

Council Meeting

MINUTES OF MEETING 01/06 - 20 February, 2006

Meeting Commenced at 6.38 pm.

PRESENT The Mayor, Councillor S Byrne, who occupied the Chair, the Deputy Mayor, Councillor D Thanos, and Councillors R Owen, M Hanna OAM, S Khan, C Hesse, P Sharpe, P Olive, B Cotter, F Byrne and V Macri.

ALSO PRESENT General Manager, Director Corporate Services, Director Development & Environmental Services, Director Technical Services, Manager Administrative Services and Manager Corporate Development.

ACKNOWLEDGEMENT OF COUNTRY BY CHAIRPERSON

We meet today on the special land of the Cadigal Wangal People and I acknowledge their care of the land over many generations and celebrate their ongoing survival and achievements in today's society.

PERIOD OF SILENCE FOR PRAYER, PLEDGE OR CONTEMPLATION

APOLOGIES

5259 **RESOLVED:** On the Motion of Councillor Sharpe, seconded by Councillor Owen, **THAT** the apology extended for Councillor Iskandar, who was unable to attend because of illness, be accepted and leave of absence be **GRANTED**.

For Motion: Unanimous

BUSINESS

DISCLOSURE OF INTERESTS

File Ref: 4084

The following Councillors indicated the following matter in the Business Paper where they have a Conflict of Interest, and the nature of that interest is as follows:

Item Nos	Councillor	Nature of Interest	Pecuniary/Non Pecuniary
NM 1	Councillor Sharpe	Member of NSW State Government	Non Pecuniary – will leave Chamber and not vote.

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CONFIRMATION OF MINUTES

File Ref: 4322

- 5260** **RESOLVED:** On the Motion of Councillor S Byrne, seconded by Councillor F Byrne, **THAT** the Minutes of Council Meeting 11/05, held on Tuesday, 13 December 2005; CDM Meeting 11/05, held on Tuesday, 6 December 2005; and CDM Meeting 01/06, held on Monday, 6 February 2006, as circularised, be **CONFIRMED**.

For Motion: Unanimous

SUSPENSION OF STANDING ORDERS
OPEN COMMITTEE OF THE WHOLE

- 5261** **RESOLVED:** On the Motion of Councillor S Byrne, seconded by Councillor Hesse, **THAT:**

1. Standing Orders be suspended to allow items to be brought forward and for members of the public to address Council in relation to those items as follows:

<i>Item GM 7</i>	<i>Mr V Tesoriero</i>
<i>Item GM 14</i>	<i>Ms K Haines</i>
<i>Item NM 4</i>	<i>Ms S Issa</i>

2. Council resume Standing Orders at the completion of the addresses to allow Council to consider the particular items.

For Motion: Unanimous

GM 7 **OUTCOME OF FEASIBILITY STUDIES ON A PROPOSED NEW LIBRARY AND CIVIC CENTRE**

File Ref: 1974

Mr V Tesoriero addressed the Council at 7.45pm.

A **MOTION** was moved Councillor S Byrne, seconded by Councillor F Byrne, **THAT** Council:

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1. receive and note the report; and
2. progress Option 11(a) with the following refinements:
 - (a) consider incorporating a childcare centre into the Marrickville site;
 - (b) consider opportunities to incorporate ESD principles into the design;
 - (c) maintain mayoral, deputy mayoral and councillor facilities at Petersham; and
 - (d) reduce the councillor accommodation at the Marrickville site to just what is required for Council meetings.

An **AMENDMENT** was moved by Councillor Thanos, seconded by Councillor Hanna, **THAT** Council:

1. receive and note the report; and
2. progress development of the new Library/Civic Centre to the levels provided for in Option 8(c).

Councillor Hesse temporarily left the meeting at 7.42pm and returned at 7.50pm.
Councillor Owen temporarily left the meeting at 7.50pm and returned at 7.52pm.
Councillor Sharpe temporarily left the meeting at 8.00pm and returned at 8.03pm.
Councillor F Byrne temporarily left the meeting at 8.08pm and returned at 8.10pm.

