

Minutes of Council Meeting held on Tuesday 16 February 2016

Meeting commenced at 6.37pm

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

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

APOLOGIES:

Motion: (Iskandar/Barbar)

THAT the apology for Councillor Haylen 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:

Item 11 - Library to Provide Assistance to St Brigid's Catholic Primary School as a Result of Fire

Councillor Brooks declared a less than significant, non-pecuniary conflict of interest in Item 11 as the Librarian at St Brigid's is a close friend of her mother-in-law. She indicated that she would remain in the Chamber during that item of business.

CONFIRMATION OF MINUTES

Motion: (Iskandar/Macri)

THAT the Minutes of the Extraordinary Council Meeting held on Wednesday 27 January 2016 be confirmed.

Motion Carried

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

Against Motion: Nil

C0216 Item 1 MERGER PROPOSAL - DRAFT SUBMISSION TO DELEGATE

Motion: (Iskandar/Macri)

THAT Council:

1. receive and note the Draft Submission to the Delegate (ATTACHMENT 1);
2. provide input and direction to the Draft Submission to the Delegate, in particular to parts (e), (e4) and (e5) under Section 263(3) of the Local Government Act, 1993;
3. publicly exhibit the Draft Submission; and
4. lodge its final Submission to the Delegate no later than Sunday 28 February 2016.

Motion Carried

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

Against Motion: Nil

Matter Arising out of Item 1: (Ellsmore/Hanna)

THAT Council move a vote of thanks to the General Manager and the Mayor for presenting Marrickville's case so well at the recent Public Inquiry hearing for the merge proposal.

Motion Carried

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

Against Motion: Nil

C0216 Item 2 TOWARDS NEW LOCAL GOVERNMENT LEGISLATION - PROPOSED PHASE 1 AMENDMENTS

Motion: (Ellsmore/Woods)

THAT Council endorse the proposed responses (see ATTACHMENT 1) to the "New Local Government Act Development Consultation – Phase 1" for submission under the *Fit for the Future* local government reform program.

Amendment: (Ellsmore/Brooks)

THAT Council endorse the proposed responses to the "New Local Government Act Development Consultation - Phase 1" for submission under the Fit for the Future local government reform program, with the following amendment:

- Council disagree with proposed change to the wording of the purposes of the Act, and recommend that Ecologically Sustainable Development (ESD) principles remain specifically included in the Act;

Amendment Carried

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

Against Amendment: Councillors Gardiner and Tyler

Amendment: (Ellsmore/Brooks)

THAT Council endorse the proposed responses to the "New Local Government Act Development Consultation - Phase 1" for submission under the Fit for the Future local government reform program, with the following amendment:

- Council disagree that the current commitment for Local Government to "exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights" should be watered down by replaced with only a commitment to act "hav(ing) regard to social justice principles".

Amendment Carried

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

Against Amendment: Councillors Gardiner and Tyler

Amendment: (Ellsmore/Brooks)

THAT Council endorse the proposed responses to the "New Local Government Act Development Consultation - Phase 1" for submission under the Fit for the Future local government reform program, with the following amendment:

- Council disagree that the commitment to act as a "responsible employer" be replaced with a weaker commitment to "endeavour to involve and support its staff", and recommends instead a strengthened commitment to ensure Local Council acts as a model employer.

Amendment Carried

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

Against Amendment: Councillors Gardiner, Macri and Tyler

Amendment: (Ellsmore/Brooks)

THAT Council endorse the proposed responses to the "New Local Government Act Development Consultation - Phase 1" for submission under the Fit for the Future local government reform program, with the following amendment:

- Addition of a recommendation that provisions be added to ensure that a Council cannot be merged or abolished by the Minister or Executive without a poll of local residents.

Amendment Carried

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

Against Amendment: Councillors Gardiner, Hanna, Macri and Tyler

Amendment: (Ellsmore/Brooks)

THAT Council endorse the proposed responses to the "New Local Government Act Development Consultation - Phase 1" for submission under the Fit for the Future local government reform program, with the following amendment:

THAT a recommendation be added that the Local Government Act formally recognises Aboriginal and Torres Strait Islander Australians.

Amendment Carried

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

Against Amendment: Nil

Amendment: (Leary/Hanna)

Item 4.1 of Council's submission be amended by deleting Point 2 relating to electronic voting and tallying technology.

