

MINUTES OF MEETING 09/07 – 5 November 2007

Meeting Commenced at 6.31 pm.

PRESENT

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

ALSO PRESENT

General Manager, A/g Director Corporate Services, Director Development and Environmental Services, Director Technical Services, Director Community Services, Executive Manager, Making a Difference @ Marrickville and Executive Manager, Major Projects

ACKNOWLEDGEMENT OF COUNTRY BY CHAIRPERSON

We meet today on the traditional land of the Cadigal Wangal People. I acknowledge their care of the land over many generations.

PERIOD OF SILENCE FOR PRAYER, PLEDGE OR CONTEMPLATION

APOLOGIES

5760

RESOLVED: On the Motion of Councillor Thanos, seconded by Councillor Olive,
THAT:

1. the apologies for the meeting as set out below, be accepted and leave of absence be **GRANTED:**

16 October 2007:

Clr M Hanna Business Commitments
Clr R Owen Sick
Clr P Sharpe Business Commitments
Clr V Macri Business Commitments
Clr B Cotter Business Commitments
Clr S Iskandar Family Commitment

30 October 2007:

Clr V Macri Personal Commitment
Clr M Hanna Personal Commitment
Clr R Owen Sick
Clr S Iskandar Work Commitment
Clr B Cotter Personal Commitment
Clr P Sharpe Work Commitment; and

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2. subject to an amendment to Councillor Hanna's apology for the 16 October 2007 meeting to note that he was sick.

For Motion: Unanimous

BUSINESS

DISCLOSURE OF INTERESTS

File Ref: 4084

Nil

CONFIRMATION OF MINUTES

File Ref: 4322

- 5761** **RESOLVED:** On the Motion of Councillor Thanos, seconded by Councillor S Byrne, **THAT** the Minutes of the Council Meeting 08/07, held on Tuesday, 18 September 2007, and the Minutes of the CDM Meeting 09/07, held on Tuesday, 2 October 2007, as circularised, be **CONFIRMED**.

For Motion: Unanimous

SUSPENSION OF STANDING ORDERS
OPEN COMMITTEE OF THE WHOLE

- 5762** **RESOLVED:** On the Motion of Councillor Thanos, seconded by Councillor Hesse, **THAT** 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 110 Mr F Dell Casilo
Item GM 114 Captain I Spall

For Motion: Unanimous

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GENERAL MANAGER'S REPORTS

GM 110 MAJOR PROJECTS – DETERMINATION OF A PREFERRED SITE LOCATION FOR A WATERPLAY PARK AT STEEL PARK, MARRICKVILLE

File Ref: 4577-03

Mr Dell Casilo addressed the Council at 6.35pm.

A **MOTION** was moved by Councillor Thanos, seconded by Councillor Cotter, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED** with an additional point to receive and note the additional report in Supplementary Business Paper No. 2.

An **AMENDMENT** was moved by Councillor Hesse, seconded by Councillor Olive, **THAT** the Motion be **ADOPTED** with an amendment that the Waterplay Park be located in front of the Debbie and Abbey Borgia Centre.

Councillor Owen temporarily left the meeting at 6.45pm and returned at 6.50pm.

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

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

5763 The **MOTION** was put to the vote and was **CARRIED**.

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

PROCEDURAL MOTION

5764 **RESOLVED:** On the Motion of Councillor Thanos, seconded by Councillor S Byrne, **THAT** Items MM 15 and GM 114 be dealt with together.

For Motion: Unanimous

MM 15 REQUEST FOR FEE WAIVER – THE SALVATION ARMY CAROLS IN THE PARK

File Ref: 10315-02

in conjunction with

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GM 114 REQUEST FOR FEE WAIVER BY SALVATION ARMY DULWICH HILL FOR CAROLS IN THE PARK

File Ref: 2652

Captain I Spall addressed the Council at 7.20pm.

Councillor F Byrne temporarily left the meeting at 7.21pm and returned at 7.22pm.

