

LEICHHARDT MUNICIPAL COUNCIL

MINUTES of ORDINARY MEETING of Leichhardt Municipal Council held in the Council Chambers Leichhardt Town Hall, Norton Street, Leichhardt on **30 October 2007 at 7pm.**

Present at the commencement of the meeting;

Her Worship the Mayor, C. Allen in the chair,
Councillors D. Copley-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 Library Services, Manager Assessments, Manager Administration Services and Administration Officer.

Meeting Commenced:

7.13 pm

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ACKNOWLEDGEMENT OF EORA PEOPLE

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

LEICHHARDT MUNICIPAL COUNCIL

BUSINESS:

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

(a) **BUILDING & DEVELOPMENT COMMITTEE MEETING –
4 SEPTEMBER 2007**

C354/07 RESOLVED MURPHY/PARKER

That the Minutes of the Building & Development Committee Meeting held on 4 September 2007 be confirmed as a true and accurate record of the meeting.

CARRIED UNANIMOUSLY

(b) **BUILDING & DEVELOPMENT COUNCIL – 18 SEPTEMBER
2007**

C355 /07 RESOLVED MURPHY/PARKER

That the Minutes of the Building & Development Council Meeting held on 18 September 2007 be confirmed as a true and accurate record of the meeting.

CARRIED UNANIMOUSLY

(c) **ORDINARY MEETING – 25 SEPTEMBER 2007**

C356 /07 RESOLVED MURPHY/PARKER

That the Minutes of the Ordinary Meeting held on 25 September 2007 be confirmed as a true and accurate record of the meeting subject to the following change:

Item 19 – Rail Tunnel Study

The background information be deleted from the minutes, so that only the resolution (No. C333/07) is recorded in the minutes.

LEICHHARDT MUNICIPAL COUNCIL

MATTER ARISING FROM ABOVE ITEM

C357/07 RESOLVED MURPHY/PARKER

That in future, the background information relating to Notice of Motions not be recorded in the minutes and only the Council resolution be recorded.

CARRIED UNANIMOUSLY

(d) **EXTRAORDINARY MEETING – 26 SEPTEMBER 2007**

C358/07 RESOLVED MURPHY/PARKER

That the Minutes of the ExtraOrdinary Meeting held on 26 September 2007 be confirmed as a true and accurate record of the meeting.

CARRIED UNANIMOUSLY

**** APOLOGIES AND/OR CONDOLENCES**

C359 /07 RESOLVED COBLEY-FINCH/WEBB

That apologies be given for the absence of Councillor Dyer.

**** DECLARATION OF PECUNIARY INTEREST**

Nil

**** PRESENTATIONS**

PRESENTATION OF VACATION CARE CHEQUES

The Mayor presented cheques to the Vacation Care Centres and congratulated them on their work.

LEICHHARDT MUNICIPAL COUNCIL

**** MAYORAL MINUTES**

ITEM 1 VOLUNTEERS CHRISTMAS PARTY

Councillors may be aware that 5 December 2007 is International Volunteers Day.

According to the Volunteering Australia website, the International Volunteer Day was created in 1985 to recognise and give thanks to all the individuals who offer their valuable time and skills to the many community organisations across the world.

As we know, many not-for-profit organisations would find it impossible to carry out their work without volunteers. Recognition like this lets volunteers know that others appreciate what they do.

Leichhardt Council fosters and supports a number of community volunteer groups and individuals who play an integral part in Council providing services to our community along with improve the health, wellbeing and overall ambience of the area.

Volunteers assist Council in a whole range of ways including involvement in Community Nursery & bushcare groups, Precinct Committees, Council Committees, Leichhardt Band, Youth Council, Hannaford Centre just to name a few.

Leichhardt Council greatly appreciates the work that local volunteers to improve our environment and we hope that more people get involved to make leichhardt a better place to live.

That is why Council should recognise the great work of our volunteers by holding a special Volunteers Christmas party to coincide with International Volunteers Day 5 December 2007.

C360 /07 RESOLVED ALLEN

That Leichhardt Council organise a special Christmas party for Wednesday 5 December 2007 at Leichhardt Town Hall to thank all of the volunteers who have contributed to the local community over the past year.

CARRIED UNANIMOUSLY

LEICHHARDT MUNICIPAL COUNCIL

ITEM 1A FUNDRAISING DINNER FOR TIMOR LESTE 1 NOVEMBER 2007

Councillors may be aware that the Friends of Maliana and Leichhardt Council are organising a fundraising dinner at NSW Parliament House for Thursday 1 November 2007.

Also helping to organise the night is Union Aid Abroad-APHEDA and Emergency Architects Australia who share the same approach to working with friends and colleagues in East Timor.

