

Council Meeting

MINUTES OF MEETING 09/06 - 17 October, 2006

Meeting Commenced at 6.45pm.

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

ALSO PRESENT General Manager, Director Development & Environmental Services, Director Technical Services, Acting Director Community Services, Manager Administrative Services, Executive Manager Major Projects, Manager Parks and Reserves, Communications Coordinator and Corporate Planner.

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.

PERIOD OF SILENCE FOR PRAYER, PLEDGE OR CONTEMPLATION

APOLOGIES

5443 **RESOLVED:** On the Motion of Councillor Owen , seconded by Councillor Iskandar, **THAT** the apology extended for Councillor Sharpe, who was unable to attend because of Parliamentary business, be accepted and leave of absence be **GRANTED**.

For Motion: Unanimous

BUSINESS

DISCLOSURE OF INTERESTS

File Ref: 4084

Nil

Council Meeting

MINUTES OF MEETING 09/06 - 17 October, 2006

CONFIRMATION OF MINUTES

File Ref: 4322

5444 **RESOLVED:** On the Motion of Councillor Hanna, seconded by Councillor Macri, **THAT** the Minutes of the Council Meeting 08/06, held on Tuesday, 19 September 2006, as circularised, be **CONFIRMED**, with the following amendment to the voting on Item GM 80.

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

***For Motion:** Councillors F Byrne, B Cotter, C Hesse, M Hanna, S Iskandar, S Khan, V Macri, P Olive, R Owen, P Sharpe and D Thanos.*

***Against Motion:** Councillor S Byrne*

For Motion: Unanimous

5445 **RESOLVED:** On the Motion of Councillor Hanna, seconded by Councillor F Byrne, **THAT** the Minutes of the Extraordinary Council Meeting E01/06, held on Tuesday, 26 September 2006, as circularised, be **CONFIRMED**, with the following amendment to the voting on Item GM 89.

*5410 **RESOLVED:** On the Motion of Councillor Hanna, seconded by Councillor Sharpe, **THAT** Councillor Owen be Chairperson of the Corporate Services Committee.*

***For Motion:** Councillors Hanna, S Byrne, F Byrne, Macri, Cotter, Sharpe, Owen, Iskandar and Thanos*

***Against Motion:** Councillors Olive, Khan and Hesse*

For Motion: Unanimous

5446 **RESOLVED:** On the Motion of Councillor Hanna, seconded by Councillor Iskandar, **THAT** the Minutes of the CDM Meeting 09//06, held on Tuesday, 3 October, as circularised, be **CONFIRMED**.

For Motion: Unanimous

Council Meeting

MINUTES OF MEETING 09/06 - 17 October, 2006

SUSPENSION OF STANDING ORDERS
OPEN COMMITTEE OF THE WHOLE

5447 **RESOLVED:** On the Motion of Councillor Hanna, 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:

Item GM 91 and GM 92

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

For Motion: Unanimous

GENERAL MANAGER'S REPORTS

GM 91 HENSON PARK – REVIEW OF 2006 ABORIGINAL RUGBY LEAGUE KNOCKOUT TOURNAMENT

File Ref: 10281-03

Ms Margaret Benbow addressed Council at 6.49pm.

Ms Samantha Faithfull addressed Council at 7.52pm.

5448 **RESOLVED:** On the Motion of Councillor Hanna, seconded by Councillor Macri, **THAT** Ms Faithfull be granted an extension of time to speak.

For Motion: Unanimous

A **MOTION** was moved by Councillor Hanna, seconded by Councillor Hesse, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED** with the amendment of point 3 that Council seek reimbursement for the costs incurred erecting the fence along the eastern boundary of Henson Park pursuant to the development consent conditions.

An **AMENDMENT** was moved by Councillor Owen, seconded by Councillor Khan **THAT** the Motion be **ADOPTED**, with the addition of the following new point:

4. Council Officers fully investigate and report on any viable alternate sites within the Council area which could better accommodate any future Aboriginal Rugby League knockout tournaments, as these tournaments have outgrown the Henson Park site.

Council Meeting

MINUTES OF MEETING 09/06 - 17 October, 2006

A **FORSHADOWED AMENDMENT** was moved by Councillor Macri, seconded by Councillor Hanna, **THAT** the Amendment be **ADOPTED**, with the addition of the following three points:

5. Council writes to the Acting Commander, Adam White and Greg Rossman to thank them for an outstanding effort in difficult circumstances;
6. Council thank all staff involved in this event, particularly Technical Services staff involved in cleaning the ground.
7. Council writes to the organisers to advise them that Council will no longer support this event being held at Henson Park due to non-compliance to the DA controls and adverse effects on surrounding residents.