The **AMENDMENT** was put to the vote and was **CARRIED**.

For Motion: Councillors Hanna, Thanos, Macri, Cotter, Sharpe and Owen.

Against Motion: Councillors F Byrne, Khan, Olive, Hesse and S Byrne.

5262 The **AMENDMENT** became the **MOTION** and was put to the vote and was **CARRIED**.

For Motion: Councillors Hanna, Thanos, Macri, Cotter, Sharpe and Owen.

Against Motion: Councillors F Byrne, Khan, Olive, Hesse and S Byrne.

MATTER ARISING FROM CONSIDERATION OF ITEM GM 7

A **MOTION** was moved by Councillor Thanos, seconded by Councillor Hanna, **THAT** Council staff prepare an estimate of the cost of upgrading/extending the current Administration Centre under Option 11(a).

5263 The **MOTION** was put to the vote and was **LOST**.

For Motion: Councillors Cotter, Owen, Thanos, Hanna and Macri.

Against Motion: Councillors Sharpe, Olive, Hesse, Khan, F Byrne and S Byrne.

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Councillors Thanos, Khan and Macri left the meeting at 8.28pm.

GM 14 PROPOSED UPGRADE OF COUNCIL'S AQUATIC FACILITIES

File Ref: 1493

Ms K Haines addressed the meeting at 8.28pm.

Councillors Thanos and Khan returned to the meeting at 8.29pm.

Councillor Macri returned to the meeting at 8.31pm.

5264 **RESOLVED:** On the Motion of Councillor S Byrne, seconded by Councillor Hesse, **THAT** Ms K Haines be granted an extension of time.

For Motion: Unanimous

A **MOTION** was moved by Councillor S Byrne, seconded by Councillor Hesse, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED** with an amendment to provide for the following:

1. Council adopt the Aquatic Upgrade Package including the upgrade of Enmore Pool based on the New Site Option; and the upgrade of Petersham Pool as follows:

Pool	Features	Cost
Enmore Pool New Site	<ul style="list-style-type: none">• Indoor 50m x 8 lane pool• Indoor 15m x 10m program pool• Indoor Waterplay areas, including children's pool• New changing rooms, including family/special needs changing rooms• Café and deck• Crèche (75sq m)• Health and fitness (600 sq m)• Outdoor lawn and play area• New foyer and administration area	\$13,087,090
Petersham Pool	<ul style="list-style-type: none">• Outdoor 25m x 8 lane pool• Outdoor 15m x 10m program pool• New waterplay pool• Refurbished changing rooms and family/special needs changing rooms• Café and deck• Outdoor lawn and play area• Refurbished foyer and administration area	\$2,615,624

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2. the Enmore Pool upgrading be undertaken before the Petersham Pool upgrading; and a detailed design of the Enmore Pool upgrading be prepared, together with detailed costing for further community consultation; and that as part of that process the needs of young children be specifically addressed to ensure that they are met:
3. during the preparation of a detailed design for Enmore Pool and the further community consultation explore opportunities to:
 - (a) minimise the encroachment of the complex on the park;
 - (b) reduce the cost of the facility without reducing its viability; and
 - (c) maximise the incorporation of ESD principles into the design; and
4. Council not give further consideration to the waterslide and waterplay park proposals at this stage.

An **AMENDMENT** was moved by Councillor Thanos, seconded by Councillor Macri, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED** with the following amendments:

1. points 1 and 2 be adopted;
2. point 3 be amended to state that “Council supports a Waterplay Park in Marrickville South”; and
3. point 4 be amended to state that “Council defer the waterslide proposal for Enmore Pool and a further report be submitted to Council”.

