

**LEICHHARDT MUNICIPAL COUNCIL**

**MINUTES of ORDINARY MEETING** of Leichhardt Municipal Council held in the Council Chambers Leichhardt Town Hall, Norton Street, Leichhardt on **28 February 2006**.

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, R. Webb & C. Windsor.

Staff Present : General Manager, Director Corporate & Information Services, Director Environmental & Community Management, Director Infrastructure & Service Delivery, Manager Parkes & Streetscapes, Manager Library Services, Manager Assessments, Media and Public Affairs Officer, Manager Administration Services and Administration Officer.

Meeting Commenced: 7.01pm

**BUSINESS:**

**\*\* CONFIRMATION AND/OR CORRECTIONS OF MINUTES ORDINARY AND SPECIAL MEETING**

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

**C01//06 RESOLVED MURPHY/COBLEY-FINCH**

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

**(b) BUILDING & DEVELOPMENT COUNCIL**

**C02/06 RESOLVED MURPHY/COBLEY-FINCH**

That the Minutes of the Building & Development Council Meeting held 6 December 2005 be confirmed as a true and accurate record of the meeting.

**(c) ORDINARY MEETING**

**C03/06 RESOLVED MURPHY/COBLEY-FINCH**

That the Minutes of the Ordinary Meeting held 13 December 2005 be confirmed as a true and accurate record of the meeting.

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CHAIR

# LEICHHARDT MUNICIPAL COUNCIL

## CARRIED UNANIMOUSLY

### \*\* APOLOGIES AND/OR CONDOLENCES

NIL

### \*\* DECLARATION OF PECUNIARY INTEREST

NIL

### \*\* MAYORAL MINUTES

#### 1A. GRAFFITI PREVENTION AND REMOVAL

At the Environment & Recreation meeting on 7 February 2006, the issue of graffiti was raised by the President of the North Annandale Precinct Committee particularly the recent announcement that the NSW Government is to take a tougher stance on the sale of spray cans.

This announcement included an announcement to lock spray cans away in back areas of retail outlets and a need for the customer to provide more evidence of age which is to come into force after consultation with retailers & the community.

This is a welcome decision by the State Government as Council believes that spray cans are far too cheap and readily available to those who misuse them by defacing public and private property. In saying this, Council acknowledges that not all spray art is unwanted graffiti that defaces property; it can be intricate and decorative works done by talented artists with permission from both the Council and owners of the property being painted.

Council has budgeted \$35,500 for the 2005/06 financial year to pay a Contractor to remove graffiti from private property one day a week; removal from Council property being done by Council on a more regular basis. Council also provides other removal methods like a Graffiti removal trailer and individual graffiti removal kits.

Despite this, artistic tagging has increased considerably from 1547m<sup>2</sup> identified affected surface in November 2003 to over 4806.30 m<sup>2</sup> of graffiti identified for removal **on council property alone** in the year from 1<sup>st</sup> January 2005 to 16<sup>th</sup> November 2005. This does not include the areas of tagging on private property throughout the whole LGA.

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It was suggested by members of the Committee that the Mayor should write to the NSW Premier, the Attorney General & the Local Member, Sandra Nori congratulating the State Government's intentions of legislating to make spray cans less accessible.

It was also suggested that the Council should urge that retailers not only lock away spray cans but should be made to keep a register which would indicate the full details of the person making the purchase (including the name, address, type of proof, number of cans, colour, intended use & signature) and that these registers should be checked regularly by Council Inspectors to ensure compliance.

In doing the above, Council believes that this would strengthen the legislation and show that the Government is serious about bringing to an end the problem & its subsequent costs to governments, councils, the community - money which can be better spent in other ways.

There would also be a need for NSW to bring other States on side particularly Victoria and Queensland Government's to prevent cans being purchased in those states and brought into NSW to protect the border towns in NSW.

Last week Council convened a meeting with the Annandale precinct, the Police and local residents to discuss graffiti. One of the more interesting facts to arise from the meeting was that although graffiti was on the rise the Police had received only one graffiti related complaint in Annandale in the last 3 months.

Local Policing is now statistic based, and police time is allocated depending upon reported incidences, be it break and enter, car theft, or graffiti. It is therefore vital that crimes of any nature be reported. This message needs to get out to the community.

**C04/06            RESOLVED                            DYER**

That Council write to the NSW Premier, Attorney General and Ms Nori congratulating the State Government on their intention to amend legislation to make spray cans less accessible.

That Council calls on the State Government to go further in creating registers to record details of the purchaser and to give powers to the Local Government Authority to inspect the registers for the purpose of compliance.

That Council calls on the NSW Government to lobby other States to follow their lead to ensure that cans purchased outside NSW do not end up being used unlawfully in NSW.

That Council invite the Police (via the Local Area Command) to insert a news letter into the next rates notice and make the same offer on an annual basis.

That a link to the police be established on the Council website so the newsletter and updates are available an ongoing basis.

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That a standard response letter/fact sheet be sent to affected property owners when Council receives a graffiti complaint, advising them of the benefits to both themselves and the Community of rapid removal, and informing the property owner about Councils "Rapid Removal Kit."

That Graffiti complaints lodged with Council be forwarded onto the Police.

That Council delivers the rapid removal graffiti kit to affected residents upon request free of charge.

That Council writes to Sydney water and other Government landholders informing them of the benefits of rapid removal and requesting they remove graffiti from their properties within the Leichhardt LGA.

That Council install signs notifying residents as to property ownership (i.e. Sydney Water, RTA etc) with a contact telephone number, so residents can notify landowner's direct.

That Council consider the rotation of the very successful Mobile café currently operating in Mort Bay, to other areas within the LGA.

### **CARRIED UNANIMOUSLY**

#### **1B. PARKING MANAGEMENT**

As part of the ongoing parking management, Council needs to constantly review its strategy and implementation.

The Leichhardt Chamber of Commerce has expressed interest in managing the basement car park below the administration building.

The current manager Australian National Car Parks has indicated they are happy for this to occur. It would appear to be a win win solution and go some way towards addressing the current car parking shortage on Norton Street.

On the 23 November 2004 the following resolution (Parker/Allen) was passed and to date no action has commenced:

#### **4.3 Investigate the option for introduction of angle parking opportunities in Booth St Balmain.**

**C05 /06 RESOLVED DYER/PARKER**

That Council Lease the basement administration car park at no cost, on a trial basis for 12 months to the LCC with details to be negotiated between the General Manager and the President of the LCC.

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That a report be brought back to the March Ordinary meeting detailing the following

- 1) Converting some residential parking schemes from 2hrs to 4hrs, particularly the areas around Cromwell and Malborough streets Leichhardt.
- 2) Options for introducing Angel parking in Booth St Balmain as per previous resolution.
- 3) An update on the installation of the last round of 15min free buttons.
- 4) A review of the turn over statistic for the Mains Streets.
- 5) The option of signal lights to make the pedestrian crossing on Norton St (Outside the Plaza) safer and more efficient.

