

LEICHHARDT MUNICIPAL COUNCIL

MINUTES of ORDINARY MEETING of Leichhardt Municipal Council held in the Council Chambers Leichhardt Town Hall, Norton Street, Leichhardt on **13 December 2005**.

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

8.40pm – Cr. Webb arrived to the meeting.

Staff Present : General Manager, Director Corporate & Information Services, Director Environmental & Community Management, Director Infrastructure & Service Delivery, Manager Property & Commercial Services, Media and Public Affairs Officer, Manager Strategic Planning, Manager Assessments, Manager Administration Services and Administration Officer.

Meeting Commenced: 7. 10 pm

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

C506/05 RESOLVED PORTEOUS/HAMILTON

That the Minutes of the Building & Development Committee Meeting held **8 November 2005** be confirmed as a true and accurate record of the meeting.

(b) BUILDING & DEVELOPMENT COUNCIL MEETING

C507/05 RESOLVED PORTEOUS/HAMILTON

That the Minutes of the Building & Development Council Meeting held **15 November 2005** be confirmed as a true and accurate record of the meeting.

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(c) **ORDINARY MEETING**

C508/05 RESOLVED

That the Minutes of the Ordinary Meeting held **22 November 2005** be confirmed as a true and accurate record of the meeting subject to the following change to part of Resolution No. C469/05 (Minutes of Local Traffic Committee) relating to 2.5 "Loading Zone – Norton Street, Leichhardt".

The Council resolution for Item 2.5 did not accurately reflect what needed to be investigated and should have read;

"The Traffic Committee to investigate out of hours signage to restrict the parking of trucks in Balmain Road while waiting for the loading dock area of Norton Plaza to open."

(d) **BUILDING & DEVELOPMENT COMMITTEE MEETING**

C509/05 RESOLVED PORTEOUS/HAMILTON

That the Minutes of the Building & Development Committee Meeting held **29 November 2005** be confirmed as a true and accurate record of the meeting.

**** APOLOGIES AND/OR CONDOLENCES**

Nil

**** DECLARATION OF PECUNIARY INTEREST**

Nil

**** PRESENTATION**

The Mayor presented cheques to the Out of School Hours Centres.

MATTER OF URGENCY PORTEOUS/MCKENZIE

Councillors Porteous and McKenzie moved that the following motion be considered as a matter of urgency;

That the General Manager enforce compliance of conditions of consent of Leichhardt Market Place and any other retail outlet to ensure they do not trade on public holidays; 27 December 2005 and 2 January 2006.

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Councillors Cobley-Finch and Murphy then moved an amendment which was carried.

The amendment is;

C510/05 RESOLVED COBLEY- FINCH/MURPHY

That the matter be dealt with under delegated authority to the General Manager.

CARRIED UNANIMOUSLY

**** SUSPENSION OF STANDING ORDERS**

C511/05 PARKER/COBLEY-FINCH

That standing orders be suspended and Items 14, 37 and 12 be brought forward and dealt with now.

14. 67 NORTON STREET LEICHHARDT

C512/05 RESOLVED PARKER/HANNAFORD

Council approve the application and grant a 5 year consent subject to the conditions below;

General Conditions

1 Approved plans

The development shall be implemented in accordance with the details set out on the drawings numbers AG-42 D01-01, D01-02 and D01-03 prepared by Albertella & Associates and dated September 2005 and on the application form and on any supporting information except as amended by the conditions specified hereunder.

2. Limited consent

The use must cease after a period of 6 years from the date of consent, that is by December 2011. A further development application must be lodged before the expiration of the consent for Council's consideration.

Conditions that must be satisfied before a Construction Certificate is issued

3 Construction and Site Management Plan

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Prior the issue of a Construction Certificate the applicant shall submit to and obtain approval from Council or the accredited certifier of a construction and site management plan that clearly sets out the following:

- a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,

Where it is proposed to:

- pump concrete from within a public road reserve or laneway, or
- stand a mobile crane within the public road reserve or laneway,
- use part of Council's road/footpath area,
- pump stormwater from the site to Council's stormwater drains, or
- store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway,

an application for a construction zone, a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee in accordance with Council's adopted schedule of fees and charges shall be submitted to Council and approval obtained before a Construction Certificate is issued.

A separate approval under the Roads Act 1993 must be obtained for the enclosure of a public place (hoarding).

Reason: To protect the environment and the amenity of the locality.

4 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:

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- 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.

5 Plantation or recycled timbers

To minimise the damage to the environment, no rainforest timbers or timbers cut from old growth forests are to be used in the construction of buildings.

The Construction Certificate is to specify the timbers to be used. These are to be limited to plantation timbers grown on Australian farms, or State Forest Plantations, or recycled timbers.

Note: Refer to Energy Efficiency Information Sheet No 2, on Environmentally Sustainable Building Materials. (Appendix A of Leichhardt DCP No 17)

6 Council property and environmental damage security - construction

Before the issue of a Construction Certificate for the erection of a building the applicant shall provide security to the value of \$1235.00 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.

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The amount nominated is current for the 2004/2005 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 Access for people with disabilities is to be provided throughout the building in accordance with Part D3 of the Building Code of Australia and Council's DCP32. In this respect the access (stairs) in the main corridor leading to the proposed sport/lunch hall at ground floor level do not currently comply with the deemed-to-satisfy provisions of the Building Code of Australia as no ramped access is provided under AS1428.1. Details of how compliance with this condition will be achieved shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- 8 Access management plan
- An Access Management Plan shall be submitted to Council or the accredited certifier before the issue of a Construction Certificate. Details for the Access Management Plan shall include:
- (a) Access to the class rooms for people with disabilities including relevant signage.
 - (b) Sanitary facilities for people with disabilities. Such facilities shall be accessible to all persons working in or using the auditorium.
- 9 A formal layout arrangement is to be submitted to Council or the accredited certifier for approval prior to issue of Construction Certificate. This layout is to clearly define the paths of travel to exits and access for disabled people.
- 10 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 essential services that are currently installed in the building;
 - (b) The essential services that are to be installed in the building in connection with the proposed structural alteration or change of use must be submitted;
 - (c) The fire safety measures that are currently installed in the building;
 - (d) The fire safety measures that are proposed to be installed in the building;
 - (e) The minimum standard of performance for each fire safety measure included in the schedule.

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

11 Interim/Final Fire Safety Certificate

Exit and directional exit signs are to be located, designed and illuminated to comply with AS 2293 (Part 1) and must be provided in accordance with the requirements of Part E4 of the Building Code of Australia. A detail plan of signs shall be submitted to Council or the accredited certifier prior to the issue of a Construction Certificate.

Reason: This condition is to ensure the safety of persons in the building in the event of fire.

12 Emergency lighting

A system of emergency lighting complying with AS 2293 (Part 1) must be provided in accordance with the requirements of Part E4 of the Building Code of Australia. A detail plan of position of emergency lights must be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

Reason: This condition is to ensure the safety of persons in the building in the event of fire.

