

**LEICHHARDT MUNICIPAL COUNCIL**

**MINUTES of ORDINARY MEETING** of Leichhardt Municipal Council held in the Council Chambers Leichhardt Town Hall, Norton Street, Leichhardt on **24 October 2006**.

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

Staff Present : General Manager, Director Corporate & Information Services, Director Environmental & Community Management, Director Infrastructure & Service Delivery, Manager Administration Services & Assessments Administration and Systems Team Co-ordinator.

Meeting Commenced: 7.10 pm

**BUSINESS:**

\*\*

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

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

**C364/06 RESOLVED DYER/HANNAFORD**

That the Minutes of the Building & Development Committee Meeting held 12 September 2006 be confirmed as a true and accurate record of the meeting.

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

**C365 /06 RESOLVED DYER/HANNAFORD**

That the Minutes of the Building & Development Council Meeting held 19 September 2006 be confirmed as a true and accurate record of the meeting.

(b) **ORDINARY MEETING**

**C366 /06 RESOLVED DYER/HANNAFORD**

That the Minutes of the Ordinary Meeting held 26 September 2006 be confirmed as a true and accurate record of the meeting.

.....

CHAIR

**LEICHHARDT MUNICIPAL COUNCIL**

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

**C367 /06 RESOLVED MCKENZIE/COBLEY-FINCH**

That apologies be given for the absence of Councillors Windsor & Parker.

**\*\* DECLARATION OF PECUNIARY INTEREST**

There were no declarations of pecuniary interest

**\*\* MAYORAL MINUTES**

**1A. ASHLEY DOUGLAS – COMMONWEALTH BANK GREEN  
AMBASSADOR FOR CONSERVATION VOLUNTEERS  
AUSTRALIA**

Councillors may be aware that a young local resident and member of the Leichhardt Youth Council, Ashley Douglas, has been named Commonwealth Bank Green Ambassador for Conservation Volunteers Australia.

The ambassador's program recognises, rewards and supports young people who actively assist or protect their local environment. Ashley was awarded Green Ambassador for involvement in water testing and for her volunteer work with Taronga Zoo and the Leichhardt Youth Council.

Ashley is an 18 year old local resident residing in Lilyfield. She is currently undertaking her HSC, but this has not hampered her efforts to contribute to her local community and to the environment as a volunteer.

As you know, the Leichhardt Youth Council is an advisory body to Council and encourages and provides opportunities for young people to meaningfully engage and contribute to the development of community life.

Through her involvement with LYC, Ashley played a pivotal role in helping the Youth Council to address many of the highlighted needs of local young people. LYC were recent recipients of a \$2000 Music NSW grant, and recently hosted 2 very successful youth entertainment events here in Leichhardt.

Throughout 2006, LYC have organised 3 activities and events for local young people which raised almost \$2500 for the local youth refuge here in Leichhardt.

Ambassadors chosen are given a pack including membership to Conservation Volunteers Australia, and a digital camera as well as the opportunity to participate in the CVA Better Earth Project and training programs for volunteers.

---

This is page 2 of the Minutes of the Ordinary Meeting of Council held on the day of 24 October, 2006 and presented for confirmation this day 21 November 2006.

.....  
CHAIR

## LEICHHARDT MUNICIPAL COUNCIL

We congratulate Ashley for her achievement and thank her for all of her work in the local area and as a valuable representative on the Youth Council. We hope that Ashley continues to be an active member of the community for many years.

**C368 /06**

**RESOLVED**

**MURPHY**

That Council congratulates Ashley Douglas for her achievement in being named a Commonwealth Bank Green Ambassador for Conservation Volunteers Australia.

**CARRIED UNANIMOUSLY**

### **1B. CALLAN PARK – COMMUNITY CONSULTATION FOR MASTERPLAN**

Councillors will be aware that a meeting of the Callan Park Taskforce was held last Thursday 19 October 2006 to discuss the community consultation process required as part of Council's ongoing commitment to developing a Masterplan for the Callan Park site.

This meeting was also in line with the resolution adopted by Council at the August 2006 ordinary meeting which stated that Council continue with the community consultation process as adopted at the May Council meeting and that Council seek professional advice in conjunction with the Callan Park Taskforce for the development of the questionnaire to ensure rigour and accuracy and that a report with the draft questionnaire be brought to the October Council meeting.

In line with this resolution, a professional survey specialist, Colin Menzies was engaged as a consultant Executive Planner to assist with the development of the revised questionnaire which was tabled to the taskforce meeting last Thursday night.