### CARRIED UNANIMOUSLY

#### 1C: CORRUPTION RISKS IN NSW DEVELOPMENT APPROVAL PROCESSES - ICAC DISCUSSION PAPER

Councillors will be aware that the NSW Independent Commission Against Corruption has released a discussion paper on called ***Corruption Risks in NSW Development Approval Processes*** and has called for submissions from interested parties.

This discussion paper raises some highly contentious issues regarding potential risks of corruption or corrupt behaviour in Local Government Authorities in the approval process for development applications. It also raises a number of possible changes to the system of governance that Local Government Authorities operate under.

I believe that Councillors and residents should be seriously concerned about the content of this discussion paper which, under the guise of preventing corruption in the development assessment process, canvasses a range of options that would change the nature of local democracy and the operation of Councils.

Such matters include removal of wards as a basis of election of Councillors, the popular election of mayors, amalgamation of Councils and payment of salaries to full time Councillors. These are matters which deserve full and open public debate exploring all advantages and disadvantages.

The discussion paper also canvasses options of removing democratically elected Councillors from the development assessment process and of introducing Independent Hearing and Assessment Panels as an alternative or additional step in the process.

Councillors will agree that there is always room for improvement when it comes to the development application process however, the concern I have in relation to the

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current trend is that what we are seeing is a greater centralisation of control with a corresponding reduction in local democracy and accountability.

The justification is to improve economic efficiency and aid business however planning and development assessment has always been a process of balancing interest: balancing the interests of the developer against the interest of residents, the community and the environment; balancing private interest against public interest.

Leichhardt Council will always support improving efficiency in processing of development applications and welcome any proposals to provide advanced training for councillors on their responsibilities. By commissioning the Woods enquiry and by pursuing its recommendations, this Council is aggressively pursuing measures to improve the timeliness, efficiency and transparency of the development assessment processes. The results are already evident:

- Council has progressively achieved a reduction in the backlog of Development Applications;
- New processes have been introduced which give earlier contact with applicants and early preliminary assessment of applications;
- Council is reviewing its notification policy so as to be able to implement a “fast-track” process for those applications which have little or minimal impact on neighbours or the environment;
- Council will soon be activating an online tracking system which will allow applicants and the community to track progress of applications. This opens up internal processes to full public scrutiny;
- The introduction of changes to improve the quality of interaction between council, as the assessing body, and the applicants and the community in a way which balances and mediates between interests.

In light of these comments, Leichhardt Councillors and Officers feel compelled to respond to the issues raised by ICAC by making a submission outlining the following:

### Independent Hearing and Assessment Panels

*One striking anomaly is by what criteria can a member of an “independent hearing and assessment panel” be said to be less influenced by a range of factors than Councillors or Council staff? Would not the panel member rely on other sources of income for the bulk of their income? Would not the professional and business associations which qualified to be a member of a panel already shape the perspectives that they bring to their role? And to whom are they accountable? To the Minister, whose party accepts large donations from developers?*

### Accountability of Councillors

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*Codes of conduct, scrutiny by the media and the community and arrangements for declaration of interests by councillors and staff already acknowledge and provide an avenue for dealing with personal interests. Councillors elected by the community are answerable to the community and are also subject to responsibilities and sanctions provided for by legislation. The election process provides public accountability.*

*Council does however agree with the need for an advanced training system for Councillors to ensure that a systematic approach is taken to provision of information regarding the responsibilities and regulatory requirements governing their actions.*

### *Election of Councillors - Ward Based Structures – Full Time*

*Leichhardt Council strongly believes that the democratic processes of open Council, public participation and consultation are directly complemented by the election of Councillors on a ward based structure.*

*The Leichhardt Council area has operated on a Ward based structure for the vast majority of its history and in the old Councils of Balmain, Annandale and Glebe prior to amalgamation. Until 1987, the Leichhardt Municipality was divided into six wards and then in 1994, after public consultation and submissions, Council adopted a three ward structure, each represented by four Councillors. The basis of this change included established suburbs or areas of community interest were not divided, Ward boundaries caused minimum resident confusion and Precincts or census collection districts were not divided.*

*Council believes that if ward based structures were removed as the basis for electing Councillors, there would actually be an increased risk of conflict of interest believe the removal of wards as the basis for electing Councillors would severely impact on the democratic process of local government and lead to an increased risk of conflict of interest.*

*Removal of the ward based structure would also cause significant structural and administrative problems for Council and the community presenting some difficult challenges to ensure effective community representation.*

*Throughout the discussions of the ward system over the years, the community recognises the major benefits to the ward based system of representation including:*

- a) The closeness of constituents to those whom they elect is an essential part of democratic representation particularly in an environment that operates with a high degree of participation;*
- b) The essential community of interests within each ward boundary would be eroded under a single ward system;*
- c) Candidates for election to council incur less cost under a ward system thus encouraging people to nominate;*

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- d) *Equal representation across the municipality; and*
- e) *Throughout the history of the area the electors have voted for Councillors (aldermen) to represent their suburb - reflecting the obvious communities of interest.*

*Council also believes that raising the concept of full time paid Councillors as a potential way of improving the overall governance of Councils is ill conceived and denigrates the commitment that Councillors have in representing the community and the work that they currently do in their role as an elected representative. Council also believes that full time Councillors would be financially unsustainable for Councils.*

### *Popular Election of Mayors*

*It is current Council policy to oppose the system of the popular election of Mayors. Throughout its history, Leichhardt Council has elected its Mayor by way of an annual ballot of Councillors and has adopted this policy believing that it is the only way to ensure ongoing accountability of its Leadership.*

### *Larger Councils – Amalgamations*

*Leichhardt Council and the community has a long history of opposition to amalgamation of Councils. A community poll, conducted in March 2004 found that an overwhelming majority of the community voted in favour of Leichhardt be kept intact and do not want to be forced to amalgamate with neighbouring Councils.*

*Council believes that the process of amalgamation for local councils outlined in the ICAC discussion paper is not about reducing the potential for conflicts of interest or possible corrupt activity but a way for the NSW State Government to implement its cost cutting and rationalisation agenda by stealth; an agenda which has been rejected all round up until now.*

*With community support, Leichhardt Council will continue to fight forced amalgamations, whether it is through direct legislative provisions or by stealth using agencies like ICAC under the guise of anti corruption measures.*

### *Appeal Rights for 3<sup>rd</sup> Parties*

*Council believes that enhancing the appeal rights for 3<sup>rd</sup> parties to a development may have the potential to result in prolonged proceedings and expose residents to vexatious claims or submissions that may arise out of simple neighbour disputes.*

*To add to the so called planning reforms the State Government is planning to introduce new legislation to give the Minister for Planning more powers over the planning process than he already has. These changes include appointing either a planning administrator or a planning assessment panel to make decisions on*

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whether to approve local development where the Minister considers that the Council is underperforming in relation to processing times. The reason given for this is that there is a need to improve economic certainty.

This announcement comes as part of a long line of policy and procedural proposals and changes initiated by State Government with inadequate consultation both with Councils and the communities that they represent.

Recent changes to the process to rezone land that requires that a panel appointed by the Minister assess the information and decide whether to issue an authority prior to a Council being able to exhibit for public scrutiny and comment any proposals to rezone land.