MC for the evening will be Tim Brunero, former Big Brother contestant who will also help Launch his film ***Hands Across the Water*** which he made on behalf of Union Aid Abroad to promote what they do in Timor Leste and also to highlight the enormous amount of rebuilding work that needs to be done on the ground there.

Special Guest speakers on the night will be President Jose Ramos Horta (via satellite from Dili), Consul General for Timor Leste, Abel Guterres and Paul Cleary (author of the book *Shakedown: Australia's Grab for Timor Oil*). We are also hoping to have the new Prime Minister Xanana Gusmao speak Via satellite from Dili.

Other activities include traditional East Timorese Music by Ros Dunlop from Tekee Media who Council has supported a number of times with funding assistance and advertising for surplus musical instruments for Timorese children. Tickets are **\$100 per person**.

The money raised from this event will go directly towards projects that the Friends of Maliana and Union Aid Abroad have in Timor Leste including the community library, town meeting hall, sports fields, youth health, school furniture, public toilets, solar power for isolated communities; all using local labour.

C361/07 RESOLVED ALLEN

That Leichhardt Council purchase a table of 10 tickets for the fundraising dinner to be made available to any interested Councillors or staff.

CARRIED UNANIMOUSLY

LEICHHARDT MUNICIPAL COUNCIL

ITEM 1B HUMPBACK ICON PROJECT – ADOPT A WHALE

The International Fund for Animal Welfare (IFAW) has written to Council inviting us to adopt a whale as part of the Humpback Icon Project.

According to their invitation, the Humpback Icon Project encourages coastal councils and their communities along the eastern and western seaboard of Australia to celebrate the annual humpback whale migration by 'adopting' a known named/unnamed whale as their local icon (*Please see attached brief*). This project comes at no direct financial cost to Council.

The Humpback Icon Project helps and encourages coastal councils and their communities along the eastern and western seaboard of Australia to celebrate the annual humpback whale migration by 'adopting' a known named or unnamed whale as their local whale icon. This project also aims to establish a symbolic chain of coastal councils, each with an adopted whale as their icon, that stretches across the entire Eastern humpback whale migration route.

IFAW says that as the whales embark on their southern migration in July, they face more threats today than any time in history as the Government of Japan plans to once again add 50 humpback whales to its annual whaling target list in 2007 - one of the main species that supports a whale watching industry worth almost \$300 million a year in Australia.

Other councils around the Sydney metro region that have already joined this project include; **Randwick, Waverley, Woollahra, Willoughby, Manly, Pittwater, Warringah and Mosman** with a total of **43 Australian councils/communities** having signaled their commitment to protect whales by 'adopting' individual humpback whales and welcoming the annual humpback migration through Australian waters.

IFAW hopes to achieve their goal to secure the **adoption of 50 humpback whales by November** in direct opposition to the 50 that will be targeted when the Japanese whaling fleet embarks on its hunting expedition to the Southern Ocean.

As a significant part of the Leichhardt LGA borders on the waterfront and whales have been seen to come into Sydney Harbour, I consider that we should participate in this important project.

C362/07

RESOLVED

ALLEN/PARKER

LEICHHARDT MUNICIPAL COUNCIL

That Council:

1. Agrees to participate in the Humpback Whale Migration Icon Project;
2. Consults the Aboriginal Consultative Committee and community regarding the selection of an appropriate name; and

Publicises Council's participation in this project and promote the iconic status of the annual humpback whale migration along our ocean coastline from July.

CARRIED UNANIMOUSLY

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CHAIR

LEICHHARDT MUNICIPAL COUNCIL

ITEM 1C PROPOSED AMENDMENT TO DCP 2000 – DEMOLITION AND SUBDIVISION DEVELOPMENT APPLICATIONS

One of the objectives of the Environmental Planning & Assessment Act 1979 (& also our Leichhardt 2020+ strategic plan) is to encourage the proper management, development and conservation of cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.

Local Councils have the job of applying this legislation in order to try and prevent sites from being left vacant for long periods of time after the demolition of buildings and to stop piecemeal development on small sites in the area.

Council should ensure that:

- Land is developed (and redeveloped) in an orderly matter
- The amenity of the area is enhance by redevelopment
- Land is not left vacant for protracted periods of time

C363 /07

RESOLVED

ALLEN/COBLEY-FINCH

Council adopt a policy of not granting consent to development applications for the demolition of all buildings on a site, the subdivision or resubdivision of land except where the development application also includes an application for the construction of replacement or new building/s.

Further, Council requests the Director of Environment and Community Management to report to the November meeting with a draft amendment to DCP2000 (part B1.1) to reflect the above policy.