A **MOTION** was moved by Councillor Thanos, seconded by Councillor Sharpe, **THAT** Recommendations 1 to 5 of Item GM 114 be **ADOPTED** with an amendment to point 3 to state that Council provide financial assistance in the order of \$2,400; and the Fees and Charges Schedule be amended to provide that in future years no fee be charged for the conduct of the Salvation Army's Annual Carols by Candlelight event and financial assistance be granted under Section 356, subject to the required public notice of the proposed amendment and financial assistance.

Councillor Iskandar temporarily left the meeting at 7.32pm.

Councillor Hesse temporarily left the meeting at 7.40pm and returned at 7.41pm.

5765 The **MOTION** was put to the vote and was **CARRIED**.

For Motion: Unanimous
Absent: Councillor Iskandar

RESUMPTION OF STANDING ORDERS

OPEN COUNCIL:

5766 **RESOLVED:** On the Motion of Councillor Thanos, seconded by Councillor Hesse, **THAT** Standing Orders and the Ordinary Meeting be resumed in Open Council.

For Motion: Unanimous
Absent: Councillor Iskandar

CORPORATE SERVICES

FINANCE MATTERS

Councillors Owen and Sharpe temporarily left the meeting at 7.47pm.

FS 15 FINANCIAL REPORTS FOR YEAR ENDED 30 JUNE 2007

File Ref: 1908

5767 **RESOLVED:** On the Motion of Councillor Thanos, seconded by Councillor Hesse, **THAT** the Recommendation of the Corporate Services Committee as appearing on the Business Paper be **ADOPTED**.

For Motion: Unanimous

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Absent: Councillors Iskandar, Sharpe and Owen

Councillor Owen returned to the meeting at 7.48pm.

COMMUNITY SERVICES
COMMUNITY DEVELOPMENT MATTERS

5768

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

CD 40 **OUTCOMES OF THE MARRICKVILLE YOUTH FORUM 2007**
File Ref: 3997-04

CD 41 **ABORIGINAL BELONGING PLAN UPDATE**
File Ref: 3466

CD 42 **MIDNIGHT BASKETBALL MARRICKVILLE SOUTH LEAGUE**
File Ref: 145

CD 43 **AUSTRALIA'S REFUGEE INTAKE**
File Ref: 2577

For Motion: Unanimous

Absent: Councillors Iskandar and Sharpe

Councillor Sharpe returned to the meeting at 7.49pm.

COMMUNICATION AND CULTURAL SERVICES MATTERS

CC 20 **MAJOR EVENTS UPDATE**
File Ref: 2245

A **MOTION** was moved by Councillor Thanos, seconded by Councillor Hesse, **THAT** Council:

1. receive and note the report; and
2. adopts a policy that Councillors do not MC Council organised or Council funded events.

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Councillor Iskandar returned to the meeting at 7.50pm.

An **AMENDMENT** was moved by Councillor Macri, seconded by Councillor Owen, **THAT** the Recommendation of the Community Services Committee as appearing on the Business Paper be **ADOPTED**.

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

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

The Chair exercised his Casting Vote and the **AMENDMENT** was **LOST**.

5769 The **MOTION** was put to the vote and was **CARRIED**.

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

PROCEDURAL MOTION

5770 A **MOTION** was moved by Councillor Thanos, seconded by Councillor F Byrne, **THAT** Items CC 21 and CC 22 be dealt with together.

For Motion: Unanimous

CC 21 **MARRICKVILLE ARTS GRANTS SCHEME 2007**
File Ref: 2792

in conjunction with

CC 22 **MARRICKVILLE ARTS GRANTS SCHEME 2007 (REVISED)**
File Ref: 2792

5771 **RESOLVED:** On the Motion of Councillor Thanos, seconded by Councillor Sharpe, **THAT** the Recommendations of the Community Services Committee as appearing on page 56 of the Business Paper and page 2 of Supplementary Business Paper No. 2, be **ADOPTED**.

For Motion: Unanimous

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TECHNICAL SERVICES
ENGINEERING & PARKS & RESERVES MATTERS

Councillor Khan temporarily left the meeting at 8.20pm.