Councillor Hesse temporarily left the meeting at 8.53pm and returned at 8.54pm.
Councillor Sharpe temporarily left the meeting at 8.54pm and returned at 8.55pm.
Councillor Hanna temporarily left the meeting at 8.57pm and returned at 8.58pm.
Councillor Thanos temporarily left the meeting at 9.26pm and returned at 9.27pm.

The **AMENDMENT** was put to the vote and was **CARRIED**.

For Motion: Councillors Hanna, Thanos, Cotter, Owen, Sharpe, Macri and Khan.

Against Motion: Councillors Olive, Hesse, F Byrne and S Byrne.

5265 The **AMENDMENT** became the **MOTION** and was put to the vote and was **CARRIED**.

For Motion: Councillors Hanna, Thanos, Cotter, Owen, Sharpe, F Byrne Macri and Khan.

Against Motion: Councillors Olive, Hesse and S Byrne.

Councillor Khan temporarily left the meeting at 9.43pm and returned at 9.45pm.

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Councillors Sharpe temporarily left the meeting at 9.44pm and returned at 9.45pm.

NOTICE OF MOTION

NM 4 BALL GAMES IN LOUISA LAWSON RESERVE

Ms S Issa addressed the meeting at 9.45pm.

Councillor Hesse temporarily left the meeting at 9.44pm and returned at 9.46pm.

5266 A **MOTION** was moved by Councillor Thanos, seconded by Councillor Sharpe, **THAT** Council temporarily suspend ball games in Louisa Lawson Reserve until residents are invited to attend formal mediation re appropriate/inappropriate ball use and reach agreement on a solution that shows respect for everyone who wants to use the park; and a further report be submitted to Council after the mediation for final decision.

For Motion: Unanimous

COMMUNITY SERVICES

COMMUNITY DEVELOPMENT, COMMUNICATION AND CULTURAL SERVICES AND CHILDREN'S SERVICES MATTERS

5267 **IT WAS RESOLVED BY THE COUNCIL, ON THE MOTION OF COUNCILLOR S BYRNE, SECONDED BY COUNCILLOR F BYRNE, TO ADOPT THE RECOMMENDATIONS OF THE COMMUNITY SERVICES COMMITTEE AS APPEARING ON THE BUSINESS PAPER FOR THE FOLLOWING ITEMS:**

CD 3 SELECTIVE TENDER FOR ASHFIELD FOOD SERVICE
File Ref: 35

CC 2 SUPPORT REQUEST FROM NEW MARDI GRAS
File Ref: 50

CC 3 NEWTOWN ENTERTAINMENT PRECINCT PROJECT UPDATE
File Ref: 940

CS 1 ACTIVE AFTER SCHOOL COMMUNITIES GRANTS FOR OUTSIDE SCHOOL HOURS CARE
File Ref: 3078

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CS 2 **COMMONWEALTH DEPARTMENT OF FAMILY AND COMMUNITY SERVICES MINOR CAPITAL GRANT PROGRAM 2005**

File Ref: 1854

CS 3 **YOUNG CHILDREN WITH DISABILITIES FUNDING FOR GLOBE WILKINS PRESCHOOL**

File Ref: 39

For Motion: Unanimous

TECHNICAL SERVICES

ENGINEERING AND PARKS & RESERVES MATTERS

5268 IT WAS RESOLVED BY THE COUNCIL, ON THE MOTION OF COUNCILLOR S BYRNE, SECONDED BY COUNCILLOR OLIVE, TO ADOPT THE RECOMMENDATIONS OF THE TECHNICAL SERVICES COMMITTEE AS APPEARING ON THE BUSINESS PAPER FOR THE FOLLOWING ITEMS:

ES 2 **RE: ITEM ES 42 TECHNICAL SERVICES COMMITTEE MEETING 11/05 - UNWINS BRIDGE ROAD, TEMPE - COMPLAINT ABOUT PERCEIVED NOISE FROM RAISED PEDESTRIAN FACILITY**

File Ref: S4940-03

ES 3 **ENGINEERING PERFORMANCE REPORT FOR JANUARY 2006**

File Ref: 4572-04

PR 2 **CAMDENVILLE PARK PRELIMINARY MASTERPLAN**

File Ref: 10112-02

For Motion: Unanimous

Councillor Owen temporarily left the meeting at 10.00pm.

