Minutes of Council Meeting held on Tuesday 14 December 2010

Meeting commenced at 9:20 pm

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

Byrne (Mayor/Chair)	Iskandar (Deputy Mayor)	O'Sullivan
Thanos	Olive	Kontellis
Macri	Peters	Phillips
Tsardoulias	Wright	Hanna

APOLOGIES

Nil

DISCLOSURES OF INTERESTS:

Councillor O'Sullivan declared a non significant, non-pecuniary interest in relation to Item 1.
Councillor Tsardoulias declared a non significant, non-pecuniary interest in relation to Item 7.

CONFIRMATION OF MINUTES

Motion: (Byrne/Phillips)

THAT the Minutes of the Council Meeting held on Tuesday, 16 November 2010 (with a minor amendment raised by Councillor Phillips) and Council Development Matters Meeting held on Tuesday, 7 December 2010 be confirmed.

Motion Carried
For Motion: Councillors Macri, O'Sullivan, Phillips, Tsardoulias, Wright, Olive, Hanna, Peters, Thanos, Iskandar, Byrne and Kontellis
Against Motion: Nil

C1210 Item 1 MAYORAL MINUTE: PETER BRAY DINNER

MAYORAL MINUTE (BYRNE)

THAT Council endorses financially supporting the dinner with Bro, Peter Bray, Vice Chancellor of the Bethlehem University on 15 December.
Motion Carried
For Motion: Councillors Macri, O'Sullivan, Phillips, Tsardoulias, Wright, Olive, Hanna, Peters, Thanos, Iskandar, Byrne and Kontellis
Against Motion: Nil

C1210 Item 2 **MAYORAL MINUTE: EQUAL PAY CASE**

MAYORAL MINUTE (BYRNE)

THAT:

1. Council notes that:

   a. work performed predominantly by women has historically been undervalued and underpaid in Australia,

   b. last year, the gap in average weekly earnings between men and women rose, and Australian women, on average, earn 18 per cent less than Australian men,

   c. women workers in the Social and Community Services [SACS] sector have wages 30 per cent lower than comparable workers in the public sector,

   d. the Australian Services Union's [ASU] Equal Pay case has been lodged with Fair Work Australia on behalf of Australia's 200,000 community and disability workers, seeking to establish equal pay for the sector,

   e. over 18 months ago the Federal Government, fully aware of the costings involved, signed an agreement to fund the outcome of the ASU's Equal Pay Case,

   f. in a submission to Fair Work Australia last week in regards to the Equal Pay Case, the Federal Government indicated that any money to fund the outcome of this case would be at the cost of other government services, in effect seeking either a more moderate wage increase, or reduced employment and services in the sector,

   g. this amounts to the Federal Government reneging on their agreement to support the ASU's Equal Pay Case,

   h. without full Federal Government support for the cost impact of the Equal Pay Case, the principle of equality will be lost and services in the sector will dramatically reduce because the cost impact of the wage increase will fall on the SACS sector employers and their clients, particularly on the women workers who the case was intended to assist, and

   i. (without a commitment to fully fund the Equal Pay Case, the community and disability sector will be forced to reduce employee numbers, cut standards of care and limit the range of services it has traditionally offered to some of the most marginal members of our community.

2. Council write to the State and Federal Governments calling on them to:

   (a) support the ASU's Equal Pay case before Fair Work Australia on behalf of community and disability sector careworkers,

   (b) acknowledge the importance of the Equal Pay Case to address pay discrepancies,

   (c) increase funding to the Social and Community Services sector,

   (d) commit to funding the outcome of the ASU's Equal Pay case, and

Motion Carried
For Motion: Councillors Macri, O'Sullivan, Phillips, Tsardoulias, Wright, Olive, Hanna, Peters, Thanos, Iskandar, Byrne and Kontellis
Against Motion: Nil

C1210 Item 16 ANNETTE KELLERMAN AQUATIC CENTRE

MAYORAL MINUTE: (BYRNE)

THAT: On behalf of Councillors and the Marrickville community, thank you to William Blunt and all Council staff who have contributed to this 1st class facility.

Motion Carried
For Motion: Councillors Macri, O'Sullivan, Phillips, Tsardoulias, Wright, Olive, Hanna, Peters, Thanos, Iskandar, Byrne and Kontellis
Against Motion: Nil

C1210 Item 17 MARRIAGE EQUALITY FOR ALL

Public Speaker: Dr Michael Prodigalidad, Ross Ciano

MAYORAL MINUTE: (BYRNE)

THAT:

1. Council note that Federal MPs are currently gauging the feeling within their electorates to same-sex marriage;
2. this council support marriage equality, that is the amendment of the Marriage Act 1961, so as to remove discrimination against same-sex couples;
3. this Council convey its position to the member for Grayndler, Anthony Albanese, as part of his consultation with his constituents; and
4. Council liaise with the Gllam committee and the local Federal member to assist in facilitating local consultation, if appropriate.