CARRIED UNANIMOUSLY

SUSPENSION OF STANDING ORDERS

C364 /07

RESOLVED

PARKER/MURPHY

The Standing Orders be suspended and Items 6, 9A,14a, 16, 19 & 26 be brought forward and be dealt with now.

LEICHHARDT MUNICIPAL COUNCIL

ITEM 9A LOCAL GOVERNMENT (STATE) AWARD 2007

C366/07 RESOLVED SHEEHAN/MURPHY

1. That Council note that the local government Associations and local government Unions have agreed on a suite of measures intended to facilitate the flow-on of the 1 November 2007 increases in rates of pay and allowances under the *Local Government (State) Award 2007* should councils be constitutional corporations.
2. That Council adopt the agreed measures under the *Local Government (State) Award 2007* as per the attached correspondence from the Associations, including the following:
 - (a) pass on a 4% increase (with a minimum increase of \$25 per week) on the 1 November 2006 rates of pay with effect from the first full pay period to commence on or after 1 November 2007. The increases will apply to all salary system rates of pay; and
 - (b) increase allowances in accordance with the 1 November 2007 increases in the *Local Government (State) Award 2007*.
3. That the increases be passed on under the terms of the draft Council Agreement attached to this report.
4. That Council reaffirms its opposition to Workchoices and supports the local government Award system, including the centralised negotiation of wage claims.
5. That in good faith negotiations with the staff and the union be commenced with a view to considering an above Award increase in 2008/09, allowing time for adequate consideration, consultation and for any extraordinary increase to be provided for in the Budget.
6. That any rates of pay and allowances increases should be negotiated with a view to meeting cost of living increases, improving the working conditions of staff as well as increasing the productivity and sustainability of Council.
7. That Council endorse the extension of the existing referral agreement.

CARRIED UNANIMOUSLY

LEICHHARDT MUNICIPAL COUNCIL

ITEM 14A

CALLAN PARK UPDATE

C367/07

RESOLVED

MCKENZIE/PORTEOUS

1. That Council receive and note the status report on Callan Park.
2. That Council continues to reject the ambit claims in the University of Sydney MOU.
3. Council to continue to support strongly its preferred option of the establishment of a Callan Park Trust.
4. That Council supports the integrity of the site as a single entity and the care control and management of the sporting fields and foreshores of Callan Park being transferred to Council.
5. That the findings of the Callan Park survey be made available to SHFA and the public.
6. That an information leaflet be distributed during the public exhibition of SHFA's draft Masterplan to explain Council's position in relation to the masterplan and provide feedback on the community survey.
7. Council affirm its objection to the terms of reference of the reference panel and the composition of the panel.
8. Council call for a genuinely community based community participation and an extension of the masterplan community participation. No exhibition of the draft masterplan should go on exhibition prior to until February 2008.
9. That Council reaffirm its support of the Callan Park legislation (Special Provisions Act 2002) and that the hospital should be retained and upgraded.
10. That notice be given to Councillors of any meetings between Council, SHFA, University and stakeholders and that all councillors be invited to attend such meetings.
11. That Council urgently call upon the Federal MP and the Shadow Minister for Infrastructure Anthony Albanese to commit to allocation of federal funding for mental health including funding for a fully operational psychiatric hospital at

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Callan Park and as well as for the restoration and maintenance of Callan Park heritage buildings and gardens.

- 12. That any decision of Leichhardt Council representatives to withdraw from the reference panel but continue to attend the meetings as observers, be deferred to the November Council Meeting.

CARRIED UNANIMOUSLY

MATTER ARISING FROM ITEM ABOVE

C368/07 RESOLVED MCKENZIE/PORTEOUS

- 1. That Leichhardt Council rejects both the Frank Sartor/University of Sydney Memorandum of Understanding and the current master plan process.
- 2. That Leichhardt Council support the retention and upgrade of Rozelle Psychiatric Hospital as part of a comprehensive and reformed mental health system.
- 3. That Leichhardt Council rejects the University takeover as outlined at the Community Reference Panel meeting of 15 October 2007 (5000 students, 400 staff, 700 students in residence, commercial development partners etc) as inimical to the status of Callan Park as public open space, to the tranquil character of the site (would the state government suggest a scheme for Centennial or Parramatta Parks?) and the Callan Park (Special Provisions) Act 2002.
- 4. That the master plan process should seriously examine proposals such as the management plan for Callan Point, city farm and the Mary MacKillop day hospital and other community representation, to manage the site.
- 5. That Leichhardt Council supports the establishment of a Callan Park Trust, with strong local community representation, to manage the site.
- 6. That Leichhardt Council calls on state and federal governments to fund urgent heritage restoration works.
- 7. That Leichhardt Council support in principle putting any masterplan or proposed University lease to referendum at the next Council elections and a report on the matter be brought back to the November Council Meeting.

