

Minutes of Ordinary Council Meeting held remotely and livestreamed on Council's website on 6 July 2021

Meeting commenced at 6.31pm

Present:

Darcy Byrne	Mayor
Victor Macri	Deputy Mayor (6:34pm)
Marghanita Da Cruz	Councillor
Mark Drury	Councillor
Lucille McKenna OAM	Councillor (Chairperson for Item 7)
Colin Hesse	Councillor
Sam Iskandar	Councillor
Tom Kiat	Councillor
Pauline Lockie	Councillor
Julie Passas	Councillor
Rochelle Porteous	Councillor
Vittoria Raciti	Councillor
John Stamolis	Councillor
Louise Steer	Councillor
Anna York	Councillor
Peter Gainsford	General Manager
Simon Duck	Acting Director Development and Recreation
Cathy Edwards-Davis	Director Infrastructure
Caroline McLeod	Acting Director City Living
Peter Livanes	Acting Director Corporate
Harjeet Atwal	Senior Manager Planning
Daryl Jackson	Chief Financial Officer
Katherine Paixao	Acting Manager Governance
Carmelina Giannini	Acting Governance Coordinator

APOLOGIES: Nil

DISCLOSURES OF INTERESTS:

Councillor Byrne declared a significant, pecuniary interest in Item 7 Notice of Motion: Mayor to Stand Down and due to its material impact on him and he will leave the meeting during discussion and voting.

Councillor Macri declared a non-significant, non-pecuniary interest in Item 7 Notice of Motion: Mayor Stand Down and will leave the meeting during discussion and voting.

Councillor Lockie declared a non-pecuniary, non-significant interest in item 7 Notice of Motion: Mayor to Stand Down as she was involved in the Code of Conduct complaint in the foreshadowed motion and will leave the meeting during discussion and voting.

Motion: (Hesse/Da Cruz)

THAT Council note the disclosures of interest.

Motion Carried

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

Against Motion: Nil

Councillor Macri entered the Meeting at 6:34 pm.

C0721(1) Item 1 Greenway Engagement Officer

Motion: (Drury/Kiat)

THAT the report be received and noted.

Motion Carried

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

Against Motion: Nil

C0721(1) Item 2 Minutes of the Audit, Risk and Improvement Committee Meeting held on 19 May 2021

Motion: (Drury/Steer)

THAT Council note the unconfirmed minutes of the Audit, Risk and Improvement Committee meeting held on 19 May 2021.

Motion Carried

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

Against Motion: Nil

C0721(1) Item 3 Notice of Motion: Council Website Weekly Update on Street Maintenance

Motion: (Macri/Drury)

THAT Council update their website every Monday or first day of the week with the street maintenance that has been done on the previous week ie the verge mowing, street cleaning, tree trimming, and garbage tin cleaning and keep a history of works over the previous 12 months.

Motion Carried

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

Against Motion: Nil

C0721(1) Item 4 Notice of Motion: Report on Tree Loss in Ashfield and Leichhardt Wards**Motion: (Stamolis/Kiat)**

THAT Council receive a fully detailed listing of the tree canopy loss in Ashfield Ward and Leichhardt Ward over the past year; with additional emphasis on the two suburbs in Ashfield Ward that accounted for almost 50% of the tree canopy loss in the Inner West (i.e. Dulwich Hill and Ashfield).

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil**C0721(1) Item 5 Notice of Motion: Plastics****Motion: (Hesse/Steer)****THAT Council:**

- 1. Write to the operators of shopping centres located in the Inner West Local Government Area asking them to install public drinking facilities that allow centre patrons to drink from a bubbler or fill up their own bottle rather than buying bottled water and contributing to the massive amount of plastic waste in our society; and**
- 2. Report to the October Council meeting on progress Council is making to eliminate the use of single use plastics in Council operations and events in accordance with the Council resolution C0918(1) Item 21 Single Use Plastics Reduction resolved 11 September 2018.**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil**C0721(1) Item 6 Notice of Motion: Cass Award Win****Motion: (Drury/Byrne)**

THAT Council sends a letter of congratulations to CASS on winning 2021 Premier's Multicultural Community Medal.

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

Councillor Byrne left the Meeting at 6:57 pm as he declared a significant, pecuniary interest in Item 7 Notice of Motion: Mayor to Stand Down and due to its material impact on him and he will leave the meeting during discussion and voting.

Councillor Macri left the Meeting at 6:57 pm as he declared a non-significant, non-pecuniary interest in Item 7 Notice of Motion: Mayor Stand Down and will leave the meeting during discussion and voting.

Election of Chairperson

The General Manager advised that the election of Chairperson will be conducted in accordance with the provisions of the Local Government Act and Regulations.