Motion Carried
For Motion: Councillors O'Sullivan, Phillips, Tsardoulias, Wright, Olive, Peters, Thanos, Iskandar, Byrne and Kontellis
Against Motion: Councillors Macri and Hanna

C1210 Item 3 AMENDMENT TO 2010/11 FERNCOURT AFTER SCHOOL AND VACATION CARE FEE

Motion: (Byrne/Phillips)

THAT the amended Fees and Charges Schedule for Ferncourt After School and Vacation Care as detailed at Attachment 1 be adopted.

Motion Carried
For Motion: Councillors Macri, O'Sullivan, Phillips, Tsardoulias, Wright, Olive, Hanna, Peters, Thanos, Iskandar, Byrne and Kontellis
Against Motion: Nil

C1210 Item 4 SMOKE FREE OUTDOOR ENVIRONMENTS IN MARRICKVILLE

Public Speakers: Mark Ludbrooke

Motion: (Byrne/Wright)

THAT:

1. Council endorse the package of measures outlined in this business paper that are designed to reduce the incidence of smoking in outdoor environments in the Council area; and

2. Council place this proposal on public display for a period until Monday 28 February 2011 to allow for public comment and subsequent consideration by Council.

Motion Carried
For Motion: Councillors O'Sullivan, Phillips, Tsardoulias, Wright, Peters, Iskandar, Byrne and Kontellis
Against Motion: Councillors Macri, Olive, Hanna and Thanos

C1210 Item 5 **ADOPTION OF OUR PLACE, OUR VISION: MARRICKVILLE COMMUNITY STRATEGIC PLAN**

Motion: (Byrne/Wright)

THAT Council adopt *Our Place, Our Vision: Marrickville Community Strategic Plan* with the following amendments:

1. amend the list of focus areas for KRA1 to include "healthy lifestyle opportunities" and "targeted and accessible service provision" (page 17)
2. amend the list of Key Partners in KRAs 1, 2 and 3 to include Sydney South West Area Health Service (pages 22, 26 and 30)
3. amend strategy 1.4(a) to read "Ensure that all community members have access to diverse and affordable sporting and recreation opportunities and incidental physical activity" (page 23)
4. amend strategy 1.4(d) to read "Enable community members to grow and to have access to fresh and locally produced food" (page 23)
5. add a new strategy under outcome 1.6 to read "Ensure there are places for people to meet and interact" (page 23)
6. add a new strategy under outcome 2.1 to read "Foster close relationships between local education providers and local business operators to ensure that training needs are met" (page 26)
7. amend strategy 3.2(c) to read "Ensure that there is a well connected, well maintained and clearly signed network of cycleways and cycle facilities" (page 30)
8. amend strategy 3.3(c) to read "Increase pedestrian and cyclist safety, particularly around schools and urban centres" (page 30)
9. amend strategy 3.5(a) to read "Ensure the community is actively engaged in the planning and design of parks, open spaces and the GreenWay" (page 31)
10. amend strategy 3.5(c) to read "Ensure parks and open spaces are sustainable, accessible and well maintained" (page 31)
11. add new Community Target to read "The proportion of residents who walk and cycle is increasing" (page 38)
12. combine Community Targets 9 and 10 to read "The proportion of residents who feel safe is steady or increasing, while the number of criminal offences in the area is decreasing" (page 38)
13. amend Council Target 10 to read "Satisfaction with the maintenance of Council's roads, footpaths, cycleways and associated facilities is increasing" (page 39).

Motion Carried
For Motion: Councillors Macri, O'Sullivan, Phillips, Tsardoulias, Wright, Olive, Hanna, Peters, Thanos, Iskandar, Byrne and Kontellis
Against Motion: Nil

C1210 Item 6 **NOTICE OF MOTION: PARKING SPOTS**

Motion: (Thanos/Byrne)

THAT this item be deferred until the February Council Meeting 2011.
Motion Carried
For Motion: Councillors Macri, O'Sullivan, Phillips, Tsardoulias, Wright, Olive, Hanna, Peters, Thanos, Iskandar, Byrne and Kontellis
Against Motion: Nil

C1210 Item 7 **NOTICE OF MOTION: TREE OUTSIDE 104 WINDSOR ROAD**

Public Speaker: Michael Costello

Motion: (Thanos/Macri)

THAT the tree outside 104 Windsor Rd Dulwich Hill be removed and a more suitable tree be placed.
Motion Lost
For Motion: Councillors Macri, Tsardoulias, Hanna and Thanos
Against Motion: Councillors O'Sullivan, Phillips, Wright, Olive, Peters, Iskandar, Byrne and Kontellis

Foreshadowed Motion (Olive/Kontellis)

THAT:

1. The request for the removal of the tree should be declined; and
2. Consideration should be given to replacing the sections of concrete footpath immediately adjacent to the subject tree with asphalt so as to account for predictable future maintenance requirements.

