

Minutes of Ordinary Council Meeting held remotely and livestreamed on Council's website on 27 October 2020

Meeting commenced at 6.30pm

Present:

Darcy Byrne	Mayor
Victor Macri	Deputy Mayor
Marghanita Da Cruz	Councillor
Mark Drury	Councillor (6.33pm)
Lucille McKenna OAM	Councillor (6.31pm)
Colin Hesse	Councillor
Sam Iskandar	Councillor
Tom Kiat	Councillor (6.33pm)
Pauline Lockie	Councillor
Julie Passas	Councillor
Vittoria Raciti	Councillor (6.32pm)
John Stamolis	Councillor
Louise Steer	Councillor
Elizabeth Richardson	Acting Chief Executive Officer
Cathy Edwards-Davis	Director Infrastructure
Katherine Paixao	Acting Governance Manager
Carmelina Giannini	Governance Support Officer
Caroline Karakatsanis	Audit Office NSW
Rochele Antolin	Audit Office NSW

APOLOGIES:

Motion: (Byrne/Drury)

THAT apologies from Councillor York be accepted.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Hesse, Iskandar, Lockie, Macri, Passas, Stamolis and Steer

Against Motion: Nil

Councillor McKenna OAM entered the Meeting at 6:31 pm.

Councillor Raciti entered the Meeting at 6:32 pm.

DISCLOSURES OF INTERESTS:

Clr Lockie declared a non-significant, non-pecuniary interest in Item 11 Notice of Motion: Parking on the Princes Highway as one of the businesses affected is her family vet and they originally approached her for advice on the issue through Council before she referred the business to Clr Macri.

Motion: (Steer/Da Cruz)

THAT Council note the disclosures of interest.

Motion Carried

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

Against Motion: Nil

Councillors Drury and Kiat entered the Meeting at 6:33 pm.

CONFIRMATION OF MINUTES**Motion: (Stamolis/Hesse)**

THAT the Minutes of the Council Meeting held on Tuesday, 13 October 2020 and Extraordinary Council Meeting held on Tuesday, 13 October 2020 be confirmed as a correct record.

Motion Carried

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

Against Motion: Nil

ADJOURNMENT

6.40pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

6.42pm– The Mayor, Clr Byrne resumed the meeting.

Confidential Session**Motion: (Byrne/Macri)**

THAT Council enter into Confidential session.

Motion Carried

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

Against Motion: Nil

That in accordance with Section 10A(1) of the Local Government Act 1993, the following matter be considered in Closed Session of Council for the reasons provided:

C1020(2) Item 21 Mayoral Minute: Appointment of Interim CEO contains personnel matters concerning particular individuals (other than councillors) (Section 10A(2)(a) of the Local Government Act 1993).

Motion: Byrne/Hesse

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

Motion Carried

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

Against Motion: Nil

REPORTS WITH CONFIDENTIAL INFORMATION**C1020(2) Item 21 Mayoral Minute: Appointment of Interim CEO****Motion: (Byrne/Macri)****THAT Council:**

- 1. Appoints Brian Barrett as Acting General Manager of Inner West Council effective from the date on which a contract of employment has been signed by Brian Barrett and the Mayor;**
- 2. Authorises the Mayor to negotiate and sign a contract of employment with a with remuneration in line with the salary of the previous General Manager;**
- 3. Authorises the continued appointment of Brian Barrett as Acting General Manager until a permanent General Manager is appointed by Council. This appointment shall be for not less than 3 months and will conclude with the appointment of the permanent General Manager;**
- 4. Terminates the appointment of Elizabeth Richardson as Acting Chief Executive Officer from the date of the appointment of Brian Barrett as Acting General Manager;**
- 5. Delegates to the Mayor the authority to sign an instrument of delegation to Brian Barrett in the same terms as the Council's delegations to the previous CEO dated 25 February 2019; and**
- 6. Conduct a review of the delegations and report back in an Ordinary meeting in December 2020.**

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

6.58pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

7.02pm– The Mayor, Clr Byrne resumed the meeting.

