

**Minutes of Council Meeting held on Tuesday, 19 March 2013**

**Meeting commenced at 6.40pm**

**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**

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

**APOLOGIES:**

**Motion: (Macri/Tyler)**

THAT the request for leave of absence for Councillor Jo Haylen for tonight's meeting and Councillor Mark Gardiner from 11/03/13 to 22/03/13 be noted and leave of absence granted.

**Motion Carried**

**For Motion:** Councillors Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri, Phillips, Tsardoulis, Tyler and Woods

**Against Motion:** Nil

**DISCLOSURES OF INTERESTS:** Nil.

**CONFIRMATION OF MINUTES**

**Motion: (Macri/Brooks)**

THAT the Minutes of the Council Meeting held on Tuesday, 19 February 2013 and Council Development Matters Meeting held on Tuesday, 12 March 2013 be confirmed.

**Motion Carried**

**For Motion:** Councillors Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri, Phillips, Tsardoulis, Tyler and Woods

**Against Motion:** Nil

**C0313 Item 1 JULY-DECEMBER 2012 OPERATIONAL PLAN PROGRESS REPORT**

**Motion: (Macri/Tyler)**

THAT the report be received and noted.

**Motion Carried**

**For Motion:** Councillors Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri, Phillips, Tsardoulis, Tyler and Woods

**Against Motion:** Nil

**C0313 Item 2 ADVERTISING BILLBOARDS AT TEMPE**

**Motion: (Macri/Tsardoulias )**

THAT:

1. Council receive and note this report;
2. Council allocates an additional \$6,000 in the 2012/13 Operating Budget to engage an advertising consultant to undertake a desk top analysis of the billboard proposal for Tempe Lands;
3. following this analysis a further report is provided to Council for consideration; and
4. Council also be provided with a further report including consideration of use of Council billboards to display public art.

**Motion Carried**

**For Motion:** Councillors Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri, Phillips, Tsardoulias, Tyler and Woods

**Against Motion:** Nil

**C0313 Item 3 COMMUNITY CULTURAL DEVELOPMENT OFFICER POSITION**

**Motion: (Macri/Iskandar)**

THAT:

1. Council receives and notes the report; and
2. Council endorses the permanent establishment of a Community Cultural Development Officer (30hrs per week); and
3. funding be included in the 2013/14 budget.

**Motion Carried**

**For Motion:** Councillors Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri, Phillips, Tsardoulias, Tyler and Woods

**Against Motion:** Nil

**C0313 Item 4 CODE OF CONDUCT COMPLAINT - COUNCILLOR PHILLIPS - REPORT FROM SINGLE REVIEWER**

Public speaker: Tamara Winikoff

**Motion: (Macri/Tsardoulias)**

THAT Council:

1. receives and notes the report from Ms Kathy Thane attached at ATTACHMENT 1;
2. makes findings of misconduct against Councillor Max Phillips for the breach of clauses 6.1, 6.8, 10.9(d), 10.10 and 10.11 (a), (b), (c), (e) and (g) of the Code of Conduct for Councillors for the reasons outlined in the report of the Conduct reviewer Ms Kathy Thane;
3. require Councillor Phillips to apologise to Council and Meriton unreservedly for his actions;
4. proposes to pass a motion that Councillor Phillips be censured for misconduct at the next meeting of Council, pursuant to the requisite notice being provided under the Code of Meeting Practice;

5. officers prepare policies and procedures for conveying and dealing with information that is intended to be confidential;
6. officers facilitate Code of Conduct refresher training for Councillors; and
7. resolves to refer Council's findings of misconduct by Councillor Phillips to the Director General of the Division of Local Government.

**Motion Tied**

**For Motion:** Councillors Iskandar, Macri, Tsardoulis, Tyler and Woods

**Against Motion:** Councillors Brooks, Ellsmore, Hanna, Leary and Phillips

The Chairperson used his Casting Vote and the **Motion** was **Carried**.