13 An acoustic report is required to be submitted that demonstrates measures to be undertaken to the building and the playground to ensure that the development does not result in more than a 5dB increase in the ambient level at a point that is internal to the nearest resident adjacent to the premises. The acoustic report is also to provide details of the proposed noise attenuation measures to be undertaken to the proposed double doors.

The acoustic report addressing these issues is to be submitted to Council or the accredited certifier prior to the issue of a Construction Certificate.

14 Plan of Management – Operation of School

Prior to the issue of a Construction Certificate the applicant shall submit to Council a plan of management detailing the operations of the school. In particular the plan of management shall:

- Show detail the school's policy of requiring parents/carers to park their vehicle and walk their children to the school in a responsible manner and shall continue the requirement for a parent/carer to have to sign their children into the school in person.

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- Detail the daily time table with regard to the assembly of students, in class time, out of class activities, lunch and other recess times and routine off-site activities.
- Details of transport to and from the site involving the drop-off and pick up of students involved in off-site activities and their general arrival and departure from the school, including staggering of drop-off and pick-up times with that of Leichhardt Public. Consideration should also be given to staggering the hours of operation of the school itself in terms of the drop-off and pick-up times to minimise impacts upon the surrounding locality. This should also include details of the onsite assembly areas for parents/carers at the drop-off and pick-up times.
- Details of how the school intends to publicise (for example in school newsletters) and monitor the general arrival and departure of students from the school and courses of action that will be taken if there is a breach of school policy.
- Details of formal off-site parking solutions, if any, for staff and parents/carers.

Reason: To ensure the safety of students and minimise the impact of the development on the locality in terms of amenity, traffic and parking is dealt with effectively through the proper management of the school..

Conditions that must be complied with during construction

15 Building Work Compliance Inspections

The building works must be inspected at the following stages during construction:

- a) Pre-commencement
- b) Completion

A compliance certificate or documentary evidence from a appropriately qualified person must be submitted detailing satisfactory compliance with the Building Code of Australia within seven days of inspection to the Principal Certifying Authority.

Reason: To ensure all works are completed in a satisfactory manner.

16 Site Controls

Demolition or building work associated with the proposed development shall be restricted to the hours of 7.00 a.m. to 5.30 p.m. Monday to Friday inclusive, 7.00

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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.

17 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

18 Approval to use/occupy building

The building or any part thereof must not be used or occupied until an Occupation Certificate has been issued for the class 2-9 buildings.

Reason: To comply with the requirements of the Environmental Planning and Assessment Act 1979.

Conditions that are on going requirements of development consents

19 Waste Storage, Removal and Recycling

The dwelling shall be provided with its own bins (waste and recycling). Bin storage should be in the dwelling's yard area (or garage or carport) with easy access to the Collection Point.

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

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

20 Plan of Management – Operation of School

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The day-to-day operations of the school shall be carried out in accordance with the plan of management referred to in **Condition 14** of the consent.

Reason: To ensure the safety of students and minimise the impact of the development on the locality in terms of amenity, traffic and parking.

21 The site will be excluded from the Resident Parking Scheme. All occupants of this development will be exempt from obtaining Resident Parking Scheme parking permits.

22 **Six years after the activation of this development consent or at the completion of the activities permitted by this Consent**, the applicant will be required to bear the cost of the following works:

- Reinstatement of the vehicular crossing at the Norton Street frontage of the site in accordance with the requirements of the *Draft Norton Street Masterplan* (or as amended).
- The removal of the on-street parking space created as a result of the removal of the abovementioned vehicular crossing, including relocation / replacement of relevant traffic and parking signage and the reprogramming of parking meter(s). Council's Traffic Engineer should be contacted to coordinate these works.

Prescribed Conditions

23 Compliance with Building Code of Australia

- a) 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).
- b) This clause does not apply to the extent to which an exemption is in force under clause 80H or 80I, subject to the terms of any condition or requirement referred to in clause 80H (6) or 80I (4).

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.*

Any subsequent concurrence (conditional or otherwise) by the Consent Authority to the objection must be with, and consistent to, the express

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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).

24 Change of Building Use

- a) A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

Note: The obligation under this subclause to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

- b) This clause does not apply to the extent to which an exemption is in force under clause 80H or 80I, subject to the terms of any condition or requirement referred to in clause 80H (6) or 80I (4).
- c) In this clause, **Category 1 fire safety provision** has the same meaning as it has in Part 7B.

Note: *The intent of this condition is to emphasise that a change of use which may or may not involve building work is required to comply with Category 1 Fire Safety Provisions that are relevant to the new use, but only to the extent that an objection (referred to in Condition 1) has been lodged by the applicant and agreed to in full or part by the consent authority, the Department of Local Government and/or The Fire Brigade (having regard to a Category 3 Fire Safety Provision).*

25 Signs to be erected on building and demolition sites

- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited, and
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- b) Any such sign is to be removed when the work has been completed.
- c) This clause does not apply to:
- (i) building work carried out inside an existing building, or

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- (ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

Note: *The intent of this condition is to protect public safety and convenience during construction.*

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.

The vote for the above Resolution was;

	FOR		AGAINST
Vera-Ann Hannaford	X	Kate Hamilton	X
Nick Dyer	X	Carolyn Allen	X
Rochelle Porteous	X		
Jamie Parker	X		
Michele McKenzie	X		
Alice Murphy	X		
Maire Sheehan	X		
Damian Copley-Finch	X		
Chris Windsor	X		

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37. LITTLE NICHOLSON STREET PLAY GROUP CENTRE

C513/05 RESOLVED ALLEN/COBLEY-FINCH

That Council agrees to assist LNSPG to undertake the required building works at 13 Union Street in the following ways:

1. Council be fully responsible for providing an appropriate entrance to the centre from Little Nicholson St lane immediately to improve safety for those arriving on foot.
2. Council staff meet with LNSPG committee members to prioritise the suggested works and to determine the necessity of some items (eg kitchen upgrade). A report be submitted to Council after the meeting to update Councillors.
3. Council provide funding of \$4,000 for the most urgent works in the current budget and agree that some further funding will be made available in the 2006-7 budget (\$4,000 to come from special issues budget if possible)
4. That Council investigate what in kind support it can give to the playgroup as well as what work can be done cheaply in house. (Often for childcare centres etc there is a lot of work we can do with our inhouse staff for free, like painting fixing fences etc - it would be good if we could treat it like a Council property in that regard).

CARRIED UNANIMOUSLY

12. 64 CAMPBELL STREET BALMAIN

C514/05 RESOLVED PARKER/COBLEY-FINCH

That the application be deferred for an on site inspection.

CARRIED UNANIMOUSLY

**** RESUMPTION OF STANDING ORDERS**

C515/05 RESOLVED PARKER/DYER

That Standing Orders be resumed.

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Entitled *City of Cities*, the State Government said that with the population increasing by 1.1 million in the next 25 years, the Government is planning now for Sydney's future.

