

Minutes of Ordinary Council Meeting held remotely and livestreamed on Council's website on 26 October 2021

Meeting commenced at 6.31pm

Present:

Rochelle Porteous	Mayor
Pauline Lockie	Deputy Mayor
Darcy Byrne	Councillor
Marghanita Da Cruz	Councillor
Mark Drury	Councillor
Colin Hesse	Councillor
Tom Kiat	Councillor
Victor Macri	Councillor
Lucille McKenna OAM	Councillor
Julie Passas	Councillor
Vittoria Raciti	Councillor
John Stamolis	Councillor
Louise Steer	Councillor
Peter Gainsford	General Manager
Graeme Palmer	Acting Director Planning
Cathy Edwards-Davis	Director Infrastructure
Caroline McLeod	Acting Director Community
Caroline Karakatsanis	Audit Office
Helen Bradley	Resource Recovery Planning Manager
Kerry Hunt	Building Certification Manager
Aaron Callaghan	Parks & Recreation Planning Manager
Sue Puckeridge	External Lawyer
Beau-Jane De Costa	Senior Manager Governance and Risk
Katherine Paixao	Governance Coordinator
Carmelina Giannini	Governance Support Staff

APOLOGIES:

Motion: (McKenna OAM/Hesse)

THAT apologies from Councillor York be accepted.

Motion Carried

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

Against Motion: Nil

DISCLOSURES OF INTERESTS:

Clr Lockie declared a non-significant, non-pecuniary interest in Item 32 Notice of Motion: Implementing the NSW Government's Outdoor Dining Initiatives in the Inner West as it mentions the City of Sydney and she works there.

During discussion on Item 36 Mayoral Minute: Haberfield Defence Land 140A Hawthorne Parade Haberfield , Clr Macri declared a non-significant, non-pecuniary interest in Item 36 Mayoral Minute: Haberfield Defence Land 140A Hawthorne Parade Haberfield as his auntie's property backs onto the reserve and he will leave the meeting during discussion and voting.

Motion: (Hesse/Steer)

THAT Council note the disclosures of interest.

Motion Carried

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

Against Motion: Nil

PUBLIC FORUM

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

CONFIRMATION OF MINUTES

Motion: (Stamolis/Lockie)

THAT the Minutes of the Extraordinary Council Meeting held on Tuesday, 5 October 2021 and Ordinary Council Meeting held on Tuesday, 12 October 2021 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 and Steer

Against Motion: Nil

Procedural Motion - Suspension of Standing Orders

Motion: (Drury/Lockie)

THAT Council suspend standing orders to bring forward Item 3 Draft Financial Statements 2020/21.

Motion Carried

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

Against Motion: Nil

C1021(3) Item 3 Draft Financial Statements 2020/21

Motion: (Lockie/Mckenna OAM)

THAT Council:

- 1. Receive the report;**
- 2. Endorse the Financial Statements to be placed on public exhibition with a view of tabling the final report at the November 2021 Council meeting;**

- 3. Note the significant proposed reduction to the infrastructure backlog figure based on a revised methodology to infrastructure condition rating. Council to receive a further report addressing the potential to increase funding available for footpath renewals.**

Motion Carried

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

Against Motion: Crs Passas and Stamolis

Foreshadowed Motion (Stamolis)

THAT the financial statements do not go on exhibition given the unexplained \$103m fall to the infrastructure backlog.

This foreshadowed motion lapsed.

Procedural Motion - Suspension of Standing Orders

Motion: (Hesse/McKenna OAM)

THAT Council suspend standing orders to hear from the last registered speaker at this time.

Motion Carried

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

Against Motion: Nil

Procedural Motion – Resumption of Standing Orders

Motion: (Drury/Lockie)

THAT standing orders be resumed..