CARRIED UNANIMOUSLY

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CHAIR

LEICHHARDT MUNICIPAL COUNCIL

ITEM 16 MINUTES OF LOCAL TRAFFIC COMMITTEE

C369/07 RESOLVED WEBB/MCKENZIE

That Council adopt the minutes of the Local Traffic Committee held on 28 September 2007 with the accompanying recommendations subject to the following changes:

Item 2.2 – Proposed Parking Rationalisation – Railway Parade, Annandale

That the matter be deferred for further discussion with residents.

Item 3.1 – Proposed Pedestrian Crossing – Nicholson Street, Balmain East

That this matter be deferred.

Item 3.2 – Review Resident Permit Parking Schemes – Alfred Street, Burt Street & Denison Street, Lilyfield.

That the recommendation in the minutes for Denison Street not be supported.

That the recommendation relating to Alfred and Burt Streets be deferred to staff to be assessed in accordance with the new policy – adopted at this meeting (Item 18 of this agenda).

CARRIED UNANIMOUSLY

MATTER ARISING FROM ITEM ABOVE

C370/07 RESOLVED PORTEOUS/HAMILTON

That Leichhardt Council support the extension of a bus service from Balmain Road to the Leichhardt Park Aquatic Centre and return.

The STA re-route one of the existing bus services, 440, 445 or 470 to the Leichhardt Park Aquatic Centre as soon as possible.

That Council write to the Local Member, Verity Firth and the Minister for Transport outlining community needs for a bus service to the Leichhardt Park Aquatic Centre.

CARRIED UNANIMOUSLY

LEICHHARDT MUNICIPAL COUNCIL

ITEM 19 "NORTON AL FRESCO" EVENT 25 NOVEMBER 2007

C371/07 RESOLVED SHEEHAN/HANNAFORD

1. That Council in lieu of the Norton Street Alfresco event immediately begin discussions with the businesses on a promotional program for Norton Street before the end of 2007. That the funds for these promotions be taken from the existing business promotions budget.
2. That Council thank the Council staff who worked on the Norton Street Alfresco community event proposal and contacted business in an effort to organise the community event.

CARRIED UNANIMOUSLY

ITEM 26 LOCAL HISTORY GRANTS 2007: ALLOCATIONS

C372/07 RESOLVED MURPHY/PARKER

1. That the funds totalling \$44,645.00 be allocated, in accordance with the payment procedures, to the following Local History projects:
 1. Rozelle Hospital - Oral History Project - \$2896.00
 2. Mover and Shakers Women of the Leichhardt Community: Book 2 - \$2640.00
 3. Leichhardt Aldermen 1872-1948 - \$4978.00
 4. Place is People: Annandale 1907- 2007 – \$4281.00
 5. Swimming in Leichhardt - \$500.00
 6. Callan Street, Rozelle – \$5000.00
 7. Publication of LHJ No. 24 – \$4000.00
 8. Transforming the Local: Gentrification in the Leichhardt Municipality - \$5000.00
 9. Stories from the Leichhardt Area - \$2000.00
 10. Private Archives in Leichhardt (PAL) - \$4000.00

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CHAIR

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**** PRECIS OF CORRESPONDENCE**

ITEM 3 SUMMARY OF PRECIS OF CORRESPONDENCE RESOLUTIONS FROM SEPTEMBER 2007

C375 /07 RESOLVED MURPHY/COBLEY-FINCH

That the information be received and noted.

CARRIED UNANIMOUSLY

ITEM 4 TERM OF APPOINTMENT OF MAYORS ELECTED BY COUNCILLORS & TERM OF APPOINTMENT OF TEMPORARY STAFF

NOTE: This matter lapsed and no resolution was adopted with respect to this item as the matter was dealt with at the Local Government Association Annual Conference last week.

ITEM 5 DAWNY TO COCKATOO SWIM

C376/07 RESOLVED MURPHY/COBLEY-FINCH

That the fee of \$1080, for the use of Dawn Fraser Baths for the Dawny to Cockatoo Swim on Sunday 18 November 2007 be waived.

CARRIED UNANIMOUSLY

ITEM 7 APPROVAL OF TRIENNIAL FUNDING \$15,000

C377/07 RESOLVED COBLEY-FINCH/PARKER

Council provide in principle support and the funding proposal be considered as part of the 2008-2011 budget and management plan process.

