



## AGENDA

### ORDINARY MEETING

**19 October, 2010**

**LEICHHARDT MUNICIPAL COUNCIL**

**ORDINARY MEETING OF COUNCIL**

NOTICE IS HEREBY GIVEN THAT AN **ORDINARY MEETING** OF THE LEICHHARDT MUNICIPAL COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS, LEICHHARDT TOWN HALL, 107 NORTON STREET, LEICHHARDT, ON **TUESDAY, 19 October, 2010** at **7.00 pm**.

Peter Gainsford  
ACTING GENERAL MANAGER

**12 October, 2010**

**BUSINESS :**

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**\*\* ACKNOWLEDGEMENT OF COUNTRY**

*I acknowledge the Gadigal and Wangal people of the Eora nation on whose country we are meeting today, and their elders past and present.*

**\*\* APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE  
AND/OR CONDOLENCES**

**\*\* DECLARATION OF PECUNIARY INTERESTS AND  
NON-PECUNIARY INTERESTS**

**\*\* CONFIRMATION AND/OR CORRECTION OF  
MINUTES OF ORDINARY AND SPECIAL MEETINGS**

**(BOUND SEPARATELY)**

- (a) Building & Development Council Meeting – 14 September 2010
- (b) Ordinary Council Meeting – 28 September 2010
- (c) Extraordinary Council Meeting – 29 September 2010

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## **MAYORAL MINUTES**

**LEICHHARDT MUNICIPAL COUNCIL**

**MAYORAL MINUTES**

**DIVISION:** MAYORAL MINUTES

**SUBJECT:** ITEM 1 MAYORAL MINUTES

**FILE REF:** F09/

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October  
2010\261010BP.DOC

## **PRECIS OF CORRESPONDENCE**

**LEICHHARDT MUNICIPAL COUNCIL**

**PRECIS OF CORRESPONDENCE**

**DIVISION:** PRECIS OF CORRESPONDENCE

**SUBJECT:** ITEM 2 SUMMARY OF PRECIS OF CORRESPONDENCE  
RESOLUTIONS FROM SEPTEMBER 2010

**FILE REF:** F09/

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October  
2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Nil

**Policy Implications:** Nil

**Strategic Plan Objective:** Sustainable Services and Assets

**Staffing Implications:** Nil

**Notifications:** Nil

**Other Implications:** Nil



1. **Purpose of Report**

To advise of the status of the Precis of Correspondence Resolutions from September 2010.

2. **Recommendation**

That the information be received and noted.

**LEICHHARDT MUNICIPAL COUNCIL**

**PRECIS OF CORRESPONDENCE**

<b>DIVISION:</b>	PRECIS OF CORRESPONDENCE
<b>SUBJECT:</b>	ITEM 3 REQUEST FOR FEE WAIVER – SHAWNUFF SWING BAND
<b>FILE REF:</b>	F97/01222
<b>DATE:</b>	3 August 2018
<b>WORD PROCESSING REF:</b>	G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

Attached is a request from the Shawnuff Swing Band requesting a fee waiver for the use of the Leichhardt Town Hall once a month on a Tuesday evening from 7:30pm – 9:30pm.

The cost for the use of the hall for two hours is \$288.00.

The band is located and plays outside the Leichhardt Local Government Area and does not meet the criteria for free use or the community rate.

**Recommendation:**

The Shawnuff Swing Band be advised that it does not meet the criteria for free use or for the community rate and be charged \$288.00 (for 2 hours) for each session if they wish to use the Leichhardt Town Hall.

**LEICHHARDT MUNICIPAL COUNCIL**

**PRECIS OF CORRESPONDENCE**

**DIVISION:** PRECIS OF CORRESPONDENCE

**SUBJECT:** ITEM 4 REQUEST FOR FEE WAIVER – MARIAN WALLER

**FILE REF:** F10/00043

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October  
2010\261010BP.DOC

Correspondence has been received from Marian Waller, a resident of Leichhardt, requesting a fee waiver for the use of the Whites Creek Cottage Melaleuca Room on a weekly basis for an hour and a half to hold Qigong classes for cancer patients.

The cost for the hire of the Melaleuca Room for an hour and a half is \$45.00.

Technically, the request does not meet Council's criteria for fee waiver or the community rate. However, it is recommended that a fee waiver be granted subject to the teacher not charging the participants for attending the classes.