Motion Carried

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

Against Motion: Nil

C1021(3) Item 35 Mayoral Minute: Condolence Motion: Uncle Bob

Motion: (Porteous/Byrne)

THAT Council:

- 1. Notes the passing of Uncle Robert (Bob) Webb; and**
- 2. Sends its condolences to Uncle’s wife, Auntie Kath Webb, his Family, Mob and Friends.**

Motion Carried

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

Against Motion: Nil

C1021(3) Item 1 Mayoral Minute: Sweltering Cities

Motion: (Porteous)

THAT Council signs the Sweltering Cities Open letter calling on the NSW Government to take ambitious action in reducing urban heat through the proposed NSW Design and Place *State Environmental Planning Policy (SEPP)*.

Motion Carried

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

Against Motion: Nil

Clr Macri declared a non-significant, non-pecuniary interest in Item 36 Mayoral Minute: Haberfield Defence Land 140A Hawthorne Parade Haberfield as his aunty property backs onto the reserve and left the meeting at 8:22pm the meeting during discussion and voting.

C1021(3) Item 36 Mayoral Minute: Haberfield Defence Land 140A Hawthorne Parade Haberfield

Motion: (Porteous)

THAT Council:

- 1. Invite the Hon Peter Dutton MP, Minister for Defence, to attend an onsite meeting with the Mayor, ward Councillors and staff to observe the unsuitability of the site for redevelopment; and**
- 2. Organises a Community briefing and a Councillors' briefing on the Haberfield Defence Lands, addressing particularly the significant safety concerns associated with the establishment a residential precinct on this site which has major flooding and access issues.**

Motion Carried

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

Against Motion: Nil

Absent: Cr Macri

Councillor Macri returned to the Meeting at 8:24 pm.

Councillor Byrne left the Meeting at 8:25 pm.

C1021(3) Item 2 COVID-19 Financial Assistance - Engagement Outcomes Report**Motion: (Hesse/McKenna OAM)****THAT:**

- 1. Note the engagement outcomes from the public exhibition process;**
- 2. Note the easing of COVID-19 related restrictions now that the 80% vaccination rate has been met in NSW;**
- 3. Council does not proceed with further COVID-19 financial assistance as a result of feedback through public exhibition, financial support already provided through Commonwealth funded payments (disaster relief) and funds already provided to local community organisations; and**
- 4. Council note that an equivalent amount of funding was targeted to those most in need in our community via grants to community organization.**

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

Councillor Byrne returned to the Meeting at 8:34 pm.

Procedural Motion - Suspension of Standing Orders**Motion: (Porteous/Hesse)****THAT Council suspend standing orders to bring forward Item 15 Notice of Motion: Sydney Swan's Women's team, Newtown Jets and Henson Park to be dealt with at the same time as item 4 Henson Park-Redevelopment of King George V Grandstand and Future Public Amenity Provision.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis and Steer**Against Motion:** Nil**C1021(3) Item 4 Henson Park-Redevelopment of King George V Grandstand and Future Public Amenity Provision****C1021(3) Item 15 Notice of Motion: Sydney Swan's Women's team, Newtown Jets and Henson Park****Motion: (Hesse/Byrne)****THAT:**

- 1. Council endorse the proposed redevelopment of the Henson Park Grandstand and supporting amenities;**
- 2. Council Officers consult with the Office of Local Government about the appropriate type of agreement for the implementation of the project and report back to Council;**

3. Council endorse the provision of Owner’s Consent for lodgement of the Development Application;
4. Council staff work with AFL and the Jets to enable the lodgement of the Development Application;
5. Council endorse the Heads of Agreement Principles as outlined in the report;
6. Council staff work with AFL and the Jets to assist in the lodgement of any applicable grant applications;
7. Council staff work with AFL and the Jets to prepare an Agreement to Lease and Lease documents, which includes ongoing community access to Henson Park;
8. Any future Heads of Agreement include a key principle on the continuation, promotion and facilitation of junior rugby league and AFL sporting activities at Henson Park;
9. To provide security and clarity around future use for both sporting codes and the general community, Council cap future ticketed games at 20 ticketed games per sporting season per sporting code;
10. Given Council’s recent \$2.6 million dollar investment in the Henson Park sporting ground upgrade program it is recommended that Council cap its contribution to any future construction project to \$500K for this particular project;
11. Any request by the relevant clubs for additional hours of exclusive use be referred to Councillors for consideration. That this condition be noted in the Heads of Agreement and lease agreements;
12. Council welcome the announcement by the AFL that the Sydney Swans will be admitted to the AFLW league;
13. Council recommit to hosting the Newtown Jets and Sydney Swans Women’s professional sporting teams at Henson Park and seek to make the ground an official home ground for the Swans Women’s team;
14. Council work with the Newtown Jets and Sydney Swans to prepare a development application and submit a grant application to the NSW Government for the upgrade of facilities to allow both teams to play elite sport at Henson Park into the future;
15. Council commit to maintaining ongoing, public access to Henson Park for the community as occurs currently; and
16. The development incorporate energy and water efficiency.