At the meeting, members of the Taskforce once again expressed support for the distribution of the questionnaire as an integral part of the community consultation process but raised concerns about the form and content of the draft tabled at the meeting.

It is vital that Council is able to move ahead with developing a Masterplan for Callan Park but it cannot do it without proper community consultation. Council has agreed on a number of occasions that this consultation is to be achieved by way of an impartial and objective questionnaire distributed to all households in the LGA followed by a more rigorous process of citizens' panels and workshops.

Also, with the assistance of Council, the Friends of Callan Park held a successful rally last Sunday at the site with approximately 750 people rallying in support of Mental Health services in NSW and the retention of Rozelle Psychiatric Hospital at Callan Park.

---

This is page 3 of the Minutes of the Ordinary Meeting of Council held on the day of 24 October, 2006 and presented for confirmation this day 21 November 2006.

.....  
CHAIR

## LEICHHARDT MUNICIPAL COUNCIL

The success of this rally shows that members of the community still feel very strongly about preserving Callan Park as a public Psychiatric Hospital. It is vital that we include the community in our development of a master plan to ensure that the views of residents are taken seriously.

**C369 /06**

**RESOLVED**

**MURPHY/PORTEOUS**

1. That Council re-affirms its commitment to the community consultation process adopted at the May and August 2006 meetings.
2. The community consultation process take the initial form of circulating the previous vision statements and Callan Park precinct map along with questions to test the community's continual support and supplementary advice and wishes for the site. These consultation documents are to be brought back to the Taskforce as soon as possible,

**CARRIED UNANIMOUSLY**

### **1C. WORKERS RADIO SYDNEY**

Leichhardt Council has been approached by Workers Radio Sydney for sponsorship.

Workers Radio Sydney has now been broadcasting every weekday for more than 12 months from its base at Marrickville reaching most of Sydney but with the bulk of the audience living in the inner west.

The program provides timely information to union and community activists as part of the campaign against John Howard's radical IR laws. The program is not party political, but campaigns for the best interests of working people.

Workers Radio is financially supported by a range of trade unions including Unions NSW, CFMEU, PSA, NTEU, FBEU, MUA, TWU, USU, NUW, LHMU, AMWU, Nurses Association, Teachers Fed and ASU. It also receives financial support from numerous progressive organisation, community clubs, super funds, and labour law firms.

It has also been active in promoting both major ACTU organised events and the activities of local groups such as the Inner West Your Rights At Work Committee. It also provides work experience to students from local Universities and TAFE colleges.

To help continue to promote the campaigns and to expand the effectiveness of their service, Workers Radio has asked for Leichhardt Council to become a major sponsor of the station costing \$5,000.

---

This is page 4 of the Minutes of the Ordinary Meeting of Council held on the day of 24 October, 2006 and presented for confirmation this day 21 November 2006.

.....  
CHAIR

## LEICHHARDT MUNICIPAL COUNCIL

In return, the station is offering promotion for Leichhardt Council initiatives in the local community that impact on working people including a regular slot (fortnightly or similar) to a relevant council spokesperson.

I have attached a copy of correspondence received from Workers Radio.

### **C370 /06      RESOLVED                      MURPHY**

1. That Council investigate the possibility of sponsoring Workers Radio including reasonable amounts of sponsorship and where the funding would come from.
2. That the matter be reported back to the November meeting of Council.

*Cr McKenzie abstained from voting on this matter. The vote FOR and AGAINST the above resolution was therefore;*

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

### **SUSPENSION OF STANDING ORDERS**

#### **C371 /06      RESOLVED                      MURPHY/PORTEOUS**

That Standing Orders be suspended and Items 5, 18, 12 be brought forward and dealt with now.

#### **5.                      INQUIRY INTO CROSS CITY TUNNEL**

#### **C372 /06      RESOLVED                      PORTEOUS/ HAMILTON**

That Leichhardt Council writes to the Premier, Minister for Roads, Minister for Planning and local member with regards to the recommendations of the Joint Select Committee and;

## LEICHHARDT MUNICIPAL COUNCIL

- Call on the Government to fully implement recommendation 1 particularly the need to make public the summary of the evaluation.
- Calls for recommendation 4, "That a separate, more detailed, policy on privately financed projects be developed to guide government agencies", to be fully implemented.
- Call for recommendation 8, "That any policy of charging private consortia a fee for a 'right to operate' a piece of infrastructure to be expressly discontinued", to be fully implemented.
- In addition, that Leichhardt Council, with their own experience at the lack of community consultation within the EIR for the M4 East, fully endorses recommendations 10 & 11 regarding the need to review and upgrade community consultation procedures and calls on the Government to fully implement 10 & 11 as per the report.