MAYORAL MINUTES

MM 1 **FLYING OF TIBETAN FLAG ON FRIDAY, 10 MARCH 2006**

File Ref: 4577-03

A **MOTION** was moved by Councillor S Byrne, seconded by Councillor Hesse, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED** with an amendment to delete the word "every".

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Councillor Owen returned to the meeting at 10.02pm.

5269 The **MOTION** was put to the vote and was **CARRIED**.

For Motion: Unanimous

MM 2 **MAYORS FOR PEACE**

File Ref: 4577-03

5270 **RESOLVED**: On the Motion of Councillor S Byrne, seconded by Councillor Hesse, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED**.

For Motion: Unanimous

MM 3 **LOAN OF COUNCIL TRUCK FOR MARDI GRAS PARADE**

File Ref: 4577-03

in conjunction with

GM 1 **SUPPLEMENTARY REPORT TO MAYORAL MINUTE -
REQUEST TO USE COUNCIL VEHICLE IN MARDI GRAS
PARADE**

File Ref: 3513-02

5271 **RESOLVED**: On the Motion of Councillor S Byrne, seconded by Councillor Khan, **THAT** the Recommendation as appearing on the Business Paper for Item MM 3 be **ADOPTED**.

For Motion: Unanimous

MM 4 **AIRPORT LEGAL ACTION**

File Ref: 4577-03

5272 **RESOLVED**: On the Motion of Councillor S Byrne, seconded by Councillor Khan, **THAT** the Motion as appearing on the Business Paper be **ADOPTED** with an amendment that the words "*and expressing its in principle support for any such action*" be deleted; and a further report be presented to Council.

For Motion: Unanimous

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GENERAL MANAGER'S REPORTS

GM 2 LIFTING OF JAMES HARDIE PRODUCT BOYCOTT

File Ref: 4056-03

A **MOTION** was moved by Councillor S Byrne, seconded by Councillor Hesse, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED**.

Councillor F Byrne temporarily left the meeting at 10.10pm and returned at 10.11pm.

5273 The **MOTION** was put to the vote and was **CARRIED**.

For Motion: Unanimous

**GM 3 FIXING OF ANNUAL FEES FOR 2005/2006 FOR COUNCILLORS
AND THE MAYOR AND A FEE FOR THE DEPUTY MAYOR**

File Ref: 4014-04

5274 **RESOLVED:** On the Motion of Councillor S Byrne, seconded by Councillor F Byrne, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED**.

For Motion: Unanimous

GM 4 LOAN PROGRAM – RENEWAL MONEY - \$6,000,000

File Ref: 2196

5275 **RESOLVED:** On the Motion of Councillor S Byrne, seconded by Councillor F Byrne, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED**.

For Motion: Unanimous

GM 5 ELECTION POSTERS ON STREET LIGHT POLES

File Ref: 4056-03

A **MOTION** was moved by Councillor Thanos, seconded by Councillor Hesse, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED** with an amendment to delete point 2.

An **AMENDMENT** was moved by Councillor Olive, seconded by Councillor Khan, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED** with an amendment to point 2 to state that:

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2. Council regulates the erection of election posters through the appropriate exempt and complying provisions relating to “political” posters within the new Comprehensive Development Control Plan to provide for erection of election posters at the time the election is called and that they can remain up for 21 days after the day of the election.

The **AMENDMENT** was put to the vote and was **LOST**.

For Motion: Councillor Olive.

Against Motion: Councillors S Byrne, F Byrne, Hanna, Macri, Owen, Sharpe, Thanos, Khan, Cotter and Hesse.