The government has introduced new changes to the way in which Councils do local planning and introduced a requirement that Councils to adopt a standard instrument which reduces the capacity of Councils to undertake the fine grain planning which is necessary to protect local character and amenity.

Last year the government changed legislation to allow the Minister to declare an area as "Major Projects", to rezone the land and to determine the applicable development controls. The changes also extended the Minister's power in relation to determining development applications.

### **C06/06      RESOLVED      DYER**

That Council use this Mayoral minute as the basis of its submission to the ICAC discussion paper indicating strong support for advanced Councillor training and making training mandatory for Councillors but opposing the introduction of IHAP, the amalgamation of Councils, payment of salaries to Councillors, changes to the ward system and any proposal to require council to have popularly elected Mayor.

Further, the first paragraph in the Mayoral Minute under the heading titled "Appeal Rights for 3<sup>rd</sup> parties" be deleted, to be replaced with Council's submission on 3<sup>rd</sup> party appeal rights to the Land and Environment Court 2000 review.

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

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### 1D: RED CROSS CALLING – MARCH 2006

Councillors will recall back in July 2005, a resolution was passed to form a partnership with Red Cross Australia and support them as a corporate sponsor in 2005/2006. This partnership involved working closely with representatives of Red Cross NSW on a range of local community programs.

In forming this partnership, Leichhardt Council is leading the way yet again by becoming the first local Council in Australia to form such a partnership.

Leichhardt Council has a long tradition of supporting the disadvantaged and marginalized in our community. We identify strongly with the principles that guide Red Cross which are humanity, impartiality, neutrality, independence, voluntary service, unity and universality.

History shows that Red Cross Australia has been instrumental in saving the victims of national and international disasters; in helping Australians ravaged by bushfires; is working to foster and build the small nation of Timor-Leste; and is supporting the needy throughout our community from refugees to youth at risk.

In keeping with this support, Council is helping the Red Cross promote the annual fundraising event **Red Cross Calling** which raises financial support for programs and services provided in Australia.

Red Cross are looking for individuals, community groups, schools and businesses to assist with their fundraising during March by participating in a range of activities like holding a **Big Breakfast** in your workplace or street, purchasing some of the special merchandise available from Council and volunteering for the Door Knock Appeal.

Council in conjunction with The Balmain/Rozelle chamber of Commerce and the Red Cross are planning a Big Breakfast along Darling Street Rozelle from Victoria Rd to Browns Hardware, on Sunday 26<sup>th</sup> March. It is intended that this Big Breakfast will become an annual fund raising event as part of Councils commitment to the Red Cross.

For further information on volunteering for Red Cross Calling, Councillors and residents can contact Red Cross on (02) 9229 4111 or Council on (02) 9367 9351.

### **C07/06 RESOLVED DYER/HAMILTON**

That Council gives immediate support to the Red Cross Calling throughout March 2006 by promoting the fundraising drive through its weekly column, media releases and other publicity.

That Council supports the local launch of the Red Cross calling which is coinciding with the Active Fun Day on Sunday 12 March 2006.

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That Council provides assistance in planning, for the Red Cross Calling Big Breakfast on Darling 2006, including a seed grant of \$10,000, and in kind support as required.

**CARRIED UNANIMOUSLY**

**PHOTOGRAPHY IN COUNCIL CHAMBERS**

**C08/06 RESOLVED WINDSOR/MURPHY**

That photographers be permitted to take photos, but not tape record in the Council Chambers at the meeting, on the condition that the press respects peoples right not to be photographed if they do not wish to be.

**\*\* SUSPENSION OF STANDING ORDERS**

**C09 /06 RESOLVED PARKER/MURPHY**

That Standing Orders be suspended and Items 18A, 7, 14 & 42A be brought forward & dealt with now.

**18A. BIRCHGROVE OVAL, ROSE STREET, BIRCHGROVE**

**C10 /06 RESOLVED ALLEN/COBLEY-FINCH**

- A. That the recommendation of the original consultants planning report be adopted.
- B. That Council pursue the relocation of the 25m high poles to the alternative locations nominated by the lighting consultant (adjacent to the amenities block and behind "Birchgrove House" as per the attached photo in the memorandum) by way of a section 96 application.
- C. That the section 96 application for alternative locations be publicly notified in accordance with the provisions of DCP 36.
- D. That a report be submitted to the March Building & Development Council meeting with regard to the amended locations, and looking at other lighting which may be available which are heritage compatible following public notification of the proposal.
- E. That the following condition be added to any consent:

**Removal of soil**

The excavated soil is likely to contain lead. All excavated soil is to be removed in a safe manner. Specific measures are required

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for the removal of lead. Removal is to be carried out strictly in accordance with Workcover/EPA guidelines and is to be disposed of to an appropriately licensed facility.

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

**8.27pm** Councillor Dyer temporarily left the meeting and Deputy Mayor, Chris Windsor assumed the Chair.

### **7. REQUEST FOR FINANCIAL SUPPORT**

**C11/06 RESOLVED HAMILTON/MCKENZIE**

That Council reimburse Mr Dent expenses totalling \$2,837.93 for the costs incurred by him in supporting "Save Rozelle Bay".

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

**8.36pm** Councillor Dyer returned to the meeting and resumed the Chair.

## LEICHHARDT MUNICIPAL COUNCIL

### 14. MINUTES OF CALLAN PARK TASKFORCE

#### C12 /06 RESOLVED SHEEHAN/WINDSOR

That Council adopt the minutes of the Callan Park Taskforce meeting held on 2 February 2006 with the accompanying recommendations subject to the following change to Item 4 of the minutes;

#### **Item 4 Present and Future Plans;**

A third point be added to the recommendation to read as follows;

- “3) Council commence consultation for stage 2 of the community vision in preparation for the masterplan including proposed uses by Just Enough Faith, Lucan Care and lights for the sporting fields.

The consultation will be by citizens' panel, public meetings, community survey and other appropriate consultation processes. “

#### **CARRIED UNANIMOUSLY**

### 42A. CALLAN PARK

#### **Background:**

In April 2004, Leichhardt Council resolved to establish and resource a taskforce, chaired by the Mayor, Alice Murphy, or her delegate, Councillors, Friends of Callan Park, Precinct nominees and Callan Park tenant nominees to strongly pursue adequate government funding and community representation for the practical establishment of the Callan Park Trust and to initiate the process of master planning for Callan Park in line with the Community Vision adopted by the previous Council.

On the 18th October, 2005 Leichhardt Council resolved unanimously to erect new signs in Callan Park, one at the Cecily Street entrance, one near St. George Park and one at the rowing club end of Glover Street. Council resolved that these signs would read: "Save Rozelle Psychiatric Hospital at Callan Park Thousands of mentally-ill people held in jails Hundreds dying avoidable deaths Thousands more homeless or in overcrowded shelters & boarding houses This hospital is needed. For humanity's sake, upgrade it, don't close it. Send a message to Premier Morris lemma, Parliament House, Macquarie Street, Sydney NSW 2000".

