTION: CEO PERFORMANCE
From: Councillor Julie Passas

Item 17

MOTION:

THAT a meeting on the CEO Performance be convened of full Council as soon as possible.

Background

The review panel regarding the performance of the CEO has not been reported to Council since the appointment. As with many other councils I request a meeting be convened of full Council as soon as possible, as it is 12 months since the appointment.

Officer's Comments:

Comment from Director Corporate:

At the CEO Performance Review Panel meeting conducted on 27th July 2019, the Panel agreed that the CEO provide a 6 monthly progress update to all Councillors in confidential session with provision for questions and feedback with a full performance review by the Panel undertaken in 12 months, i.e. July 2020. The 6 monthly progress update is currently underway and being externally facilitated. An update will be provided to all Councillors.

ATTACHMENTS

Nil.

Item No: C0220(1) Item 18
Subject: NOTICE OF MOTION: POSTERS
From: Councillor Julie Passas

MOTION:

THAT:

- 1. Councillors be advised of the policy on Councillors displaying their photos; and**
- 2. Councillors receive copies of infringement notices issued to individuals and parties.**

Background

This motion seeks clarification of the directive sent to Councillors by the CEO, regarding Councillors displaying their images publicly. The correspondence said Councillors would be sent infringement notices if they did not comply. As there are several election corflutes on poles in the local government area as we speak from previous State and Federal elections have those responsible paid a fine.

Officer's Comments:

Comment from Chief Executive Officer:

An email was sent to Councillors on 11 December 2019, stating that Council has received complaints about election posters and advising that Council will remove any sign that infringes the requirements of the Local Government Act and fines will be issued and compliance will be handled by staff with impartiality. The poster in question was attached to a Council pole and was obstructing the footpath.

ATTACHMENTS

Nil.

Item No: C0220(1) Item 19
Subject: QUESTIONS ON NOTICE: STAFFING
From: Councillor Marghanita Da Cruz

Question

How many staff are there in the Mayoral Office?

Answer

5 staff.

Question

What is the budget (including staff) of the Mayoral Office?

Answer

The Office of Mayor has a FY20 Budget of \$699,486 (adopted).

Question

Does council have a separate media office from the Mayor's Media Office and how many staff does it have?

Answer

Separate from the two Mayoral media staff, Council has a Communications and Engagement Manager, and a Media and Communications Coordinator. Currently an External Communications Officer position is vacant.

Question

What is the increase in Advertising between 18/9 and 19/20 due to?

Answer

Advertising costs have decreased in 19/20 compared to 18/19. (\$590k budgeted in 19/20 with \$241k spent to date, compared to \$1,162k actual spend in 18/19).

Question

What is the Role of the Mayoral Policy and Media Relations Manager?

Answer

This role provides the Mayor with high level strategic, policy and media advice, and acts as a point of contact between the Mayor and senior staff.

Question

What is the total headcount of staff currently employed in the Inner West Council?

Answer

1010 – Permanent staff
77 – Fixed Term staff
335 – Casual staff

TOTAL: 1422

Question

How many Full Time Equivalent positions are there in Inner West Council?

Answer

946 – Permanent staff
70 – Fixed term staff

TOTAL: 1016

ATTACHMENTS

Nil.

Item No: C0220(1) Item 20

Subject: TENDER 42-19 RICHARD MURDEN RESERVE SHARED PATH AND LIGHTING UPGRADE

Prepared By: Ryan Hawken - Project Manager Greenway Delivery

Authorised By: Cathy Edwards-Davis - Director Infrastructure

RECOMMENDATION

THAT Council adopt the recommendation contained in the Confidential Attachment 1.

DISCUSSION

Upgrade of the Greenway link through Richard Murden Reserve is identified as a priority in the Cooks to Cove Greenway Master Plan. Council invited tenders for the construction of the Richard Murden Reserve Shared Path and Lighting Upgrade, Tender 42-19. The works include the upgrade and partial realignment of 1400m of existing path to a 3.5m wide shared path between Marion Street and the City West Link. This includes path lighting and landscaping works and facilitates future upgrades to the Reserve envisioned in the adopted Master Plan. Further works within the Reserve are currently unfunded.

Eleven tenders were received and reviewed by the Tender Evaluation Committee. Tenders were evaluated in accordance with Council's Purchasing Policy and Procedures and the Local Government Act 1993 and General Regulations 2005.

A Summary of the Tender Evaluation Committee's report is attached as Confidential Attachment 1.

Pending Council approval, upgrade of the shared path and lighting through Richard Murden Reserve is anticipated to commence in March and run until October. Local residents will be notified prior to commencement of construction. Works will be undertaken in a staged approach and alternate path routes will be provided for users throughout the works period.

ATTACHMENTS

1. CONFIDENTIAL T42-19 Richard Murden Reserve Shared Path Upgrade Tender Evaluation Summary - *Confidential*