C1020(2) Item 15 Mayoral Minute: Arts Forum**Motion: (Byrne)****THAT Council writes to the NSW Arts Minister, the NSW Minister for Jobs, Investment, and Tourism, and the NSW Minister for Planning and Public Spaces requesting the following actions identified through the Arts Forum that Council convened:**

- 1. That arts infrastructure be included in a Government stimulus plan with a whole of Sydney focus;**

2. State Government funding to assist small to medium enterprises, which have been unfunded to date;
3. State Government funding to expand the existing arts funding grants, which are administered by local Councils;
4. Assist with planning and DCP challenges to help with the adaptive use of empty shopfronts for the arts sector;
5. Provide more State Government funding to multicultural arts; and
6. Work with Councils to develop a Public Art Strategy.

Motion Carried

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

Against Motion: Cr Passas

C1020(2) Item 16 Mayoral Minute: King George Park and WestConnex

Motion: (Byrne)

THAT Council:

1. Notes the \$2.875 million Council received for the compulsory acquisition of 2,285sqm of land at King George Park);
2. Receive a report back on how the \$1.343 million can be dedicated to improving the recreational facilities at King George Park or our other Crown reserves, with preference to be given to parks or reserves in areas significantly affected by WestConnex Stage 3B;
3. Notes the list of priorities of sporting organisations that use King George Park for the sporting ground;
4. Sends a letter from the Mayor to residents of Byrne St, Manning St, Clubb St, Toelle St, Callan St, Springside St, McCleer St and Moodie St asking for their priorities for improvements of public amenities in the area, which will be reported to Council at an Ordinary meeting; and
5. Consults with Balmain Little Athletics, Leichhardt Saints and Leichhardt Juniors Rugby League Club on their priorities and, following this consultation, tabled at an Ordinary meeting.

Motion Carried

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

Against Motion: Crs Hesse, Kiat and Passas

PUBLIC FORUM

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

ADJOURNMENT

7.47pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

7.52pm - The Mayor, Clr Byrne resumed the meeting.

ADJOURNMENT

8.03pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

8.06pm - The Mayor, Clr Byrne resumed the meeting.

C1020(2) Item 17 Mayoral Minute: Wests Tigers Leisure

Motion: (Byrne)

THAT Council:

1. **Notes the correspondence from Justin Pascoe, CEO of Wests Tigers Rugby League Club; and**
2. **Convenes a meeting with representatives of Wests Tigers Leisure - a joint venture between Wests Tigers Rugby League and Belgravia Leisure - to discuss options for collaboration in Council's recreational centres, which is to be reported back at an Ordinary Council meeting in December.**

Motion Lost

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

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

C1020(2) Item 18 Mayoral Minute: WestConnex Independent Property Impact Assessment Panel

Motion: (Byrne)

THAT Council:

1. **Notes the motion establishing a Council service to provide independent dilapidation reports for local property owners affected by tunnelling and construction for the WestConnex project, which was adopted at the 24 April 2018 Ordinary meeting;**
2. **Notes the advice provided by Council officers that the dilapidation service has been discontinued and that Council has written to Transport for NSW requesting that a Council representative be an observer on its Independent Property Impact Assessment Panel;**
3. **Provides a report on which Council representative is observing the panel's operation, how frequently it has met and what their assessment is about the fairness and effectiveness of the panel process, which is to be reported to the next Ordinary Council meeting; and**
4. **Notes Council's acceptance of Sat Scan Pty Ltd's offer for the provision of high-level radar-based satellite imagery for areas along the WestConnex toll road route that fall within the Local Government Area for Inner West Council at the 25 August Council meeting.**

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

8.22pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

8.29pm - The Mayor, Clr Byrne resumed the meeting.

The Mayor issued a warning to Clr Passas for her repeated interjections.