On Monday 24th October, 2005 Leichhardt Council moved that the Local Government Conference call upon the state government to reaffirm the position that Callan Park remain as a specialist mental health facility and reaffirm the establishment of a trust for the ongoing management of Callan Park, to adopt the

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Callan Park trust bill, and it be tabled in parliament for enactment, and further that the minister for Infrastructure and planning release promised funds for the development of the Callan Park Masterplan. This motion was unanimously resolved by the Local government association of NSW.

On the 22nd of November, 2005 Leichhardt Council unanimously resolved to call on the NSW state government to rehabilitate and restore the Rozelle Hospital in Callan Park as a centre of excellence for the treatment and care, recuperation and convalescence, protection, refuge and asylum of our fellow citizens with mental illness, and that the State Government continue with plans to build a psychiatric unit at Concord Hospital as a facility to complement the Rozelle Specialist psychiatric hospital, and to call on the state and Federal Government to provide additional funding for mental health care. This motion was unanimously supported by Canada Bay Council in 2005 and City of Sydney Council in 2006.

Despite these actions and clear commitments from Council to preserve Callan Park, and make demands for the establishment of a Masterplan, the NSW Government has abrogated its responsibility to act to save Callan Park. They are causing it to be demolished by neglect and allowing ad hoc occupation. The Government would appear to be waiting for the people of Leichhardt Municipality to take financial responsibility for mental health services in the inner west. It is time to reiterate the community's expectation that the NSW Government meet its responsibilities and establish a Masterplan for Callan Park that gives full effect to the Callan Park Special Provisions Act of 2002.

**C13/06**

**RESOLVED**

**MCKENZIE/PARKER**

- 1) Renew its commitment to getting a Masterplan for Callan Park developed that fully implements the Callan Park (Special Provisions) Act of 2002.
- 2) Reiterate its demand that the State Government fund and develop the Master Plan and retain and upgrade the specialist Callan Park psychiatric hospital.
- 3) Write to the Premier demanding funding be committed and work actually commence on the Masterplan by March 23 2007.
- 4) Write to the state member, Sandra Nori, advising her of council's commitment and requesting that she make representations to the Premier requesting that the Masterplan be funded and developed by the state government. The work actually commence on the masterplan by 23 March 2007.
- 5) Council continues to support the Callan Park (Special Provisions) Act of 2002 in full.

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- 6) Arrange a site meeting for Rozelle Hospital Administration Building, Glover Street, Leichhardt.

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

**9.50pm**      **The meeting adjourned to allow members of the gallery to leave the Chambers.**

**10.01pm**      **The meeting resumed with all Councillors present.**

**\*\***              **SUSPENSION OF STANDING ORDERS**

**C14/06**        **RESOLVED**                      **PARKER/WINDSOR**

That Standing Orders be suspended and Items 15,29,33,34,36 & 37 be brought forward and dealt with now.

**15.**            **MINUTES OF THE COMMUNITY SERVICES, SAFETY & FACILITIES COMMITTEE MEETING**

**C15/06**        **RESOLVED**                      **PORTEOUS/ALLEN**

That Council adopt the minutes of the Community Services, Safety & Facilities Committee held on 2 February 2006 with the accompanying recommendations subject to the following changes to Item 11;

**Item 11 – Sincopatico Youth Jazz Festival – support proposal**

Point 2.1 (a) be amended to read;

“Provide assistance by way of financial support of \$1,500”

**CARRIED UNANIMOUSLY**

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29. LOCAL HISTORY GRANTS 2005/06

C16/06 RESOLVED MURPHY/WINDSOR

- 2.1 That funds totalling \$20,000 be allocated for the local history research projects as follows:
- A. *Annandale Urban Research Association (AURA)*: \$4998 towards publication of "Annandale, The Realisation of a Model Township 1876 -1899"
  - B. *Heritage Group of Leichhardt District (HGOLD)*: \$4500 to research privately held archives in the LGA
  - C. *Leichhardt Urban Research Association (LURA)*: \$4995 to publish "Callan Park and Broughton Hall 1819 -1975"
  - D. *St John the Evangelist Anglican Church, Birchgrove*: \$507 towards research on conservation needs of the parish's archival collection through the engagement of a professional conservator
  - E. *Leichhardt Historical Journal*: \$5000
- 2.2 That increased funding be sought in the 2006/07 budget process
- 2.3 That in 2006/07 the criteria for funding eligibility be broadened to allow for a wider range of local history projects
- 2.4 That Council publicise the awarding of the funding to the successful groups
- 2.5 That the grants program be more widely advertised in 2006/07
- 2.6 That the timeline for implementation be revised as follows:
- 28 March 2005 – Cheques to be presented to the successful recipients at March Council meeting
  - 8 September 2006 – Progress reports on project outcomes , including interim acquittal of expenditure of funds, on all projects from Local History groups to be submitted to Council via the Library Manager
  - 22 December 2006 – All projects to be completed and final reports, including final acquittal of expenditure of all funds, from

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## LEICHHARDT MUNICIPAL COUNCIL

Local History Groups to be submitted to Council via the Library Manager

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

### 10.30pm EXTENSION OF TIME TO CONTINUE MEETING

#### C17/06 RESOLVED WINDSOR/WEBB

That an extension of time of 30 minutes be granted to continue the meeting.

### 33. LICENCE TO LEICHHARDT WANDERERS FOR CLUBHOUSE AT BLACMORE PARK

#### C18/06 RESOLVED PARKER/WINDSOR

1. That, subject to consent of the Minister for Lands, Council grant a new ten year licence to Leichhardt Wanderers Junior Rugby League Football Club Inc for use of the clubhouse and some adjacent land at Blackmore Park, commencing on 1 March 2007 at a licence fee calculated in accordance with annual increase provisions in the current licence, subject to agreement on the schedule of works to be carried out as a term of the licence.
2. That Council delegates authority to the General Manager to finalise the terms of the licence and to sign all documentation to implement this decision.

#### CARRIED UNANIMOUSLY

### 34. LICENCE FOR FLOWER BARROW AT BALMAIN

#### C19/06 RESOLVED COBLEY-FINCH/MCKENZIE

1. That Council grant a new five year licence to Mr Joe Mustica to have a Flower Barrow on part of Darling Street Balmain, at an

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**LEICHHARDT MUNICIPAL COUNCIL**

initial licence fee of \$9,600.00 per annum with annual CPI increases.

2. That Council delegates authority to the General Manager to finalise the terms of the licence and to sign all documentation to implement this decision.

**CARRIED UNANIMOUSLY**

**36. COUNCIL RESIDENT PRECINCT GROUPS**

**BACKGROUND:**

That we establish a Sunset committee to report to Council on strategies to strengthen community consultation through the resident precinct groups.

**The Sunset Committee will**

1. Review the precinct areas in light of the ward boundaries & develop strategies to ensure that there is at least one committee in each Ward.
2. Review the Policy and Procedures Manual, including Council/ Precinct reporting back procedures.
3. Review resources provided for the effective operation of resident precinct groups and other Council community committees, to provide training and support for office bearers and for promotion of broad community participation.