The State Government also said that this is a plan for Sydney's Future supporting continuing economic growth while balancing social and environmental impacts. It is based on anticipated population, economic and demographic trends.

The LGSA has welcomed the Sydney Metro Strategy with the President of the Local Government Association of NSW, Cr Genia McCaffrey, saying councils are committed to its successful implementation whilst recognising that this plan requires intense scrutiny by Councils and relevant stakeholders.

Cr McCaffrey also said that the Strategy is really Sydney's last chance to get it right for the next 25 years but it needs to be matched by infrastructure that will ensure that suburbs are not stranded from public transport, with no access to health and education services and community facilities.

The LGSA will be convening a special conference to facilitate the effective implementation of the Strategy involving councils and peak groups in NSW representing business, property, housing, workers, the environment and social services. Council should support and participate in this conference to ensure that the community is well represented.

Of greatest concern to me is the lack of any significant plan for public transport. Without a doubt the single biggest issue facing Sydney at the moment is traffic congestion, our quality of life declines every day as more cars are added to an already clogged road system. One can only imagine what it will be like in another 25 years with an extra 1.1million people.

C517/05 RESOLVED

DYER

That Council calls upon the State Government to reconsider the Metropolitan Strategy, and put forward a plan that includes all vital infrastructure needed for a city with an estimated population increase of 1.1million people.

That Council writes to the LGSA offering our assistance with the special conference and that we participate in the conference.

CARRIED UNANIMOUSLY

1C. AWARD FOR EXCELLENCE IN WASTE MANAGEMENT

Councillors will be aware that Leichhardt Council has been awarded a Local Government Environment Excellence Award from the Local Government and Shires Associations of NSW for the new Recycling service which commenced in July this year.

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- \$15,000 - Acoustica 2006 – to cover Event Co-ordinator & Artistic Director fees. The budget to be attached to any contract with IMC Productions.

CARRIED UNANIMOUSLY

15. LAMBERT PARK, MARION STREET LEICHHARDT

C521/05 RESOLVED ALLEN/PORTEOUS

- That Council as the consent authority delegate to the Manager, Assessments to determine Development Application No: D/2005/497 for retaining wall, fill and warm-up area at Lambert park football stadium Marion St Leichhardt subject to:
 - (a) receipt of landowners consent for lodgement of the development application from all applicable bodies
 - (b) the conditions contained in the report with any amendments arising out of the granting of landowners consent:

General Conditions

1 Approved plans

The development shall be implemented in accordance with the details set out in the following table and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

Document	Prepared by	Number	Date Stamped by Council
Architectural plans	MFLO	00227-01 to 04	25/10/2005
Structural detail	D'Amici Colombo P/L	9300 x 2	25/10/2005

Conditions that must be satisfied prior to release of the construction certificate and/or commencement of works, whichever happens first.

2. Council property and environmental damage security

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Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit to the value of \$2000 shall be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works.

Payment will be accepted in the form of cash, bank cheque or EFTPOS/credit card (to a maximum of \$10,000).

Should any of Council's property and/or the environment sustain damage during the course of the construction works, or if the 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 \$175.00 to determine the condition of the footpath 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 only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

3. Payments of fees, contributions and bonds

Any fees, Section 94 contributions or other payments identified in Section A of this development consent must be paid prior to the release of the construction certificate for the works approved by this consent or the commencement of works in association with this consent, whichever occurs first.

4. Signs to be erected on building and demolition sites

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited, and
- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

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This clause does not apply to:

- (a) building work carried out inside an existing building, or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
5. Prior to release of a construction certificate a Geotechnical Engineering Report is to be submitted to Railcorp for review and comment. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Railcorp.
6. Prior to release of a construction certificate the engineering details of the retaining wall must be provided to Railcorp for records, including details on the building materials and method of construction.
7. Construction and Site Management Plan

Prior to the release of the construction certificate or the commencement of any works on the site (whichever occurs first), the applicant shall submit to and obtain approval from Council or the accredited certifier of a construction and site management plan that clearly sets out the following:

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
 - (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
 - (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,
 - (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
8. Soil and Water Management Plan

Prior to the release of the construction certificate or the commencement of any works on the site (whichever happens first), the applicant shall submit a Soil and Water Management Plan and Statement to the accredited certifier which clearly identifies excavation works, stockpiling of soil and specifies the

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type and location of erosion and sediment control measures including bunding and siltation fencing. Any such erosion and sedimentation controls shall also include the protection of stormwater inlets or gutter systems within the immediate vicinity of the site.

The Plan shall be compatible with any Construction and Site Management Plan for the site and shall ensure that soil, sand, gravel, and any other sediment or spoil are prevented from leaving the site in an uncontrolled manner.

Approval for the submitted Soil and Water Management Plan must be received from the Council or accredited certifier prior to the commencement of works.

Sediment and erosion controls must be in place before work is commenced on the site.

Where sedimentation control basins are provided, discharge shall be to the requirements of the Environment Protection Authority.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

9. Waste Management Plan

Prior to the commencement of any works on the site or the release of the construction certificate, whichever occurs first, the following shall be submitted to the certifying authority: A Waste Management Plan prepared in accordance with *Leichhardt Development Control Plan 38*, 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 minimise the production of waste in the completion of the new building work.

The end location of all waste generated on site shall be nominated. Proof of the actual destination of construction and demolition waste (e.g. by provision of waste facility receipts) shall be submitted to the principal certifying authority prior to the release of the occupation certificate.

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10. Sydney Water – Stamped Plans

Prior to the commencement of work, the approved plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the approved plans will be appropriately stamped.

The Certifying Authority must ensure that Sydney Water has stamped the approved plans before work commences on site.

11. Construction Certificate required prior to construction works

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:

- (a) a Construction Certificate for the building work has been issued by the consent authority, Council or an accredited certifier; and
- (b) a principal certifying authority has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

12. Retaining walls and drainage

Details and plans of proposed retaining walls certified by a qualified practicing Structural Engineer with NPER registration with the Institution of Engineers Australia and suitable indemnity cover shall be submitted to the Certifying authority prior to the release of Construction Certificate. The details shall indicate the method of collection of all subsoil and surface water and the means of disposal of collected drainage.

Conditions that must be complied with during works

13. Site Controls

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

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14. Storage of building materials

Building materials are to be located wholly on site and not placed in a position that may result in materials being washed onto the roadway or into the stormwater system.

15. Unimpeded public access

Construction material and vehicles shall not block or impede public use of footpaths or roadways.

16. Clean Fill/removal of existing soil

All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human-made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphidic ores or soils. Any soil to be removed from the site is to be disposed of to an approved EPA disposal facility.

17. Excavations and backfilling

All excavations and backfilling associated with the works must be executed safely and in accordance with the design of a structural engineer.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

18. Spoil deposited on Council lands

Any spoil deposited on Council lands (including roadways) during cartage of materials from or to the site shall be removed immediately to the satisfaction of Council. If Council determines that excessive depositing of spoil onto the roads is taking place the cartage of spoil shall cease if Council so directs.