CARRIED UNANIMOUSLY

LEICHHARDT MUNICIPAL COUNCIL

ITEM 8 INVITATION TO LEICHHARDT CHAMBER OF COMMERCE ANNUAL BALLO FRIDAY 9TH NOVEMBER 2007

C378/07 RESOLVED HANNAFORD/COBLEY-FINCH

That Leichhardt Council book a table of ten to the Leichhardt Chamber of Commerce Annual Ball on Friday 9th November 2007 at a cost of \$1,150.

CARRIED UNANIMOUSLY

ITEM 8A RE-IMBURSEMENT OF COSTS FOR RALLY AGAINST SYDNEY AIRPORT REDEVELOPMENT AT TEMPE RESERVE SUNDAY 17 APRIL 2005

C379/07 RESOLVED MURPHY/PARKER

That Council agree to reimburse Marrickville Council an amount of \$3,773.21 as requested, but write to Marrickville Council advising that we didn't agree with the process and that in future Leichhardt Council is to be included in funding decisions, before expenditure is committed.

CARRIED UNANIMOUSLY

ITEM 8B REQUEST FOR FINANCIAL ASSISTANCE

C380/07 RESOLVED SHEEHAN/MURPHY

That Leichhardt Council donates \$200.00 from the East Timor budget towards the costs of bringing the weavers to Sydney.

CARRIED UNANIMOUSLY

LEICHHARDT MUNICIPAL COUNCIL

**** GENERAL MANAGER**

ITEM 9 SUMMARY OF GENERAL MANAGER RESOLUTIONS SEPTEMBER 2007

C381 /07 RESOLVED MURPHY/COBLEY-FINCH

That the information be received and noted.

CARRIED UNANIMOUSLY

**** ENVIRONMENTAL AND COMMUNITY MANAGEMENT**

ITEM 10 SUMMARY OF ENVIRONMENTAL AND COMMUNITY MANAGEMENT RESOLUTIONS SEPTEMBER 2007

C382 /07 RESOLVED MURPHY/COBLEY-FINCH

That the information be received and noted.

CARRIED UNANIMOUSLY

ITEM 11 MINUTES OF THE COMMUNITY SERVICES, SAFETY & FACILITIES COMMITTEE MEETING

C383/07 RESOLVED HANNAFORD/WEBB

That Council adopt the minutes of the Community Services, Safety & Facilities Committee held on 4 October 2007 with the accompanying supported items subject to the following change;

Item 9 - LATSICC Minutes

That Council adopt the minutes of the Leichhardt Aboriginal and Torres Strait Islander Consultative Committee meeting held on 12 September 2007 with the accompanying recommendations subject to the following change to the minutes;

Item 4.3 – Cultural Centre (on page 5 of the LATSICC Minutes).

LEICHHARDT MUNICIPAL COUNCIL

The second paragraph under 4.3 – Cultural Centre of the minutes be deleted and replaced with the following;

“That a letter be sent to the State Member, Verity Firth, seeking her support for a cultural centre in the Callan Park Masterplan”.

CARRIED UNANIMOUSLY

**ITEM 12 ENVIRONMENT AND RECREATION COMMITTEE MINUTES
OCTOBER 2007**

C384/07 RESOLVED ALLEN/HANNAFORD

That Council adopt the minutes of the Environment & Recreation Committee held on the 3 October 2007 with the accompanying recommendations subject to the following change:

Item 10 – Other Business, ERC 61/07

Points 1 & 2 of the recommendation (61/07) in Item 10 of the minutes as listed below, be moved from Item 10 and included in the minutes under Item 8.2 – Birchgrove Park – Adopted of Plan of Management;

“1. In view of the delay of the Plan of Management, it is strongly suggested that the tree maintenance program previously adopted for Birchgrove Park continue until such time that the Plan of Management is adopted.

2. Paper copies of the Birchgrove Plan of Management will not be reissued for the next meeting to committee members”.

CARRIED UNANIMOUSLY

LEICHHARDT MUNICIPAL COUNCIL

ITEM 13 PLANNING MINUTES – 11 OCTOBER 2007

C385/07 RESOLVED ALLEN/COBLEY-FINCH

That Council adopt the minutes of the Planning Committee held on 11 October 2007 with the accompanying recommendations subject to the following change;

Item 7 – Tree Preservation Order Review

Point 4 of the Planning Committee recommendation relating to No. PC 07/59 be changed to read;

“Council include in the Tree Preservation Order that a structural engineers report may be required where tree removal is proposed to avoid structural damage to an existing building”.

CARRIED UNANIMOUSLY

ITEM 14 REQUEST TO WAIVE FEES

C386/07 RESOLVED MURPHY/SHEEHAN

That the Development Application fees payable for the proposed pontoon and ramp for Sydney Secondary College – Balmain Campus be waived.