The General Manager asked for nominations for chairperson for Item 7. Nominations were received for Councillor Stamolis and Councillor McKenna OAM..

The election was conducted by a show of hands.

The General Manager asked all Councillors who support Councillor Stamolis being the first nomination received, for the position of Chairperson to raise their hands.

Councillor Stamolis received 4 votes from Councillors Da Cruz, Passas, Porteous and Raciti.

The General Manager asked all Councillors who support Councillor McKenna OAM being the second nomination received, for the position of Chairperson to raise their hands.

Councillor McKenna OAM received 8 votes from Councillors Drury, Hesse, Iskandar, Kiat, Lockie, McKenna OAM, Steer and York

Councillor Stamolis abstained from voting.

The General Manager declared that Councillor McKenna OAM to be elected Chairperson for Item 7.

Councillor McKenna OAM assumed the chair.

Councillor Iskandar retired from the Meeting at 8:23 pm.

ADJOURNMENT

7:10pm - The Chairperson, Clr McKenna OAM adjourned the meeting in order for staff to give advice on meeting procedure and the foreshadowed motion in item 7.

7:39pm– The Chairperson, Clr McKenna OAM resumed the meeting.

Councillor Raciti left the Meeting at 8:14 pm.

Clr Lockie declared a non-pecuniary, non-significant interest in item 7 Notice of Motion: Mayor to Stand Down as she was involved in the Code of Conduct complaint in the foreshadowed motion and will leave the meeting during discussion and voting. Councillor Lockie left the Meeting at 8:15 pm.

Councillor Raciti returned to the Meeting at 8:23 pm.

C0721(1) Item 7 Notice of Motion: Mayor to Stand Down

Councillor Passas withdrew her motion.

Motion: (Stamolis/Passas)

THAT Council:

1. Express a lack of confidence in the Mayor;
2. Note the findings made by the NSW Civil and Administrative Tribunal (NCAT) on 4 May 2021 in relation to six allegations brought against Clr Byrne relating to his conduct as Mayor, with the Tribunal finding that Clr Byrne failed to comply with the Code of Conduct in relation in a manner that was misconduct as defined in s 440F(1)(b) and 440F(1)(d) of the Local Government Act;
3. Note that NCAT is still in the process of considering what penalty should apply in relation to Clr Byrne’s misconduct, up to and including suspension from Council; and
4. Note that:
 - a) As recorded in the minutes of the Council Meeting of 10 March 2020, an independent conduct reviewer found that Clr Byrne made a social media post that was in breach of the Code of Conduct in that he made comments about another Councillor which a reasonable person would consider humiliating; and
 - b) It was recently reported in City Hub on 7 May 2021 that Clr Byrne had not deleted this social media post.

Motion Lost

For Motion: Crs Passas and Stamolis

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

Absent: Crs Byrne, Iskandar, Lockie and Macri

Foreshadowed Motion (Kiat/Porteous)

THAT Council

1. Note with concern the findings made by the NSW Civil and Administrative Tribunal on 4 May 2021 in relation to six allegations brought against Clr Byrne relating to his conduct as Mayor, with the Tribunal finding that Clr Byrne failed to comply with the Code of Conduct in relation in a manner that was misconduct as defined in s 440F(1)(b) and 440F(1)(d) of the Local Government Act;
2. Note that NCAT is still in the process of considering what penalty should apply in relation to Clr Byrne’s misconduct, up to and including suspension from Council; and
3. Note with concern that:

- a) As recorded in the minutes of the Council Meeting of 10 March 2020, an independent conduct reviewer found that Clr Byrne made a social media post that was in breach of the Code of Conduct in that he made comments about another Councillor which a reasonable person would consider humiliating; and
- b) It was recently reported in City Hub on 7 May 2021 that Clr Byrne had not deleted this social media post.

The chairperson ruled this foreshadowed motion out of order as it could be an act of disorder as it makes personal reflections on a councillor (Clause 15.11(d) of the Code of Meeting Practice).

Procedural Motion: Motion of dissent (Steer/Da Cruz)

THAT motion of dissent be moved in the Chairperson’s ruling on Councillor Kiat’s foreshadowed motion is out of order.

Motion Carried

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

The Chairperson’s ruling was overruled.

Foreshadowed Motion (Kiat/Porteous)

THAT Council:

1. Note the findings made by the NSW Civil and Administrative Tribunal (NCAT) on 4 May 2021 in relation to six allegations brought against Clr Byrne relating to his conduct as Mayor, with the Tribunal finding that Clr Byrne failed to comply with the Code of Conduct in relation in a manner that was misconduct as defined in s 440F(1)(b) and 440F(1)(d) of the Local Government Act;
2. Note that NCAT is still in the process of considering what penalty should apply in relation to Clr Byrne’s misconduct, up to and including suspension from Council; and
3. Note that:
 - a) As recorded in the minutes of the Council Meeting of 10 March 2020, an independent conduct reviewer found that Clr Byrne made a social media post that was in breach of the Code of Conduct in that he made comments about another Councillor which a reasonable person would consider humiliating; and
 - b) It was recently reported in City Hub on 7 May 2021 that Clr Byrne had not deleted this social media post.