19. Construction & Site Management Plan

The Construction and Site Management Plan must be implemented. The implementation of the Construction and Site Management Plan shall be at the expense of the person or company carrying out the works associated with the development and shall be at no cost to Council, the RTA or the STA.

A copy of the approved Construction and Site Management Plan must be available on the site at all times for inspection by relevant officers.

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Ongoing conditions of consent

20. The existing common boundary fence is considered adequate and must remain intact throughout the construction works and thereafter. Should enhancements be desired Railcorp must be contacted to ensure safety measures are taken whilst work is carried out.

Prescribed Conditions

21. Compliance with Building Code of Australia

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 was made).

Note: 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).

22. 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 sign must be rigid and durable with the writing of a size that can be easily read 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 building work, subdivision or demolition work and is to be maintained on the site at all times while this clause applies until the work has been carried out.

The sign must be removed when the work has been completed.

Advisory - Important information for the applicant

1. Copy of Development Consent to be kept on site

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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.

2. Critical stage inspections for Class 1a and 10 buildings

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

- (a) at the commencement for the building work, and
- (b) after excavation for, and prior to the placement of, any footings, and
- (c) prior to pouring any in-situ reinforced concrete building element, and
- (d) prior to covering of the framework for any floor, wall, roof or other building element and
- (e) prior to covering any stormwater drainage connections, and
- (f) after the building work has been completed

3. Boundary survey encroachment

You are advised that the consent given, to build in close proximity to the allotment boundary, is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the *Dividing Fences Act 1991* that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary, you need to make yourself aware of your legal position, which may involve a survey to identify the allotment boundary.

4. Modifications to your consent - prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

Warning: There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

5. Occupational health and safety

All site works must comply with the occupational health and safety requirements of the NSW Work Cover Authority.

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CARRIED UNANIMOUSLY

8.40pm Councillor Webb arrived at the meeting.

16. RECREATION AND OPEN SPACE NEEDS STUDY

C522/05 RESOLVED PARKER/HAMILTON

That;

2.1 Council adopt the Leichhardt Recreation and Open Space Needs Study with the amendments outlined in Section 5.4 of the report, subject to the following changes;

(a) The removal of the following clause:

“Develop a new “wet” hockey pitch on Leichhardt Oval no. 2, subject to the availability of sports grounds within Callan Park or a suitable alternative facility for the relocation of each of the current users”

and replace with:

“Develop a new “wet” hockey pitch on Leichhardt Oval no. 2”.

(b) Defer the amendments relating to Callan Park as outlined in the report. Council consult with stakeholders including the Friends of Callan Park.

2.2 That a report on other options for active recreation facilities including sporting fields as recommended by the Environment and Recreation Committee come to Council with the Leichhardt Recreation and Open Space Needs Study in February 2006.

CARRIED UNANIMOUSLY

11. 264 NORTON STREET LEICHHARDT

C523/05 RESOLVED DYER/WEBB

1. That Council as the consent authority pursuant to s96 of the Environmental Planning & Assessment Act 1979 modify Development Consent No: D/2002/210 for partial demolition and rear alterations to an existing single storey dwelling at 264 Norton Street Leichhardt in the following way:

Amend Condition 1 to read:

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1. *Development shall be implemented in accordance with the details set out on the drawings numbers DA/CC 01 prepared by John Nott & Associates and dated July 2001 and on the application form and on any supporting information received with the application except as amended by Architectural plans prepared by Don Nott and Associates Drawing No DA/CC 01 B dated 29 September 2005 and stamped by Council 17 October 2005.*

2. The General Manager to investigate Council's Compliance Section's responses with residents on this matter.

The vote for the above Resolution was;

	FOR		AGAINST
Vera-Ann Hannaford	X	Jamie Parker	X
Nick Dyer	X	Kate Hamilton	X
Rochelle Porteous	X	Chris Windsor	X
Michele McKenzie	X		
Alice Murphy	X		
Maire Sheehan	X		
Carolyn Allen	X		
Damian Cobley-Finch	X		
Robert Webb	X		

17. BUSINESS CENTRES CAR PARKING STUDY

C524/05 RESOLVED ALLEN/COBLEY-FINCH

That Council resolve to:

- 2.1 Receive and note the findings of the Leichhardt LGA Business centres car Parking study and make the report available to the public;

- 2.2 Undertake a comprehensive review of the current procedure for issuing parking permits and on-street parking management in the Leichhardt LGA.

- 2.3 Undertake a review of the parking requirements under *Leichhardt Development Control Plan 2000* to examine options to minimise traffic and car use and the matter be referred to the Traffic Committee and Planning Committee to be reviewed before coming back to Council.

- 2.4 Correspond with Sydney Buses regarding the enhancement of

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public transport accessibility and frequency of services between the Leichhardt Business Centre, Petersham Railway Station and other business centres in adjoining LGAs.

- 2.5 The Chambers of Commerce be provided with copies of the report and in view of the report's highlighting of the present high ratio of car journey to work from employees, Council meet with the Chambers of Commerce to discuss a joint campaign which may assist in reducing this ratio.
- 2.6 That a 15 minutes free parking facility be provided outside Balmain Post Office.
- 2.7 Address the recommendations on Taxi ranks and refer the matter to the Local Traffic Committee for consideration. Taxi ranks be provided in Leichhardt Municipality as a matter of urgency.
- 2.8 Investigate using section 94 funds for a Shopper Bus servicing town centres. Council also request Coles and Woolworths to fund the Bus service.
- 2.9 That the bars and hotels in Norton Street be approached by Council with a view to developing a shared public transport scheme after 12:30am in order to reduce the demand for parking on Friday and Saturday nights.

CARRIED UNANIMOUSLY

18. MASTER PLAN FOR BALMAIN LEAGUES CLUB –PROCESS REPORT

C525/05 RESOLVED MCKENZIE/WINDSOR

That Council:

- 1) Prepare briefs and engage independent persons to review urban design issues associated with the proposal and to review traffic and economic issues in conjunction with the draft proposal for the former Carrier Air Conditioning site and wider Terry/Wellington Street Industrial precinct.
- 2) Advise Multiplex Developments Pty Ltd that Council requires the release of currently confidential information prepared by it for the Terry/Wellington Street precinct to enable the carrying out of the reviews in item 1 by 3 January 2006 failing which the reviews

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will be undertaken on the basis of reasonable land use and density scenarios on the Terry/Wellington Street precinct.

- 3) Acknowledge receipt of the master plan for the Balmain Leagues Club and require payment by the proponent of rezoning fees in the sum of \$7,200 and advise the applicant that an additional fee of \$120 per hour will apply for work extending beyond that covered by the base fee.