Amendment Carried

For Amendment: Councillors Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri and Woods

Against Amendment: Councillors Barbar, Gardiner, Phillips and Tyler

COUNCIL RESOLUTION:**Motion: (Ellsmore/Woods)**

THAT Council endorse the proposed responses (see ATTACHMENT 1) to the "New Local Government Act Development Consultation – Phase 1" for submission under the *Fit for the Future* local government reform program, with the following amendments:

1. Council disagree that the current commitment for Local Government to "exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights" should be watered down by replaced with only a commitment to act "hav(ing) regard to social justice principles";
2. Council disagree that the current commitment for Local Government to "exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights" should be watered down by replaced with only a commitment to act "hav(ing) regard to social justice principles";
3. Council disagree that the commitment to act as a "responsible employer" be replaced with a weaker commitment to "endeavour to involve and support its staff", and recommends instead a strengthened commitment to ensure Local Council acts as a model employer;
4. the addition of a recommendation that provisions be added to ensure that a Council cannot be merged or abolished by the Minister or Executive without a poll of local residents;
5. that a recommendation be added that the Local Government Act formally recognises Aboriginal and Torres Strait Islander Australians; and
6. Item 4.1 of Council's submission be amended by deleting Point 2 relating to electronic voting and tallying technology.

Motion Carried

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

Against Motion: Nil

Motion: (Iskandar/Macri)

THAT Council move into recess for a short period from 9.15 to 9:25pm.

Motion Carried

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

Against Motion: Nil

C0216 Item 3 IPART DRAFT REPORT ON THE REVIEW OF REPORTING AND COMPLIANCE BURDENS ON LOCAL GOVERNMENT

Motion: (Macri/Tyler)

THAT Council:

1. lodges a submission to IPART in response to its draft report on *The Review of reporting and compliance burdens on Local Government*; and
2. endorses the proposed response (see ATTACHMENT 1) for submission.

Motion Carried

For Motion: Councillors Barbar, Gardiner, Hanna, Iskandar, Macri, Tyler and Woods

Against Motion: Councillors Brooks, Ellsmore, Leary and Phillips

C0216 Item 4 ENVIRONMENTAL IMPACT STATEMENT FOR WESTCONNEX STAGE 2 - NEW M5 (BEVERLY HILLS TO ST PETERS)

Motion: (Iskandar/Gardiner)

THAT:

1. the report be received and noted;
2. Council endorses the Council submission and all attachments on the New M5 Environmental Impact Statement at ATTACHMENTS 1 to 5; and
3. Council forwards any additional comments arising from Council's consideration of this matter to the Department of Planning and Environment as an addendum to the submission.

Motion Carried

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

Against Motion: Councillors Hanna, Macri and Tyler

Motion: (Iskandar/Hanna)

THAT Council deals with Items 5, 6, 7, 8, 10, 11, 12, 13, 19, 20, 21, 22 and 23 en bloc.

Motion Carried

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

Against Motion: Nil

C0216 Item 5 QUARTERLY BUDGET REVIEW STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2015

Motion: (Iskandar/Hanna)

THAT:

1. the report be received and noted; and
2. Council approve the variations identified as matters requiring budget adjustments and incorporate the changes into 2015/16 revised budget.

Motion Carried

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

Against Motion: Nil

C0216 Item 6 CHANGE TO CLAUSE 4.29 OF THE CODE OF CONDUCT FOR COUNCILLORS**Motion: (Iskandar/Hanna)**

THAT:

1. Council amends the Marrickville Council *Code of Conduct for Councillors* to update conflict of interest provisions under clause 4.29 of the Code in accordance with new requirements arising from the commencement of the *Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015*; and
2. the form of words for amending the Code be those recommended by the NSW Office of Local Government in its latest revision of the *Model Code of Conduct for Local Councils in NSW*.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**C0216 Item 7 OUTCOMES FROM THE PUBLIC EXHIBITION OF THE COMMERCIAL TRAINER POLICY AND PROPOSED FEES AND CHARGES****Motion: (Iskandar/Hanna)**

THAT:

1. the report be received and noted;
2. Council adopts the draft Commercial Fitness Training Policy and proposed Fees & Charges as attached to this report;
3. all residents and stakeholders who made submissions during the public exhibition be notified of Council's determination; and
4. the Commercial Fitness Training Policy and Fees & Charges be reviewed annually to ensure management of recommended parks for commercial fitness training is meeting community needs.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**C0216 Item 8 MARRICKVILLE WOMEN'S ADVISORY COMMITTEE TERMS OF REFERENCE****Motion: (Iskandar/Hanna)**

THAT Council adopt the attached Terms of Reference and Membership of the Marrickville Council Women's Committee.

