

LEICHHARDT MUNICIPAL COUNCIL

MINUTES of ORDINARY MEETING of Leichhardt Municipal Council held in the Council Chambers Leichhardt Town Hall, Norton Street, Leichhardt on **26 April 2005**

Present at the commencement of the meeting; Her Worship the Mayor, A. Murphy in the chair, Councillors C. Allen, D. Cobley-Finch, N. Dyer, K. Hamilton, V. Hannaford, M. McKenzie, J. Parker, R. Porteous, M. Sheehan, R. Webb & C. Windsor.

Staff Present : General Manager, Director Corporate & Information Services, Acting Director Environmental & Community Management, Director Infrastructure & Service Delivery, Manager Parks & Streetscapes, Manager Administration Services and Administration Officer.

Meeting Commenced: 7.05pm

BUSINESS:

Before proceeding with the meeting, the Mayor thanked and expressed acknowledgement of the Eora people for taking care of the land, being the traditional owners of the town hall site.

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CONFIRMATION AND/OR CORRECTIONS OF MINUTES ORDINARY AND SPECIAL MEETING

(a) **BUILDING & DEVELOPMENT COMMITTEE MEETING
8 MARCH 2005**

C130/05 RESOLVED HAMILTON/COBLEY-FINCH

That the Minutes of the Building & Development Committee Meeting held 8 March 2005 vide minute nos. BDC 016/05 to BDC034 /05 be confirmed as a true and accurate record of the meeting.

This is page 1 of the Minutes of the Ordinary Meeting of Council held on the day of 26 April 2005 and presented for confirmation this day 24 May 2005.

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CHAIR

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**(b) BUILDING & DEVELOPMENT COUNCIL MEETING
15 MARCH 2005**

C131 /05 RESOLVED HAMILTON/COBLEY-FINCH

That the Minutes of the Building & Development Council Meeting held 15 March 2005 vide minute nos. BDC013 /05 to BDC20/05 be confirmed as a true and accurate record of the meeting.

(c) ORDINARY MEETING – 22 MARCH 2005

C132 /05 RESOLVED HAMILTON/COBLEY-FINCH

That the Minutes of the Ordinary Meeting held 22 March 2005 vide minute nos. C70/05 to C111/05 be confirmed as a true and accurate record of the meeting.

(d) EXTRAORDINARY MEETING – 23 MARCH 2005

C133 /05 RESOLVED HAMILTON/COBLEY-FINCH

That the Minutes of the Extraordinary Meeting held 23 March 2005 vide minute nos. C112/05 to C129/05 be confirmed as a true and accurate record of the meeting.

**** APOLOGIES**

NIL

**** CONDOLENCES**

C134 /05 RESOLVED SHEEHAN/MURPHY

Council express its deepest sympathies to the family of local architect, Paul Melchert, who had also been involved in Council's Save Rozelle Bay campaign and local precincts on his recent death.

LEICHHARDT MUNICIPAL COUNCIL

**** ACKNOWLEDGEMENTS**

RETIREMENT OF WARWICK RUSSELL – PA TO GENERAL MANAGER

The Mayor advised that Warwick Russell the Personal Assistant to the General Manager is retiring from Council this Friday 29th April 2005. The Mayor thanked Warwick for his contribution to Leichhardt Council and wished him all the best in his retirement.

Various Councillors also thanked Warwick on his loyalty and achievements at Leichhardt Council and wished him well in retirement.

C135/05 RESOLVED MURPHY/SHEEHAN

Council thank Warwick Russell for his contribution and loyalty to Leichhardt Council over the past 20 years and wish him all the best in his retirement.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

**** DECLARATION OF PECUNIARY INTEREST**

NIL

A. PRESENTATION OF CHEQUES TO OUT OF SCHOOL HOURS CENTRES

The Mayor presented cheques to various local Out of School Hours Centres.

**** MAYORAL MINUTES**

1A. BALMAIN ACOUSTICA FESTIVAL

C136/05 RESOLVED MURPHY

Council acknowledge and thank the Committee members (Cr Cobley-Finch, Robert Gunn, Jim Conway, Paul Burton and Gail Clifford) involved in organising the Balmain Acoustica Festival held at Birchgrove Oval on Sunday 24 April 2005.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

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1B. BUS LANES ON VICTORIA ROAD

Councillors will be aware that the Rail Tram and Bus Union is running a campaign to have bus lanes on Victoria Road.

Since the RTBU campaign started, I have received hundreds of emails of support for the campaign.

Leichhardt Council is a big supporter of improved public transport and recognises that more needs to be done to improve traffic access to the city.

Since the RTBU campaign has started I have met with the union and highlighted that Councils only concern would be the small area of car parking on Victoria Road westbound outside of the Rozelle businesses, this however is only car parking outside of Peak Hour, and could easily be turned into a peak hour bus lane.

The city bound section of Victoria Road could become a full time bus lane.

I have also consulted the Mayor of Canada Bay Angelo Tsirekas and representatives of the local businesses to gain their support.