Motion Carried

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

Against Motion: Nil

The Mayor, Clr Porteous issued a warning at 9:44pm to Clr Passas for unacceptable interjections during Council proceedings.

C1021(3) Item 5 Draft Exposure Bill: Greater Sydney Parklands Trust - Callan Park

Motion: (Porteous/Stamolis)

THAT Council:

- 1. Writes to the Minister for Planning thanking him for agreeing to meet with Councillors in regards to the Draft Greater Sydney Parklands Trust Bill;**
- 2. Seeks to engage positively with the Minister;**
- 3. Seeks assurances from the Minister that the values of Callan Park as a former mental health institute, known for its healing environment and as a place of sanctuary and wellness are always central to discussions about Callan Park;**
- 4. Asks that the piece of Callan Park (38 hectares) that was handed over to the Greater Sydney Parklands Trust in 2020 be returned to Callan Park and that Callan Park be governed and managed as one park under the Callan Park and Broughton Hall Trust; and**
- 5. Makes a formal submission to the Draft Greater Sydney Parklands Trust Bill by 29 October 2021 which includes:**
 - a) Make no changes to the Callan Park (Special Provisions) Act 2002;**
 - b) Commit to no future commercial uses at Callan Park;**
 - c) Opposes 50 year leases (potentially commercial leases) on Kirkbride, Broughton Hall and the Convalescent Cottages;**
 - d) Retain Callan Park (Special Provisions) Act in its entirety;**
 - e) Establish the Callan Park and Broughton Hall Trust; and**
 - f) Maintain community, recreation open space access to Callan Park in its entirety.**

Motion Carried

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

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

Foreshadowed Motion (Byrne/Drury)

THAT Council:

- 1. Make a submission articulating to concerns raised in the report;**
- 2. Does not support the Greater Sydney Parklands trust Draft Exposure Bill in its current form and writes to the Planning Minister requesting that legislation not be tabled until further consultation and deliberation has taken place; and**
- 3. Seeks to engage further with the Government and the Planning Minister about the future of Callan Park with a view to establishing agreement on how the Park can be protected and improved.**

This foreshadowed motion lapsed.

ADJOURNMENT

9.47pm - The Mayor, Cllr Porteous adjourned the meeting for a short recess.

10.00pm – The Mayor, Cllr Porteous resumed the meeting.

C1021(3) Item 6 Adoption of Complaints Handling Policy

Motion: (McKenna OAM/Lockie)

THAT Council adopts the Complaints Handling Policy shown in attachment 1.

Motion Carried

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

Against Motion: Nil

C1021(3) Item 7 Report on progress in implementing the Community Strategic Plan

Motion: (Drury/Steer)

THAT Council endorse the report *State of the Inner West October 2021* which outlines progress in implementing the Community Strategic Plan.

Motion Carried

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

Against Motion: Cr Passas

C1021(3) Item 8 Inner West Community Sharps Service and the Disposal of Sharps During Vaccination Roll Out

Motion: (Lockie/Steer)

THAT Council:

- 1. Receive and note the report; and**
- 2. Contact pharmacies not participating in the scheme to notify them of the service.**

Motion Carried

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

Against Motion: Nil

C1021(3) Item 9 Response to Notice of Motion: Disabled Access at Dawn Fraser Baths

Motion: (Porteous/Stamolis)

THAT the report be received and noted.