A **SECOND FORESHADOWED AMENDMENT** was moved by Councillor S Byrne, seconded by Councillor F Byrne, **THAT** the Motion be **ADOPTED**, with the addition of Points 4, 5, and 6, but not point 7.

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

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

Against Motion: Councillors Hanna and Macri.

The **FORESHADOWED AMENDMENT** became the **AMENDMENT**, was put to the vote and was **LOST**.

For Motion: Councillors Hanna, Thanos and Macri

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

The **SECOND FORESHADOWED AMENDMENT**, became the **AMENDMENT**, and was put to the vote and was **CARRIED** and became the **AMENDED MOTION**.

For Motion: Unanimous

5449 The **AMENDED MOTION** was put to the vote and was **CARRIED**.

For Motion: Unanimous

Council Meeting

MINUTES OF MEETING 09/06 - 17 October, 2006

**GM 92 ADDITIONAL INFORMATION REQUESTED ON A 50 METRE
POOL OPTION FOR THE PROPOSED REDEVELOPMENT OF
ENMORE POOL**

Mr Rod Jones addressed Council at 7.34pm.

Councillor Owen temporarily left the meeting at 7.35pm.

5450 **RESOLVED**: On the Motion of Councillor Hanna, seconded by Councillor S Byrne, **THAT** Mr Jones be granted an extension of time to speak.

For Motion: Unanimous

Absent: Councillor Owen

Councillor Owen returned to the meeting at 7.38pm.

Ms Kath Haines addressed Council at 7.40pm.

5451 **RESOLVED**: On the Motion of Councillor Hanna, seconded by Councillor F Byrne, **THAT** Ms Haines be granted an extension of time to speak.

For Motion: Unanimous

Ms Sue Leahy addressed Council at 7.47pm.

5452 **RESOLVED**: On the Motion of Councillor Hanna, seconded by Councillor F Byrne, **THAT** Ms Leahy be granted an extension of time to speak.

For Motion: Unanimous

Mr Darryl O'Donnell addressed Council at 7.55pm.

5453 **RESOLVED**: On the Motion of Councillor Hanna, seconded by Councillor Macri, **THAT** Mr O'Donnell be granted an extension of time to speak.

For Motion: Unanimous

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

An **AMENDMENT** was moved by Councillor Olive, seconded by Councillor Hesse, **THAT** the Motion be **ADOPTED** with point 2 and 3 amended to read as follows:

2. replace the 25 metre pool in the Enmore Park Aquatic Upgrade Package, as shown in Attachment 1 of this report, with a 50 metre pool option; and

Council Meeting

MINUTES OF MEETING 09/06 - 17 October, 2006

3. resolve to support the officer's recommendation from the Council Meeting held on 19 September 2006 (Item GM 74, 08/06) as provided in ATTACHMENT 1, incorporating changes arising from the adoption of point 2, to invite six preferred firms, who made submissions in respect of a recent advertisement for Expressions of Interest (EOI 8/06), to participate in a further Selective Tender process for the design of a new aquatics complex for Enmore Park.

Councillor S Byrne temporarily left the meeting at 8.07pm and returned at 8.08pm.

A **FORESHADOWED AMENDMENT** was moved by Councillor Cotter, seconded by Councillor Owen, **THAT** the Motion be **ADOPTED** with an amendment to delete point 2, replace it with a new point 2, and include an additional points 3 and 4 as follows:

2. Council:

- (a) notes that community consultation for upgraded pool facilities at Enmore Park have been for a 25 metre, 8 lane pool and a 15 metre x 10 metre program pool to replace the existing 6 lane 33 metre pool;
 - (b) no community consultation has occurred regarding a 50 metre pool;
 - (c) notes the previous reports on increased costs for an indoor 50 metre pool (estimated at capital cost of \$3m and additional operating costs) as well as the need for the use of parkland to allow the expanded footprint;
 - (d) notes that no decision has been made regarding a waterslide facility or waterplay facility; and
 - (e) acknowledges that the need for additional facilities for children, should have a higher priority than facilities for lap swimmers.
3. Council resolves to proceed with the EOI as per the report of 19 September 2006; and
 4. Council resolves to carry out further investigation and consultation on an outdoor 50 metre facility, and further consultation for a waterslide and waterplay facility.

Councillor Hesse temporarily left the meeting at 8.27pm and returned at 8.28pm.

Councillor Owen temporarily left the meeting at 8.49pm and returned at 8.52pm.

A **SECOND FORESHADOWED AMENDMENT** was moved by Councillor S Byrne, seconded by Councillor F Byrne, **THAT** the Amendment be **ADOPTED** with the option for an indoor or outdoor pool for children.

Councillor Iskandar temporarily left the meeting at 9.08pm and returned at 9.12pm.