CARRIED UNANIMOUSLY

ITEM 14B TREE PRESERVATION ORDER – PROPOSED AMENDMENTS

C387/07 RESOLVED ALLEN/COBLEY-FINCH

1. Council resolve to endorse the draft Tree Preservation Order (Attachment 2 of the report) with the inclusion of the change mentioned in point 2 of this resolution and place it on public exhibition for a period of twenty eight days. Council will advise the public of the exhibition via newspaper advertisement (Inner West Courier) and exhibitions at Council’s Citizen Service Centre, Leichhardt Library and Council's website.
2. The following information be added to the draft Tree Preservation Order prior to it being placed on public exhibition;

LEICHHARDT MUNICIPAL COUNCIL

Under Section 6.2 "Consent Work – Application Required", the fourth paragraph include the provision of a structural engineers report so that the whole paragraph now reads as follows;

"In some circumstances it may be necessary for you to supply, at your cost, an independent arborists and/or plumbing and/or structural engineers report. If the tree is particularly significant, or if the information in the arborists, plumbing or structural engineers report is deficient, other reports may be requested. The Tree Preservation Officer will determine if such reports are necessary and such circumstances may include those where there is the possibility that the tree has been deliberately tampered with, including poisoning or ringbarking".

3. A further report be prepared for the Planning Committee following the public exhibition of the draft Tree Preservation Order outlining the outcomes of the exhibition, responses to any submissions received and details of any changes made to the draft amendment as a result of the exhibition process.

CARRIED UNANIMOUSLY

ITEM 14C

**ITEM 14C FORT STREET HIGH SCHOOL FOOTBRIDGE,
OFF 531-563 PARRAMATTA ROAD, LEICHHARDT NSW
2040**

C388/07

RESOLVED

PARKER/SHEEHAN

That Council seek legal advice regarding Development Application No. 2005/471 and whether the Department of Planning followed the correct procedure for the assessment and determination of the application.

In the event that the Department of Planning did not follow the correct procedure for the assessment and determination of the application, the Council seek further legal advice on the possible grounds for appeal and/or the correct procedure for resolution of the matter.

CARRIED UNANIMOUSLY

LEICHHARDT MUNICIPAL COUNCIL

**** INFRASTRUCTURE AND SERVICE DELIVERY**

ITEM 15 SUMMARY OF INFRASTRUCTURE AND SERVICE DELIVERY RESOLUTIONS SEPTEMBER 2007

C389/07 RESOLVED PARKER/SHEEHAN

That the information be received and noted.

CARRIED UNANIMOUSLY

ITEM 17 INCREASED CHILD CARE RATIOS AND FEES FOR JOHN MCMAHON CHILD CARE CENTRE AND LEICHHARDT CHILDREN'S CENTRE

C390/07 RESOLVED HAMILTON/SHEEHAN

1. That Council adopt the proposed changes to the 2007/08 fees and charges for children at Leichhardt Children's Centre and John McMahon Child Care Centre, for the purpose of exhibition.
2. That this amendment to the fees and charges is exhibited for 28 days and is reported back to Council after the end of the exhibition period, with fee changes to take effect from 1 January 2008 if adopted.

CARRIED UNANIMOUSLY

ITEM 18 POLICY AND PROCEDURE FOR THE INTRODUCTION OF RESIDENT PARKING SCHEMES

C391/07 RESOLVED COBLEY-FINCH/HANNAFORD

That the policy and guidelines on assessing the suitability of a new Resident Parking Scheme or an extension to an existing Resident Parking Scheme as outlined in Section 5.4 of the report be adopted including the following amendments.

- e) Multi-unit dwellings and the strata subdivision of residential flat buildings approved after January 2001 are not allowed to participate in a RPS as off-street parking should be provided in accordance with

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CHAIR

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ITEM 21 STATEMENT OF INVESTMENT BALANCES AS AT 30 SEPTEMBER 2007

C393 /07 RESOLVED MURPHY/COBLEY-FINCH

That the Statement of Investment Balances as at the 30 September 2007 be received and noted.

CARRIED UNANIMOUSLY

ITEM 22 INTERNAL & EXTERNAL COMMITTEES

C394/07 RESOLVED PARKER/SHEEHAN

1. A report be brought back to the November Council meeting on this matter which also includes who is the current Chair and Deputy Chair of the Committees, so that membership (including Chairperson of the Committees) can be determined for the next 12 months.

2. Council write to the Balmain Town Hall Management Committee advising of the difficulty of Councillors attending these meetings given their early start at 5.30pm.

CARRIED UNANIMOUSLY

10.30PM EXTENSION OF TIME TO CONTINUE MEETING

C395/07 RESOLVED PARKER/SHEEHAN

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

CARRIED UNANIMOUSLY

ITEM 23 DISCLOSURE OF INTEREST RETURNS

C396/07 RESOLVED PARKER/SHEEHAN

That the tabling of Councillors and designated persons Disclosure of Interest returns for the period 1/7/06 to 30/6/07 be received and noted.