C1020(2) Item 20 Mayoral Minute: Stronger Community Grants**Motion: (Byrne)****THAT Council:**

- 1. Writes to Councils who met the guidelines to qualify for a grant from the NSW Government's Stronger Communities Fund, but were excluded from applying, and LGNSW, to request their support to pursue the matter, collectively, so we can fight for all our communities; and**
- 2. Requests the General Manager to report back to Council on the written legal advice, once received, of the likely financial commitment to pursue legal action and the willingness of other Councils or the wider industry to support us, ultimately for the purpose of making the decision to proceed or not.**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Raciti, Stamolis and Steer**Against Motion:** Cr Passas**Suspension of Standing Orders****Motion: (Byrne/Kiat)****THAT Council Suspend Standing Orders to deal with Item 19 – Financial Statements 2019/20 at this time.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Raciti, Stamolis and Steer**Against Motion:** Nil

C1020(2) Item 19 Financial Statements 2019/20

Motion: (Lockie/Da Cruz)

THAT Council:

1. Receive and note the report; and
2. Endorse the Financial Statements to be placed on public exhibition with a view of tabling the final report at the November 2020 Council meeting.

Motion Carried

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

Against Motion: Nil

Resumption of Standing Orders

Motion: (Byrne/McKenna OAM)

THAT Standing Orders be resumed.

Motion Carried

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

Against Motion: Nil

C1020(2) Item 1 Adoption - Tempe Reserve Plan of Management

Motion: (Drury/Passas)

THAT Council:

1. Adopt the Tempe Reserve Plan of Management as pursuant to Section 40 of the *Local Government Act 1993* in accordance with 3.23(6) of the *Crown Lands Management Act 2016* subject to the following amendment:
 - a) Inserting the following sentence at the beginning of Page 39 sub heading Private enterprise ‘Any change in the management of Tempe Reserve to be consulted with the community.’
2. Notes that nothing in the Plan will preclude the ongoing operation of the Tempe Basin Motor Boat Association and notes that a separate briefing will be provided.

Motion Carried

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

Against Motion: Nil

C1020(2) Item 2 Proposed 'Inner West Fest 2021' Program in Response to Ongoing Covid-19 Impacts

Motion: (Byrne/Lockie)

THAT:

1. Council approve the *Inner West Fest 2021* proposal as an alternative events program for 2021 due to COVID-19 impacts; and
2. The Wards be amended to show North Ashfield and South Annandale in Leichhardt Ward-Galgadya, South Ashfield in the Djarrawunang Ward and Ashfield and North Annandale in the Balmain Ward- Baludarri.

Motion Carried

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

Against Motion: Cr Passas

C1020(2) Item 3 Birchgrove Oval - Fence

Motion: (Drury/Macri)

THAT Council proceed with the installation of the proposed steel powder-coated picket fence at Birchgrove Oval.

Motion Lost

For Motion: Crs Drury, Iskandar, Lockie, Macri and McKenna OAM

Against Motion: Crs Byrne, Da Cruz, Hesse, Kiat, Passas, Raciti, Stamolis and Steer

Foreshadowed Motion (Stamolis/Hesse)

THAT Council:

1. Proceed with a wooden picket fence for Birchgrove Oval; and
2. Obtain quotes for the repair of the fence.

Motion Carried

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

Against Motion: Nil

C1020(2) Item 4 Planning Proposal Pre-Exhibition Report - Extended Trading Hours and Cultural Activities

Motion: (Byrne/Macri)

THAT Council:

1. **Endorse and forward the attached Planning Proposal, facilitating extended trading and cultural activities, to the Department of Planning, Industry and Environment with a request for Gateway determination;**
2. **Request delegation of the plan-making functions for this planning proposal to Council’s Acting General Manager;**
3. **Should a favourable Gateway determination be received, publicly exhibit the planning proposal in accordance with any conditions of the Gateway determination and the *Environmental Planning and Assessment Act 1979*;**
4. **Receive a post-exhibition report for its consideration;**
5. **Review the operation of the policy after 12 months and a report prepared for Council; and**
6. **Review resident parking schemes in surrounding areas.**

Motion Carried

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

Against Motion: Nil

C1020(2) Item 5 Night Time Economy Action Plan

Motion: (Lockie/Byrne)

THAT Council adopt the Night-Time Economy Action Plan.