**C0313 Item 5 NOTICE OF MOTION: SUPPORTING LIVE MUSIC**

**Motion: (Tsardoulis/Iskandar)**

THAT Council:

1. reiterates its commitment to the local live music industry, to music venue operators, performers and entrepreneurs and to community music groups, and notes the contribution they make to keeping our community lively and diverse;
2. recognises that a diversity of venues, performance and rehearsal spaces is vital to support new artists and artforms;
3. nominates a member of staff and Councillor Haylen to the City of Sydney Live Music Taskforce and notes the key role this taskforce plays in the development of uniform live music friendly policies across the inner city;
4. officers prepare a report for the next Council meeting proposing measures for supporting the growth and diversity of live music and small bars and restaurants, underage live music venues and facilities for rehearsal purposes which can be incorporated into Council's development controls, community and cultural plan and events program; and
5. publicises its commitment to convene a consultation meeting of local music venue operators, performers, entrepreneurs involved in the live music industry and non-profit community music ventures request their input into the taskforce.

**Motion Carried**

**For Motion:** Councillors Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri, Phillips, Tsardoulis, Tyler and Woods

**Against Motion:** Nil

**C0313 Item 6 NOTICE OF MOTION: TRANSPARENCY IN DEALING WITH VOLUNTARY PLANNING AGREEMENTS**

Public speaker: Tamara Winikoff

**Motion: (Phillips/Ellsmore)**

THAT:

1. Council develop a policy which outlines the principles, how and on what terms Council will consider negotiating and entering voluntary planning agreements;
2. offers of voluntary planning agreements be dealt with as openly as possible by Marrickville Council;

3. the general nature of a voluntary planning agreement be made clear to the public as part of the publicly available business paper, when the elected Council is deciding whether or not to enter into negotiations;
4. where a voluntary planning agreement involves any significant exceedence of planning regulations or Council's policies or plans or involves a substantial decision that affects Council infrastructure or services, that the general nature of the above be made public and that public consultation occur to inform Councillor's prior to a decision to enter negotiations;
5. any confidentiality relating to a voluntary planning agreement be restricted only to specific information when confidentiality is required under legislation or regulations, and that the reason for confidentiality is clearly articulated and justified to Councillors and the public, and that where an item is considered confidential, every reasonable efforts will be made to provide a public version of Council papers which omits any confidential details, but still allows the community to be informed about the general terms of the proposed voluntary planning agreement.

**Motion Lost**

**For Motion:** Councillors Brooks, Ellsmore, Leary and Phillips

**Against Motion:** Councillors Hanna, Iskandar, Macri, Tsardoulis, Tyler and Woods

**C0313 Item 7 NOTICE OF MOTION: GREENWAY INFRASTRUCTURE**

**Motion: (Brooks/Leary)**

THAT:

1. Marrickville Council write to the NSW Minister for Transport:
  - a. to emphasise that the on-road option for the GreenWay currently being considered in the Cooks River to White Bay cycle way study is not acceptable because:
    - we already have an on road alternative currently being marked out;
    - it is not suitable or safe for children and many less confident adult cyclists;
    - it will not encourage more people to walk or cycle;
    - the four GreenWay Councils and the GreenWay Steering Committee are committed to an off road shared walking and cycling path;
  - b. to formally request to the Minister for Transport a copy of the plans for the GreenWay that were drawn up as part of the Inner West Light Rail planning process to enable the GreenWay Councils to undertake an independent costing of the planned GreenWay trail to be funded by transport for NSW and commissioned and managed by the Greenway Steering Committee. This will enable the GreenWay Councils to participate in future discussions on the GreenWay trail in an informed manner and develop other funding and resourcing models; and
2. Marrickville Council, together with the other Greenway Councils, (Ashfield, Leichhardt and Canterbury), ensure that in negotiations with Transport for NSW over the Biodiversity Compensation package that the priority is on achieving the best possible outcome for the GreenWay Biodiversity Corridor with the offset sites for the Biodiversity Compensation Package being preferably located within the rail corridor in consideration of the GreenWay Revegetation and Bushcare Plan rather than on council owned land. The conditions of approval require that the bush care sites are maintained 'in perpetuity'.

**Motion Carried**

**For Motion:** Councillors Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri, Phillips, Tsardoulis, Tyler and Woods

**Against Motion:** Nil

**REPORTS WITH CONFIDENTIAL INFORMATION**

**C0313 Item 8 SSROC TENDER - SUPPLY AND DELIVERY OF PHOTOCOPY PAPER**

**Motion:** (Macri/Iskandar)

THAT:

1. the Council resolve that 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) of the *Local Government Act 1993*, and as such is to be treated as confidential;
2. the Report be received and noted; and
3. Council adopt the recommendation contained in the CONFIDENTIAL ATTACHMENT 1.