5276 The **MOTION** was put to the vote and was **CARRIED**.

For Motion: Unanimous

Councillor Olive temporarily left the meeting at 10.21pm.

GM 6 **SECOND QUARTERLY MANAGEMENT PLAN**
File Ref: 1766

A **MOTION** was moved by Councillor S Byrne, seconded by Councillor Thanos, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED**.

Councillor Olive returned at 10.23pm.

5277 The **MOTION** was put to the vote and was **CARRIED**.

For Motion: Unanimous

GM 8 **REQUEST FOR FINANCIAL CONTRIBUTION - INDEPENDENT
INQUIRY INTO LOCAL GOVERNMENT FINANCES**
File Ref: 4577-03

5278 **RESOLVED:** On the Motion of Councillor S Byrne, seconded by Councillor Thanos, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED**.

For Motion: Unanimous

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GM 9 PRECINCT COMMITTEES

File Ref: 4577-03

A **MOTION** was moved by Councillor S Byrne, seconded by Councillor Hesse, **THAT:**

1. the report be received and noted;
2. Council proceed with a pilot project of two one-year trial Precinct Committees in Petersham and Marrickville South; and
3. Council officers prepare draft terms of reference for the committees for consideration by Council.

An **AMENDMENT** was moved by Councillor Thanos, seconded by Councillor Cotter, **THAT:**

1. the report be received and noted; and
2. Council not proceed with the introduction of Precinct Committees.

Councillor Hesse temporarily left the meeting at 10.56pm and returned at 10.57pm.

A **FORESHADOWED AMENDMENT** was moved by Councillor Thanos, seconded by Councillor Hanna that the **AMENDMENT** be **ADOPTED** with an additional point as follows:

3. Council affirms that Main Street Committees have no relationship to Precinct Committees.

The **AMENDMENT** was put to the vote and was **CARRIED**.

For Motion: Councillors Hanna, Macri, Owen, Cotter, Sharpe and Thanos.

Against Motion: Councillors S Byrne, F Byrne, Khan, Olive and Hesse.

The **FORESHADOWED AMENDMENT** was **WITHDRAWN**.

5279

The **AMENDMENT** became the **MOTION** and was put to the vote and was **CARRIED**.

For Motion: Councillors Hanna, Macri, Owen, Cotter, Sharpe and Thanos.

Against Motion: Councillors S Byrne, F Byrne, Khan, Olive and Hesse.

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5280 IT WAS RESOLVED BY THE COUNCIL, ON THE MOTION OF COUNCILLOR S BYRNE, SECONDED BY COUNCILLOR F BYRNE, TO ADOPT THE RECOMMENDATIONS AS APPEARING ON THE BUSINESS PAPER FOR THE FOLLOWING ITEMS:

GM 10 **DISCLOSURES OF INTEREST BY STAFF**

File Ref: 4325-02

GM 11 **PETITIONS RECEIVED - DECEMBER 2005/JANUARY 2006**

File Ref: 4577-03

GM 12 **COUNCILLORS' ACCESS TO INFORMATION**

File Ref: 4015-04

GM 13 **OUTSTANDING CONFERENCES AND REPORTS REQUESTED BY COUNCILLORS**

File Ref: 4577-03

For Motion: Unanimous

GM 15 **DECEMBER 05/JANUARY 06 BUDGET REVIEW**

File Ref: 328

5281 **RESOLVED:** On the Motion of Councillor S Byrne, seconded by Councillor Hesse, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED**.

For Motion: Unanimous

GM 16 **DETERMINATION OF THE FUTURE MANAGEMENT MODEL FOR THE ANNETTE KELLERMAN AND FANNY DURACK AQUATIC FACILITIES**

File Ref: 849

5282 **RESOLVED:** On the Motion of Councillor S Byrne, seconded by Councillor Thanos, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED**.

For Motion: Unanimous

Councillor Sharpe temporarily left the meeting at 11.05pm because she had disclosed a Conflict of Interest in relation to Item NM 1.