Motion Carried

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

ADJOURNMENT

8:35pm - The Chairperson, Clr McKenna OAM adjourned the meeting for a short recess.
 8:39pm– The Chairperson, Clr McKenna OAM resumed the meeting.

Councillor Macri returned to the Meeting at 8:38 pm as assumed the chair.

Councillor Lockie returned to the Meeting at 8:39 pm.

Councillor Kiat left the Meeting at 8:39 pm.

Councillor Passas left the Meeting at 8:40 pm.

Councillor Raciti returned to the meeting at 8:41pm

Councillor York retired from the Meeting at 8:41 pm.

C0721(1) Item 8 Notice of Motion: Canoe Launch Ramps - Mackey Park

Motion: (Hesse/Macri)

THAT Council:

1. **Notes the urgent need for repair works (and potential upgrades) along the Cooks River wall at Mackey Park canoe launch steps;**
2. **Notes the public safety risks and lost opportunities for recreational activities and amenity for the local community due to the current state of the canoe launch space;**
3. **Priorities the upgrade of the launch steps through an easing of the graded access to the river, and the provision of handrails in consultation with The River Canoe Club of NSW;**
4. **Works with Sydney Water, Crown Lands and any other relevant body to carry out these works; and**
5. **Seeks grants funding from relevant sources and considers direct commitment of Council funds to ensure these works are carried out.**

Motion Carried

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

Against Motion: Nil

Absent: Crs Byrne, Iskandar and Kiat, Passas and York

C0721(1) Item 9 Notice of Motion: The Rotunda Pioneer Park: Addressing Ibis Droppings With More Frequent Cleaning

Motion: (Porteous/Stamolis)

THAT:

- 1. Council increase the current quarterly deep cleans of the Rotunda in Pioneer Park, Leichhardt to monthly deep cleans as soon as possible;**
- 2. Council brings a report to the August council meeting outlining options for ecologically addressing this problem. Included in that report are options for a shade sail or other structure to protect the flooring of the Rotunda. Costings to be included in the report; and**
- 3. Funding for the additional deep cleans of the Rotunda to be included in the final 21/22 Budget when adopted by Council in June 2021.**

Motion Carried

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

Against Motion: Nil

Absent: Crs Byrne, Iskandar, Kiat, Passas and York

C0721(1) Item 10 Notice of Motion: Gladstone Park: Toilets, Footpaths and Waste Bins

Motion: (Porteous/Stamolis)

THAT:

- 1. An audit be undertaken as soon as possible of the Gladstone Park toilets and a report be brought to council in July with recommendations on the implementation of a short-term solution with the upgrade of the toilets to address the safety, poor maintenance and smell issues. Funding to be identified or brought forward to 21/22 budget from the 22/23 budget;**
- 2. Further advice to be sought on the heritage status of the toilets re the longer-term proposal to demolish them. That council commits to be building of at least one accessible toilet in Gladstone Park as a high priority;**
- 3. The waste bins in Gladstone Park be emptied at least five times a week, including Friday, Saturday and Sunday and their usage monitored on an in-going basis; and**
- 4. An audit be undertaken on the condition, safety and accessibility of the footpaths in and around Gladstone Park and a report brought to the July council meeting with recommendations on upgrading and repairing the footpaths, a timeline for implementing these works, costings and identified funding.**

Motion Carried

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

Against Motion: Nil

Absent: Crs Byrne, Iskandar, Kiat, Passas, and York

C0721(1) Item 11 Notice of Motion: Summer Hill Residents Must Be Heard. Smith St Development

Motion: (Drury/Hesse)

THAT Council:

1. Note that:

- a) amended plans were submitted by the Applicant on 13 May 2021 in relation to the development at 55-63 Smith Street Summer Hill;
- b) the notice to be sent from Council (as resolved by C0321(2) Item 25 Mayoral Minute: 55 Smith Street, Summer Hill), to residents informing them of how to make submissions on this application has not yet been distributed; and
- c) the Inner West Planning Panel Chair has now declined to meet with residents as requested by council, citing Departmental advice.

2. Require that the General Manager re-notify affected local residents of the amended plans;

3. Note that there is a strong community concern that in this process sufficient weight will not be given to:

- a) the provisions of draft instruments (namely the proposed Housing Diversity SEPP);
- b) likely impacts on the environment including social and economic impacts in the locality;
- c) the suitability of the site for the development;
- d) submissions by local residents;
- e) the public interest; and
- f) as required by Section 4.15 of the Environmental Planning and Assessment Act.