C137/05 RESOLVED MURPHY/WINDSOR

1. Leichhardt Council fully support and endorse the RTBU campaign for bus lanes on Victoria Road.
2. The Mayor writes to Michael Costa, Minister for Roads seeking a meeting to lobby for the bus lanes, this meeting would also include the RTBU and the Mayor of Canada Bay.
3. Leichhardt Council advertise its support for the campaign in all Mayoral Columns and delegate to the Mayor to organise any other advertising of the campaign in conjunction with the union.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

** SUSPENSION OF STANDING ORDERS

C138 /05 RESOLVED PARKER/ALLEN

That Standing Orders be suspended and items 4, 7, 13, 17, 18, 22, 24, 25, 27, 28 & 29 be brought forward and dealt with now.

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4. 2005 INNER WEST BUSINESS AWARDS

C139/05 RESOLVED WEBB/WINDSOR

That Council provide sponsorship of \$1000 towards the 2005 Inner West Business Awards.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

7. LEICHHARDT OVAL IMPROVEMENTS PROGRAM

C140 /05 RESOLVED WINDSOR/MURPHY

1. That Council in conjunction with the Balmain Tigers Rugby League Football Club apply through Local Member, the Hon. Sandra Nori, to the NSW Department of Tourism, Sport and Recreation for a \$1 million interest free loan for Leichhardt Oval, with repayments to be met equally by Leichhardt Council and the Balmain Rugby League Football Club.
2. That, subject to approval of and formal commitment to the loan package by both Council and the Balmain Tigers Board, tenders be immediately sought for the requisite lighting, fencing and toilet facilities improvement works
3. That Council consents in principle to a lease by the Balmain Tigers Rugby League Football Club of Leichhardt Oval for 10 years with a further 10 year option for the use by Wests Tigers and Balmain Tigers to train and play their home games subject to:
 - i. Loan approval and formal commitment to the loan repayment by the Balmain Tigers Rugby League Football Club
 - ii. Consent of the Minister for Lands
 - iii. Satisfactory determination of future operational and maintenance management arrangements including lease payments (if appropriate) and outgoings, insurances and payment by the club of all legal and other costs associated with preparation of the new lease agreement.
4. That Council in conjunction with the Balmain Tigers Rugby League Football Club continue to pursue supplementary funding through special purpose grants from the State and Federal Governments to fund the balance of the proposed \$5 million improvement program for Leichhardt Oval

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5. That Council continues to pursue the full \$5m in funding as identified in the GHD report and continue to seek the funding from State and Federal Governments.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

13. 17-19 PARRAMATTA ROAD ANNANDALE – THE ANNANDALE HOTEL

During debate on this matter, local resident Joanne Harris addressed the meeting and tabled letters and a petition previously sent to the Council opposing the extended trading hours.

C141/05 RESOLVED SHEEHAN/HAMILTON

That Council refuse Development Application No: D/2004/684 for extended trading hours at 17-19 Parramatta Road, Annandale (The Annandale Hotel) for the following reasons;

- Detrimental impact on the local community surrounding the hotel in terms of noise, damage of property by inebriated people, and intimidation of local residents by inebriated people during the trial period.
- not in the public interest

The following Councillors voted FOR the above resolution;

Councillors Porteous, Parker, Hamilton, McKenzie, Murphy, Sheehan, Allen, Cobley-Finch, Webb & Windsor.

The following Councillors voted AGAINST the above resolution;

Councillors Hannaford & Dyer.

17. NORTON STREET STREETScape MASTERPLAN

C142/05 RESOLVED PORTEOUS/HAMILTON

The matter be deferred for a full briefing to the Councillors, staff, Precinct representatives, Chambers of Commerce and any other interested business.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

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**18. RAPID GRAFFITI REMOVAL TRIAL EVALUATION AND SUMMARY
EVALUATION OF THE GRAFFITI STRATEGY AND ACTION PLAN
OPTIONS**

C143 /05 RESOLVED WINDSOR/WEBB

- 2.1 That Council allocates at least \$50,000 in the draft 2005/06 budget to continue the program for the removal of graffiti, encouraging alternatives to graffiti and reinvigorating Council's program to encourage private property owners to adopt positive alternatives for graffiti reduction on their property.
- 2.2 That Council continue to implement the Graffiti Strategy and Action Plan.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

**22. LEICHHARDT CIVIC PRECINCT SITE AND PROPOSED MARION
STREET CAR PARK**

NOTE: Item 27 on this business paper (Transport and Parking Study) was dealt with in conjunction with Item 22.

C144 /05 RESOLVED HANNAFORD/WINDSOR

1. That Council prepare a "Leichhardt Business Centres Car Parking Strategy", to determine the amount of off-street car parking in business centres including dedicated 'share drive' parking places that Council should provide.