### CARRIED UNANIMOUSLY

**7.50pm Councillor Sheehan left the meeting**

**7.54pm Councillor Sheehan returned to the meeting**

**18. A REDESIGN WHICH SAVES THE BALMAIN TOWN HALL FIG TREES**

**C373 /06 RESOLVED HANNAFORD/SHEEHAN**

That the decision on whether to remove the four (4) Ficus Hillii (Fig) Trees be deferred until after the site inspection requested by the Environment and Recreation Committee on Saturday 25 November 2006 at 9:00am.

**The vote FOR and AGAINST the above resolution was;**

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

---

This is page 6 of the Minutes of the Ordinary Meeting of Council held on the day of 24 October, 2006 and presented for confirmation this day 21 November 2006.

.....  
CHAIR

## LEICHHARDT MUNICIPAL COUNCIL

### 12. BIRCHGROVE PARK TREE PLANTING

**C374/06 RESOLVED ALLEN/COBLEY-FINCH**

1. That Council immediately proceed with planting of four figs in the following locations:
  - i. That a replacement Port Jackson Fig to be planted on the Louisa Road side of the park at the site of fig tree T3 which was removed in April 06
  - ii. That the Port Jackson Fig at the back of the Grove Street Tennis Courts be planted at the location as exhibited.
  - iii. That the two Port Jackson Figs recommended for planting on the hill be moved back towards the Terrace as shown on Appendix 1 of this report.
2. That the trees be deleted from the upper grass area near the playground with one Port Jackson Fig to be planted to replace the large dead tree (Camphor Laurel) on the Grove Street frontage.
3. That Council to lodge a development application for the removal of 4 dead Camphor Laurel trees along the Grove Street frontage and 1 Camphor Laurel, 1 dead Port Jackson Fig and 1 Privet adjacent to the Grove Street Tennis Courts. This DA will include a plan, an arborist's report and will provide the location and timing of the replacement trees for these additional removals.
4. That Council undertake the pruning works set out in Section 6 in the report to Council on Birchgrove Park trees in September 06 on figs T1, T2, T4 and T6 as per the consulting arborist's recommendations. (A copy of this report is attached as Appendix 2)
5. That Council retain the Hills Weeping Fig T5 by implementation of the following arborist recommended procedures:
  - Installation of cabling to strengthen the canopy
  - Removal of deadwood
  - Improve the trees health by the application of root hormone and custom blend fertiliser
  - Install a raised pathway to protect the roots near the pathway
  - Carry out additional mulching
  - Undertake additional watering
  - Carry out regular inspections of the tree

---

This is page 7 of the Minutes of the Ordinary Meeting of Council held on the day of 24 October, 2006 and presented for confirmation this day 21 November 2006.

.....  
CHAIR

**LEICHHARDT MUNICIPAL COUNCIL**

6. That the understorey planting works in accordance with the planting schedule be carried out along the Louisa Rd frontage of the park as outlined in the report to Council on Birchgrove Park trees in September 06.

**SUSPENSION OF STANDING ORDERS**

**C375 /06      RESOLVED                      SHEEHAN/ALLEN**

That Standing Orders be suspended and the following items be brought forward and dealt with now;

Items 3, 4, 5A, 9, 11, 15 and 16A

**\*\*                      PRECIS OF CORRESPONDENCE**

**3.                      REQUEST FOR FEE WAIVER OF LEICHHARDT TOWN HALL**

**C376 /06      RESOLVED                      SHEEHAN/WEBB**

1.      That La Cremeria receive a fee waiver for the use of the Leichhardt Town Hall on Saturday 18 November 2006
2.      The standard \$500 bond be charged.

**CARRIED UNANIMOUSLY**

**4.                      APPLYING FOR PECUNIARY INTEREST EXEMPTIONS UNDER SECTION 458 OF THE LOCAL GOVERNMENT ACT 1993.**

**C377 /06      RESOLVED                      ALLEN/COBLEY-FINCH**

That Council write to the Local Government Association seeking their advice and views on this issue.