**C20/06 RESOLVED ALLEN/SHEEHAN**

**The Sunset Committee be comprised of**

1. A minimum of 4 Councillors
2. Two representatives of each established Resident Precinct group
3. Two participants from Lilyfield area across the 3 wards
4. Council Officers

**CARRIED UNANIMOUSLY**



**LEICHHARDT MUNICIPAL COUNCIL**

**CARRIED UNANIMOUSLY**

**\*\* SUSPENSION OF STANDING ORDERS**

**C23/06 RESOLVED PARKER/PORTEOUS**

That Standing Orders be suspended and Items 9, 12 & 23 be brought forward and dealt with now.

**9. FUNDING FOR EAST TIMOR MUSIC RECOVERY PROJECT**

**C24/06 RESOLVED SHEEHAN/PORTEOUS**

That Council notes a grant of \$2,500 is affordable within the East Timor Contribution budget and resolves the following;

1. That \$2,500 be provided to Tekee Media Inc. to continue its work on the Tekee Tokee Music Recovery project in East Timor; and
2. That Tekee Media Inc. provide Council with a full acquittal of the funding provided.
3. A report be brought back to Council with a breakdown on any expenditure relating to East Timor budget, what has been spent and what is still available and the strategy on future spending and activities.

**CARRIED UNANIMOUSLY**

**12. EAST TIMOR PROGRESS REPORT – FRIENDS OF MALIANA**

**C25/06 RESOLVED SHEEHAN/PORTEOUS**

That Council note progress on activities of the Friends of Maliana Group.

That Council assist the Friends of Maliana Group in organising the fundraising event and the stall at Orange Grove Markets on 20 May 2006.

**CARRIED UNANIMOUSLY**

**LEICHHARDT MUNICIPAL COUNCIL**

**23. MINUTES OF LOCAL TRAFFIC COMMITTEE**

**C26/06 RESOLVED MURPHY/WINDSOR**

That the Minutes of the Local Traffic Committee held January 2006 be received and adopted.

**CARRIED UNANIMOUSLY**

**\*\* SUSPENSION OF STANDING ORDERS**

**C27/06 RESOLVED COBLEY-FINCH/WINDSOR**

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

**Items 2, 3, 4, 5, 6, 8, 10, 11, 12A, 13, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30, 31, 32 & 35.**

**2. SUMMARY OF MAYORAL MINUTE RESOLUTIONS**

**C28/06 RESOLVED COBLEY-FINCH/WINDSOR**

That the information be received and noted.

**CARRIED UNANIMOUSLY**

**\*\* PRECIS OF CORRESPONDENCE**

**3. SUMMARY OF PRECIS OF CORRESPONDENCE RESOLUTIONS FROM DECEMBER 2005**

**C29/06 RESOLVED COBLEY-FINCH/WINDSOR**

That the information be received and noted.

**CARRIED UNANIMOUSLY**

**LEICHHARDT MUNICIPAL COUNCIL**

**4. REQUESTS FOR FEE WAIVER/REDUCTION FOR USE OF LEICHHARDT TOWN HALL**

**C30/06 RESOLVED COBLEY-FINCH/WINDSOR**

**(a) 2mbs-FM**

- (i) 2MBS FM be charged \$4,000 for the duration of the market, on the basis that Leichhardt Council is acknowledged as being a sponsor of the event.
- (ii) The standard \$500 refundable bond be charged.

**(b) Balmain Light Opera**

- (i) The Balmain Light Opera Company be charged the community rate (totalling \$7,101,50) applicable to Balmain Town Hall and Meeting room for the use of Leichhardt Town Hall during July to October 2006 for rehearsals for the 1<sup>st</sup> performance and also for the 1<sup>st</sup> show performances from late October – November.
- (ii) The Balmain Light Opera Company be granted a fee waiver for the November rehearsals for the pantomime and a fee waiver for the performance in December. BLOC to co-promote the event as the Leichhardt Council free Christmas pantomime.
- (iii) The standard \$500 refundable bond be charged.

**CARRIED UNANIMOUSLY**

**5. SYDNEY SECONDARY COLLEGE**

**C31 /06 RESOLVED COBLEY-FINCH/WINDSOR**

- 1. That Council endorse the Mayor's decision to approve expenditure of \$500 to purchase trophies, medallions and book vouchers as part of Council's sponsorship of the Sydney Secondary College's Leichhardt Council Citizenship Award for 2006.
- 2. That Council approve expenditure of \$100, in 2007 and 2008 and \$200 in 2009 (total \$400) as part of Council's ongoing sponsorship of the Sydney Secondary College's Leichhardt Council Citizenship Award.

**CARRIED UNANIMOUSLY**

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**LEICHHARDT MUNICIPAL COUNCIL**

**6. COUNCIL HOSTING A GREEN PLUMBER SEMINAR**

**C32 /06 RESOLVED COBLEY-FINCH/WINDSOR**

1. That Council grant a fee waiver to the Master Plumbers and Mechanical Services Association of NSW for the use of the Leichhardt Town Hall for the Green Plumber Seminar on 18 May 2006.
2. The standard \$500 refundable bond be charged.

**CARRIED UNANIMOUSLY**

**8. ASSISTANCE TO ASYLUM SEEKERS PROJECT**

**C33/06 RESOLVED COBLEY-FINCH/WINDSOR**

The information be received and noted

**CARRIED UNANIMOUSLY**

**10. 2006 INNER WEST BUSINESS AWARDS**

**C34/06 RESOLVED COBLEY-FINCH/WINDSOR**

That Council provide sponsorship of \$1,100 towards the 2006 Inner West Business Awards.

**CARRIED UNANIMOUSLY**

**\*\* GENERAL MANAGER**

**11. SUMMARY OF GENERAL MANAGER RESOLUTIONS FROM DECEMBER 2005**

**C35 /06 RESOLVED COBLEY-FINCH/WINDSOR**

That the information be received and noted.

**CARRIED UNANIMOUSLY**

**LEICHHARDT MUNICIPAL COUNCIL**

**12A. STRATEGIC PLAN REVIEW – LEICHHARDT 2020+ AND THE 2006/09 MANAGEMENT PLAN & BUDGET**

**C36 /06 RESOLVED COBLEY-FINCH/WINDSOR**

That Council:

- 2.1 Receive and note the report;
- 2.2 Endorse the Strategic Plan review objectives, expected outcomes, visioning methodologies and overall review processes as detailed in this report.
- 2.3 Set aside \$100,000 in the forthcoming 2006/2009 draft management plan and budget for temporary staff assistance and other ancillary Strategic Plan review costs

**CARRIED UNANIMOUSLY**

**\*\* ENVIRONMENTAL AND COMMUNITY MANAGEMENT**

**13. SUMMARY OF ENVIRONMENTAL AND COMMUNITY MANAGEMENT RESOLUTIONS FROM DECEMBER 2005**

**C37/06 RESOLVED COBLEY-FINCH/WINDSOR**

That the information be received and noted.