The study will have regard to existing s.94 schemes, effects of parking meters on demand/supply, and effects of constraining supply in terms of public transport availability/patronage and economic impacts on the business centres. The output should be recommended public car parking provision in each of the centres and could include the development of designs for identified sites and/or recommended alternatives.
2. That Council prepare a development control plan for the Leichhardt Civic Precinct site.
3. That Council lodge a development application to demolish the cottages at 9 and 11 Marion Street, the block of flats at 13 Marion Street and the buildings on 15 Marion Street, Leichhardt.

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4. That Council lodge a development application for a ground level public car park between 1C and 15 Marion Street Leichhardt.
5. That Council lodge a development application to use the vacant space adjacent to the library at the Italian Forum for the Leichhardt Early Childhood Centre and for its fitout.
6. That Council lodge a development application to construct a demountable building for the dislocated staff next to the Infrastructure and Service Delivery building.
7. That the General Manager be delegated the authority to engage consultants and take other actions as necessary to prepare the plans and applications, with funding to be sourced from Council's S94 Transport and Access Developer Contributions plan and from the property reserve. An update on funding requirements to be reported to Council at the quarterly budget review.
8. That the commencement of any works on the civic precinct site be subject to a further report on the outcome of the parking study and development control plan for the Leichhardt Civic Precinct site.

The following Councillors voted FOR the above resolution;

Councillors Hannaford, Dyer, Murphy, Sheehan, Allen, Cobley-Finch, Webb & Windsor.

The following Councillors voted AGAINST the above resolution;

Councillors Porteous, Parker, Hamilton & McKenzie.

THE ABOVE RESOLUTION WAS CARRIED AFTER THE PRIMARY (ORIGINAL) MOTION WAS LOST . THE PRIMARY LOST MOTION (PORTEOUS/PARKER) WAS;

1. The Council prepare a "Leichhardt Business Centres Car Parking Strategy", to determine the amount of off-street car parking in business centres that Council should provide and include the following:
 - (i) A brief be immediately developed by Council officers for a Transport and Parking Survey for the Municipality which includes;
 - (a) an audit of all available parking – metered and non-metered and all available public transport in the major Commercial zones.

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- (b) a parking meters impact study with the participation of both residents and business owners.
 - (c) a survey of residents and business owners present and future transport needs - both for parking and public transport.
 - (d) recommendations incorporating the impact or otherwise of major road and public transport projects such as the M4 East and light rail on future needs.
- (ii) That once this brief is developed and tenders considered, Council proceeds to engage consultants to undertake the above survey.
 - (iii) That no carpark works and associated demolitions are undertaken by Council until the results of this survey are assessed by Council.

The study will have regard to existing S.94 schemes, effects of parking meters on demand/supply and effects of constraining supply in terms of public transport availability/patronage and economic impacts on the business centres. The output should be recommended public car parking provision in each of the centres and could include the development of designs for identified sites and/or recommended alternatives.

2. The Council prepare a development control plan for the Leichhardt Civic Precinct site.
3. That the General Manager be delegated the authority to engage consultants and to take other actions as necessary to prepare the plans and specifications, with funding to be sourced from Council's S94 Transport and Access Developer Contributions plan and from the property reserve. An update on funding requirements to be reported to Council at the quarterly budget review.
4. That the commencement of any works on the civic precinct site be subject to a further report on the outcome of the parking study and development control plan for the Leichhardt Civic Precinct site.

The following Councillors voted FOR the above LOST MOTION;

Councillors Porteous, Parker, Hamilton and McKenzie.

**The following Councillors voted AGAINST the above LOST MOTION;
Councillors Hannaford, Dyer, Murphy, Sheehan, Allen, Cobley-Finch, Webb and Windsor.**

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24. ANGLE PARKING

C145 /05 RESOLVED HANNAFORD/DYER

That Leichhardt Council staff investigate the introduction of angle parking in Marlborough and Carlisle Streets from Norton Street to Cromwell Street and report back to the May Council Meeting.

The following Councillors voted FOR the above resolution;

Councillors Hannaford, Dyer, Porteous, Parker, Hamilton, McKenzie, Murphy, Sheehan, Allen, Copley-Finch and Webb.

The following Councillor voted AGAINST the above resolution;

Councillor Windsor.

25. PROPOSAL TO FORM A PARTNERSHIP WITH RED CROSS NSW BRANCH AS A LOCAL GOVERNMENT FRIEND OF RED CROSS AUSTRALIA

C146/05 RESOLVED ALLEN/SHEEHAN

The matter be deferred for consideration during the budget process.

Leichhardt Council acknowledges the work of Mrs Kaye Trippe for the Red Cross in the Municipality and invites her involvement in future plans and activities.

The following Councillors voted FOR the above resolution;

Councillors Windsor, Webb, Allen, Sheehan, Murphy, Copley-Finch, Dyer and Hannaford.

The following Councillors voted AGAINST the above resolution;

Councillors Hamilton, Porteous, Parker and McKenzie.