**CARRIED UNANIMOUSLY**

**\*\*                      GENERAL MANAGER**

**5A.                      EAST TIMOR SUPPORT – DELEGATIONS TO EAST TIMOR SEPTEMBER 2006**

**C378 /06      RESOLVED                      SHEEHAN/ALLEN**

That Council identify a building construction expert to assist the Maliana sub district Assembly draw up specifications for tender for the



## LEICHHARDT MUNICIPAL COUNCIL

Gymnasium including the sustainable features agreed with the delegates from the Maliana sub district Assembly.

### CARRIED UNANIMOUSLY

#### 9. ENVIRONMENT AND RECREATION COMMITTEE MINUTES

**C379/06 RESOLVED SHEEHAN/HANNAFORD**

That Council adopt the minutes of the Environment & Recreation Committee meeting held 4 October 2006 subject to the following change;

“That Councillor Allen’s apologies be noted in the minutes”.

### CARRIED UNANIMOUSLY

#### 11. MINUTES OF LOCAL TRAFFIC COMMITTEE – OCTOBER

**C380 /06 RESOLVED PORTEOUS/HAMILTON**

That Council adopt the minutes of the September Local Traffic Committee meeting and accompanying recommendations subject to the following amendments:

#### **Item 5.2 – Darley Road Leichhardt – Guard rail near Charles Street Leichhardt**

The recommendation be amended to read;

That Council write to the RTA, Minister for Roads and local MP;

1. Calling on the RTA to immediately replace the damaged guardrail on the corner of Charles and Darley Road as its absence is putting local residents at risk.
2. Calling for the RTA & Minister for Roads to reconsider Council’s request for signalled Pedestrian Crossings at Darley/Charles and at Allen/Darley Roads. While acknowledging that the RTA has agreed to a Pedestrian Refuge at Darley/Charles this will not guarantee residents’ safety when crossing Darley Road.

**LEICHHARDT MUNICIPAL COUNCIL**

**MATTERS ARISING FROM ITEM 11 – MINUTES OF LOCAL TRAFFIC COMMITTEE**

**(i) Closure of Moore Street West**

**C381/06 RESOLVED PORTEOUS/HAMILTON**

That Council request the RTA to give urgent attention to the significant traffic problems being generated by the closure of Moore Street West with a view to improving peak hour traffic flow.

**(ii) Report on Styles Street**

**C382 /06 RESOLVED PORTEOUS/HAMILTON**

That a report on Styles Street becoming a local road be submitted to the Ordinary Meeting in December.

**CARRIED UNANIMOUSLY**

**15. INTERNAL AND EXTERNAL COMMITTEES**

**C383 /06 RESOLVED MURPHY/COBLEY-FINCH**

That membership to Council's internal & external Committees be determined as follows;

<b>INTERNAL COMMITTEES</b>	<b>COUNCILLORS</b>
Community Services, Safety & Facilities Committee	Murphy, Webb, Porteous, Parker, Hannaford & Allen
Planning Committee	Cobley-Finch, McKenzie, Porteous, Dyer & Allen
Environment & Recreation Committee	Parker, Hamilton, Hannaford & Sheehan
Disability & Access Committee	Hannaford & Webb
Aboriginal Consultative Committee	Webb, Hamilton, Sheehan & Cobley-Finch
Companion Animals Consultative Committee	Windsor, Dyer, McKenzie & Allen
Balmain Town Hall Management Committee	Parker, Cobley-Finch & Allen
Annandale Neighbourhood Centre Resident Management Committee	Hamilton & Sheehan
Traffic Committee	Webb
Clontarf Cottage	Cobley-Finch

## LEICHHARDT MUNICIPAL COUNCIL

<b>EXTERNAL COMMITTEES</b>	<b>COUNCILLORS</b>
Inner Metropolitan Regional Organisation of Councils (IMROC)	Cobley-Finch, Sheehan & Porteous
Eastern Local Government Region of Aboriginal & Torres Straits Islander Committee	Webb
Sydney Coastal Council Group	Mayor and Deputy Mayor
Foreshore & Waterways Planning & Development Committee	Cobley-Finch
Sydney Harbour Councils meeting	Mayor & McKenzie (observer)
Police Accountability Consultation Team (PACT)	Mayor and Windsor (observer)
RTA Footpath Parking Steering Committee	Mayor

