

Minutes of Council Meeting held on Tuesday 15 September 2015**Meeting commenced at 6.34pm****ACKNOWLEDGEMENT OF COUNTRY BY CHAIRPERSON**

We meet tonight on the traditional land of the Cadigal people of the Eora nation. I acknowledge the terrible wrongs committed against the Aboriginal peoples of this country and their care of the land over many generations. I celebrate their ongoing survival and achievements in today's society.

COUNCILLORS PRESENT

Gardiner (Mayor)	Hanna (Deputy Mayor)	Barbar	Brooks	Ellsmore
Iskandar	Leary	Macri	Phillips	Tyler
Woods				

APOLOGIES:**Motion: (Gardiner/ Brooks)**

THAT the apology for Councillor Haylen, who was unavailable due to a work commitment, be noted and leave of absence granted.

Motion Carried

For Motion: Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods

Against Motion: Nil

DISCLOSURES OF INTERESTS: Nil.

CONFIRMATION OF MINUTES**Motion: (Gardiner/Brooks)**

THAT the Minutes of the Council Meeting held on Tuesday, 18 August 2015 be confirmed.

Motion Carried

For Motion: Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods

Against Motion: Nil

**C0915 Item 1 MAYORAL MINUTE: WASTE REMOVAL FROM THE FORMER
DIAL-A-DUMP SITE AND OPPOSITION TO WESTCONNEX**

Public speakers: Pauline Lockie and Richard Capuano

THAT Council:

1. reaffirms its absolute opposition to the WestConnex project, particularly in light of the announcement of a preferred contractor for the construction of the New M5 tunnels and St Peters interchange, in the absence of a business case and Environmental Impact Statement;
2. recognises that the operation of the St Peters former Dial a Dump site is covered by an Environment Protection Licence (no. 12594) issued and regulated by the NSW Environment Protection Authority;
3. acknowledges that the continued removal of waste stockpiles from site is occurring in accordance with NSW Environmental Protection Authority requirements and WorkCover Authority guidelines for contaminated materials and that council has no jurisdiction in this matter;
4. calls on the Environmental Protection Authority and WorkCover Authority to regularly monitor the site works, to communicate fully and effectively with residents affected by those works and to regularly provide council with updates and status reports regarding the works;
5. calls on the WestConnex Delivery Authority to immediately implement an alternative heavy vehicle entry and exit point to the site, away from residential properties; and
6. calls on the NSW Minister for Roads and Freight, Duncan Gay MLC to make a substantive commitment to the new public spaces and linkages with existing open space in and around the St Peters interchange by supporting the rezoning of the non-road component of the site as public open space. Marrickville Council resolve to prepare a draft LEP rezoning of the St Peters Landfill site as open space. The draft rezoning is prepared in collaboration with the City of Sydney.

Amendment: (Ellsmore/Brooks)

THAT an additional point be added as follows:

Noting that the site was historically licenced to receive and handle asbestos and other contaminated material, which potentially poses a high risk to residents if not properly managed, and noting the reports from residents that excavation activities appear to be being undertaken on the site, Council agrees, subject to urgent external legal advice in relation to its power, to immediately issue a stop work order on the site until the WDA can confirm that the activities it has undertaken are the subject of a valid development consent, or a valid exemption from Council's development controls.

Amendment Carried

For Amendment: Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Phillips and Woods

Against Amendment: Councillors Macri and Tyler

Amendment: (Ellsmore/Brooks)

THAT:

- Point 3 of the Motion be deleted; and
- Point 2 of the Motion be amended to add the following at the end:
and recognise that Council is responsible for ensuring that any development consents issued for the operations of the site by Council are being complied with.

Amendment Carried

For Amendment: Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Phillips and Woods

Against Amendment: Councillors Macri and Tyler

COUNCIL RESOLUTION:**Motion: (Gardiner)**

THAT Council:

1. reaffirms its absolute opposition to the WestConnex project, particularly in light of the announcement of a preferred contractor for the construction of the New M5 tunnels and St Peters interchange, in the absence of a business case and Environmental Impact Statement;
2. recognises that the operation of the St Peters former Dial a Dump site is covered by an Environment Protection Licence (no. 12594) issued and regulated by the NSW Environment Protection Authority and recognises that Council is responsible for ensuring that any development consents issued for the operations of the site by Council are being complied with;
3. calls on the Environmental Protection Authority and WorkCover Authority to regularly monitor the site works, to communicate fully and effectively with residents affected by those works and to regularly provide council with updates and status reports regarding the works;
4. calls on the WestConnex Delivery Authority to immediately implement an alternative heavy vehicle entry and exit point to the site, away from residential properties;
5. calls on the NSW Minister for Roads and Freight, Duncan Gay MLC to make a substantive commitment to the new public spaces and linkages with existing open space in and around the St Peters interchange by supporting the rezoning of the non-road component of the site as public open space. Marrickville Council resolve to prepare a draft LEP rezoning of the St Peters Landfill site as open space. The draft rezoning is prepared in collaboration with the City of Sydney; and
6. noting that the site was historically licenced to receive and handle asbestos and other contaminated material, which potentially poses a high risk to residents if not properly managed, and noting the reports from residents that excavation activities appear to be being undertaken on the site, Council agrees, subject to urgent external legal advice in relation to its power, to immediately issue a stop work order on the site until the WDA can confirm that the activities it has undertaken are the subject of a valid development consent, or a valid exemption from Council's development controls.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Phillips and Woods**Against Motion:** Councillors Macri and Tyler**C0915 Item 2 MAYORAL MINUTE: CHARITABLE GIVING****Motion: (Gardiner)**

THAT:

1. Council establishes a Mayoral Charitable Fund;
2. Council allocates \$10,000 p.a. to the Fund;
3. the Mayor be required to report to Council annually on the distribution of funds; and
4. the General Manager report back to Council on an appropriate governance framework for administration of the Fund.

Motion Lost**For Motion:** Councillors Brooks, Gardiner and Phillips**Against Motion:** Councillors Barbar, Hanna, Iskandar, Macri, Tyler and Woods**Absent:** Councillors Ellsmore and Leary

C0915 Item 3 MAYORAL MINUTE: PEDESTRIAN CROSSING BETWEEN LEWISHAM PUBLIC SCHOOL AND CHRISTIAN BROTHERS' HIGH SCHOOL**Motion: (Gardiner)**

THAT Council:

1. commits to complete detailed design plans for a pedestrian crossing on the The Boulevard, Lewisham between Lewisham Public School and Christian Brothers' High School as soon as the Dulwich Hill and Lewisham traffic management reviews are complete; and
2. commits to having the pedestrian crossing in place before the beginning of the 2016 school year.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Gardiner, Hanna, Iskandar, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**Absent:** Councillors Ellsmore and Leary**C0915 Item 4 ESTABLISHMENT OF AN INDEPENDENT HEARING AND ASSESSMENT PANEL****Motion: (Gardiner/Phillips)**

THAT Council defers the decision whether to adopt the proposed IHAP model to replace the Development Assessment Committee (DAC), to allow the community to be consulted to obtain their feedback on the proposal and the draft procedural documentation (Charter, Code of Conduct and Operational Guidelines).

Motion Lost**For Motion:** Councillors Brooks, Gardiner and Phillips**Against Motion:** Councillors Barbar, Hanna, Iskandar, Macri, Tyler and Woods**Absent:** Councillors Ellsmore and Leary**Motion: (Gardiner/Barbar)**

THAT Council deals with Items 5, 6, 7, 9 and 10 on block.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Gardiner, Hanna, Iskandar, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**Absent:** Councillors Ellsmore and Leary**C0915 Item 5 UPDATE ON POTENTIAL UPGRADE OF AMENITIES AND LIGHTING AT HENSON PARK****Motion: (Gardiner/Woods)**

THAT:

1. the report be received and noted;
2. Council gives in principle support to the upgrade of existing amenities at Henson Park; and
3. Council endorses continuing liaison with representatives from AFL NSW/ACT (AFL) and the Newtown Jets Rugby League Club (the Jets) regarding the upgrade of amenities and sports lighting at Henson Park.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Gardiner, Hanna, Iskandar, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**Absent:** Councillors Ellsmore and Leary

C0915 Item 6 RE-NAMING OF PART OF TEMPE RESERVE AS LORI SHORT RESERVE**Motion: (Gardiner/Woods)**

THAT Council:

1. confirms that Lori Short Reserve will feature as part of the description for Tempe Recreation Reserve to the Geographical Names Board; and
2. authorises a budget variation of \$3,000 to allow for the purchase and installation of appropriate signage.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Gardiner, Hanna, Iskandar, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**Absent:** Councillors Ellsmore and Leary**C0915 Item 7 INTRODUCTION OF YOUNG CRITICS AND WRITERS PRIZE****Motion: (Gardiner/Woods)**