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NOTICES OF MOTION

NM 1 PORT BOTANY-ENFIELD PROJECT

A **MOTION** was moved by Councillor Olive, seconded by Councillor Khan, **THAT** the Motion as appearing on the Business Paper be **ADOPTED** with the following amendments:

1. point 1 to look at putting in walls, if appropriate, and compensate affected residents;
2. point 2 to read after the word “line”, “to between the hours of 6am and 11pm”;
and
3. a new point 3 to read “Council look at the option of electrifying the line to reduce noise caused by current diesel trains”.

Councillor Hanna temporarily left the meeting at 11.09pm and returned at 11.10pm.

An **AMENDMENT** was moved by Councillor Owen, seconded by Councillor Cotter, that the Motion be **ADOPTED** with the **AMENDMENT** to delete point 2.

Councillor Hanna temporarily left the meeting at 11.09pm and returned at 11.10pm.

The **AMENDMENT** was put to the vote and was **CARRIED**.

For Motion: Councillors S Byrne, Hanna, Cotter, Owen, Macri and Hesse
Against Motion: Councillors Thanos, F Byrne, Khan and Olive
Absent: Councillor Sharpe

5283 The **AMENDMENT** became the **MOTION** and was put to the vote and was **CARRIED**.

For Motion: Councillors S Byrne, Hanna, Cotter, Owen, Macri, F Byrne, Olive and Hesse
Against Motion: Councillors Thanos and Khan
Absent: Councillor Sharpe

Councillor Sharpe returned to the meeting at 11.21pm.

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NM 2 DECENCY DAY

A **MOTION** was moved by Councillor F Byrne, seconded by Councillor Hesse, **THAT** the Motion as appearing on the Business Paper be **ADOPTED**.

Councillor Cotter temporarily left the meeting at 11.24pm.

5284 The **MOTION** was put to the vote and was **CARRIED**.

For Motion: Unanimous
Absent: Councillor Cotter

NM 3 DEVELOPMENT ADJACENT TO MAJOR ARTERIAL ROADS

A **MOTION** was moved by Councillor Hesse, seconded by Councillor S Byrne, **THAT** the Motion as appearing on the Business Paper be **ADOPTED** with an amendment to remove the words "*to major arterial roads such as*".

Councillor Cotter returned to the meeting at 11.25pm.

An **AMENDMENT** was moved by Councillor Thanos, second by Councillor Hanna, **THAT** the Motion be amended to read that Council instruct the consultants of the Marrickville Urban Strategy 2006 to carry out an investigation into shopping strips and make recommendations that will aim at:

1. approving the amenity and quality of the appearance of the buildings;
2. increasing the viability of the local shopping strips;
3. increasing the parking available to the public; and
4. increasing the amount of usable public space available in the local shopping strips.

The Chairperson ruled the amendment out of order.

MOTION OF DISSENT

A **MOTION OF DISSENT** was moved by Councillor Thanos, seconded by Councillor Hanna, against the Chairperson's ruling.

The **MOTION OF DISSENT** was put to the vote and was **LOST**.

For Motion: Councillor Thanos
Against Motion: Councillors S Byrne, F Byrne, Hanna, Sharpe, Cotter, Owen, Macri, Olive, Khan and Hesse.

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5285 The **MOTION** was put to the vote and was **LOST**.

For Motion: Councillors S Byrne, F Byrne, Khan, Olive and Hesse.

Against Motion: Councillors Hanna, Sharpe, Cotter, Owen, Thanos and Macri.

NM 5 **REQUEST FOR COUNCIL TO RE-CONSIDER CHANGE TO MEETING DAY**

5286 **RESOLVED:** On the Motion of Councillor Macri, seconded by Councillor Sharpe, **THAT** the Motion as appearing on the Business Paper be **ADOPTED**.

For Motion: Unanimous

Meeting closed at 11.42pm

CHAIRPERSON