Motion Carried

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

Against Motion: Nil

Councillor Passas left the Meeting at 10:37 pm.
Councillor Passas returned to the Meeting at 10:39 pm.

Procedural motion - Extension of Time

Motion: (Porteous/Drury)

THAT the meeting be extended until 11.10pm.

Motion Carried

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

Against Motion: Nil

Procedural Motion – Motion be Put

Motion: (Drury/McKenna OAM)

THAT the motion for Item 10 Tree Management DCP - Review Process be put without further debate.

Motion Lost

For Motion: Crs Byrne, Drury and McKenna OAM

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

Councillor Stamolis left the Meeting at 10:58 pm.
Councillor Byrne retired from the Meeting at 11:04 pm.
Councillor Macri retired from the Meeting at 11:04 pm.

C1021(3) Item 10 Tree Management DCP - Review Process

Motion: (Hesse/Lockie)

THAT:

- 1. Notes the report of staff regarding the Tree Management DCP – Review process;**
- 2. Notes the advice that the existing Tree DCP adopted in 2019 is unlawful relating to the NSW Vegetation SEPP, the two metre rule is in breach of the *Environmental Planning and Assessment Act*, and that the Tree DCP offers inaccurate and inconsistent advice to residents;**
- 3. Notes the net loss of 14 hectares of trees in the Inner West Local Government Area since the adoption of the Tree DCP;**

4. Notes the lack of qualified staff to provide a review of the Tree DCP to Council;
5. Notes that under the current Tree DCP the Land Zone Canopy targets for the LGA will not be met;
6. Notes the negative long term effect of the Tree DCP, and that it will likely undermine efforts of mitigate the effects of global heating; and
7. Request that staff make a full report on the reform of the Tree DCP to the new Council by February 2022, and prioritise obtaining sufficient staff expertise and capacity to conduct this reform.

Motion Carried

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

Foreshadowed Motion (McKenna OAM/Passas)

THAT:

1. The report be received and noted; and
2. Council confirm in principle support for the proposed changes to the DCP recommended in the report.

This foreshadowed motion lapsed.

Confidential Session

Motion: (Drury/Porteous)

THAT Council enter into Confidential session to deal with Item 34 RFT 15-21 33KV High Voltage Feeder 761 Relocation.

Motion Carried

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

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:

C1021(3) Item 34 RFT 15-21 33KV High Voltage Feeder 761 Relocation (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.

Councillor Stamolis returned to the Meeting at 11:06 pm.

Motion: (Drury/Porteous)

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

Motion Carried

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

Against Motion: Nil

Absent: Cr Byrne and Macri

C1021(3) Item 34 RFT 15-21 33KV High Voltage Feeder 761 Relocation

Motion: (Porteous/Drury)

THAT in accordance with Clause 178 of the *Local Government (General) Regulation 2005*, Council enters into a Contract (or Contracts) with Laing O'Rourke Australia Construction Pty Ltd for the total lump sum amount of \$2,255,176.35 including GST, and allow for a contingency of approximately 10% or \$225,823.65 including GST.

Motion Carried

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

Against Motion: Nil

Absent: Cr Byrne and Macri

Procedural motion

Motion: (Passas/Da Cruz)

THAT items 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 be deferred to an Extraordinary Council Meeting to be held on Tuesday, 2 November 2021 at 6.30pm.

Motion Tied

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

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

Absent: Crs Byrne, Macri and Stamolis

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

Meeting closed at 11.09 pm.

PUBLIC SPEAKERS:

Item #	Speaker	Suburb
Item 1:	Emma Bacon	Stanmore
Item 4:	Tiffany Chen	Chatswood
	Tiffany Robertson	Annandale
Item 5:	Cynthia Nadai	Lilyfield
Item 20:	Stephen Forbes	Leichhardt
Item 31:	Peter Tregilgas	Stanmore
	Tiffany Chen	Chatswood
	Ged Dore	Stanmore

The Minutes of the Ordinary Meeting of Council held on the 26th day of October, 2021 were confirmed as a correct record on this 9th day of November, 2021.

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CHAIRPERSON