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

C0216 Item 9 SPORTS WALK OF HONOUR NOMINATIONS

Motion: (Iskandar/Macri)

THAT:

1. the report be received and noted;
2. the list of recommended sportspeople in this report be represented on the Sporting Walk of Honour at Marrickville Park; and
3. further work be undertaken to identify some indigenous women sportspeople to add to the list.

Motion Carried

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

Against Motion: Nil

C0216 Item 10 DELIVERY PROGRAM/OPERATIONAL PLAN PROGRESS REPORT - JULY TO DECEMBER 2015

Motion: (Iskandar/Hanna)

THAT the six monthly progress report (July to December 2015) be received and noted.

Motion Carried

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

Against Motion: Nil

C0216 Item 11 LIBRARY TO PROVIDE ASSISTANCE TO ST BRIGID'S CATHOLIC PRIMARY SCHOOL AS A RESULT OF FIRE

Motion: (Iskandar/Hanna)

THAT the report be received and noted.

Motion Carried

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

Against Motion: Nil

C0216 Item 12 REFURBISHED ENTRANCE TO MARRICKVILLE LIBRARY TO MITIGATE FLOODING

Motion: (Iskandar/Hanna)

THAT the report be received and noted.

Motion Carried

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

Against Motion: Nil

C0216 Item 13 STATUS UPDATE - RESOLUTIONS OF COUNCIL

Motion: (Iskandar/Hanna)

THAT the report be received and noted.

Motion Carried

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

Against Motion: Nil

C0216 Item 14 CAMPERDOWN BOWLING CLUB REDEVELOPMENT - CORRECTION OF ENCROACHMENT ON PIDCOCK STREET

Public speaker: Dean Thomas

Motion: (Ellsmore/Gardiner)

THAT Council take no action in relation to the encroachment on Pidcock Street.

Motion Carried

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

Against Motion: Nil

C0216 Item 15 NOTICE OF MOTION: NO STOPPING SIGNS

Motion: (Ellsmore/Phillips)

THAT:

1. except in circumstances where there are clearly no safety issues of concern, Council adopt a policy of installing a "No Stopping" sign when the sign:
 - a) has been requested by residents;
 - b) has concurrence from the Pedestrian, Cyclist and Traffic Calming Advisory Committee;
2. Council agrees to install signage which was recommended by the Pedestrian, Cyclist and Traffic Calming Advisory Committee for Henry Lane to prevent illegal parking within 10m of the intersection with Victoria Lane in Lewisham; and
3. signage installed should indicate to drivers the statutory 10 metre No Stopping distance where they are at risk of getting booked.

Motion Carried

For Motion: Councillors Brooks, Ellsmore, Iskandar, Leary and Phillips, Macri and Tyler

Against Motion: Councillors Barbar, Gardiner, Hanna, and Woods

C0216 Item 16 NOTICE OF MOTION: CAMDENVILLE PARK

Motion: (Woods/Macri)

THAT the item be deferred to the next Council Meeting.

Motion Carried

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

Against Motion: Nil

C0216 Item 17 NOTICE OF MOTION: NO BUSINESS IN ABUSE CAMPAIGN

Public speakers: Viola Morris and Julie Colley

Motion: (Ellsmore/Iskandar)

THAT:

1. the General Manager sign the No Business in Abuse pledge on behalf of Marrickville Council;
2. Council's procurement policy be updated to ensure that no new contracts with Broadspectrum (formerly Transfield) and Wilson Security, or other companies that profit from detention centres, are entered into until their association with detention centers cease;
3. Council's investment policy be updated to ensure that Council is not investing in Broadspectrum (formerly Transfield) and Wilson Security, or other companies that profit from detention centres, until their association with detention centers cease; and
4. Council publicly promote Council's commitment, as one of a range of initiatives Council is undertaking to demonstrate support and welcome for refugees and asylum seekers.

Motion Carried

For Motion: Councillors Barbar, Brooks, Ellsmore, Iskandar, Leary, Phillips and Woods

Against Motion: Councillors Gardiner, Hanna, Macri and Tyler

C0216 Item 18 NOTICE OF MOTION: EQUITY IN CHILDCARE FEES

Motion: (Ellsmore/Hanna)

THAT Council:

1. review and update its policies on holiday care and other childcare programs to ensure that duplicate fees are not required to be paid for the one child or family;
2. otherwise review and update its fees policies to ensure they can flexibly accommodate a range of family situations, including separated parents; and
3. refund the fees of any families that have been charged duplicate fees over the last 6-12 months.