THAT:

1. the report be received and noted; and
2. Council approves the proposal to pilot a Young Critics and Writers Prize in 2016.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Gardiner, Hanna, Iskandar, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**Absent:** Councillors Ellsmore and Leary**C0915 Item 8 SISTER CITIES AUSTRALIA NATIONAL CONFERENCE****Motion: (Gardiner/Macri)**

THAT:

1. the report be received and noted;
2. Council nominates Councillors Hanna, Iskandar and Woods to represent Marrickville Council at the 2015 National Sister Cities Conference to be held at Blacktown on 8-11 November 2015; and
3. Council prepare a comparative costing of train fares, taxis, provided transport and accommodation to Blacktown for the three day conference and report back to the next Council Meeting on the costings.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Gardiner, Hanna, Iskandar, Macri, Tyler and Woods**Against Motion:** Councillor Phillips**Absent:** Councillors Ellsmore and Leary

C0915 Item 9 PARTICIPATION IN THE SMALL BUSINESS FRIENDLY COUNCILS PROGRAM RUN BY THE OFFICE OF THE NSW SMALL BUSINESS COMMISSIONER**Motion:** (Gardiner/Woods)

THAT:

1. Council commits to the 'Small Business Friendly Councils Charter' in order to participate in the Program and achieve recognition;
2. the Mayor and General Manager be authorised to sign the Charter; and
3. the Economic Development Unit in collaboration with the Corporate Strategy and Communications team be responsible for the submission of the quarterly reporting requirement to the Office of the NSW Small Business Commissioner.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Gardiner, Hanna, Iskandar, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**Absent:** Councillors Ellsmore and Leary**C0915 Item 10 STATUS UPDATE – RESOLUTIONS OF COUNCIL****Motion:** (Gardiner/Woods)

THAT the report be received and noted.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Gardiner, Hanna, Iskandar, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**Absent:** Councillors Ellsmore and Leary**C0915 Item 11 NOTICE OF MOTION: NAMING OF THE CAMDENVILLE PARK WETLAND AS THE PETER BULGER WETLANDS**

Public speakers: Patrick Byrne, Rebecca Reilly and Pat McInerney

Motion: (Woods/Iskandar)

THAT, following a period of community consultation, Marrickville Council name the water feature or wetlands on the corner of May Street and Bedwin Rd, St Peters; Peter Bulger Wetlands.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil

C0915 Item 12 NOTICE OF MOTION: MARRICKVILLE COUNCIL CALLS ON THE NSW GOVERNMENT TO ABANDON PLANS TO PRIVATISE NSW PUBLIC WORKS HERITAGE SERVICES

Public speakers: Paul Thurloe, Paul Connell and Mary O'Sullivan

Motion: (Woods/Barbar)

THAT Marrickville Council:

1. calls on the New South Wales Government to abandon plans to privatise NSW Public Works Heritage Services because of the vital role it plays in restoration of Public buildings;
2. urges other Councils across the state to express their opposition to the planned State Government move and its potential impact on our State's legacy of local heritage buildings by writing to the NSW Minister for Finance, Dominic Perrottet, and the NSW Minister for the Environment and Heritage, Mark Speakman; and
3. urges Councils to consider a motion on this matter to the upcoming NSW Local Government Association Conference.

Motion Carried

For Motion: Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods

Against Motion: Nil

C0915 Item 13 NOTICE OF MOTION: COMMUNITIES UNITED RALLY

Public speaker: Matthew Meagher

Motion: (Brooks/Ellsmore)

THAT Council:

1. endorses the Communities United Rally in support of diversity and multiculturalism, to be held on 19 September; and
2. shares information about the event through its social media accounts.

Motion Carried

For Motion: Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods

Against Motion: Nil

REPORTS WITH CONFIDENTIAL INFORMATION**C0915 Item 14 MARRICKVILLE HOSPITAL SITE TENDER EVALUATION REPORT**

Public speaker: Peter Olive

Motion: (Gardiner/Iskandar)

THAT:

1. Council moves into closed session to deal with this matter as information contained in CONFIDENTIAL ATTACHMENTS 1, 2, 7 and 8 of the report is classified as confidential under the provisions of Section 10A (2)(c) and (d) of the Local Government Act 1993 for the following reasons:
 - a. the information within CONFIDENTIAL ATTACHMENTS 1, 2, 3, 4, 5, 7 and 8 of this report, if disclosed, could confer a commercial advantage on persons with whom the Council proposes to or may conduct business;

- b. it is not in the public interest to reveal the information in these attachments as they disclose sensitive information concerning the financial offerings provided by companies and their evaluation as part of a selective tender process;
- c. adopts the recommendations of the Tender Evaluation Panel contained in CONFIDENTIAL ATTACHMENT 1; and
- d. places the concept model and drawings on public display.