**THE ABOVE RESOLUTION WAS CARRIED AS AN AMENDMENT.
THE LOST MOTION (HAMILTON/PORTEOUS) WAS;**

It is proposed that Leichhardt Council approaches Red Cross Australia –NSW Branch through local resident Kaye Tripp and also the Executive Director Michael Lynch, with a view to establishing a partnership as a ‘Local Government Friend of Red Cross’.

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As such Leichhardt Council would:

- Promote Red Cross Australia to our community by raising awareness of the programs they conduct and highlighting those in our community;
- Support Red Cross Australia through corporate sponsorship of \$1000 pa;
- Provide in kind contributions such as fee waivers on use of the Town Hall and other facilities;
- Work with Red Cross Australia to establish Red Cross-LMC Youth Forum representatives in the local schools;
- Include our partnership relationship in the media releases and marketing of Council including a dedicated spot on the website and in newsletters promoting Red Cross programs in our area;
- Leichhardt Council and Red Cross Australia could co-badge special events, fundraisers and festivals highlighting the mutuality of the relationship.

The following Councillors voted FOR the above LOST MOTION;

Councillors Hamilton, Porteous, McKenzie and Parker.

The following Councillors voted AGAINST the above LOST MOTION;

Councillors Windsor, Webb, Cobley-Finch, Allen, Sheehan, Murphy, Dyer and Hannaford.

10.20pm Cr Murphy left the meeting and Deputy Mayor, Cr Allen assumed the Chair.

10.22pm Cr Murphy returned to the meeting and assumed the Chair.

10.22pm Cr Hannaford retired from the meeting.

28. WHITES CREEK

C147 /05 RESOLVED PARKER/COBLEY-FINCH

The matter be deferred for consideration at the Workshop on 30 April 2005 and also the Environment Committee for recommendation to Council.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

10.30pm EXTENSION OF TIME TO CONTINUE MEETING

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C148/05 RESOLVED PARKER/WEBB

In accordance with Council's Code of Meeting Practice, an extension of time of 30 minute be granted to continue the meeting.

29. PROPOSED RALLY AGAINST THE INSTALLATION OF TELSTRA TELECOMMUNICATIONS TOWERS – NORTON STREET PLAZA SHOPPING CENTRE

C149/05 RESOLVED PORTEOUS/WEBB

1. That Council grant permission to the rally organisers, TAG (Towers Action Group) to use either Pioneer Park or Leichhardt Town Hall as the end point of the rally.
2. That Council publicise this rally within the Council Notification page of the weekly Inner West Courier on at least two occasions and that Media Releases be sent out by the Council Media Officer to all local and national press, radio and TV about the Rally and Council's support for it. The Mayor be delegated to approve other forms of communication.
3. That Council provide in kind staff support for the rally both to the organisers in terms of the logistics and liaising with the police and in terms of staff support on the day as marshals of the Rally and march.
4. That Council undertakes to provide the Rally with a the PA system to be used both in the park and at the school (unless the school is able to provide one of its own)
5. Cr Webb, be asked to assist the Mayor in arranging the rally on behalf of Leichhardt Council.
6. The Mayor be invited to speak at the rally on behalf of Leichhardt Council.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

**** SUSPENSION OF STANDING ORDERS**

C150/05 RESOLVED PARKER/WINDSOR

That Standing Orders be suspended and items 5 and 14 be brought forward and dealt with now.

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5. GLADSTONE PARK BOWLING CLUB

C151/05 RESOLVED PARKER/WINDSOR

That Council support in principle a long term lease to the Gladstone Park Bowling Club, subject to obtaining consent from the Minister for Lands and development consent.

The Council writes to the Minister for Lands seeking consent for a long term lease to the Gladstone Park Bowling Club, prior to commencing lease variations and negotiations.

The following Councillors voted FOR the above resolution;

Councillors Dyer, Porteous, Parker, Hamilton, McKenzie, Murphy, Sheehan, Copley-Finch, Windsor and Webb.

The following Councillor voted AGAINST the above resolution;

Councillor Allen.

14. DRAFT PARRAMATTA ROAD STRATEGIC PLAN

C152 /05 RESOLVED WINDSOR/WEBB

That Council:

- 2.1 Note the contents of this report.
- 2.2 Publicly exhibit the draft framework plan when submitted.
- 2.3 Council make it clear that it does not at this stage endorse the draft framework plan.
- 2.4 Council contact the consultants and seek advice that the negative impact of the M4 East on Parramatta Road is clearly outlined in the draft framework plan.
- 2.5 That Council include with the exhibition a statement that the M4 East will have a significant impact on the traffic on Parramatta Road.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

11.00pm EXTENSION OF TIME TO CONTINUE MEETING

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C153/05 RESOLVED PARKER/SHEEHAN

That Standing Orders be suspended a further extension of 15 minutes be granted to continue the meeting to complete the business on the agenda.

CONSIDERATION OF ITEMS CONCURRENTLY

C154/05 RESOLVED WINDSOR/WEBB

That the following items be dealt with concurrently and the recommendations contained in the reports be adopted;

Items 2,3,6,8,10,11,16,19,20,23,26 & 30.