### CARRIED UNANIMOUSLY

#### **16A. ANNUAL FINANCIAL REPORTS FOR YEAR ENDING 30/6/06**

#### **C384 /06 RESOLVED PORTEOUS/HAMILTON**

- 2.1 That Council resolves to accept the 2005/06 audited Financial Reports and refer them for audit.
- 2.2 That Council note the working funds result for the 2005/06 financial year was a surplus of \$19,000, bringing the accumulated working funds position to \$3,008,000 at 30 June 2006.
- 2.3 That Council adopt carryover expenditure for 2005/06 of \$10,735,703 as detailed in the attachment to this report and represented by:
- Unexpended grant funded works:
- |  |             |
|--|-------------|
| Grants received                        | \$509,615   |
| Grants to be received                  | \$76,000    |
| Unexpended revenue funded works        | \$3,353,012 |
| Unexpended S94 & reserves funded works | \$6,797,076 |
- 2.4 That Council note that a public notice regarding the financial reports will be placed in The Courier in accordance with the Act and any comments received from the public will be provided to the next Council meeting.
- 2.5 That Council resolve to delegate to the General Manager the authority to approve any subsequent amendments to the 2005/06 Financial Reports that may arise during finalisation of

---

This is page 11 of the Minutes of the Ordinary Meeting of Council held on the day of 24 October, 2006 and presented for confirmation this day 21 November 2006.

.....  
CHAIR

## LEICHHARDT MUNICIPAL COUNCIL

the audit. Any such changes will be provided to the next Council meeting.

- 2.6 That the Quarterly Budget Review report to be submitted to Council investigate additional funding from the working funds surplus for:

- Environmental Education
- Precinct Committees

**CARRIED UNANIMOUSLY**

**\*\***

### **SUSPENSION OF STANDING ORDERS**

**C385 /06 RESOLVED SHEEHAN/MURPHY**

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

Items 2,6,7,8,10,13,14,16 & 17.

### **2. SUMMARY OF PRECIS OF CORRESPONDENCE RESOLUTIONS FROM SEPTEMBER 2006**

**C386 /06 RESOLVED SHEEHAN/MURPHY**

That the information be received and noted.

**CARRIED UNANIMOUSLY**

### **6. SUMMARY OF ENVIRONMENTAL & COMMUNITY MANAGEMENT RESOLUTIONS FROM SEPTEMBER 2006**

**C387 /06 RESOLVED SHEEHAN/MURPHY**

That the information be received and noted.

**CARRIED UNANIMOUSLY**

### **7. MINUTES OF THE PLANNING COMMITTEE – OCTOBER**

**C388/06 RESOLVED SHEEHAN/MURPHY**

That Council adopt the minutes of the Planning Committee meeting held 12 October 2006.

---

This is page 12 of the Minutes of the Ordinary Meeting of Council held on the day of 24 October, 2006 and presented for confirmation this day 21 November 2006.

.....

CHAIR

**LEICHHARDT MUNICIPAL COUNCIL**

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

**C389 /06 RESOLVED SHEEHAN/MURPHY**

That Council adopt the minutes of the Community Services, Safety & Facilities Committee meeting held 5 October 2006.

**CARRIED UNANIMOUSLY**

**\*\* INFRASTRUCTURE AND SERVICE DELIVERY**

**10. SUMMARY OF INFRASTRUCTURE AND SERVICE DELIVERY RESOLUTIONS FROM SEPTEMBER 2006**

**C390 /06 RESOLVED SHEEHAN/MURPHY**

That the information be received and noted.

**CARRIED UNANIMOUSLY**

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

**13. SUMMARY OF CORPORATE AND INFORMATION SERVICES RESOLUTIONS FROM SEPTEMBER 2006**

**C391 /06 RESOLVED SHEEHAN/MURPHY**

That the information be received and noted.

**14. STATEMENT OF INVESTMENT BALANCES AS AT 30 SEPTEMBER 2006**

**C392 /06 RESOLVED SHEEHAN/MURPHY**

That the Statement of Investment Balances as at the 30 September 2006 be received and noted.

**CARRIED UNANIMOUSLY**

**16. DISCLOSURE OF INTEREST RETURNS**

**C393/06 RESOLVED SHEEHAN/MURPHY**

That the tabling of Councillors and designated persons Disclosure of Interest returns for the period 1/7/05 to 30/6/05 be received and noted.

---

This is page 13 of the Minutes of the Ordinary Meeting of Council held on the day of 24 October, 2006 and presented for confirmation this day 21 November 2006.

.....  
CHAIR

**LEICHHARDT MUNICIPAL COUNCIL**

**CARRIED UNANIMOUSLY**

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

**17. SUMMARY OF NOTICE OF MOTIONS RESOLUTIONS FROM SEPTEMBER 2006**

**C394 /06                      RESOLVED                      SHEEHAN/MURPHY**

That the information be received and noted.