5772 IT WAS RESOLVED BY THE COUNCIL, ON THE MOTION OF COUNCILLOR THANOS, SECONDED BY COUNCILLOR HESSE, TO ADOPT THE RECOMMENDATIONS OF THE TECHNICAL SERVICES COMMITTEE AS APPEARING ON THE BUSINESS PAPER FOR THE FOLLOWING ITEMS:

ES 38 ENGINEERING SERVICES PERFORMANCE REPORT FOR SEPTEMBER 2007

File Ref: 4572-04

ES 39 CONTRACT FOR PROVISION OF FOOTPATH CLEANING SERVICES - TENDER 06/07

File Ref: 1104

PR 31 IBIS MANAGEMENT PLAN - INTERIM REPORT

File Ref: 2666

For Motion: Unanimous

Absent: Councillor Khan

PROPERTY SERVICES MATTERS

Councillor Khan returned to the meeting at 8.22pm.

PW 18 A REVIEW OF THE NON-RATEABLE GARBAGE POLICY

File Ref: 2170

The Chair noted that an amended Committee Recommendation had been issued under Memorandum.

A **MOTION** was moved by Councillor Thanos, seconded by Councillor Hesse, **THAT** the Recommendation of the Technical Services Committee as detailed in the Memorandum be **ADOPTED**, as follows:

1. the report be received and noted;
2. Council notifies owners of Crown Land, Police and Ambulance Services that Council will cease providing a waste service to those properties from 1 February 2008 and they will need to make their own arrangements from that date onwards;
3. Council writes to church/Religious, Benevolent/Charitable institutions and Schools and Education institutions requesting submissions on the need for the

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current number of services and whether Council should place a limit on the number of free services;

4. investigate if Council can impose a token charge to these institutions/bodies for the provision of services;
5. a further REPORT on Crown land occupiers be forwarded to Council; and
6. a further REPORT be submitted to Council following the receipt of responses.

An **AMENDMENT** was moved by Councillor Olive, seconded by Councillor Khan, **THAT** point 2 of the Committee's Recommendation be amended to take out the reference to Crown Land.

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

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

5773 The **MOTION** was put to the vote and was **CARRIED**.

For Motion: Unanimous

MAYORAL MINUTES

MM 13 RECRUITMENT PROCESS FOR GENERAL MANAGER

File Ref: 4577-03

A **MOTION** was moved by Councillor Thanos, seconded by Councillor Sharpe, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED** with an amendment to point 2 that Councillor Cotter be a member of the Selection Panel.

An **AMENDMENT** was moved by Councillor Hanna, seconded by Councillor Owen, **THAT** the Motion be **ADOPTED** with an amendment to also include a female Councillor on the Selection Panel.

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

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

5774 The **MOTION** was put to the vote and was **CARRIED**.

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

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Against Motion: Councillors Hanna and Macri

Councillor F Byrne temporarily left the meeting at 8.47pm.

MM 14 PROPOSED CHANGE IN MODE OF ADDRESSING COUNCIL

File Ref: 4577-03

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

Councillor F Byrne returned to the meeting at 8.48pm.

Councillor Owen temporarily left the meeting at 8.48pm and returned at 8.49pm.

Councillor Owen temporarily left the meeting at 9.00pm and returned at 9.01pm.

5775 The **MOTION** was put to the vote and was **CARRIED**.

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

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

GENERAL MANAGER'S REPORTS

Councillor Owen temporarily left the meeting at 9.06pm.

5776 **IT WAS RESOLVED BY THE COUNCIL, ON THE MOTION OF COUNCILLOR THANOS, SECONDED BY COUNCILLOR F BYRNE, TO ADOPT THE RECOMMENDATIONS AS APPEARING ON THE BUSINESS PAPER FOR THE FOLLOWING ITEMS:**