Motion Carried
For Motion: Councillors O'Sullivan, Phillips, Wright, Olive, Peters, Byrne and Kontellis and Iskandar
Against Motion: Councillors Macri, Tsardoulias, Hanna, Thanos

C1210 Item 8 **NOTICE OF MOTION: REPLACEMENT GARBAGE BINS**

Motion: (Thanos/Tsardoulias)

THAT Council provide the residents at 484 Marrickville Rd, Dulwich Hill with a new bin at no charge.
Motion Lost
For Motion: Councillors Macri, Tsardoulias, Hanna, Thanos and Iskandar
Against Motion: Councillors O'Sullivan, Phillips, Wright, Olive, Peters, Byrne and Kontellis

C1210 Item 9 **NOTICE OF MOTION: I.T EQUIPMENT FOR COUNCILLORS**

MOTION: (Tsardoulias/Iskandar)

THAT this Item be deferred until the February Council Meeting 2011.

Motion Carried

For Motion: Councillors Macri, O'Sullivan, Phillips, Tsardoulias, Wright, Olive, Hanna, Peters, Thanos, Iskandar, Byrne and Kontellis

Against Motion: Nil

C1210 Item 10 **NOTICE OF MOTION:FAMILY VIOLENCE LEAVE AMENDMENT IN AWARD**

Motion: (Tsardoulias/Byrne)

THAT:

1. Council recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work and therefore is committed to providing support to staff that experience family violence; and
2. The General Manager arrange for the draft Family Violence Leave Policy developed by the USU to be reviewed by staff having regard to current industrial Awards and policies and best practice workplace relations/work-life balance initiatives, and that a report be brought to the Council on these issues by March 2011 including any potential implications that may ensue should this draft policy be adopted by Council.

Motion Carried

For Motion: Councillors Macri, O'Sullivan, Phillips, Tsardoulias, Wright, Olive, Hanna, Peters, Thanos, Iskandar, Byrne and Kontellis

Against Motion: Nil

C1210 Item 11 **PROPOSED MOTION: SUPPORTING THE GLOBAL BOYCOTT, DIVESTMENT AND SANCTIONS CAMPAIGN.**

Public Speaker: Sylvia Hale, Jennifer Killen

Motion: (Peters/Kontellis)

THAT:

1. In particular recognition of it's sister city relationship with Bethlehem and the strong support for that relationship from local progressive faith communities and other community members, Marrickville Council support the principles of the BDS global campaign and report back on any links the council has with organisations or companies that support or profit from the Israeli military occupation of Palestine with a view to the Council divesting from such links and imposing a boycott on any future such links or goods purchases.
2. Marrickville Council boycott all goods made in Israel and any sporting, academic institutions, government or institutional cultural exchanges.
3. Marrickville Council write to the local state and federal ministers (Carmel Tebbutt and Anthony Albanese) informing them of Council's position and seeking their support at the State and Federal level for the global BDS movement.

Motion Carried
For Motion: Councillors, O'Sullivan, Phillips, Tsardoulias, Wright, Olive, Peters, Thanos, Iskandar, Byrne and Kontellis
Against Motion: Councillors Macri and Hanna

C1210 Item 12 NOTICE OF MOTION: LEP CONSULTATION PERIOD

Public Speaker: Helayne Short

Motion: (Wright/Olive)

THAT the consultation period for the LEP be extended from 4 February until Friday 28 February 2011 to take into account the impact that school holidays and Christmas and New Year has on the original consultation period.

Motion Carried
For Motion: Councillors Macri, O'Sullivan, Phillips, Tsardoulias, Wright, Olive, Hanna, Peters, Thanos, Iskandar, Byrne and Kontellis
Against Motion: Nil

REPORTS WITH CONFIDENTIAL INFORMATION

C1210 Item 13 EXPRESSIONS OF INTEREST ASSESSMENT REPORT - FANNY DURACK AQUATIC CENTRE PHASE 2 REFURBISHMENT

Motion: (Olive/Wright)

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;
3. Council adopt the recommendation contained in the **CONFIDENTIAL ATTACHMENT 1.**

Motion Carried
For Motion: Councillors Macri, O'Sullivan, Phillips, Tsardoulias, Wright, Olive, Hanna, Peters, Thanos, Iskandar, Byrne and Kontellis
Against Motion: Nil

C1210 Item 14 WINGED VICTORY STATUE - BRONZE REPLICA EXPRESSION OF INTEREST

Motion: (Olive/Wright)

THAT:

1. The Council resolve that the **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 Act1993, and as such is to be treated as confidential.
2. The Report be received and noted;
3. Council adopt the recommendation contained in the **CONFIDENTIAL ATTACHMENT 1**.

