

Council Meeting

MINUTES OF MEETING 08/06 - 19 September, 2006

Meeting Commenced at 6.59 pm.

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

Councillor Khan arrived at the meeting at 7.20pm.

ALSO PRESENT General Manager, Director Corporate Services, Director Development & Environmental Services, Director Technical Services, Director Community Services, Manager Administrative Services, Executive Manager Major Projects, Manager Corporate Development, Communications Co-ordinator and Manager Parks & Reserves.

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.

PERIOD OF SILENCE FOR PRAYER, PLEDGE OR CONTEMPLATION

APOLOGIES

NIL

It was noted that Councillor Khan was running late.

BUSINESS

DISCLOSURE OF INTERESTS

File Ref: 4084

Nil

Council Meeting

MINUTES OF MEETING 08/06 - 19 September, 2006

CONFIRMATION OF MINUTES

File Ref: 4322

- 5385** **RESOLVED:** On the Motion of Councillor S Byrne, seconded by Councillor Hesse, **THAT** the Minutes of the Council Meeting 07/06, held on Tuesday, 15 August 2006, and the Minutes of CDM Meeting 08/06, held on Tuesday, 5 September, 2006 as circularised, be **CONFIRMED**.

For Motion: Unanimous
Absent: Councillor Khan

SUSPENSION OF STANDING ORDERS
OPEN COMMITTEE OF THE WHOLE

- 5386** **RESOLVED:** On the Motion of Councillor S Byrne, seconded by Councillor Hesse, **THAT:**

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

Item MM 19 Ms B Sharpe

2. Council resume Standing Orders at the completion of each address to allow Council to consider the particular item.

For Motion: Unanimous
Absent: Councillor Khan

MAYORAL MINUTE

MM 19 **REDUCTION IN GREENHOUSE GAS EMISSIONS**

File Ref: 1234

Ms B Sharpe addressed Council.

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

An **AMENDMENT** was moved by Councillor Sharpe, seconded by Councillor Owen, **THAT** the **MOTION** be **ADOPTED** with the amendment to delete points 1 and 4.

Councillor S Khan arrived at the meeting at 7.20pm.

Council Meeting

MINUTES OF MEETING 08/06 - 19 September, 2006

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

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

The Chairperson used his Casting Vote and the **AMENDMENT** was **LOST**.

5387 The **MOTION** was put to the vote and was **TIED**.

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

The Chairperson used his Casting Vote and the **MOTION** was **CARRIED**.

COMMUNITY SERVICES

COMMUNITY DEVELOPMENT AND CHILDREN & FAMILY SERVICES MATTERS

5388 IT WAS RESOLVED BY THE COUNCIL, ON THE MOTION OF COUNCILLOR S BYRNE, SECONDED BY COUNCILLOR THANOS, TO ADOPT THE RECOMMENDATIONS OF THE COMMUNITY SERVICES COMMITTEE AS APPEARING ON THE BUSINESS PAPER FOR THE FOLLOWING ITEMS:

CD 29 **MARRICKVILLE COMMUNITY DEVELOPMENT SUPPORT EXPENDITURE SCHEME COMMITTEE UPDATE**

File Ref: 2176

CD 30 **PROPOSAL TO HOST THE 21ST NSW LOCAL GOVERNMENT ABORIGINAL NETWORKING CONFERENCE IN MARRICKVILLE IN 2008**

File Ref: 3462-02

with an **AMENDMENT** that the Recommendation be **ADOPTED** with the amendment of point 3 to include the following additional words:

“... and in recognition of the importance of the promotion of Council’s bid at the Conference, Council approve the attendance of up to 2 additional representatives of the Marrickville Aboriginal Consultative Committee and additional interested Councillors, with all travel costs and allowances to be paid in accordance with Council’s approved travel rates”.