Council Meeting

MINUTES OF MEETING 09/06 - 17 October, 2006

A **THIRD FORESHADOWED AMENDMENT** was moved by Councillor Owen and seconded by Councillor Cotter, **THAT** if the 50 metre pool can't be built on the existing footprint it shouldn't be built on that site.

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

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

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

The **FORESHADOWED AMENDMENT** became the **AMENDMENT**, was put to the vote and was **LOST**.

For Motion: Councillors Owen, Cotter, Hanna and Macri

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

The **SECOND FORESHADOWED AMENDMENT** became the **AMENDMENT**, was put to the vote and was **CARRIED** and became the **AMENDED MOTION**.

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

Against Motion: Councillor Thanos.

The **THIRD FORESHADOWED AMENDMENT**, became the **AMENDMENT**, was put to the vote and was **LOST**.

For Motion: Councillors Owen, Cotter, Hanna and Macri

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

5454 The **AMENDED MOTION** was put to the vote and was **CARRIED**.

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

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

Councillors Olive, Hesse and Thanos temporarily left the meeting at 9.29pm.

Council Meeting

MINUTES OF MEETING 09/06 - 17 October, 2006

CORPORATE SERVICES

FINANCE MATTERS

FS 18 FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2006

File Ref: 1908

5455 **RESOLVED:** On the **MOTION** of Councillor Owen, seconded by Councillor Hanna, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED**.

For Motion: Unanimous

Absent: Councillors Olive, Hesse and Thanos.

Councillor Thanos returned to the meeting at 9.30pm.

Councillor Owen temporarily left the meeting at 9.30pm.

COMMUNITY SERVICES

5456 **IT WAS RESOLVED BY THE COUNCIL ON THE MOTION OF COUNCILLOR ISKANDAR, SECONDED BY COUNCILLOR HANNA, TO ADOPT THE RECOMMENDATIONS OF THE COMMUNITY SERVICES COMMITTEE AS APPEARING ON THE BUSINESS PAPER FOR THE FOLLOWING ITEMS:**

CD 35 UPDATE ON ACTIVITIES IN TOM FOSTER

File Ref: 35

CC 15 COMMUNITY EVENTS PROGRAM

File Ref: 2186

CS 16 NEW FAMILY DAY CARE FUNDING AGREEMENT 2006/2007

File Ref: 39

For Motion: Unanimous

Absent: Councillors Olive, Hesse and Owen.

Councillor Olive returned to the meeting at 9.31pm.

Council Meeting

MINUTES OF MEETING 09/06 - 17 October, 2006

TECHNICAL SERVICES

5457 IT WAS RESOLVED BY THE COUNCIL ON THE MOTION OF COUNCILLOR HANNA, SECONDED BY COUNCILLOR MACRI, TO ADOPT THE RECOMMENDATIONS OF THE TECHNICAL SERVICES COMMITTEE AS APPEARING ON THE BUSINESS PAPER FOR THE FOLLOWING ITEMS AND TO DEAL WITH ITEM ES 28 SEPARATELY:

ES 27 ENGINEERING PERFORMANCE REPORT FOR SEPTEMBER 2006

File Ref: 4572-04

PR 24 PESTICIDES NOTIFICATION PLAN - EXHIBITION OF A DRAFT PLAN

File Ref: 8826-03

PR 26 JOINT USE AGREEMENTS WITH PUBLIC SCHOOLS – AN UPDATE REPORT

File Ref: 1555-02

PW 19 PROPERTY SERVICES PERFORMANCE REPORT FOR SEPTEMBER 2006

File Ref: 4572-04

PW 20 ELECTRICITY SUPPLY TO NESS PARK AND ST NICHOLAS GREEK ORTHODOX CHURCH

File Ref: 10476-02

For Motion: Unanimous
Absent: Councillors Hesse.

Note Item PW 20 was later re-committed.

Councillor Hesse returned to the meeting at 9.33pm.

Councillor Owen returned to the meeting at 9.34pm.

ES 28 REPORT OF LOCAL TRAFFIC PLANNING AND ADVISORY COMMITTEE HELD ON TUESDAY 19 SEPTEMBER 2006

File Ref: 14532-08

A **MOTION** was moved by Councillor S Byrne, seconded by Councillor Olive, **THAT** the Recommendation as appearing on the Business Paper be **AMENDED** by deleting it and replacing it with the report's original Recommendation as follows:

Council Meeting

MINUTES OF MEETING 09/06 - 17 October, 2006

1. the Recommendations of the Local Traffic and Advisory Committee held on 19 September 2006, in respect of Sections B and C be adopted; and
2. Council request the Local Member to make representation to the Minister for Roads to expedite the matter relating to the speed limit in Unwins Bridge Road.