**CARRIED UNANIMOUSLY**

**19. ACTU NATIONAL DAY – WORK PLACE MOTION**

**C395 /06                      RESOLVED                      MCKENZIE/HAMILTON**

That the banner on the Leichhardt Town Hall be changed as soon as possible to read:

"Leichhardt Council supports ACTU National Day of Action, November 30, 2006

[www.yourightsatwork.com.au](http://www.yourightsatwork.com.au)"

until after November 30,

Then changed as soon as possible to read :

"Leichhardt Council opposes Howard's anti-family work place laws

[www.yourightsatwork.com.au](http://www.yourightsatwork.com.au)"

2. That Council advertise the National Day of Action in the Council column of the Inner West Courier in the weeks preceding 30 November 2006.

3. That the wording in the Council column opposing the Federal Government's workplace laws be updated.

**CARRIED UNANIMOUSLY**

## LEICHHARDT MUNICIPAL COUNCIL

### 20. WORK CHOICES

#### Background:

The "Protecting NSW Workers from WorkChoices Bill 2006' was moved in the NSW Parliament by Lee Rhiannon MLC .It seeks to shield NSW Workers from Howard's draconian 'Workchoices' laws by"

1. Amending the CORPORATIONS (COMMONWEALTH POWERS) ACT 2001 to explicitly exclude any and all reference of NSW's powers, whether incidentally or expressly, to the Commonwealth over the employer-employee relations of a corporation or the industrial or workplace relations of corporate entities;

This is to expressly limit any reference of power. It is intended that this have immediate effect and by doing so limit the constitutional capacity of the Commonwealth to make laws governing the employment relationships of corporations.

2. Amending the LOCAL GOVERNMENT ACT to explicitly provide that all staff are to be employed by the General Manager and not by the Corporate entity. Further that the corporate entity must on direction of the GM pay all and any employee entitlements as and when they are due and payable and is to indemnify and keep indemnified the general manager in respect of any and all liability that he or she incurs or may incur in respect of the employment of the staff.

This is to remove the employees from employment by a corporate entity and therefore end the current confusion caused by the very opaque test as to whether or not any existing local government corporation is or is not a trading corporation and are therefore covered by 'WorkChoices'. This may leave only the General Manager employed by the corporate entity and covered by 'WorkChoices'.

3. Amending the STATE OWNED CORPORATIONS ACT 1989 to explicitly provide that all staff are to be employed by the Chief Executive Officer and not by the Corporate entity. Further that the corporate entity must on direction of the CEO pay all and any employee entitlements as and when they are due and payable and is to indemnify and keep indemnified the CEO in respect of any and all liability that he or she incurs or may incur

---

This is page 15 of the Minutes of the Ordinary Meeting of Council held on the day of 24 October, 2006 and presented for confirmation this day 21 November 2006.

.....

CHAIR

## LEICHHARDT MUNICIPAL COUNCIL

in respect of the employment of the staff.

Again this is to remove the employees from employment by a corporate entity and therefore remove them from coverage by 'WorkChoices'. This may leave only the CEO covered by 'WorkChoices'.

4. Enact a separate legislative requirement for the State Government to be satisfied that any successful tenderer for Government services pays its employees at a standard of remuneration and provides working conditions that are no less than comparable state award workers would receive.

With the increasing private tendering of services this will have a significant impact on protecting a range of workers in NSW who work for private companies but provide contracted services to the State Government.

**C396/06**

**RESOLVED**

**MCKENZIE/PORTEOUS**

That Council seek pro bono legal advice on this matter from the Industrial Relations expert and Ben Cruise at the USU and reconsider the matter at the November 2006 Ordinary Council Meeting.

**CARRIED UNANIMOUSLY**

### **21. REVEGETATION AREA ALONG CONAL AT COHEN PARK**

#### **Background;**

At the August 2003 Ordinary Council Meeting, Council resolved to support the planting of an area adjacent to Whites Creek near Cohen Park on 11 September 2003 in memory of those persons who had been killed or injured as a result of acts of terrorism around the world.

Council prepared the area and with the support of Planet Ark and Starbucks, who purchased the plants and supplied refreshments on the day, this area was planted out with over 3,000 native trees, shrubs, grasses and groundcovers.

The event was widely publicised and in recognition of the events of 11 September 2001, the US Consulate asked if their staff could be involved in planting out the area.