CARRIED UNANIMOUSLY

10.18pm *Cr. Dyer temporarily left the meeting and Deputy Mayor Cr. Windsor assumed the Chair.*

10.30pm *Cr. Hannaford temporarily left the meeting.*

10.40pm *Cr. Hannaford returned to the meeting.*

10.43pm *Cr. Dyer returned to the meeting and assumed the Chair.*

21. MINUTES OF LOCAL TRAFFIC COMMITTEE

C526/05 RESOLVED PARKER/COBLEY-FINCH

That the minutes of the Local Traffic Committee held 2 December 2005 be received and the recommendations adopted, subject to the following changes to the items listed below;

ITEM 2.4 No Parking Zone – Trivetts Lane, Balmain

That Council remove the 2 hour resident parking space and install a 'No Parking' zone outside No. 1 Trivetts Lane to the end.

ITEM 3.1 Plans for Approval – Collins Street/Trafalgar Street, Annandale

That the proposed landscaped garden bed at the intersection of Collins Street be approved and Council delegate to the Director Infrastructure & Service Delivery to hold an on site meeting to determine the length of the garden bed with a view to stopping illegal parking and maximising the level of on-street parking.

ITEM 2.7 One-Way Proposal – Yara Avenue, Rozelle

The matter be referred back to the Traffic Committee for consideration.

CARRIED UNANIMOUSLY

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4. The proposal is contrary to clause 15 – heritage conservation, of LEP 2000.
 5. The application is contrary to the desired future character for this locale.
 6. The application would result in additional overshadowing to adjoining property, contrary to the solar access provisions of DCP 2000.
- B. Council refund the fees on the refused development application referred to above.
- C. That should the applicant lodge a new development application, in a style which in Council’s opinion is sympathetic to the retention of the Californian Bungalow style of the existing house, Council waive all fees associated with the lodgement, advertising and assessment of the application, and that Council, furthermore, resolve to expedite assessment of such an application, with this offer being good for six months from the date of the notice.

The vote on the above resolution was;

	FOR		AGAINST
Vera-Ann Hannaford	X	Nick Dyer	X
Rochelle Porteous	X	Maire Sheehan	X
Jamie Parker	X	Robert Webb	X
Kate Hamilton	X		
Michele McKenzie	X		
Alice Murphy	X		
Carolyn Allen	X		
Damian Copley-Finch	X		
Chris Windsor	X		

24A. LEICHHARDT CIVIC PRECINCT DRAFT MASTERPLAN

C531/05 RESOLVED ALLEN/SHEEHAN

1. That a draft master plan for the Leichhardt Civic Precinct, as described in the report, be exhibited throughout January and February 2006, with further consultation undertaken and submissions invited.
2. That, subject to any necessary development consents, Council proceed with Stage 1 as outlined in the report including the

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relocation of the Leichhardt Early Childhood Centre from 11 Marion Street to the Italian Forum, demolition of the buildings at 9, 11, 13 and 15 Marion Street, Leichhardt, erection of a demountable building for dislocated staff and extension of the at-grade car park off Marion Street Leichhardt.

The above Resolution was carried after the primary/original motion was lost.

The vote on the above Resolution was;

	FOR		AGAINST
Vera-Ann Hannaford	X	Rochelle Porteous	X
Nick Dyer	X	Jamie Parker	X
Alice Murphy	X	Kate Hamilton	X
Maire Sheehan	X	Michele McKenzie	X
Carolyn Allen	X		
Damian Copley-Finch	X		
Robert Webb	X		
Chris Windsor	X		

The primary/original motion which was lost was (Parker/McKenzie);

1. That a draft master plan for the Leichhardt Civic Precinct, as described in the report, be exhibited throughout January and February 2006, with further consultation undertaken and submissions invited.
2. That, subject to any necessary development consents, Council proceed with Stage 1 as outlined in the report including the relocation of the Leichhardt Early Childhood Centre from 11 Marion Street to the Italian Forum.

The vote for the above lost motion was;

	FOR		AGAINST
Rochelle Porteous	X	Vera-Ann Hannaford	X
Jamie Parker	X	Nick Dyer	X
Kate Hamilton	X	Alice Murphy	X
Michele McKenzie	X	Maire Sheehan	X
		Carolyn Allen	X
		Damian Copley-Finch	X
		Robert Webb	X
		Chris Windsor	X

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**** SUSPENSION OF STANDING ORDERS**

C532/05 RESOLVED COBLEY-FINCH/PARKER

That the following items be dealt with concurrently and the recommendations contained in the report be adopted; Items 2,3,4,5,6,10,13,18A,18B,18D,19,22,23 and 25.

12.00am Extension of time to continue meeting.

C533/05 RESOLVED

That a further extension of time of 45 minutes be granted to continue the meeting.

2. SUMMARY OF MAYORAL MINUTE RESOLUTIONS FROM NOVEMBER 2005.

C534/05 RESOLVED COBLEY-FINCH/PARKER

That the information be received and noted.

CARRIED UNANIMOUSLY

**** PRECIS OF CORRESPONDENCE**

3. SUMMARY OF PRECIS OF CORRESPONDENCE RESOLUTIONS FROM NOVEMBER 2005.

C535/05 RESOLVED COBLEY-FINCH/PARKER

That the information be received and noted.

CARRIED UNANIMOUSLY

4. LILYFIELD COMMUNITY CENTRE FEE WAIVER

C536/05 RESOLVED COBLEY-FINCH/PARKER

1. Council grant a fee waiver to the Leichhardt Amateur Swimming Club for their use of the Lilyfield Community Centre on 18 February 2006.

2. The standard \$160 refundable bond be charged.

CARRIED UNANIMOUSLY

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5. DESALINATION PLANT FOR SYDNEY – PLANNED COMMUNITY ACTION CAMPAIGN

C537/05 RESOLVED COBLEY-FINCH/PARKER

That a full report be submitted to the February 2006 meeting examining the water desalination project as a whole and to make recommendations whether to support or oppose desalination as a way of dealing with the increasing water needs of Sydney.

That this report will also consider the request from Clean Up Australia to join SCUD and contribute to the fighting fund.

CARRIED UNANIMOUSLY

**** GENERAL MANAGER**

6. SUMMARY OF GENERAL MANAGER RESOLUTIONS FROM NOVEMBER 2005.

C538/05 RESOLVED COBLEY-FINCH/PARKER

That the information be received and noted.

CARRIED UNANIMOUSLY

**** ENVIRONMENTAL AND COMMUNITY MANAGEMENT**

10. SUMMARY OF ENVIRONMENTAL AND COMMUNITY MANAGEMENT RESOLUTIONS FROM NOVEMBER 2005.

C539/05 RESOLVED COBLEY-FINCH/PARKER

That the information be received and noted.

CARRIED UNANIMOUSLY

13. PIONEER MEMORIAL PARK – CHRISTMAS CONCERT

C540/05 RESOLVED COBLEY-FINCH/PARKER

A. That in accordance with Section 68 of the Local Government Act 1993 that Council grant owners consent and approval for the use of Pioneer Park and rotunda on Sunday 18th December 2005 from 6pm to 9pm for “Carols in Park” in conjunction with

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the Leichhardt Espresso Chorus subject to the following conditions:

- B. That Council waive the fees and park hire fee for the event Carols in the Park in view of the community nature of the event. The amount of fees and park hire waived is \$2141.