Council Meeting

MINUTES OF MEETING 08/06 - 19 September, 2006

CD 31 TOM FOSTER COMMUNITY CARE MEAL PACK OPTIONS

File Ref: 1436

**CD 32 MARRICKVILLE ETHNIC COMMUNITIES' COMMITTEE
TERMS OF REFERENCE**

File Ref: 3587

**CS 14 WILKINS OUTSIDE SCHOOL HOURS CARE REVIEW OF
OPENING TIMES**

File Ref: 3280-02

**CS 15 SPECIAL NEEDS SUBSIDY SCHEME FUNDING FOR MAY
MURRAY CHILDREN'S CENTRE**

File Ref: 40

For Motion: Unanimous

TECHNICAL SERVICES

PARKS & RESERVES AND PROPERTY SERVICES MATTERS

5389

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:

**PR 22 TEMPE LANDS - ADOPTION OF PLAN OF MANAGEMENT FOR
COMMUNITY LAND**

File Ref: 10632-07

Noting that the Minutes issued were amended to include the additional words:

"... and the amended Draft Plan of Management be placed on public exhibition with a further report to be presented to Council on the outcomes of the public exhibition process".

**PW 17 SALE OF DISUSED TOILET BLOCK IN NEW CANTERBURY
ROAD, DULWICH HILL**

File Ref: 12180-02

For Motion: Unanimous

Council Meeting

MINUTES OF MEETING 08/06 - 19 September, 2006

GENERAL MANAGER'S REPORTS

GM 74 COUNCIL'S MAJOR PROJECTS - ASSESSMENT OF EXPRESSIONS OF INTEREST (EOI 8/06) FOR THE ENMORE POOL REDEVELOPMENT DESIGN TENDER

File Ref: 1493

5390 **RESOLVED:** On the Motion of Councillor S Byrne, seconded by Councillor Hesse, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED** with the amendment that point 2 be deleted and the following new points be added:

2. *the recently received petitions signed by 1,000 people in support of a 50m pool at Enmore Park be also noted;*
3. *advancement of the further Selective Tender process be deferred; and*
4. *Council officers report to the October Council Meeting on incorporating a 50m pool into the project and investigating the issues involved, including:*
 - (a) *ongoing running and maintenance costs and revenue implications;*
 - (b) *footprint implications; and*
 - (c) *the impact on the surrounding neighbourhood;*

and all options for resolving any issues.

and point 3 be renumbered as point 5.

For Motion: Councillors S Byrne, F Byrne, Khan, Olive, Iskandar, Sharpe, Hesse, Owen, Cotter and Thanos

Against Motion: Councillors Macri and Hanna

Councillors Sharpe and Hesse temporarily left the meeting at 8.15pm

GM 75 COUNCIL MAJOR PROJECTS - ADVANCEMENT OF NEW CHILDREN'S CENTRE PROPOSAL WITHIN THE MARRICKVILLE WEST PUBLIC SCHOOL

File Ref: 1968

A **MOTION** was moved by Councillor S Byrne, seconded by Councillor Thanos, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED** with an amendment to point 3 for a report to be submitted to Council's December Meeting.

Councillors Sharpe and Hesse returned at 8.18pm.

Council Meeting

MINUTES OF MEETING 08/06 - 19 September, 2006

Councillor Owen temporarily left the meeting at 8.23pm.

5391 The **MOTION** was put to the vote and was **CARRIED**.

For Motion: Unanimous
Absent: Councillor Owen

Councillor Owen returned at 8.26pm.

Matter Arising out of consideration of GM 75

5392 **RESOLVED:** On the Motion of Councillor Macri, seconded by Councillor Hanna, **THAT** officers prepare a report on the viability of a respite and occasional care centre for young mothers at the Illawarra Early Childhood Centre building.

For Motion: Unanimous

GM 76 **2006 NATIONAL ASSEMBLY OF LOCAL GOVERNMENT**
File Ref: 512

5393 **RESOLVED:** On the Motion of Councillor S Byrne, seconded by Councillor Thanos, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED** and that Councillors S Byrne, Iskandar and Hanna be nominated as delegates.