On the day it was estimated that well over 150 people turned up and assisted with the planting which was coordinated by volunteers from

---

This is page 16 of the Minutes of the Ordinary Meeting of Council held on the day of 24 October, 2006 and presented for confirmation this day 21 November 2006.

.....  
CHAIR



**LEICHHARDT MUNICIPAL COUNCIL**

the Rozelle Bay Community Native Nursery. Several media outlets, including the local and mainstream press agencies as well as television crews from a number of the major networks covered the event. The Consul General for the United States of America, Eileen Malloy was one of the volunteers who attended and she delivered a moving tribute to those who were victims of 11 September 2001.

Since the planting date, Council staff and community volunteers have maintained and nurtured the site. The plants have established and the area is now supporting a variety of native plants and is providing habitat for birds, reptiles and invertebrates. Plans are also in place to continue this planting so that it joins up with other volunteer planting sites along Whites Creek.

**C397/06            RESOLVED                                    SHEEHAN/ALLEN**

That the revegetation area along the conal at Cohen Park be named Peace Park dedicated to those who work for peace wherever they are in the world.

**CARRIED UNANIMOUSLY**

**22.                    CALLAN PARK AND COUNCIL’S RESPONSE TO LEGAL ADVICE ON THE STATE PROPERTY AUTHORITY ACT**

**Background:**

Leichhardt Council has obtained legal advice on the question of whether the State Property Authority Act consented to on 8 June 2006 could in any circumstances override the Callan Park (Special Provisions) Act 2002.

The advice states that the State Property Authority Act 2006 would likely override the Callan Park Act in the event of any conflicts between the two. This is because later Acts repeal earlier inconsistent Acts. The issues are not clear cut however and each set of circumstances eg transfer of land would need to be considered separately.

Callan Park under the State Property Authority Act could legally be vested in the Authority but if the State Property Authority acquired Callan Park, they in turn could not dispose of the property because under the State Property Authority Act, the vesting of land in the Authority is subject to conditions and restrictions on the property already in place and in particular the Callan Park Act prohibits the sale, transfer, lease or other alienation of Callan Park.

**The advice concludes:**

## LEICHHARDT MUNICIPAL COUNCIL

"In conclusion, it is an option for Council to write to the Government pointing out the potential conflict and seeking an amendment or regulation to the State Property Act so that it is not to affect the provisions of the Callan Park (Special Provisions) Act."

On August 31<sup>st</sup>, Greens MP Lee Rhiannon introduced the:

### State Property Authority Amendment (Protect Callan Park) Bill 2006

*"An Act to amend the State Property Authority Act 2006 to ensure that the provisions of that Act do not override the provision of the Callan Park (Special Provisions) Act 2002 that seek to preserve the public ownership of Callan Park and to protect the current feature and future use of Callan Park."*

This has anticipated well these potential conflicts however the Greens are now calling on both the Labor and Liberal parties to support this Bill to ensure that Callan Park continues to be fully protected.

### **C398/06      RESOLVED      PORTEOUS/MCKENZIE**

Leichhardt Council write to Premier Morris lemma, the Leader of the Opposition, Peter Debnam and all crossbenchers calling on them to fully support the Callan Park Act ensuring that no other legislation undermines the Act, including the State Property Authority Amendment (Protect Callan Park) Bill 2006 and to support any Bills that address this.

Leichhardt Council call on the Government to immediately obtain written legal advice from the Crown Solicitor and that this advice be forwarded to Leichhardt Council and the Friends of Callan Park.

### **CARRIED UNANIMOUSLY**

### **23.      WHITE BAY/GLEBE ISLAND & ROZELLE BAY HARBOUR MORATORIUM AND CONSULTATION**

#### **Background:**

Leichhardt Council and community groups have been calling for Frank Sartor, Minister for Planning to meet with them to discuss the development applications in White Bay, Glebe Island and Rozelle Bay for some time. With a united voice the Council and community groups have also been calling for a moratorium on all developments until a fully consulted Strategic Masterplan is developed for the whole of White Bay/Glebe Island and Rozelle Bay.

Following well over a year of lobbying, gathering of petition signatures, lodging of submissions, community activism and a united political front

---

This is page 18 of the Minutes of the Ordinary Meeting of Council held on the day of 24 October, 2006 and presented for confirmation this day 21 November 2006.

.....

CHAIR

## LEICHHARDT MUNICIPAL COUNCIL

in Council, it would appear that the Minister is now inclined to discuss the issue however he is choosing to exclude Leichhardt Council staff and elected representatives from these discussions.