2. SUMMARY OF MAYORAL MINUTE RESOLUTIONS FROM MARCH 2005

C155/05 RESOLVED WINDSOR/WEBB

That the information be received and noted.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

**** PRECIS OF CORRESPONDENCE**

3. SUMMARY OF PRECIS OF CORRESPONDENCE RESOLUTIONS FROM MARCH 2005

C156 /05 RESOLVED WINDSOR/WEBB

That the information be received and noted.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

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**** GENERAL MANAGER**

6. SUMMARY OF GENERAL MANAGER RESOLUTIONS

C157 /05 RESOLVED WINDSOR/WEBB

That the information be received and noted.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

**** ENVIRONMENTAL AND COMMUNITY MANAGEMENT**

8. SUMMARY OF ENVIRONMENTAL AND COMMUNITY MANAGEMENT RESOLUTIONS

C158 /05 RESOLVED WINDSOR/WEBB

That the information be received and noted.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

10. MINUTES OF THE COMMUNITY SERVICES, SAFETY FACILITIES COMMITTEE

C159 /05 RESOVLED WINDSOR/WEBB

That Council adopt the minutes of the Community Services, Safety & Facilities Committee held on 7 April 2005 with the accompanying recommendations.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

11. MINUTES OF PLANNING COMMITTEE

C160 /05 RESOVLED WINDSOR/WEBB

That Council adopt the minutes of the Planning Committee held on 14 April 2005 with the accompanying recommendations;

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

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**** INFRASTRUCTURE AND SERVICE DELIVERY**

16. SUMMARY OF INFRASTRUCTURE AND SERVICE DELIVERY RESOLUTIONS

C161 /05 RESOLVED WINDSOR/WEBB

That the information be received and noted.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

**** CORPORATE AND INFORMATION SERVICES**

19. SUMMARY OF CORPORATE AND INFORMATION SERVICES RESOLUTIONS FROM

C162 /05 RESOLVED WINDSOR/WEBB

That the information be received and noted.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

20. STATEMENT OF INVESTMENT BALANCES AS AT 31 MARCH 2005

C163 /05 RESOLVED WINDSOR/WEBB

That the Statement of Investment Balances as at the 31 March 2005 be received and noted.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

23. SUMMARY OF CORPORATE AND INFORMATION SERVICES RESOLUTIONS FROM

C164 /05 RESOLVED WINDSOR/WEBB

That the information be received and noted.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

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26. COUNCIL TREES AND DEVELOPMENT OF AN URBAN FOREST POLICY

C165 /05 RESOLVED WINDSOR/WEBB

- 1) A report be brought to Council on the benefits and costs of undertaking a complete audit of Leichhardt's tree assets in order to allow Council officers to be proactive rather than reactive in their management of trees.
- 2) That this report also makes recommendations on a positive tree-education programme to inform residents about the management of Council trees, an explanation on how risk associated with Council owned trees are assessed and the numerous benefits trees are bringing to our community.
- 3) That this report also makes recommendations on the development of an Urban Forest Policy for the Leichhardt Municipality including appropriate choice of trees.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

30. TRADE AGREEMENT

C166 /05 RESOLVED WINDSOR/WEBB

That the Mayor write to the Trade Minister the Hon Mark Vaile urging him NOT to include water and other essential services in GATS or any trade agreement.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

MATTER OF URGENCY – DRAFT LEP TROUTON STREET, BALMAIN

Following a request from Councillor Allen, The Mayor ruled that this matter be dealt with at this meeting as a matter of urgency.

C167/05 RESOLVED ALLEN/PARKER

That Council resolve to;

- 2.1 Prepare a draft Local Environmental Plan pursuant to Section 54(1) of the Environmental Planning and Assessment Act 1979, that will amend

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the heritage schedule in Leichhardt Local Environmental Plan 2000 to include 13 Trouton Street, Balmain as a heritage item.

- 2.2 Undertake consultation with public authorities pursuant to Section 62 of the Environmental Planning and Assessment Act 1979.
- 2.3 Issue a Certificate pursuant to Section 65 of the Environmental Planning and Assessment Act 1979, to publicly exhibit the draft Local Environmental Plan, under delegation.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

9. MINUTES OF THE ENVIRONMENT & RECREATION COMMITTEE

C168 /05 RESOLVED SHEEHAN/HAMILTON

That Council adopt the minutes of the Environment and Recreation committee held on Tuesday 5th April 2005 with the accompanying recommendations subject to the following changes to Item 9 – Current Projects;

Recommendation 2C be amended to read;

“Once final options for the site are determined, that Council staff;

- (i) prepare a project brief to obtain costings for the proposed works, and
- (ii) prepare a timeline and estimated costs for the remainder of the works.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY.