CONDITIONS

1. The hours of operation for the event are to be limited from 10am on Sunday 18th December 2005 until 10pm to allow for clean up for the event.
2. The organiser of the event the Michelle Leonard on behalf of the Leichhardt Espresso Chorus shall be responsible for the conduct of the event the "Carols in the Park" and shall obtain and provide evidence of public liability insurance for the event to the value of \$10,000,000.

The policy together with the evidence of payment of the policy shall be provided to Council at least 7 days prior to the event.

3. Toilet facilities shall be provided by the existing WCs in the park . The location of the toilets shall be adequately signposted. Additional portaloos shall be provided by the organiser.
4. Any noise attributable to the events shall be controlled so as to conform with the noise levels determined for the immediate environment to comply with the requirements of the Environmental Noise Control Manual and the Protection of the Environment Operations Act 1997.
5. Un-impeded public access

At no stage shall public access be denied or restricted to the park or the surrounding pathways.

6. Rubbish collection and disposal shall be organised prior to the event in conjunction with Council's Director of Works and Services.
7. The area is to be left in a clean and tidy condition: Any rubbish generated by the function is to be removed from the park and disposed of.
8. A risk management plan shall be submitted by the applicant at least 7 days prior to the event.
9. All promotion for the event is to encourage patrons to use public trans[ort to attend the event.

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10. Council officers shall monitor the event to assess any impacts to determine improved organisation and facilities should the event be held next year at Pioneer Park.

CARRIED UNANIMOUSLY

18A. MINUTES OF THE COMMUNITY SERVICES, SAFETY & FACILITIES COMMITTEE

C541/05 RESOLVED COBLEY-FINCH/PARKER

That Council adopt the minutes of the Community Services, Safety & Facilities Committee held on 1 December 2005 with the accompanying recommendations.

CARRIED UNANIMOUSLY

18B. MINUTES OF THE ENVIRONMENT AND RECREATION COMMITTEE MEETINGS

C542/05 RESOLVED COBELY-FINCH/PARKER

That Council adopt the minutes of the Environment and Recreation Committee meeting held on 7 December 2005 with the accompanying recommendations.

CARRIED UNANIMOUSLY

18D. STATE GOVERNMENT PORT FREIGHT PLAN FOR SYDNEY

C543/05 RESOLVED COBLEY-FINCH/PARKER

That Council receive and note this report and resolves to support Strathfield Council's community concerns and call for appropriate consultation while supporting the broader aim of reducing the use of the road network by container vehicles.

CARRIED UNANIMOUSLY

**** INFRASTRUCTURE AND SERVICE DELIVERY**

19. SUMMARY OF INFRASTRUCTURE AND SERVICE DELIVERY RESOLUTIONS FROM NOVEMBER 2005.

C544/05 RESOLVED COBLEY-FINCH/PARKER

That the information be received and noted.

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CARRIED UNANIMOUSLY

* **CORPORATE AND INFORMATION SERVICES**

22. **SUMMARY OF CORPORATE AND INFORMATION SERVICES RESOLUTIONS FROM NOVEMBER**

C545/05 RESOLVED COBLEY-FINCH/PARKER

That the information be received and noted.

CARRIED UNANIMOUSLY

23. **MINUTES OF CLONTARF COTTAGE MANAGEMENT COMMITTEE**

C546/05 RESOLVED COBLEY-FINCH/PARKER

That Council adopt the minutes of Clontarf Cottage Management Committee Meeting of 14 November 2005 and the accompanying recommendations.

CARRIED UNANIMOUSLY

** **MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

25. **SUMMARY OF NOTICE OF MOTIONS RESOLUTIONS FROM NOVEMBER 2005**

C547/05 RESOLVED COBLEY-FINCH/PARKER

That the information be received and noted.

CARRIED UNANIMOUSLY

20. **NORTON STREET MAINSTREET IMPROVEMENT WORKS REVISED PROGRAMME OF WORKS**

C548/05 RESOLVED MURPHY/COBLEY-FINCH

1. That Council revise the works programme for Norton St in accordance with table 1 of the report in order to commence footpath improvement works including the undergrounding of powerlines, the installation of smart poles and catenary lighting and upgrading of the pavements between Wetherill & Short St on both sides of Norton St in order to

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coordinate works with Energy Australia who will be undertaking undergrounding works in April 2006. This work will also include:

- Installation of Raised Pedestrian Crossing at Allen St,
 - Installation of Raised Pedestrian Crossing at Italian Forum,
 - Installation of Raised Pedestrian Crossing at William St,
 - Installation of sandstone tree surrounds and landscaping to 65 trees,
 - Manufacture and Installation of 2 Trial Seats.
2. That Council defer commencement of the footpath widening works between Short St and Bar Italia until the 2006/2007 financial year.
3. That Council amend the three year Capital Improvement Plan for Norton St and Darling St mainstreet improvement works as outlined in Table 3 of the report.

The vote for the above Resolution was;

	FOR		AGAINST
Vera-Ann Hannaford	X	Jamie Parker	X
Nick Dyer	X		
Rochelle Porteous	X		
Kate Hamilton	X		
Michele McKenzie	X		
Alice Murphy	X		
Maire Sheehan	X		
Carolyn Allen	X		
Damian Cobley-Finch	X		
Robert Webb	X		
Chris Windsor	X		

7. BANNER SPACE BOOKINGS

C549/05 RESOLVED ALLEN/MCKENZIE

- a. That Council adopts in principle the policy governing banner space bookings attached to the report, subject to the following addition at the end of the last dot point;

“If this occurs, Council assist in finding an alternative location for the prior booking wherever possible.”

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- b. That the policy and revised application form be circulated to all community organisations, precinct committees and regular users of the banner space for comment.
- c. A full report to be submitted to the March 2006 to finalise the policy.

CARRIED UNANIMOUSLY

8. LEICHHARDT OVAL IMPROVEMENTS PROGRAM

C550/05 RESOLVED PORTEOUS/HAMILTON

- 2.1 That Council receive and note the terms of this report including the draft lease conditions for the long term lease of Leichhardt Oval by the Balmain Tigers Rugby League Football Club
- 2.2 That Council agrees to provide a written guarantee to the Dept. of Sport and Recreation for the entire \$1 million loan from the State Government subject to the Balmain Tigers Rugby League Football Club providing to the benefit of Leichhardt Council a legal mortgage/agreement over their Leichhardt Oval ground lease - committing to repayment of their \$0.5 million loan irrespective of any financial or other circumstances in the future.
- 2.3 That prior to the lease being agreed to by Council, a Solicitor expert in leases review the lease and provide a written report on it to Council to ensure that Council is properly protected and the lease is commensurable with similar ground leases.

CARRIED UNANIMOUSLY

18C. MINUTES OF THE PLANNING COMMITTEE

C551/05 RESOLVED ALLEN/COBLEY-FINCH

That Council adopt the minutes of the Planning Committee held on 8 December with the accompanying recommendations.