**17. MINUTES OF THE PLANNING COMMITTEE MEETING**

**C38/06 RESOLVED COBLEY-FINCH/WINDSOR**

That Council adopt the minutes of the Planning Committee held on 9 February 2006.

**CARRIED UNANIMOUSLY**

**18. AFFORDABLE HOUSING**

**C39/06 RESOLVED COBLEY-FINCH/WINDSOR**

- 2.1 Review the recommendations of the NSW Interdepartmental Committee on Affordable Housing and report to Council any issues that affect the Leichhardt LGA.
- 2.2 Make representation to the NSW state government in regard to



## LEICHHARDT MUNICIPAL COUNCIL

the provision of affordable housing in any redevelopment of the Parramatta Road precinct.

- 2.3 Establish a policy framework for negotiating voluntary agreements for the inclusion of affordable housing in future large residential developments.

### CARRIED UNANIMOUSLY

\*\*

## INFRASTRUCTURE AND SERVICE DELIVERY

### 19. SUMMARY OF INFRASTRUCTURE AND SERVICE DELIVERY RESOLUTIONS FROM DECEMBER 2005

#### C40/06 RESOLVED COBLEY-FINCH/WINDSOR

That the information be received and noted.

### CARRIED UNANIMOUSLY

### 20. USE OF LEAF BLOWERS BY PARKS & STREETSCAPES STAFF

#### C41/06 RESOLVED COBLEY-FINCH/WINDSOR

That Council note:

1. The significant impact on the Occupational Health and Safety of employees if they were to revert to the use of manual sweeping methods especially in the area of manual handling and muscular-skeletal injuries.
2. A reduction in the use of leaf blowers would lead to efficiency losses and a blowing out of agreed cycle times for street cleaning and park maintenance services
3. That the Parks & Streetscapes section is phasing out the use of environmentally inefficient and polluting two stroke machinery in favour of the less polluting and more environmentally friendly four stroke equivalents
4. That the Parks & Streetscapes Section further investigate the following strategies to the use leaf blowers
  - Trialling the use of 4-stroke manually handled vacuum type units which collect material as opposed to blowing to reduce the level of dust.

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- Modification of truck mounted Tommy-vacs to allow for more ergonomic use of the vehicle while ensuring that the OH&S of the crew using the units is not affected.
- Investigate the expansion of the suction sweeper fleet to allow for further dry vacuum collection of these unwanted materials from streets, lanes and parks.
- Re-examine the operating procedures for leaf blowers to ensure that they are primarily used in areas where alternative methods are not effective or pose an OH&S risk.

**CARRIED UNANIMOUSLY**

**21. SUMMARY REPORT ON THE IMPLEMENTATION OF THE NSW EXTENDED PRODUCER RESPONSIBILITY (EPR) PRIORITY STATEMENT 2004, BY THE EPR EXPERT REFERENCE GROUP, FOR THE DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

**C42/06 RESOLVED COBLEY-FINCH/WINDSOR**

- 2.1 That Council send a letter of congratulations to the NSW Minister for the Environment for setting up the EPR Expert Reference Group (ERG) and calls on the Minister to ensure the ongoing operation of the ERG and to initiate regulatory action to mandate EPR schemes where such recommendations are made in line with the ERG report; and
- 2.2 That Council send a letter of congratulations to the chair of the ERG stating Council's support for the introduction of regulatory EPR schemes in line with the ERG's recommendations.

**CARRIED UNANIMOUSLY**

**22. 2<sup>ND</sup> QUARTER 2005/06 INFRASTRUCTURE PROGRAM UPDATE**

**C43/06 RESOLVED COBLEY-FINCH/WINDSOR**

That the progress of the infrastructure works program for the 2nd quarter of the 2005/2006 financial year be noted.

**CARRIED UNANIMOUSLY**

LEICHHARDT MUNICIPAL COUNCIL

**\*\* CORPORATE AND INFORMATION SERVICES**

**24. SUMMARY OF CORPORATE AND INFORMATION SERVICES RESOLUTIONS FROM DECEMBER 2005**

**C44/06 RESOLVED COBLEY-FINCH/WINDSOR**

That the information be received and noted.

**CARRIED UNANIMOUSLY**

**25. STATEMENT OF INVESTMENT BALANCES AS AT 31 DECEMBER 2005**

**C45/06 RESOLVED COBLEY-FINCH/WINDSOR**

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

**CARRIED UNANIMOUSLY**

**26. STATEMENT OF INVESTMENT BALANCES AS AT 31 JANUARY 2006**

**C46/06 RESOLVED COBLEY-FINCH/WINDSOR**

That the Statement of Investment Balances as at the 31 January 2006 be received and noted.

**CARRIED UNANIMOUSLY**

**27. 2<sup>ND</sup> QUARTERLY REVIEW -2005/06 MANAGEMENT PLAN**

**C47/06 RESOLVED COBLEY-FINCH/WINDSOR**

The report be received and adopted

**28. BUDGET REVIEW – QUARTER 2 2005/06**

**C48/06 RESOLVED COBLEY-FINCH/WINDSOR**

**2.1** That Council adopt increased net expenditure of \$282,636 and increased net revenue of \$315,636 and the revised budget deficit for 2005/06 of \$21,019 as detailed in this report.

**2.2** That Council receive and note the Councillor Major Issues and Donations expenditure update.

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**CARRIED UNANIMOUSLY**

**30. DETERMINATION OF THE LOCAL GOVERNMENT REMUNERTION TRIBUNAL – COUNCILLOR FEES**

**C49/06 RESOLVED COBLEY-FINCH/WINDSOR**

2.1 The fees to be paid to the Mayor and Councillors for the period 1 July 2005 to 30 June 2006 be as follows;

-Mayoral allowance – (additional to Mayor’s Councillor fee) (\$29,345 being \$21,545 for Mayor and \$7,800 for Deputy Mayor)

-Deputy Mayor’s allowance – (to be paid out of the additional fee determined for the Mayor).\$7,800

-Councillor’s allowance – \$13,440

2.2 Councillors be back-paid given the increase has been made effective from July 1, 2005.

**CARRIED UNANIMOUSLY**

**31. HALL HIRE WAIVERS/REDUCTIONS FOR QUARTER ENDING 31/12/05**

**C50 /06 RESOLVED COBLEY-FINCH/WINDSOR**

That the information be received and noted

**CARRIED UNANIMOUSLY**

**32. SETTING OF MEETING DATES FOR 2006-02-28**

**C51 /06 RESOLVED COBLEY-FINCH/WINDSOR**

The dates for the April, November and December 2006 Council meetings be set as follows;

**APRIL**

- Week 1 - Tuesday 4 April – Building & Development Ward Meeting (when required and on a alternative month to the Environment & Recreation Committee to ensure there is no clash of meetings)

## LEICHHARDT MUNICIPAL COUNCIL

- Week 1 - Wednesday 5 April – Environment & Recreation Committee (moved from 4 April to avoid a clash with above Ward meeting)
- Week 2 - Tuesday 11 April – Building & Development Council Meeting
- Week 3 - Tuesday 18 April – Ordinary Meeting

### NOVEMBER

- Week 1 - Tuesday 7 November – Building & Development Ward Meeting
- Week 2 - Tuesday 14 November – Building & Development Council Meeting
- Week 3 - Tuesday 21 November – Ordinary Meeting
- Week 3 - Saturday 25 November – Works Inspection (instead of 2<sup>nd</sup> December)
- Week 4 - Tuesday 28 November – Building & Development Ward Meeting

### DECEMBER

- Week 1 - Tuesday 5 December – Building & Development Council Meeting
- Week 1 - Wednesday 6 December – Environment & Recreation Committee (moved from 5 December to avoid a clash with above B & D Council meeting)
- Week 2 - Tuesday 12 December – Ordinary Meeting

### CARRIED UNANIMOUSLY

\*\*

### MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

#### 35. SUMMARY OF NOTICE OF MOTIONS FROM DECEMBER 2005

#### C52/06 RESOLVED COBLEY-FINCH/WINDSOR

That the information be received and noted.