12. 202 VICTORIA ROAD ROZELLE

C169/05 RESOLVED ALLEN/COBLEY-FINCH

That Council adopt the recommendations contained within the Building & Development Committee meeting report of the 12 April 2005 as listed below;

- That Council as the consent authority pursuant to s80 of the Environmental Planning & Assessment Act 1979 grant consent to Development Application No: D/2004/556 for the change of

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use and fitout of an existing premises for a pizza shop at No.202 Victoria Road, Rozelle subject to the following conditions:

General conditions

1. Approved plans

The development shall be implemented in accordance with the details set out on the plan number 2003-16 Sheet 2, Issue2 prepared by Bellecorp Holdings Pty Ltd and dated 22 October 2004 and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2. Class and rise of building

The building is classified as a class 4, 5, 6 and 7.

Reason: To comply with the requirements the Building Code of Australia

Design Changes

3. Amended Plans

Amended plans and specifications incorporating the following amendments must be submitted with the application for a Construction Certificate:

- (a) A continuous path of travel must be provided to and within the main floor of the shop level to which public access is ordinarily available to comply with Council's DCP32.
- (b) The upper floor residence must be provided with automatic warning on the protection of smoke in accordance with EP2.1 of the Building Code of Australia to comply with the Category 1 fire safety provisions.
- (c) A sign with a maximum area of 1.5m² shall be erected on the western boundary wall, indicating the provision of customer parking to the rear of the site.

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Conditions that must be satisfied prior to issuing a Construction Certificate

4. Essential Fire Safety Measures

Prior the issue of a Construction Certificate, the applicant is to submit to Council or the accredited certifier a Fire Safety Schedule specifying:

- (a) The fire safety measures that are currently installed in the building;
- (b) The fire safety measures that are proposed to be installed in the building;
- (c) The minimum standard of performance for each fire safety measure included in the schedule.

The list must describe the extent, capability and the basis of design of each such service.

5. Waste Management Plan - Construction

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Waste Management Plan in accordance with the provisions of DCP 38 and the *Waste Planning Guide for Development Applications (Planning for Less Waste*, prepared by the Regional Waste Boards), including:

- a) Estimations of quantities and type of materials to be reused, recycled or left over for removal from site;
- b) Identification on a plan of on site material storage areas during construction, waste storage, recycling and composting areas;
- c) Details of the construction materials and methods to be used to minimised the production of waste in the completion of the new building work.

Reason: To encourage waste minimisation (avoidance source separation, re-use and recycling) and ensure efficient storage and collection of reusable, recyclables and waste.

6. Council property and environmental damage security - construction

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Before the issue of a Construction Certificate for the erection of a building the applicant shall provide security to the value of \$1200.00 for the payment of the cost of making good any damage caused to any Council property or to the physical environment as a consequence of the implementation of the consent. The security may be provided by way of a deposit with the Council or a guarantee satisfactory to the Council.

Should any of Council's property and/or the environment sustain damage during the course of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security.

An inspection fee of \$113.85 is also required to be paid to Council prior to the release of the Construction Certificate.

A request for release of the security may be made to the Council after all construction work has been completed.

The amount nominated is current for the 2003/2004 financial year only and is revised each financial year. The amount payable must be consistent with Council's Fees & Charges in force at the date of payment.

Reason: For the protection of council's assets and the environment.

7. Lighting

All signs, car park lighting, security or other lighting associated with the development, shall be designed and positioned so to minimise any light spill upon any adjoining property.

Details are to be submitted to and approved by Council or the accredited certifier prior the issue of the Construction Certificate.

All existing and proposed lights shall comply with the Interim Australian Standard AS4284(Int) - 1995 - Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To prevent the proposed development having a detrimental impact effect on the existing development on adjoining land.

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8. Mechanical Exhaust

The installation and ongoing operation of any mechanical exhaust system shall be such that no nuisance is caused to adjoining properties in accordance with the provision of the *Protection of the Environment Operations Act and Regulations*. Details of the location of any exhaust and its noise levels shall be submitted with the application for a Construction Certificate.

(Reason: Amenity and odour control)

9. Ventilation

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- (a) the Building Code of Australia.
- (b) AS 1668.1 – 1998.
- (c) AS 1668 Part 2 - 1991.
- (d) the Public Health Act - 1991.
- (e) the Public Health Act 1991 – Regulation.
- (f) Work Cover Authority.
- (g) AS 3666 – 1989.

Evidence from an appropriately qualified person certifying that these design requirements have been met shall accompany the application for the Construction Certificate.

10. Food premises

Plans and specifications showing details of all food preparation and storage areas, layout disposition, construction and method of installation of all fittings and fixtures, together with floor, wall and ceiling finishes must be in accordance with the Australia/New Zealand Food Authority – Food Safety Standard 3.2.3 Food premises and Equipment.

Details are to be provided with the Construction Certificate.

Conditions that must be complied with during construction

11. Site Controls

Demolition, excavation, building or subdivision work associated with the proposed development shall be restricted to the hours of

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7.00 a.m. to 5.30 p.m. Monday to Friday inclusive, 7.00 a.m. to 1.00 p.m. Saturday. Work is not to be carried out on Sunday or Public Holidays.