4. Requests that the Planning Panel have a meeting arranged to allow representatives of local residents to provide feedback to the Panel regarding their views on the proposed development, prior to the Panels final deliberative meeting for the proposal.

Motion Carried

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

Against Motion: Nil

Absent: Crs Byrne, Iskandar, Kiat, Passas, and York

Councillor Byrne returned to the Meeting at 9:10 pm and assumed the chair.

C0721(1) Item 12 Notice of Motion: Rozelle School of Visual Arts

Motion: (Byrne/McKenna OAM)

THAT Council sends a letter of congratulations to Rozelle School of Visual Arts, which is celebrating 50 years of teaching dance and arts in the Rozelle community.

Motion Carried

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

Against Motion: Nil

Absent: Crs Iskandar, Kiat, Passas, and York

Councillor Kiat returned to the Meeting at 9:12 pm.

C0721(1) Item 13 Notice of Motion: Opposition to Changes to 370 Bus Service

Motion: (Byrne/Da Cruz)

THAT Council:

1. **Notes Transport for NSW (TfNSW) is undertaking community engagement into proposed changes to Sydney's South East transport network. This engagement finishes on 18 June 2021;**
2. **Notes that these proposed changes include modifications to the 370 bus route. This would see the existing 370 bus service now only run between The University of Sydney and Coogee. An additional bus route, the 469 bus service, would operate from Leichhardt to The University of Sydney (via Annandale and Glebe); and**
3. **Makes a submission to TfNSW's community consultation raising the concerns of Council to these changes. This should include reference to the significant dislocation that would occur to the Inner West if this important direct link from Leichhardt and Annandale to St Peters was to be removed.**

Motion Carried

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

Against Motion: Nil

Absent: Crs Iskandar, Passas, and York

Councillor Passas returned to the Meeting at 9:13 pm.

C0721(1) Item 14 Notice of Motion: Transition to Electric Vehicles

Motion: (Byrne/Stamolis)

THAT Council:

1. **Notes the update on Council's Sustainable Fleet Transition sent to Councillors on 25 August 2020;**
2. **Receive a report back to an Ordinary Council meeting in October or November 2021 on the following:**

- a) Explores funding opportunities from the NSW and Federal governments for installing charging infrastructure in the Inner West and reports back its findings to the October Ordinary Council meeting;
- b) Resolves to ensure that planning processes for installing chargers is streamlined and simplified for businesses and residents;
- c) Provides information through all of its communication channels of how Inner West businesses can install charging infrastructure;
- d) Works with the local taxi and rideshare industry to facilitate charging facilities where the Council can provide suitable parking or assistance; and
- e) Works with the Southern Sydney Regional Organisation of Councils (SSROC) and Re:Mobilise to:
 - i. Prepare of a comprehensive fleet transition plan including light and heavy vehicle fleet with a goal of adopting zero-emissions transport where a fit for purpose and cost-effective alternative exists on a whole of life costing basis; and
 - ii. Explore entering into memorandum of understandings to collaborate with other councils to aggregate buying power, and develop competencies required for the transition.
- f) Council to plan for complete transition to EVs by 2025 starting in the 2021-22 financial year; and
- g) Council notes the Community Strategic Plan states: "Government makes responsible decisions to manage finite resources in the best interest of current and future communities". In light of this, and the climate emergency that Council declared in May 2019, the fleet should be electrified as soon as possible. As such, all newly leased or purchased IWC passenger and utility fleet vehicles will be zero emissions vehicles (where fit for purpose) beginning no later than EOFY 2021-22.

Motion Carried

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

Against Motion: Cr Passas

Absent: Crs Iskandar and York

Councillor Kiat left the Meeting at 9:25 pm.

C0721(1) Item 15 Notice of Motion: Hammond Park**Motion: (Passas/Da Cruz)**

THAT Council provide a full report regarding the sporting clubs use of Hammond Park including:

- a) How the present use of Hammond park for different clubs comply with Councils Plan of Management;**
- b) How many clubs are frequently using the park;**
- c) Was approval given for the Food Truck and does this comply with regulations; and**
- d) When and why was the gate to the park removed from the lane way off church Street.**

Motion Carried

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

Against Motion: Nil

Absent: Crs Iskandar, Kiat and York

C0721(1) Item 16 Notice of Motion: Request for Mobility Parking Space - 60 Smith Street Summer Hill

Clr Passas withdrew this motion.

Meeting closed at 9.32pm.

The Minutes of the Ordinary Meeting of Council held on the 6th day of July, 2021 were confirmed as a correct record on this 20th day of July, 2021.

.....
CHAIRPERSON