CARRIED UNANIMOUSLY

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CHAIR

LEICHHARDT MUNICIPAL COUNCIL

ITEM 24 ANNUAL FINANCIAL REPORTS FOR THE YEAR ENDING 30 JUNE 2007

C397/07 RESOLVED PARKER/SHEEHAN

1. That Council resolves to accept the 2006/07 audited Financial Reports.
2. That Council note the working funds result for the 2006/07 financial year was a surplus of \$8,000 bringing the accumulated working funds position to \$2,988,000 at 30 June 2007.
3. That Council adopt carryover expenditure for 2006/07 of \$15,236,862 as detailed in the attachment to this report and represented by:

Unexpended grant funded works:

Grants received	\$1,992,856
Grants to be received	\$255,000
Unexpended revenue funded works	\$3,819,114
Unexpended S94 & reserves funded works	\$9,169,892

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.
5. That Council express its appreciation to the auditors Warton Thompson and Co. for their assistance throughout the 2006/07 financial year.

CARRIED UNANIMOUSLY

LEICHHARDT MUNICIPAL COUNCIL

ITEM 25 LOCAL HISTORY GRANTS 2005: OUTSTANDING GRANTS UPDATE

C398 /07 RESOLVED MURPHY/COBLEY-FINCH

1. That Council grant an extension to complete the project undertaken by the following recipient of the Local History Grants 2005:

- *Annandale Urban Research Association(AURA): \$4998*

With a revised timeline as follows:

- 31 March 2008 progress report on project outcomes including update on expenditure of funds.
- 30 June 2008 that the project to be completed and final report, including final acquittal of all funds from Local History Grant to be submitted to Council.

2. That the Council accept the partial acquittal of the \$3,527 of the following grant and approve an extension to complete the project undertaken by the following recipient of the Local History Grants 2005:

- *Heritage Group of Leichhardt District (HGOLD): \$4500*

With a revised timeline as follows:

- 31 March 2008 progress report on project outcomes including update on expenditure of funds.
- 30 June 2008 that the project to be completed and final report, including final acquittal of all funds from Local History Grant to be submitted to Council.

3. That Council note that the Leichhardt Urban Research Association (LURA) has been unable to meet its goals to publish 'Callan Park and Broughton Hall' due to the voluntary closure of LURA under the Associations Incorporated Act, 1984. Consequently the grant of \$4,995 was returned to Council on 12 October 2007. It is recommended that these funds be set aside for future local history projects.

CARRIED UNANIMOUSLY

LEICHHARDT MUNICIPAL COUNCIL

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

ITEM 27 SUMMARY OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN RESOLUTIONS SEPTEMBER 2007

C399 /07 RESOLVED MURPHY/COBLEY-FINCH

That the information be received and noted.

CARRIED UNANIMOUSLY

ITEM 28 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

C400 /07 RESOLVED HAMILTON/PARKER

That the Mayor of LMC writes to Kevin Rudd calling on him to support the commitment to Constitutional recognition of Local Government and to take action to convene a Constitutional convention within the first 18 months of office of a Rudd Government and that copies of this letter be sent to the new Federal Minister for Local Government, the Federal Shadow Minister for Local Government, the State Ministers of Local Government and their Shadow counterparts in all other Territory and State Governments.

CARRIED UNANIMOUSLY

LEICHHARDT MUNICIPAL COUNCIL

ITEM 29 SECONDMENT ARRANGEMENTS BETWEEN RED CROSS AND LMC FOR COUNCIL STAFF

C401/07 RESOLVED HAMILTON/MURPHY

That Leichhardt Council support the following in principal and invite the Red Cross to brief Councillors on the matter;

“That Leichhardt Council plan and implement the Local Government Disaster Response and Preparedness program as part of the LMC Red Cross Partnership arrangement and call for expressions of interest from 2 staff members to enlist in the BTC Red Cross training in order to be available for domestic and international secondment to the Red Cross (if necessary) in 2007/08. That LMC adopt the program as a pilot and evaluate its success over a period of 12-18 months”.

CARRIED UNANIMOUSLY

ITEM 30 STAFF TURNOVER AND WORKFORCE PLANNING AND SKILLS RETENTION FOR LEICHHARDT COUNCIL

C402/07 RESOLVED HAMILTON/PARKER

That Council call for one combined report on the following:

1. That Council call for a report on staff turnover across the organisation and particularly the Planning, Environmental and Community Management Unit, in the past 3 years giving an itemised account of the financial cost of replacement and recruitment, including the points outlined in the background of the Notice of Motion, of staff both senior and middle management to be brought back to Council for the Ordinary Meeting in April 2008.
2. That Council calls for a thorough workforce planning report to be undertaken by the Manager of Employee Services outlining strategies for meeting skills shortages, replacing retiring staff members and attracting and retaining talent for the organisation for the next 5-10 years and that this comes back to Council for the Ordinary Meeting in April 2008.