BUSINESS ARISING FROM ITEM 18C

Information provided by Cr. Allen below;

We have had discussions at Council, Building and Development and Planning Meetings about the adequacy of our planning controls to protect heritage items in our Municipality over the past year and I believe we need a formal motion to reflect the direction of our most recent conversations.

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At the end of the November Ordinary Meeting of Council it was agreed by Councillors on the advice of the Legal Officer and with the general concurrence of the Director, Environment and Community Services that we should allocate funds in the 2006/7 budget to clearly identify items of heritage the community wishes to protect and to investigate the desirability of having a specific (additional if required) position for an heritage assessment officer. It was suggested that although there may be a significant initial outlay for identification of heritage items there would be a longer term saving in legal costs.

At the December Planning Meeting in discussion of FSR controls it was proposed by Ray Stevens, architect and long term community member of the committee, that a more useful way of applying FSR would be by way of housing type rather than specific neighbourhoods. During the discussion of the Heritage Review and proposed exhibition of the draft LEP 2000 Conservation Areas and Heritage Provisions it was then suggested by Meredith Walker, resident and Heritage Consultant that using FSR for different housing types could significantly assist in the protection of heritage items.

It was agreed that the draft LEP should be regarded as an essential first step in gaining more detailed information to assist in heritage management. However, we need to do more detailed research to clearly describe the heritage characteristics of each area and each type of housing and what it is that we wish to conserve. The concept of 'contributory heritage' needs exploration and it should be recognised that many owners and residents do not understand how their property contributes to the whole. Lack of understanding has also led to concern by residents/ owners about how heritage can affect development of their property. Clear articulation of heritage and contributory characteristics would also assist Councillors and staff.

The investigation of heritage and characteristics of specific areas is particularly important in Balmain where diversity of housing types is being eroded. Council should undertake detailed research of the history of development of Balmain using existing research and adding to it data which will assist council and resident owners in understanding and assessing significant buildings and areas. This research should combine the skills of staff, residents and consultants (if necessary). We have a wealth of knowledge in our community and very significant work has already been done in Balmain and Annandale by Peter Reynolds, (resident) and by local history associations.

C552/05

RESOLVED

ALLEN/COBLEY-FINCH

That a report be brought to the first 2006-7 budget session with a proposal to clearly identify heritage items and characteristics which we wish to conserve taking into account issues discussed above and the efficacy of using FSR for housing types.

CARRIED UNANIMOUSLY

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24. MEETING IMPROVEMENTS

C553/05 RESOLVED PARKER/MCKENZIE

That Council not purchase the microphone system as demonstrated at the Council meeting and endorse the other initiatives and recommendations outlined in the report subject to the following change to part 4 iv) dealing with the timing of the agenda distribution to be changed to;

“A new meeting schedule be implemented which ensures that there are five working days from receipt of papers by Councillors to the date of the Ordinary Council Meeting.”

CARRIED UNANIMOUSLY

27. DEVELOPMENT APPLICATIONS ON LAND WITH ITEMS OF HERITAGE SIGNIFICANCE

C554/05 RESOLVED MURPHY/WINDSOR

That a report be prepared covering Development Applications on land with buildings or other items of Heritage Significance being automatically referred to the Ward Building & Development Committee.

CARRIED UNANIMOUSLY

28. LEICHHARDT’S COMMITMENT TO ACTION ON CLIMATE CHANGE

C555/05 RESOLVED PORTEOUS/MCKENZIE

1. That a report be submitted to Council on the cost of Council purchasing it's electricity from genuine renewable energy sources such as Origin, government accredited 100% renewable energy, sourced by wind, hydro and solar.
2. That a report be brought to the February Ordinary meeting about the feasibility of using flat panel solar hot water heaters for the heating requirements of the swimming pools at Leichhardt Aquatic Centre.
3. That a report on where Leichhardt is currently at in its implementation of the CCPP -Climate Control Participation Programme be brought to the February Ordinary meeting and that this report also includes a consultation with NSW Nature Conservation Council and an assessment of what else Council can

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do to build upon the CCPP achievements to date and to take Leichhardt LMC beyond the targets set by CCPP to further reduce greenhouse emissions.

4. That Leichhardt Council supports a call for only Australian-sourced biofuels to be used, as there has been an upsurge in the use of unsustainable production methods. There are reports of Indonesian Oran-Utang forests and Brazilian rainforests being destroyed in order to plant more biofuel.

CARRIED UNANIMOUSLY

29. AFFORDABLE HOUSING IN LEICHHARDT

C556/05 RESOLVED PORTEOUS/MCKENZIE

That Leichhardt Council prioritises maintaining and increasing the stock of available affordable housing within Leichhardt LMC by:

1. Ensuring that there are no further net losses of affordable housing.
2. Prioritising the provision of affordable housing and mix of dwelling sizes within all Council's Masterplans.
3. Bringing a report to the February Ordinary meeting on how Council can strengthen its commitment to affordable housing through its planning guidelines and community services programmes.

CARRIED UNANIMOUSLY

30. LACK OF RECREATION SPACE

C557/05 RESOLVED DYER/HANNAFORD

Council write to the Minister for Planning, accepting the verbal offer made today (13 December 2005) regarding a long term lease at a peppercorn rent for the "Village Green" oval at Callan Park.

Council also;

1. Prepare an identification survey to form part of the lease.
2. Acknowledge that public Liability insurance and Maintenance of the oval is Council responsibility.

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3. Seek owners consent from the Department of Health to enable Council to lodge a DA for lighting and other associated ground improvements.

CARRIED UNANIMOUSLY

31. LEAF BLOWERS

C558/05 RESOLVED PARKER/PORTEOUS

That a report be brought to the February meeting of Council that examines alternatives to the outdoor staff use of leaf blowers and/or ways to minimise the use of leafblowers.

CARRIED UNANIMOUSLY

32. ORDINARY MEETING SCHEDULE

This matter was considered earlier in conjunction with Item 24. See Resolution No.C553/05 on page 42 of these minutes.

33. PLANNING CATASTROPHE FOR THE INNER WEST

C559/05 RESOLVED PORTEOUS/PARKER

Council resolves to

1. Immediately call on the NSW government to:
 - a) Reject all planning activities and approaches that unilaterally force additional unfunded costs onto local councils and their communities
 - b) Reinstate Environmental Impact Assessment and community consultation processes for all development activity under the strategy
 - c) Guarantee Council will retain the power to determine development within the municipality
 - d) Confirm its intentions with regard to the M4 East.
2. Issue media statements alerting the community to these threats to our amenity and local government democracy.
3. Write to the local Member, the Minister for Planning, the Minister for Roads and the Premier with regards to Council's position outlined

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above.