Debris and rubbish must be hosed down and kept damp to prevent dust nuisance, and waste materials must not be burnt on the site.

Demolition must be carried out to AS2601-1991 Demolition Code.

Reason: To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.

12. Construction materials and machinery must be kept on site

All construction materials, sheds, skip bins, temporary water closets, spoil, etc, shall be kept within the property and not placed in a position that may result in materials being washed onto the roadway or into the stormwater system. No vehicles, skips or machines shall be permitted to stand on Council's footpath.

Reason: To preserve the amenity of the locality and to protect stormwater systems from pollution.

Conditions that must be complied with before the building is occupied

13. Approval to use/occupy building

The building or any part of the building which is the subject of a development consent and construction certificate must not be used or occupied until an application for an Occupation Certificate has been made to the Private Certifying Authority and the Occupation Certificate issued.

The following preconditions that must be complied with before the issues of an occupation certificate for the building:

- (a) design changes
- (b) practical completion of the building or part of the building including the following:
 - a. internal and external painting;
 - b. practical completion of the building

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14. Interim/Final Fire Safety Certificate

Prior an Interim/Occupation Certificate being issued by the Principal Certifying Authority, and Leichhardt Council the owner of the building shall furnish to the Principal Certifying Authority a final/interim Fire Safety Certificate with respect to each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the Certificate relates.

The Certificate shall state:

- (a) That each essential fire safety measure has been assessed by a properly qualified person.
- (b) That each essential fire safety measure was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building to which the certificate is issued.

Reason: To ensure the safety of persons in the event of a fire.

15. Final Inspection for food premises

With regard to a final inspection of the completed work, Council is to be given 48 hours notice prior to the intention to occupy the premises and commence trading.

Note: A trade waste application is to be submitted and approved by Sydney Water regarding the installation of the any grease trap.

Conditions that are on going requirements of development consents

16. Hours of Operation

The premises is to be open for business only between the hours of 5pm and 10pm Tuesday, Wednesday, and Thursday, 5pm and 12 midnight on Friday, Saturday and 5pm and 10pm Sunday and is not to be open for business on Monday.

Reason: So that the development does not reduce the amenity of the area.

16A. Limited Consent

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To enable Council to review the performance of the approved development over a specified period of time the approved hours of operation are limited for a period of 12 months. The approved hours as listed in Condition No. 16 will lapse 12 months from the date of this consent.

At this date the hours of operation shall revert to being between 5pm & 10pm Tuesday, Wednesday & Thursday, 5pm & 10pm on Friday, Saturday & 5pm & 10pm Sunday and is not to be open for business on Monday unless a new Development Application is submitted and determined prior to that date to continue the approved hours beyond the time limit.

17. All loading and unloading in connection with the use of the premises is to be carried out wholly within the site.

Reason: To protect the amenity of the area.

18. Take-away food shop only

This approval is for a take-away food shop only. No meals are to be consumed by the public on the premises.

19. Patron Behaviour

The management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, management is responsible for the control of noise and litter generated by the patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner. Any litter deposited in the street by patrons, emanating from the premises is to be removed by the management.

Reason: to protect the amenity of the area.

20. Waste Storage, Removal and Recycling

The shop shall be provided with its own bins (waste and recycling). Bin storage should be in the garage with easy access to the Collection Point. There is to be no outside tidying up or bottle/bin stacking outside the trading hours.

Details to be provided with the application for a Construction Certificate.

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Reason: To provide for appropriate and sensible disposal of waste or recycling.

21. Fire Safety Schedule

The owner of the building must certify to Leichhardt Council every year that the essential fire safety measures installed in the building have been inspected and are capable of operating to the required minimum standard.

Reason: This condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire in accordance with the Fire Safety Schedule.

22. Parking

The development is to be carried out so that:

- (a) At least one of the two parking spaces in the garage at the rear of the site shall be designated as customer parking and signage shall be clearly displayed on the building to this effect; and
- (b) there is no reduction in the number of parking spaces provided.

Reason: To ensure traffic and car parking can be undertaken in a safe and uninterrupted environment.

23. Impact on amenity of surrounding area

To ensure reasonable levels of amenity for neighbouring properties, to minimise any adverse impact arising from construction and occupation of the development and to ensure the development does not conflict with the public interest:

- The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, steam, soot, ash, dust, sediment in stormwater, waste water, waste products, grit, oil or other harmful products.

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- Use of the premises shall not cause a sound level in excess of 5 dB at any point along the site boundaries.
- The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997.
- All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system, shall be sound insulated and/or isolated so that the noise emitted does not exceed 5 dB above the background level in any octave band from 63.0 Hz centre frequencies inclusive at the boundary of the site. Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1-1989.

Prescribed Conditions

24. Compliance with Building Code of Australia

- 1 All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the *Building Code of Australia* (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
- 2 This clause does not apply to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4).
- 3 This clause does not apply to the erection of a temporary building.