CARRIED UNANIMOUSLY

LEICHHARDT MUNICIPAL COUNCIL

QUESTIONS WITHOUT NOTICE

Nil

COMMITTEE OF THE WHOLE / CLOSED COUNCIL

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) (d) and (g) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

**ITEM 1 TENDER FOR DEMOLITION & REMEDIATION – 41 FLOOD STREET
TENDER (26-28 MYRTLE STREET, LEICHHARDT)**

This item is classified CONFIDENTIAL under section 10A(2)(d) of the *Local Government Act* 1993, which permits the meeting to be closed to the public for business relating to the following:

- (d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it.

Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to council by tenderers is provided on the basis that council will treat it as commercial in confidence.

It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to council's decision.

LEICHHARDT MUNICIPAL COUNCIL

**ITEM 2 TENDER FOR THE FORESHORE (SEAWALL) REMEDIATION,
2-8 WESTON STREET EAST BALMAIN**

This item is classified CONFIDENTIAL under section 10A(2)(d) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it.

ITEM 3 127 ROWNTREE STREET

This item is classified CONFIDENTIAL under section 10A(2)(g) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

10A (2) (g) advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

MOVING INTO COMMITTEE OF THE WHOLE

Council resolved to meet in the Committee of the Whole at 10.50 pm with the press and public excluded after a MOTION (PARKER/MURPHY) to that effect was CARRIED.

**** RETURN TO OPEN COUNCIL**

Open Council resumed at 10.53pm after a MOTION (PARKER/HAMILTON) to that effect was CARRIED.

LEICHHARDT MUNICIPAL COUNCIL

**** RESOLUTIONS FROM THE CLOSED COUNCIL MEETING**

**1. TENDER FOR DEMOLITION & REMEDIATION – 41 FLOOD STREET
TENDER (26-28 MYRTLE STREET, LEICHHARDT)**

C403 /07 RESOLVED PARKER/HAMILTON

1. That the tender submitted by State Building Contractors Pty Ltd (SBC) for \$580,496.61 (excluding GST), be accepted.
2. That additional funding of \$331,000 be provided to carry out the demolition and remediation and embellishment of 41 Flood St. in accordance with the adopted masterplan.
3. That Council defers \$331,000 of section 94 projects in the 2007/2008 management plan with the projects to be confirmed at the review of the Major Projects and Mainstreet & Developers Contributions Works Plan to be reported to Council in November 2007.

CARRIED UNANIMOUSLY

**2. TENDER FOR THE FORESHORE (SEAWAL) REMEDIATION,
2-8 WESTON STREET EAST BALMAIN**

C404/07 RESOLVED COBLEY-FINCH/HANNAFORD

1. That subject to Development Approval and Sydney Buses approval, Council accepts the tender from Australian Prestressing Services Pty Ltd for a sum of \$727,000 excluding GST
2. That Council delegate the Manager Assets to finalise contract negotiations with Australian Prestressing Services Pty Ltd prior to signing contract documents.
3. That Council notes the urgency of the works and the need to close the bus turning circle for three weeks prior to the end of the year with buses terminating at Nicholson Street.

CARRIED UNANIMOUSLY

10.54pm Cr. Murphy retired from the meeting.

This is page 31 of the Minutes of the Ordinary Meeting of Council held on the 30 day of October, 2007 and presented for confirmation this 27 day of November, 2007.

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CHAIR

LEICHHARDT MUNICIPAL COUNCIL

ITEM 3 127 ROWNTREE STREET

C405/07

RESOLVED

SHEEHAN/PARKER

- a) That Council commence compliance action and prosecution proceedings against the owner and / or operator of the premises for non compliance with conditions of consent.
- b) That Council arrange a meeting between council officers, council's acoustic consultant, the owner and / or operator and the owner's acoustic consultant. The purpose of the meeting is to reach an agreement on:
 - i) The appropriate building works required so that the premises and operation complies with the conditions of consent. This meeting is to occur within the next week.
 - ii) A satisfactory timetable for the completion of such building works.
- c) That Council complete compliance action and prosecution proceedings should the agreement referred to in point b) not be reached and/or the building works not be completed to Council's satisfaction or within the agreed timeframe.

CARRIED UNANIMOUSLY

The meeting closed at 10.57pm.