CARRIED UNANIMOUSLY

34. PARRAMATTA ROAD GROUP PROJECT

C560/05 RESOLVED MCKENZIE/HAMILTON

Council notes that

1. Council agreed to the exhibition ONLY of our sector of the Parramatta Road Project (not others)
2. Recognised in exhibiting the sector document on behalf of the State Government that Council did not necessarily endorse the document.
3. Council has never considered the proposals of all eight Councils, and indeed, that some Councils in the group support proposals that are dependent upon the M4 East going ahead.
4. Council had intentions to support light rail along Parramatta Road not an express bus corridor as described in the Metropolitan Strategy.

Accordingly, Council resolves to

1. Issue media statements clarifying Council's position in accordance with the above.
2. Write to the Minister for Planning seeking a public retraction and clarification of Council's position
3. Continue to send the Mayor and staff to the Parramatta Road Group's meetings to represent the position of Council.

CARRIED UNANIMOUSLY

12.08am Cr. Sheehan left the meeting

35. LIQUOR LAWS

C561/05 RESOLVED MCKENZIE/PORTEOUS

The NSW Government has released the draft Liquor Bill 2005 and Liquor and Gaming Court Bill 2005, which represent a complete rewrite of the liquor licensing laws. The Bills include comprehensive changes

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to the liquor regulatory framework and the government says that they are aimed at reducing complexity and cost and that they will simplify and modernise the law to aid understanding and enforcement, but NCOSS and other relevant bodies claim that there are problems with the new Liquor regulations, therefore we resolve that:

Leichhardt Council write a submission in response to the Liquor and Gaming Court Draft Bills in consultation with relevant bodies such as NCOSS by the 20th January, 2006, including a demand that the NSW government allow full third party appeal rights to its new Liquor Court, in the matters of granting of liquor licences and the imposition of disciplinary penalties on offenders, as it intends to do in the matter of noise and disturbance matters.

That the Leichhardt Council submission expresses concern that the NSW Licensing board currently comprising four members of the judiciary, is to be replaced by a senior bureaucrat from the Dept of Gaming and Racing.

That the submission be circulated by email to all councillors before the submission closing date of 20th January, 2006 and to be determined by the Mayor, based on the support of the majority.

That the submission be circulated to all local media in February, 2006.

That the General Manager write, as a matter of urgency, to the local Member of Parliament for Port Jackson, and the Minister for Gaming and Racing, urging that the expected rewriting of NSW liquor licensing legislation protect the present ability of resident groups to appeal to the Liquor Administration Board under Section 104 of the Liquor Act 1982.

CARRIED UNANIMOUSLY

12.10am *Cr Sheehan left the meeting.*

36. TERROR AUSTRALIS

C562/05 RESOLVED MCKENZIE/PARKER

The Lower House and the Senate in the Australian Parliament passed the so-called "terror laws" this week. The legislation is to return to the lower house to consider minor amendments.

Unfortunately provisions such as the offence of sedition have been retained, and people will still be detained without charge under these laws. These seriously compromise our human rights, breach international law and are open to abuse and manipulation for political purposes.

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Labor MPs Tanya Plibersek and Anthony Albanese appear not to have voted against the original legislation. They definitely did not officially record their dissent.

Council calls upon these MP's to confirm their voting on these matters in the lower house.

The vote on the above Resolution was:

	FOR		AGAINST
Vera-Ann Hannaford	X	Alice Murphy	X
Nick Dyer	X	Damian Cobley-Finch	X
Jamie Parker	X	Robert Webb	X
Kate Hamilton	X	Chris Windsor	X
Michele McKenzie	X		
Carolyn Allen	X		

**

QUESTIONS WITHOUT NOTICE

NIL

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) & (g) of the Local Government Act, 1993.

Council resolved to meet in the Committee of the Whole at 12.20am with the press and public excluded after a MOTION (HANNAFORD/MURPHY) to that effect was CARRIED.

COMMITTEE OF THE WHOLE

12.24am Cr Porteous returned to the meeting.

1. TENDER FOR DARLING STREET STREETScape IMPROVEMENT WORKS BETWEEN VICTORIA ROAD AND WISE STREET ROZELLE

CW12/05 RECOMMENDATION PARKER/HAMILTON

That the tender submitted by Kingston Civil Constructions for \$1,133,766.50 (excluding GST) be accepted.

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2. TENDER FOR DARLING STREET STREETScape IMPROVEMENTS WORKS BETWEEN BALMAIN LIBRARY & LITTLE DARLING STREET BALMAIN

CW13/05 RECOMMENDATION PARKER/HAMILTON

That the tender submitted by Anzellotti Constructions for \$571,784.50 + \$84,000 for electrical works (Total \$655,784.50 excluding GST) be accepted.

3. LEICHHARDT COUNCIL ADMINISTRATION BUILDING LIFT

CW14/05 RECOMMENDATION PARKER/HAMILTON

2.1. That Council accept the tender from Australian Project Services Pty Ltd for a sum of \$246,500 (excl GST) as contained in this report and in accordance with section 55 of the Local Government Act 1993, as amended.

2.2. That Council funding of \$250,000 be provided from the Property Reserve for this project.

4. TENDER FOR CONSTRUCTION OF CHILD CARE CENTRE AT MORT BAY PARK

CW15/05 RECOMMENDATION PARKER/HAMILTON

That Council award the tender submission from ProjectCorp for the construction of a child care centre at Mort Bay Park.

5. 2-8 WESTON STREET BALMAIN EAST

CW16/05 RECOMMENDATION ALLEN/HANNAFORD

That Council:

- (a) make an offer of compromise in Land and Environment Court proceedings 31415 of 2004 Bezzina Developers Pty Ltd v Leichhardt Council;
- (b) delegate to the General Manager, in consultation with the Mayor, the authority to determine the quantum of the offer based on the advice of Council's legal team; and
- (c) To safeguard Council's position in the court case, the quantum of the offer not to be disclosed except to Council's legal team.

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**6. LEICHHARDT OVAL FLOODLIGHTING
LEICHHARDT OVAL (CONTRACT LFL 02/05)**

CW17/05 RECOMMENDATION PARKER/PORTEOUS

That Council accept the tender from Musco Lighting (1500 watt alternative) for an amount of \$330,000 as contained in this report and in accordance with section 55 of the Local Government Act 1993, as amended.

**7. RESTORATION OF TIMBER GRANDSTAND AT LEICHHARDT
OVAL (CONTRACT LGS 01/05)**

CW18/05 RECOMMENDATION PARKER/HAMILTON

That Council accept the tender submitted by Australian Project Services Pty Ltd "Separable Portion 1 – Grandstand Restoration and Mary Street Works" for a lump sum of \$ 533,000 (excluding GST) as contained in this report and in accordance with section 55 of the Local Government Act 1993, as amended.

**** RETURN TO OPEN COUNCIL**

Open Council resumed at **12.39am** after a MOTION (PARKER/PORTEOUS) to that effect was CARRIED.

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

C563/05 RESOLVED PARKER/PORTEOUS

That the recommendations of the Committee of the Whole minute numbers CW12 /05 to CW18 /05 be adopted by Council.

CARRIED UNANIMOUSLY

The meeting closed at 12.40 pm.