Note: *The intent of this condition is to emphasise that apart from the choice of full Building Code of Australia compliance, the applicant has the right to lodge an objection to the consent authority (and the NSW Fire Brigade in relation to a Category 3 Fire Safety Provision) that compliance with the BCA is inappropriate, unreasonable or unnecessary in the particular circumstance.*

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Any subsequent concurrence (conditional or otherwise) by the Consent Authority to the objection must be with, and consistent to, the express consent of the Director General of the Department of Local Government (and the NSW Fire Brigade having regard to a Category 3 Fire Safety provision).

25. Critical stage inspections for Class 5,6,7,8 or 9 buildings.

The development site must be inspected as the following stages during construction:

- (a) at the commencement for the building work, and
- (b) prior to covering any stormwater drainage connections, and
- (c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

26. Erection of signs – any building, subdivision or demolition work

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision or demolition work is being carried out, but must be removed when the work has been completed.

NOTE: where Council is the appointed principal certifying authority it may provide its own sign.

Any sign must be rigid and durable showing the person's identifying particulars so that they can be read easily by anyone in any public road or any public place adjacent to the site.

The sign is to be erected in a prominent position on the site before the commencement of work and is maintained on the site at all times while this clause applies until the work has been carried out.

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Advisory - Important information for the applicant

1. Appointment of a principal certifying authority

No works in connection with this development consent are to be commenced until the applicant:

- a) has had detailed plans and specifications endorsed with a construction certificate;
- b) has appointed a Principal Certifying Authority, and;
- c) has notified the Council of the appointment;

The applicant may appoint the Council or an accredited certifier as the principal certifying authority for the development.

If the principal certifying authority is not the Council, then the person so nominated must provide an acceptance of the nomination in writing to the Council. If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking building work and/or civil engineering inspections.

2. Copy of Development Consent to be kept on site

For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent and Construction Certificate on site.

3. Commercial general

All aspects of construction shall comply with the applicable Performance Requirements of the Building Code of Australia. Compliance with the Performance Requirements can only be achieved by:

- (a) Complying with the Deemed to Satisfy Provisions, or
- (b) Formulating an Alternative Solution which complies with the Performance Requirements, or
- (c) Is shown to be at least equivalent to the Deemed to Satisfy Provisions,

Or a combination of a) and b).

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

This is page 29 of the Minutes of the Ordinary Meeting of Council held on the day of 26 April 2005 and presented for confirmation this day 24 May 2005.

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CHAIR

LEICHHARDT MUNICIPAL COUNCIL

15. CORPORATE MEMBERSHIP OF THE NATIONAL TRUST

C170 /05 RESOLVED PARKER/MCKENZIE

That the matter be deferred and discussed and determined as part of the 2005/06 budget process.

THE ABOVE RESOLUTION WAS CARRIED UNANIMOUSLY

**21. MINUTES OF BALMAIN TOWN HALL MANAGEMENT COMMITTEE
DECEMBER 2004 AND MARCH 2005 MEETINGS**

C171 /05 RESOLVED ALLEN/COBLEY-FINCH

2.1 The December minutes be accepted with the exception of point 27, which is to be deleted and the proposal for flags in the town hall (points 17 and 18) be investigated and reported back to the Balmain Town Hall Committee and Council.

2.2 That consideration of the March Minutes be deferred until they are confirmed by the Balmain Town Hall Committee.

**** QUESTIONS WITHOUT NOTICE**

The following items are listed for consideration by Council in Committee of the Whole with the press and public excluded, in accordance with the provisions of Section 10A 2 (d) of the Local Government Act, 1993.

Council resolved to meet in the Committee of the Whole at 11.10 pm with the press and public excluded after a MOTION (PARKER/SHEEHAN) to that effect was CARRIED.

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COMMITTEE OF THE WHOLE

1. TENDER FOR ARCHITECTURAL SERVICES FOR UPGRADE OF BALMAIN LIBRARY AND TOWN HALL

CW7 /05 RECOMMENDATION WINDSOR/SHEEHAN

That Council accept the tender by Stephenson & Turner International Pty Limited for architectural services for the upgrade of the Balmain Library and Town Hall.

2. TENDER FOR ARCHITECTURAL SERVICES FOR MORT BAY CHILD CARE CENTRE

CW8/05 RECOMMENDATION WINDSOR/SHEEHAN

That Council accept the tender by Dillon and Savage Architects for design and the preparation of the necessary development application, construction certificate and tender documentation and supervision of construction work for Mort Bay Child Care Centre.

**** RETURN TO OPEN COUNCIL**

Open Council resumed at 11.14pm after a MOTION (WINDSOR/ALLEN) to that effect was CARRIED.

**** REPORT OF THE COMMITTEE OF THE WHOLE**

C172 /05 RESOLVED WINDSOR/SHEEHAN

That the recommendations of the Committee of the Whole minute numbers CW7/05 to CW8/05 be adopted by Council.

The meeting closed at 11.15pm.