Motion Carried

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

Against Motion: Nil

REPORTS WITH CONFIDENTIAL INFORMATION

C0216 Item 19 TENDER 12/15 MARRICKVILLE PARK UPGRADE - ASSESSMENT OF TENDERS

Motion: (Iskandar/Hanna)

THAT Council:

1. resolves that CONFIDENTIAL ATTACHMENT 1 to the report be treated as confidential in accordance with Section 11(3) of the Local Government Act 1993, as it relates 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; and
2. adopts the recommendation contained in CONFIDENTIAL ATTACHMENT 1.

Motion Carried

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

Against Motion: Nil

C0216 Item 20 TENDER 25/15 KENDRICK PARK, TEMPE - PROPOSED CYCLEWAY UPGRADE WORK

Motion: (Iskandar/Hanna)

THAT:

1. Council resolves that CONFIDENTIAL ATTACHMENTS 1 and 2 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 should be confidential;
2. the report be received and noted; and
3. Council adopts the recommendations contained in CONFIDENTIAL ATTACHMENTS 1 and 2.

Motion Carried

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

Against Motion: Nil

C0216 Item 21 TENDER 1/16 MARRICKVILLE TOWN HALL ROOF RENEWAL AND IMPROVEMENTS

Motion: (Iskandar/Hanna)

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 adopts the recommendation contained in CONFIDENTIAL ATTACHMENT 1; and
3. the Director of Infrastructure Services sign the contract on behalf of Council.

Motion Carried

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

Against Motion: Nil

C0216 Item 22 TENDER 26/15 SYDENHAM GREEN PUBLIC TOILET

Motion: (Iskandar/Hanna)

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 it relates 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 adopts the recommendation contained in CONFIDENTIAL ATTACHMENT 1; and
3. the General Manager be delegated to execute the contract on behalf of Council.

Motion Carried

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

Against Motion: Nil

C0216 Item 23 ACCESS COMMITTEE RECRUITMENT AND NEW MEMBER FOR 2015-17

Motion: (Iskandar/Hanna)

THAT Council receive and note new membership of the Marrickville Access Committee for 2016 – 2018.

Motion Carried

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

Against Motion: Nil

C0216 Item 24 MAYORAL MINUTE: SUBMISSION TO DELEGATE - ACHIEVING EFFECTIVE COMMUNITY REPRESENTATION

The Mayoral Minute was withdrawn.

C0216 Item 25 MAYORAL MINUTE: SUBMISSION TO DELEGATE – PROPOSED WARD BOUNDARIES

Motion: (Iskandar)

THAT Council:

1. submit to the Delegate a preference for a new Council area to be divided into 3 wards each comprising 5 Councillors allowing each existing LGA to remain largely intact as a ward area within the amalgamated Council; and
2. undertake to consult with the community on this preferred ward model and the option of a directly elected Mayor and the results to be included in Council's submission to the Delegate.

Motion Carried

For Motion: Councillors Barbar, Hanna, Iskandar, Macri, Tyler and Woods

Against Motion: Councillors Brooks, Ellsmore, Gardiner, Leary and Phillips

Amendment: (Phillips/Brooks)

THAT:

- point 1 be deleted; and
- the word “this” be replaced to “the” in point 2.

Amendment Lost

For Amendment: Councillors Brooks, Ellsmore, Gardiner, Leary and Phillips

Against Amendment: Councillors Barbar, Hanna, Iskandar, Macri, Tyler and Woods

C0216 Item 26 MAYORAL MINUTE: INAUGURATION OF TILED ARTWORK IN TRAFALGAR STREET – EXTENSION OF INVITATION TO PORTUGUESE GOVERNMENT

Motion: (Iskandar)

THAT Council:

1. extends an invitation to the Portuguese Government to be represented at the unveiling on 13 March 2016 of the tiled artwork by Luis Geraldes which is being relocated from Audley Street to Trafalgar Street in Petersham; and
2. liaises with the office of the Consul General of Portugal on contact with a suitable local representative and / or a representative of the Portuguese Government who may already be visiting Sydney around the time of the Barrio Festival.

Motion Carried

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

Against Motion: Nil

Meeting closed at 9.45pm.

CHAIRPERSON