Motion Carried
For Motion: Councillors Macri, O'Sullivan, Phillips, Tsardoulias, Wright, Olive, Hanna, Peters, Thanos, Iskandar, Byrne and Kontellis
Against Motion: Nil

C1210 Item 15 FUTURE ACCOMMODATION REQUIREMENTS FOR COUNCIL

Public Speaker: Rod Gilbody

Motion (Byrne/Phillips)

THAT Council:

1. Receive and note the report;
2. Endorse actions 1-9 listed in the report including the allocation of the required budgets from the Property Reserve and the included timeframes, with an amendment to point 3 (pg 86) to change the timeframe from October to September 2011;
3. That points 10 to 13 be deferred pending submission of a report to Council – timeframe April/May;
4. A further point 14. be added as follows: *A report be provided to Council regarding future short term and long term options for Precinct B for use of the precinct as a park, these could include as a forecourt to the Library. Required budget of $20,000 – timeframe May/June 201; and*
5. Progress reports be submitted to the Major Projects Steering Committee in February and April 2011 and that a further report be submitted to Council prior to June 2011 with regard to the recommended option for the long term future accommodation of Council's administration.

Motion Tied
For Motion: Councillors Phillips, Olive, Peters, Thanos, Byrne and Kontellis
Against Motion: Councillors Macri, O'Sullivan, Tsardoulias, Wright, Hanna and Iskandar
The Chairperson used her Casting Vote and the motion was **CARRIED**.

Amendment (O'Sullivan/Wright)

THAT in regards to Point 4 in the above motion, all text after '…Precinct B' be removed.
Motion Tied
For Motion: Councillors Phillips, Olive, Peters, Thanos, Byrne and Kontellis
Against Motion: Councillors Macri, O'Sullivan, Tsardoulias, Wright, Hanna and Iskandar
The Chairperson used her Casting Vote and the motion was **LOST**.

A rescission motion was handed up on Item 15 before the close of the meeting.

Motion of Dissent (Tsardoulias/Iskandar)

THAT the Chair did not allow Councillor Tsardoulias to speak to the Item or propose an amendment.
Motion Tied
For Motion: Councillors Macri, O'Sullivan, Tsardoulias, Wright, Hanna and Iskandar
Against Motion: Councillors Phillips, Olive, Peters, Thanos, Byrne and Kontellis
The Chairperson used her Casting Vote and the motion was **LOST**.

C1210 Item 18 **252-254 ILLAWARRA ROAD, MARRICKVILLE - HENSON PARK HOTEL**

Public Speaker: Neil Jenkins

Motion: (Byrne/Thanos)

PART E - RECOMMENDATION

A. **THAT** the development application to demolish part of the premises and carry out alterations to the premises and to use the premises as a hotel with hours of operation of 8.00am to 2.00am the following day Mondays to Saturdays and 8.00am to 12.00 midnight Sundays and to erect associated signage be **REFUSED** for the following reasons:

1. The proposed development will result in an unacceptable social impact on the population.
2. Insufficient and unsuitable information was submitted with the application to enable a proper assessment of the car parking requirements for the proposed development.
3. The proposed development does not provide an adequate loading and unloading facility for the premises in accordance with the Delivery and Service Areas requirements prescribed by Marrickville Development Control Plan No. 19 - Parking Strategy.
4. The proposed development fails to provide an equitable parking space or equitable access to the premises for persons with a disability.
5. Insufficient and unsuitable information was submitted with the application to assess the intensity of the proposed use.
6. In view of the above and given the number of submissions received against the proposal, approval of the application would not be in the public interest.

B. **THAT** those persons and the head petitioners who lodged submissions in respect to the proposal be advised of the Council's determination of the application.

C. **THAT** the Marrickville Local Area Command of the NSW Police Force be advised of Council's determination of the application.

Motion Carried

For Motion: Councillors Macri, O'Sullivan, Phillips, Tsardoulias, Wright, Olive, Hanna, Peters, Thanos, Iskandar, Byrne and Kontellis

Against Motion: Nil

Meeting closed at 12:26 am.

CHAIRPERSON