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**LEICHHARDT MUNICIPAL COUNCIL**

**CARRIED UNANIMOUSLY**

**\*\* RESUMPTION OF STANDING ORDERS**

**C53 /06 RESOLVED PARKER/PORTEOUS**

That Standing Orders be resumed and the remaining items in the business paper be dealt with in turn.

**16. MINUTES OF THE ENVIRONMENT & RECREATION COMMITTEE MEETING**

**C54/06 RESOLVED SHEEHAN/WINDSOR**

That Council adopt the minutes of the Environment and Recreation Committee held on 7 February 2006 with the accompanying recommendations subject to the following change to Item 7.2 of the minutes;

**Item 7.2 Potential Sporting Fields**

Point 2 of the recommendation of the Environment & Recreation Committee relating to Item 7.2 be amended to delete the word "passive". Point 2 of the recommendation will therefore read as follows;

"2. The Sydney Secondary College, Balmain Campus should be explored for use as informal recreation".

**CARRIED UNANIMOUSLY**

**38. TELSTRA ELECTROMAGNETIC RADIATION EMISSIONS**

**Background:**

Telstra has recently furnished Council with an RF EME Survey Report dated October 2005 by Radhaz Consulting Pty Ltd on the electromagnetic radiation (EMR) from the phone towers located on Norton Street Plaza installed in June 2005. The report asserts that the EMR levels are low and do not pose a threat to our residents.

There are a number of issues that Council needs to address in this report:

## LEICHHARDT MUNICIPAL COUNCIL

1. The report has been presented as an “independent” report although it has been prepared by one Michael Bangay, who previously visited Council on two occasions, in the role of ARPANZA representative, as part of the Telstra team.
2. Only GSM 900 signals were measured at the time of the survey although the plans submitted to Council show G3 and CDMA transmitters as well.
3. The measurements vary significantly from the estimated measurements from the Council appointed independent experts EMC Services Pty Ltd.
4. In June 2005 Council called on Telstra to assure Council and the Community on maximum emission levels, direction of the antennas, the issue of co-location and on-going EMR reports however Telstra continues to give Council no assurances on the above.

**C55/06**

**RESOLVED**

**PORTEOUS/PARKER**

Leichhardt Council writes again to Telstra calling on assurances that:

1. the voltage per meter from the Phone Tower installation on Norton Street Plaza should at no time exceed 1 volt per meter.
2. the direction of the antennas be such that they are not facing any school or preschool in the area nor any house in nearby streets nor any apartment in the Forum.
3. there will be no co-location on the site.
4. there is a sign placed on equipment to say that at no time will the power be increased nor the directions of the antennas changed.
5. that Telstra commits to on-going 6 monthly EMR testing of the facility with copies of the results provided to school Principals within 500m and to Council.
6. that Telstra accepts 100% liability for any ensuring damages arising from Telstra’s installation of this telecommunication facility including any future claims based on negative health effects of EMR.

It is further moved that Leichhardt Council write to all telecommunication companies with facilities in the Leichhardt Municipality calling on the same assurances as above.

With regards to the current Radhaz report, it is moved that Council have the report independently assessed and if required that the measurements be taken again by an Independent EMR consultant and that assessment of these be brought back to Council in a report to the April Ordinary meeting with recommendations to include an

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## LEICHHARDT MUNICIPAL COUNCIL

update on the responses to correspondence sent to the telecommunication carriers operating in LMC.

### CARRIED UNANIMOUSLY

#### 39. COOKS RIVER TO IRON COVE GREEN WAY CO-ORDINATION STRATEGY

##### Background:

The stated vision of the GreenWay project is “to provide a recognisable environmental, cultural and non-motorised transport corridor linking the sub-catchments of two of Sydney’s most important waterways.”

This means the creation of a coherent “greenway” linking scattered open space reserves, available railway land, water reserves and the existing road and footpath network between the Cooks River and Iron Cove.

At present Leichhardt, Marrickville and Ashfield Council have each committed \$10,000 in in-kind support. In December 2005, the State Government announced that they were committing \$30,000 to the project but that they now required that this be matched by the three Councils. Each Council has therefore been requested by the GreenWay Committee to convert their in-kind support to a cash contribution of \$10,000 per Council.

##### The main components of the Strategy would be:

1. A Design Masterplan for the entire corridor, involving development of a set of corridor design principles, with photos and sketches to illustrate these.
2. An Action Plan for realisation of the GreenWay vision over the next five years – comprising a list of actions with timings and responsibilities
3. Immediate Ongoing Management and Negotiations necessary to manage community projects, co-ordinate stakeholders and negotiate access to public and private lands.

C56/06

RESOLVED

PORTEOUS/PARKER

Leichhardt Council prioritises the allocation of a \$10,000 cash contribution to the GreenWay Project within its 2006/2007 Budget.

### CARRIED UNANIMOUSLY

#### 40. PROGRESS WITH THE NO M4 EAST CAMPAIGN

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### Background:

At the 2005 August Ordinary Council meeting, Council passed a unanimous motion regarding maintaining the No M4East Campaign. Council resolved to:

1. Display a new "No M4 East" banner from Council premises
2. Display posters opposing the M4East on Council notices
3. Maintain current information about the M4East on its website
4. Approve the printing of the requisite banners or noticeboards if more are required for this purpose.

Residents have been making enquiries regarding our progress with this campaign.

**C57/06**

**RESOLVED**

**HAMILTON/PORTEOUS**

Leichhardt Council therefore resolves to:

1. Ensure that these resolutions are being actioned and prioritised
2. Bring a report to the next Council meeting regarding the status of these actions.

**CARRIED UNANIMOUSLY**

**41.**

### **ENDORSEMENT BY LEICHHARDT COUNCIL AND 195 COUNCILLORS OF THE CALL FOR REAL CHANGE TO REFUGEE POLICY**

#### **Background:**

Late in 2005, as a result of the Conference on Asylum Seekers held at UTS, a policy was formed, the "Call for Real Change to Refugee Policy". This policy is currently being endorsed by numerous organisations and individuals.