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

For Motion: Councillor S Byrne.

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

- 5458** A **MOTION** was moved by Councillor Hanna, seconded by Councillor Macri, **THAT** the Recommendation of the Technical Services Committee as appearing on the Business Paper be **ADOPTED**.

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

For Motion: Unanimous

**RECOMMITTAL PW 20 - ELECTRICITY SUPPLY TO NESS PARK AND ST
NICHOLAS GREEK ORTHODOX CHURCH**

File Ref: 10476-02

- 5459** **RESOLVED:** On the Motion of Councillor Thanos, seconded by Councillor Hanna, **THAT** Item PW 20 be recommitted.

For Motion: Unanimous

- 5460** **RESOLVED:** On the Motion of Councillor Thanos, seconded by Councillor S Byrne, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED** with the **AMENDMENT** to delete the words 'and the creation of the electricity easement' from point 2.

For Motion: Unanimous

**PR 25 FITNESS AND EXERCISE FACILITIES IN PARKS – STRATEGIC
PLAN AND IMPROVEMENT WORKS**

File Ref: 10649-13

- 5461** **RESOLVED:** On the **MOTION** of Councillor Khan, seconded by Councillor Iskandar, **THAT** the Committee Recommendation as appearing on the Business Paper be **ADOPTED** with the addition of point 3 as follow:

Council Meeting

MINUTES OF MEETING 09/06 - 17 October, 2006

3. A further report be provided in November regarding the availability of funds to undertake works from the current year's budget.

For Motion: Unanimous

GENERAL MANAGER'S REPORTS

5462 IT WAS RESOLVED BY THE COUNCIL ON THE MOTION OF COUNCILLOR HANNA, SECONDED BY COUNCILLOR MACRI, TO ADOPT THE RECOMMENDATIONS AS APPEARING ON THE BUSINESS PAPER FOR THE FOLLOWING ITEMS AND TO DEAL WITH ITEM GM 95 SEPARATELY:

GM 93 IMPLEMENTATION OF BELONGING IN MARRICKVILLE A SOCIAL PLAN FOR THE MARRICKVILLE LGA

File Ref: 888

GM 94 SEPTEMBER BUDGET REVIEW

File Ref: 328

GM 96 COUNCILLORS' ACCESS TO INFORMATION

File Ref: 4015-04

GM 97 OUTSTANDING CONFERENCES AND REPORTS REQUESTED BY COUNCILLORS

File Ref: 4577-03

GM 98 DISCLOSURES OF INTEREST BY STAFF

File Ref: 4325-03

GM 99 DISCLOSURES OF INTEREST RETURNS TO 30 JUNE 2006

File Ref: 4325-02

GM 100 PETITIONS RECEIVED

File Ref: 1022-03

GM 101 SUSTAINED FUNDING FROM THE ATTORNEY-GENERAL'S DEPARTMENT FOR THE sTAMP MENTORING PROGRAM FROM NOVEMBER 2006.

File Ref: 145

For Motion: Unanimous

Council Meeting

MINUTES OF MEETING 09/06 - 17 October, 2006

**GM 95 QUARTERLY MANAGEMENT REPORT - 2006/2007 ANNUAL
MANAGEMENT PLAN - FIRST QUARTER (JULY - SEPTEMBER
2006)**

File Ref: 2130

5463 **RESOLVED:** On the **MOTION** of Councillor Hanna, seconded by Councillor S Byrne, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED**.

For Motion: Unanimous

NOTICE OF MOTION

**NM 14 PROPOSED CHANGES TO DEVELOPMENT AND
ENVIRONMENTAL SERVICES COMMITTEE INSPECTION
PROCEDURES**

File Ref: 1958-06

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

An **AMENDMENT** was moved by Councillor Owen, seconded by Councillor Iskandar, **THAT** the Motion be **ADOPTED** with the deletion of point 2.

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

For Motion: Unanimous

5464 The **AMENDMENT** became the **MOTION** was put to the vote and was **LOST**.

For Motion: Councillors Iskandar, Owen, Cotter and Macri

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

Council Meeting

MINUTES OF MEETING 09/06 - 17 October, 2006

NM 15 PROTECTING THE WHITE IBISES

File Ref: 1958-06

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

An **AMENDMENT** was moved by Councillor Thanos, seconded by Councillor Macri, **THAT** the Motion be **ADOPTED** with the deletion of point 3, and be replaced with a new point 3 as follows:

3. Council notes that it is a concern to residents causing lack of amenity. Council will take steps to seek approval from the State Government to assist in reducing the ibis population.

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

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

5465 The **AMENDMENT** became the Motion and was put to the vote and **CARRIED**.

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

Meeting closed at 10.10pm

CHAIRPERSON