Motion Carried

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

Against Motion: Cr Passas

C1020(2) Item 6 Community Gardens Policy**Motion: (Da Cruz/Stamolis)****THAT Council:**

- 1. Adopts the Community Gardens Policy; and**
- 2. Rescind the existing community garden policies: Leichhardt Council Community Garden Policy 2011 and Ashfield Council Community Gardening Policy 2012.**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Raciti, Stamolis and Steer**Against Motion:** Nil**C1020(2) Item 7 Local Traffic Committee Meeting - October 2020****Motion: (Stamolis/Passas)****THAT the Minutes of the Local Traffic Committee Meeting held in October 2020 be received and the recommendations be adopted.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Raciti, Stamolis and Steer**Against Motion:** Nil**C1020(2) Item 8 Investment Report as at 30 September 2020****Motion: (Drury/Stamolis)****THAT the report be received and noted.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Raciti, Stamolis and Steer**Against Motion:** Nil**C1020(2) Item 9 Notice of Motion: Inner West Council monitoring of Councillors, staff and residents****Motion: (Stamolis/Passas)****THAT a report be brought back to Council on Privacy and Information Governance Procedures of Council.****Motion Lost****For Motion:** Crs Da Cruz, Macri, Passas, Raciti, Stamolis and Steer**Against Motion:** Crs Byrne, Drury, Hesse, Iskandar, Kiat, Lockie and McKenna OAM

Councillor Raciti left the Meeting at 10:13 pm.

C1020(2) Item 10 Notice of Motion: Whites Creek wetlands: update on current works

Motion: (Stamolis/Da Cruz)

THAT Council to provide an update of current works at the Whites Creek wetlands.

Motion Carried

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

Against Motion: Nil

Absent: Cr Raciti

C1020(2) Item 11 Notice of Motion: Parking on the Princes Highway

Motion: (Macri/Hesse)

THAT Council resolves to write to the Minister and TFNSW to alert them of the serious impact the lack of action on this simple matter is having on the viability of these businesses in a time when they need to be supported.

Motion Carried

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

Against Motion: Nil

Absent: Cr Raciti

Confidential Session

Motion: (Byrne/Drury)

THAT Council enter into Confidential session.

Motion Carried

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

Against Motion: Nil

Absent: Cr Raciti

Councillor Raciti returned to the Meeting at 10:20 pm.

That in accordance with Section 10A(1) of the Local Government Act 1993, the following matters be considered in Closed Session of Council for the reasons provided:

C1020(2) Item 13 Balmain Leagues Site - Voluntary Planning Agreement (Section 10A(2)(c) of the Local Government Act 1993) that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

C1020(2) Item 14 Tempe Reserve Synthetic Turf Tender Report (Section 10A(2)(d)(ii) of the Local Government Act 1993) that would, if disclosed confer a commercial advantage on a competitor of the Council.

Motion: (Byrne/Drury)

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

Motion Carried

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

Against Motion: Nil

REPORTS WITH CONFIDENTIAL INFORMATION

C1020(2) Item 13 Balmain Leagues Site - Voluntary Planning Agreement

Motion: (Drury/Macri)

THAT the proposed Voluntary Planning Agreement for Balmain Leagues Site 138-152 Victoria Road, Rozelle be placed on public exhibition for a minimum of 28 days and be reported back to Council after public exhibition.

Motion Carried

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

Against Motion: Cr Hesse and Passas

C1020(2) Item 14 Tempe Reserve Synthetic Turf Tender Report

Motion: (Drury/Macri)

THAT Council accept the tender submitted by The Trustee for the Turf One Unit Trust, 89 Simcock Avenue SPOTSWOOD VIC 3015 for the Tempe Reserve Synthetic Turf Project Option A (One synthetic sports field and upgrade of five natural sports fields) for a total amount of \$6,249,791.36 inc GST which includes a lump sum price of \$5,434,601.19 including GST and a 15% contingency.

Motion Carried

For Motion: Crs Byrne, Drury, , Iskandar, Lockie, Macri, McKenna OAM, Raciti and Stamolis

Against Motion: Cr Hesse, Passas, Steer, Da Cruz, Kiat

Meeting closed at 10.30pm.

PUBLIC SPEAKERS:

Item #	Speaker	Suburb
Item 1:	James McDonald	St Peters
Item 9:	Maire Sheehan	Annandale

The Minutes of the Ordinary Meeting of Council held on the 27th day of October, 2020 were confirmed as a correct record on this 10th day of November, 2020.

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CHAIRPERSON