And in accordance with Sections 10A(4) of the Local Government Act 1993, that the Chairperson allows members of the public to make representations as to whether this part of the meeting should be closed.

Motion Carried

For Motion: Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods
Against Motion: Nil

Amendment: (Phillips/Brooks)

THAT staff negotiate the design of building one to seek to optimise the amount of sun falling onto the open space in precinct B.

Amendment Lost

For Amendment: Councillors Brooks, Ellsmore, Leary and Phillips
Against Amendment: Councillors Barbar, Gardiner, Hanna, Iskandar, Macri, Tyler and Woods

Motion: (Gardiner/Brooks)

THAT Council deals with Items 15, 16 and 18 on block.

Motion Carried

For Motion: Councillors Barbar, Brooks, Gardiner, Hanna, Iskandar, Macri, Phillips, Tyler and Woods
Against Motion: Nil
Absent: Councillors Ellsmore and Leary

C0915 Item 15 TEMPE RESERVE REDEVELOPMENT PROPOSAL

Motion: (Gardiner/Brooks)

THAT:

1. Council resolves that CONFIDENTIAL ATTACHMENTS 1 & 2 to the report be treated as confidential in accordance with Section 10A(4) of the Local Government Act 1993, as it relates to a matter specified in Section 10A(2) of the Local Government Act 1993, and as such is to be treated as confidential; and
2. Council adopt a recommendation consistent with that proposed in CONFIDENTIAL ATTACHMENT 1.

Motion Carried

For Motion: Councillors Barbar, Brooks, Gardiner, Hanna, Iskandar, Macri, Phillips, Tyler and Woods
Against Motion: Nil
Absent: Councillors Ellsmore and Leary

**C0915 Item 16 CAMDENVILLE PARK UPGRADE – BMX PUMP TRACK TENDER, 9/15
– ASSESSMENT OF TENDERS****Motion: (Gardiner/Brooks)**

THAT:

1. Council resolves that CONFIDENTIAL ATTACHMENT 1 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2),(c) and (d) of the Local Government Act 1993, and as such is to be treated as confidential;
2. Council decline to accept any tenders due to the uncertainty around the WestConnex Development Authority proposals for the park; and
3. WDA be requested to engage Council's preferred tenderer to undertake the BMX track at the appropriate time.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Gardiner, Hanna, Iskandar, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**Absent:** Councillors Ellsmore and Leary**C0915 Item 17 SALE OF LAND FOR UNPAID RATES****Motion: (Gardiner/Tyler)**

THAT Council:

1. moves into closed session to deal with this matter as information contained in CONFIDENTIAL ATTACHMENT 1 (as amended) of the report are classified as confidential under the provisions of Section 10A (2)(b) of the Local Government Act 1993 for the following reason:
 - a. because it concerns matters relating to the personal hardship of a resident or ratepayer;
2. endorses the process, as outlined in the body of this report, with the exception of the first property in CONFIDENTIAL ATTACHMENT 1 which will not proceed to sale given Council and the owner of the property agreed to a payment plan on 15 September 2015;
3. pursuant to Section 713 of the Local Government Act 1993, resolve to sell the second property listed at CONFIDENTIAL ATTACHMENT 1 for unpaid rates and charges; and
4. delegates authority to the General Manager to appoint an auctioneer, to set the reserve price (in consultation with the appointed auctioneer) and to sell the second property by private treaty if it fails to sell at auction.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Gardiner, Hanna, Iskandar, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**Absent:** Councillors Ellsmore and Leary

C0915 Item 18 SSROC TENDER – STATIONERY AND ASSOCIATED ITEMS**Motion: (Gardiner/Brooks)**

THAT:

1. Council resolves that CONFIDENTIAL ATTACHMENT 1 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2)(c) and (d) of the Local Government Act 1993;
2. the report be received and noted; and
3. Council adopts the recommendation contained in the CONFIDENTIAL ATTACHMENT 1.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Gardiner, Hanna, Iskandar, Macri,
Phillips, Tyler and Woods**Against Motion:** Nil**Absent:** Councillors Ellsmore and Leary

Meeting closed at 10.00pm.

CHAIRPERSON