Therefore it is moved that Leichhardt Council, as a strong supporter of the rights and well-being of refugees and asylum seekers:

Endorse the Call for Real Change in Refugee Policy (see below)

In addition, that all Councillors that wish to, sign this policy document.

That with the endorsement of this policy by Council and the individual signatures of Councillors, this then be forwarded to the Refugee Action Coalition of NSW. In addition that this policy, hence force be the stated

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## LEICHHARDT MUNICIPAL COUNCIL

position of Leichhardt Council on Asylum seeker and Refugee policy and that Media releases be issued by Council to that effect.

### **A call for a real change to refugee policy**

The Palmer and Comrie enquiries into the detention of Cornelia Rau and the deportation of Vivian Solon revealed fundamental flaws in the conduct and culture of the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). Palmer noted that DIMIA was so focused on detention and deportation that the department “failed to take into account the basic human rights obligations that characterise a democratic society”.

Palmer and Comrie exposed the appalling treatment meted out to thousands of asylum seekers under the mandatory detention regime of successive Australian governments. There is an urgent need for extensive change in government policy on detention and in the operation of DIMIA.

Faced with widespread public repudiation of its policies and a backbench revolt, the Government declared that it is committed to ‘cultural change’ in DIMIA, released a number of long-term detainees and moved families with children into community detention. These changes are significant, but they are cosmetic and rely solely on the discretion of the Immigration Minister. There are no substantial changes to refugee legislation or policy and the continuing scandals in DIMIA demonstrate that there is no cultural change.

The requirement that families are not held in detention is not enshrined in law and despite the reforms families are being separated, with one parent still in the detention centres. Those held in the community are still very much in detention with no legal status in Australia, no means of support and no right to work.

Meanwhile, indefinite detention is still the basis of government policy. Those still in the detention centres continue to suffer under harsh regimes and continue to be held for long periods. When their refugee claims are found to be substantiated, they are burdened by considerable debts, as they are required to repay the government for the cost of their detention.

Australia remains the only country to give temporary protection visas (TPVs) to people recognised as refugees, so thousands of TPV holders live with an uncertain future, denied travel and family reunion rights. Asylum seekers turned away from Australian territory excised from the Migration Act are still stranded on Lombok Island, Indonesia, and the government continues to maintain the Nauru, Manus Island and Xmas Island centres functional for similar use in the future, at considerable cost.

**C58/06 RESOLVED**

**PORTEOUS/COBLEY-FINCH**

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We, the undersigned believe that true change in the treatment of asylum seekers requires substantial policy change. We therefore call on all political parties to:

- End mandatory detention, close detention centres and allow refugee processing while living and working in the community;
- Separate on-shore and off-shore refugee quotas, increase the quota for humanitarian visas and establish a system of complementary protection to fulfil Australia's obligation to those who seek asylum;
- Recognise Australia's *non-refoulement* obligations under international conventions to ensure that refugees are not returned to places where their lives or freedoms could be threatened, and end all forced deportations to countries which records demonstrate they are unwilling or unable to prevent human rights abuses.
- Replace the present punitive and adversarial determination process with an independent refugee tribunal based on a commitment to human rights and the principles of the Refugee Convention;
- Restore full judicial rights of appeal for asylum seekers and scrap the Migration Litigation Reform Bill;
- End the 'Pacific Solution' by closing all island detention centres permanently and bringing the remaining asylum seekers on Lombok to Australia;
- End the 'Indian Ocean Solution', and reverse the excision of Australian territory (such as Christmas Island and Ashmore Reef) from the Migration Act;
- Establish a Royal Commission into the conduct of DIMIA and re-establish Ministerial responsibility for the work of the department;
- Provide permanent protection for all refugees, including an end to the temporary and bridging visa systems which deny basic human rights to work, education, and medical care;
- Waive detention debts and end the practice of charging people for their own detention;
- Ensure adequate compensation for the psychological effects of detention for all detainees and ex-detainees;
- Establish a full independent inquiry into the sinking of the SIEV-X, and drowning of 353 asylum seekers, many of whom were women and children;
- End the vilification of asylum seekers and encourage a community culture that welcomes, rather than demonises, asylum seekers and their families.

**This policy is endorsed by Leichhardt Council and also individually endorsed by the following Councillors:**

	<b>FOR</b>		<b>AGAINST</b>
Rochelle Porteous	X	Vera-Ann Hannaford	X

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Jamie Parker	X	Nick Dyer	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		

### 42. CALL FOR A REPORT ON THE URBAN FOREST POLICY

#### Background:

Street and park trees in Leichhardt are some of the municipalities most treasured assets bringing social, psychological, environmental and economic benefits to residents. Up until recently work with our trees has been essentially reactive in nature. Replantings, removals and replacements of our trees being done principally on a needs-by basis.

In June 2005 Council resolved to develop an Urban Forest policy which is to be a priority in the 2005-2008 Management Plan.

Council will shortly begin consideration of budget priorities for 2006/2007 and as such it is important that the current status of the development of the Urban Forest Policy be reported to Council and that Council is also informed of the funding required within the next financial year to ensure that the development of this policy is on-track and prioritised as per Council's resolution.

#### **C59/06 RESOLVED PORTEOUS/HAMILTON**

Council resolves to bring a report to the next Ordinary meeting on the current status of the development of the Urban Forest Policy and that this report includes the financial breakdown of the costings which will ensure the development of this policy remains on track, prioritised and properly funded by Council.

#### **In addition,**

That this report includes the costing and a summary of the content for a leaflet to distribute to all Leichhardt Municipality households which outlines the assets and benefits our trees bring to our environment. This leaflet should also cover issues such as the reasons for choosing one type of street tree or replacement tree over another, the question of allergen levels when choosing tree species, the needs of street trees and why some trees are unsuitable, outlining what it means for Council

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to be prioritising the development of an Urban Forest Policy and how residents can help ensure our street, private and park trees stay healthy. The leaflet should also call for feedback from residents on what we are getting right and what we are not getting right on issues of trees and canopy in the Municipality.

**CARRIED UNANIMOUSLY**

**\*\* QUESTIONS WITHOUT NOTICE**

*The following item is listed for consideration by Council in Committee of the Whole with the press and public excluded, in accordance with the provisions of Section 10A2 (g) of the Local Government Act, 1993 and for privacy reasons (under the Privacy & Personal Information Protection Act).*

*Council resolved to meet in the Committee of the Whole at 11.37pm with the press and public excluded after a MOTION (PARKER/MURPHY) to that effect was CARRIED.*

**\*\* COMMITTEE OF THE WHOLE**

**1. FINAL OMBUDSMAN REPORT IN RELATION TO ACCESS TO DOCUMENTS**

**CW01/06 RECOMMENDATION HAMILTON/HANNAFORD**

The information be received and noted.

**\*\* RETURN TO OPEN COUNCIL**

Open Council resumed at 11.38pm after a MOTION (PARKER/MCKENZIE) to that effect was CARRIED.

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

**C60/06 RESOLVED PARKER/MCKENZIE**

That the recommendations of the Committee of the Whole minute numbers CW01/06 adopted by Council.

**The meeting closed at 11.38pm.**