GM 103 DISCLOSURE OF INTEREST RETURNS TO 30 JUNE 2007

File Ref: 4325-02

GM 104 PETITITONS RECEIVED

File Ref: 4577-03

GM 105 COUNCILLORS ACCESS TO INFORMATION

File Ref: 4015-04

GM 106 OUTSTANDING CONFERENCES AND REPORTS REQUESTED BY COUNCILLORS AND IMPLEMENTATION FO NOTICES OF MOTION

File Ref: 4577-03

For Motion: Unanimous

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Absent: Councillor Owen

GM 107 TERM OF APPOINTMENT OF MAYORS ELECTED BY COUNCILLORS AND TERM OF APPOINTMENT OF TEMPORARY STAFF

File Ref: 1234

A **MOTION** was moved by Councillor Thanos, seconded by Councillor Hesse, **THAT** Council:

1. receive and note the report; and
2. opposes amending the Local Government Act to provide for a 2 year term because voting on the appointment of the Mayor yearly is a vote of confidence or no confidence in the Mayor and it is important that the Mayor's performance be reviewed annually.

Councillor Owen returned to the meeting at 9.08pm.

Councillor Macri temporarily left the meeting at 9.08pm and returned at 9.09pm.

5777 The **MOTION** was put to the vote and was **CARRIED**.

For Motion: Unanimous

GM 108 FIRST QUARTERLY MANAGEMENT REPORT (JULY - SEPT 2007) OF THE ANNUAL MANAGEMENT PLAN & BUDGET 2007 - 2010

File Ref: 2571

5778 **RESOLVED:** On the Motion of Councillor Thanos, seconded by Councillor F Byrne, **THAT** the Recommendation as appearing on the Business Paper be **ADOPTED**.

For Motion: Unanimous

5779 **IT WAS RESOLVED BY THE COUNCIL, ON THE MOTION OF COUNCILLOR THANOS, SECONDED BY COUNCILLOR KHAN, TO ADOPT THE RECOMMENDATIONS AS APPEARING ON THE BUSINESS PAPER FOR THE FOLLOWING ITEMS:**

GM 109 SEPTEMBER 07 BUDGET REVIEW

File Ref: 328

GM 112 FUNDING AGREEMENT FOR THE INTRODUCTION OF THE CHILD CARE MANAGEMENT SYSTEM

File Ref: 4577-03

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For Motion: Unanimous

GM 113 SUPPLEMENTARY REPORT – PROPOSED REZONING OF PARTICULAR PROPERTIES IN THE VICINITY OF SOUTH STREET, TEMPE – OFFICER’S FURTHER REPORT

File Ref: P4490.40-02

A **MOTION** was moved by Councillor Thanos, seconded by Councillor Hesse, **THAT** the Recommendation as appearing on Supplementary Business Paper No. 2 be **ADOPTED**.

Councillor Sharpe temporarily left the meeting at 9.20pm and returned at 9.21pm.

5780 The **MOTION** was put to the vote and was **CARRIED**.

For Motion: Unanimous

RESCISSION MOTIONS

RM 2 NOTICE OF MOTION TO RESCIND COUNCIL RECOMMENDATION - NM 37 - PROPOSED MARRICKVILLE SMALL BUSINESS FORUM

File Ref: 4577-03

A **MOTION** was moved by Councillor Khan, seconded by Councillor Olive, **THAT** Council’s resolution in relation to Item NM 37 be **RESCINDED**.

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

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

Against Motion: Councillors Cotter, Owen, Sharpe, Iskandar, Hanna and Macri

5781 The Chair exercised his Casting Vote and the **MOTION** was **CARRIED**.

RM 3 NOTICE OF MOTION TO RESCIND COUNCIL RECOMMENDATION - GM 90 - REVIEW OF COUNCIL’S ELECTORAL AND CONSTITUTIONAL STRUCTURES

File Ref: 4926-02

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A **MOTION** was moved by Councillor Khan, seconded by Councillor Olive, **THAT** the **RESCISSION MOTION** in relation to Item GM 90 be **CARRIED**, and that Council adopt the alternate Motion on the Business Paper to receive and note the report.

Councillor Cotter temporarily left the meeting at 9.30pm and returned at 9.32pm.

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

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

5782 The Chair exercised his Casting Vote and the **MOTION** was **CARRIED**.

The meeting closed at 10.05pm.

CHAIRPERSON