This exclusion is likely to lead to a poor outcome as Council has gathered extensive expertise and has a clear vision of the strategic importance of this site for the future of the whole municipality.

**C399/06      RESOLVED                      PORTEOUS/MCKENZIE**

That Leichhardt Council;

Reiterates its call for Frank Sartor, Minister for Planning to meet with Leichhardt Council nominated staff and elected representatives on the issue of current development proposals and future strategic planning for White Bay/Glebe Island and Rozelle Bay.

Calls for a moratorium on all development proposals until such time as a fully consulted strategic Masterplan is developed for White Bay/Glebe Island and Rozelle Bay.

Supports the Private Members Bill being considered by Parliament this month and any Bills which reinstate planning powers to Local Government.

**CARRIED UNANIMOUSLY**

### **MATTER OF URGENCY – 456 DARLING STREET**

**C400 /06      RESOLVED                      ALLEN/SHEEHAN**

Council investigate the potential for The Crypt Theatre at 456 Darling Street to be exempt from PoPE license requirements and the alternative of compliance with BCA Section 9b safety standards so that community based, non-profit theatre can continue at this venue.

**CARRIED UNANIMOUSLY**

### **MATTER OF URGENCY –7 DARLEY ROAD**

**C401/06      RESOLVED                      PORTEOUS/HANNAFORD**

That all objectors to the Development Application relating to 7 Darley Road be supplied with a summary of the Traffic and Drainage studies in relation to the Development Application.

**CARRIED UNANIMOUSLY**

---

This is page 19 of the Minutes of the Ordinary Meeting of Council held on the day of 24 October, 2006 and presented for confirmation this day 21 November 2006.

.....  
CHAIR

# LEICHHARDT MUNICIPAL COUNCIL

## \*\* QUESTIONS WITHOUT NOTICE

**NIL**

**The meeting adjourned at 9:41pm and resumed at 9:51pm with the same Councillors present.**

*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 10A2 (d) & (g) of the Local Government Act, 1993.*

*Council resolved to meet in the Committee of the Whole at **9.51pm** with the press and public excluded after a MOTION (PORTEOUS/ALLEN) to that effect was CARRIED.*

## \*\* COMMITTEE OF THE WHOLE

### 1. TENDER FOR SUPPLY AND DELIVERY OF READY MIX CONCRETE

**CW19 /06 RECOMMENDATION SHEEHAN/COBLEY-FINCH**

- 2.1 That Council accept and award the tender submission from Concrete Pty Ltd as per the tendered schedule of rates.
- 2.2 That Council delegate the Manager Works & Waste to finalise the conditions of contract, annexure and specifications with Concrete together with the other SSROC Councils participating in the tender prior to signing contract documents.

**CARRIED UNANIMOUSLY**

### 2. FOI REQUEST CALLAN PARK – LEGAL ADVICE

**CW20 /06 RESOLVED PORTEOUS/HAMILTON**

- 2.1 That Council receive and note the report.
- 2.2 That Council write to the Department of Planning seeking an internal review and requesting the Department to allow an extension of time for that request on the basis that the letter did not indicate on its face that there was a 28 day period.
- 2.3 Should the internal review not be permitted, that Council lodge a

---

This is page 20 of the Minutes of the Ordinary Meeting of Council held on the day of 24 October, 2006 and presented for confirmation this day 21 November 2006.

.....  
CHAIR

**LEICHHARDT MUNICIPAL COUNCIL**

fresh FOI application in respect of those documents which have not been provided.

**CARRIED UNANIMOUSLY**

**3. LEGAL SERVICES REVIEW**

**CW21 /06 RECOMMENDATION DYER/SHEEHAN**

That Council endorse the draft brief for a review of our legal management practices as well as the proposed review process contained within the report.

**CARRIED UNANIMOUSLY**

**4. 108-112 LILYFIELD ROAD LILYFIELD**

**CW22/06 RECOMMENDATION PORTEOUS/COBLEY-FINCH**

That Council obtain legal advice as to the next steps required to be undertaken to regularise the use and the likelihood of success if these steps are followed.

**CARRIED UNANIMOUSLY**

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

Open Council resumed at 10:14 pm after a MOTION (MURPHY/ALLEN) to that effect was CARRIED.

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

**C402/06 RESOLVED DYER/HANNAFORD**

That the recommendations of the Committee of the Whole minute numbers **CW19/06 to CW22/06** be adopted by Council.

**The meeting closed at 10.15pm.**