For Motion: Unanimous

GM 77 **REVIEW OF PRIVACY MANAGEMENT PLAN**
File Ref: 1473

5394 **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

GM 78 **AUGUST 06 BUDGET REVIEW**
File Ref: 3958

5395 **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

Councillors Olive and Iskandar temporarily left the meeting at 8.35pm.

Council Meeting

MINUTES OF MEETING 08/06 - 19 September, 2006

GM 79 REPORT ON GRAFFITI MANAGEMENT

File Ref: 4577-03

5396 **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

Absent: Councillors Olive and Iskandar

Councillor Iskandar returned to the meeting at 8.36pm.

GM 80 COMMUNITY GRANTS PROGRAM POLICY

File Ref: 2175

5397 **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

Absent: Councillor Olive

GM 81 FINDINGS OF COUNCIL'S CONDUCT COMMITTEE IN RELATION TO COMPLAINT THAT COUNCILLOR C HESSE BREACHED COUNCIL'S CODE OF CONDUCT

File Ref: 4030-02

A **MOTION** was moved by Councillor S Byrne, seconded by Councillor F Byrne, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED** with an amendment that Council finds Councillor Hesse breached the Code under Clauses 4.8 and 5.1 and Council requires Councillor Hesse to apologise to Councillor Owen.

An **AMENDMENT** was moved by Councillor Sharpe, seconded by Councillor Iskandar, **THAT** points 2 and 3 be deleted and replaced with new points as follows:

2. *Council finds that Councillor Hesse has breached the Code of Conduct under Sections 4.8 Respect and 5.1.*
3. *Council finds these breaches unacceptable and wishes to formally censure Councillor Hesse and requires him to apologise to Councillor Owen.*

Councillor Olive returned to the meeting at 8.40pm.

Council Meeting

MINUTES OF MEETING 08/06 - 19 September, 2006

MOTION OF DISSENT

A **MOTION OF DISSENT** was moved by Councillor Sharpe, seconded by Councillor Cotter against the Chairperson's ruling that Councillor Sharpe could not speak again.

5398 The **MOTION OF DISSENT** was put to the vote and was **CARRIED**.

For Motion: Unanimous

Councillor Owen temporarily left the meeting at 8.55pm.

Councillor Sharpe temporarily left the meeting at 8.56pm.

Councillors Owen and Sharpe returned to the meeting at 8.57pm.

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

For Motion: Councillors Cotter, Sharpe, Owen and Iskandar

Against Motion: Councillors S Byrne, Thanos, F Byrne, Khan, Olive, Hesse, Macri and Hanna

5399 The **MOTION** was put to the vote and was **CARRIED**.

For Motion: Unanimous

5400 **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 82 **PETITIONS RECEIVED**

File Ref: 4577-03

GM 83 **COUNCILLORS' ACCESS TO INFORMATION**

File Ref: 4015-04

GM 84 **DISCLOSURES OF INTEREST BY STAFF**

File Ref: 4325-03

GM 85 **OUTSTANDING CONFERENCES AND REPORTS REQUESTED BY COUNCILLORS**

File Ref: 4577-03

For Motion: Unanimous

Council Meeting

MINUTES OF MEETING 08/06 - 19 September, 2006

GM 86 DRAFT FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2006

File Ref: 1908

5401 A **MOTION** was moved by Councillor S Byrne, seconded by Councillor Thanos, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED**.

Councillor Owen left the meeting at 8.20pm.

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

For Motion: Unanimous
Absent: Councillor Owen

NOTICE OF MOTION

NM 13 INVESTMENT IN THE MACQUARIE BANK GROUP

5402 A **MOTION** was moved by Councillor F Byrne, seconded by Councillor Khan, **THAT** the Motion as appearing on the Business Paper be **ADOPTED**.

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

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

Meeting closed at 9.35pm

CHAIRPERSON