**Motion Carried**

**For Motion:** Councillors Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri, Phillips, Tsardoulias, Tyler and Woods

**Against Motion:** Nil

**C0313 Item 9 CHILDREN AND FAMILY SERVICES MANAGEMENT REVIEW AND RECOMMENDATIONS**

**Motion:** (Tsardoulias/Ellsmore)

THAT:

1. the Council resolves that ATTACHMENTS 2 and 3 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) of the *Local Government Act 1993*, and as such is to be treated as confidential;
2. Council adopts the recommendations contained in CONFIDENTIAL ATTACHMENTS 2 and 3 with the following amendments:

remove points 7 and 8 contained in the CONFIDENTIAL ATTACHMENTS 2 and 3 and replace with the following:

THAT the option of any changes or proposals of the Camdenville Vacation Care service be investigated and a detailed report be provided to the Council that includes utilisation data, findings, financial assessment and parent consultation outcomes, for a Council decision.

**Motion Carried**

**For Motion:** Councillors Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri, Phillips, Tsardoulias and Woods

**Against Motion:** Councillor Tyler

**C0313 Item 10 PETERSHAM PARK PLAYGROUND UPGRADE - TENDER  
EVALUATION - TENDER NUMBER 14/12**

**Motion: (Macri/Iskandar)**

1. the Council resolve that 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) of the Local Government Act 1993, and as such is to be treated as confidential;
2. the report be received and noted; and
3. Council adopt the recommendation contained in the CONFIDENTIAL ATTACHMENT 1.

**Motion Carried**

**For Motion:** Councillors Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri, Phillips, Tsardoulias, Tyler and Woods

**Against Motion:** Nil

**C0313 Item 11 MARRICKVILLE HOSPITAL SITE AND COMMUNITY HUB - PROGRESS  
REPORT**

**Motion: (Macri/Iskandar)**

THAT Council:

1. receives and notes the report;
2. endorses the Draft - Request for Expression of Interest document deleting Expression of Interest Option 1; and
3. endorses the proposed future actions discussed in the report:
  - a) MBM Cost Planners and the Architect complete the Value Management process for review by the Value Management Workshop participants;
  - b) Council staff and consultants develop the EOI Project Brief, Total Project Cost Analysis and Risk Analysis; and
  - c) further reports to be provided to the Major Projects Steering Committee and Council.

**Motion Carried**

**For Motion:** Councillors Hanna, Iskandar, Leary, Macri, Phillips, Tsardoulias, Tyler and Woods

**Against Motion:** Councillors Brooks and Ellsmore

**C0313 Item 12 NEW SES HEADQUARTERS AT SYDENHAM GREEN**

Public speaker: Michael Carney

**Motion: (Macri/Tsardoulias)**

THAT:

1. Council resolve 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) of the Local Government Act 1993, and as such is to be treated as confidential.
2. the report be received and noted; and
3. Council adopt the recommendation contained in CONFIDENTIAL ATTACHMENT 1 pending:
  - a) confirmation that the facility will be able to be used for outside training, without breaching health and safety standards; and
  - b) advice from NSW SES and Marrickville SES that the venue remains suitable, in light of new information recently identified by Council about acoustic treatments required.

**Motion Carried**

**For Motion:** Councillors Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri, Phillips, Tsardoulias, Tyler and Woods

**Against Motion:** Nil

**C0313 Item 13 MAYORAL MINUTE: JOHNNY WARREN MEMORIAL CUP 2013**

**Motion: (Macri)**

THAT Council:

1. recognise the performance of the Marrickville Tigers to reach the final of the tournament; and
2. congratulate the Leichhardt Rats on their win, and acknowledge the victory by symbolically flying the Italian flag above Petersham Town Hall.

**Motion Carried**

**For Motion:** Councillors Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri, Phillips, Tsardoulias, Tyler and Woods

**Against Motion:** Nil

Meeting closed at 9.35pm.

**CHAIRPERSON**