**Recommendation:**

1. That Marian Waller be granted a fee waiver for the use of the Whites Creek Cottage Melaleuca Room on a weekly basis to hold a Qigong class for cancer patients subject to the teacher not charging the participants for attending the classes.
2. That the standard \$210 refundable bond be charged.

**GENERAL MANAGER**

## LEICHHARDT MUNICIPAL COUNCIL

**REPORT**

**DIVISION:** GENERAL MANAGER

**SUBJECT:** ITEM 5 SUMMARY OF GENERAL MANAGER  
RESOLUTIONS FROM SEPTEMBER 2010

**FILE REF:** F09/

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October  
2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Nil

**Policy Implications:** Nil

**Strategic Plan Objective:** Sustainable Services and Assets

**Staffing Implications:** Nil

**Notifications:** Nil

**Other Implications:** Nil

1. **Purpose of Report**

To advise of the status of the General Manager Resolutions from September 2010.

2. **Recommendation**

That the information be received and noted.

**LEICHHARDT MUNICIPAL COUNCIL****REPORT**

**DIVISION:** GENERAL MANAGER

**SUBJECT:** ITEM 6 REQUEST AND COMPLAINT HANDLING

**AUTHOR & TITLE:** GRAHAM CARNEGIE – MANAGER EMPLOYEE SERVICES

**FILE REF:** F09/

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Nil

**Policy Implications:** Nil

**Strategic Plan Objective:** Nil

**Staffing Implications:** Nil

**Notifications:** Nil

**Other Implications:** Nil

**1. Purpose of Report**

To advise Council on the data related to Citizen contacts, request for service and Formal Complaints and their processing.

**2. Recommendation**

For Council to receive and note.

**3. Background**

Last year Council adopted a Policy and Procedures for the handling of Citizen Requests and Formal Complaints in respect of Council services and staff.

A new policy and set of procedures was developed and implemented in July 2009. Staff were trained in this specific process and policy and these documents were placed on the Council Website and Intranet along with an easy to access Formal Complaints Form.

**4. Report**

This is the second formal review and the results are pleasing given the volume of requests Council receives. As predicted and common in public organisations there has been a small increase in the number of Formal Complaints due to the promotion of the policy but they have been processed in a timely fashion given their complexity. There were 26 Formal complaints in the first six months, of the new Policy and 32 in the last six months the details of which are set out in the table below.

The Senior Management Team will conduct a review of the current Policy and Procedures later this year and analyse the statistics to identify any further improvements and seek to formally adopt improved procedures and make the necessary changes

**5. Summary/Conclusions**

Since the introduction of this new policy, the tracking and reporting arrangements management is satisfied with the improvements, outcomes and progress made in this area.



## **COUNCIL REQUEST STATISTICS**

( 01/01/10 to 30/6/10)

	Number Received	Average Completion Time	Number of Requests still in Progress
<b><u>FORMAL COMPLAINTS</u></b>			
Corporate & Information Services	4	15.75	0
Environmental & Community Management	7	26.29	0
General Manager & Employee Services	11	8.91	0
Infrastructure & Service Delivery	10	15.50	0
Total	<b>32</b>	<b>15.63</b>	<b>0</b>
<b><u>GENERAL REQUESTS</u></b>			
Corporate & Information Services	250	12.06	6
Environmental & Community Management	2,348	8.24	125
General Manager & Employee Services	19	3.42	0
Infrastructure & Service Delivery	7,521	13.68	472
Total	9941	11.64	611
<b><u>CITIZENS SERVICES CENTRE</u></b>			
Number of Counter Requests	17,227		
Number of Phone Calls	36,928 (72 % answered within 60 seconds)		
No of Phone Calls resolved by Customer Service Centre	26,034		

**LEICHHARDT MUNICIPAL COUNCIL****REPORT**

**DIVISION:** GENERAL MANAGER

**SUBJECT:** ITEM 7 FRIENDS OF MALIANA – REPORT ON RECENT VISIT

**AUTHOR & TITLE:** ANGELA LEMME – MEDIA & COMMUNICATIONS OFFICER

**FILE REF:** F09/

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** \$15,500 allocated in East Timor contributions budget for 2009-10 financial year. Also, a previous commitment to underwrite refurbishment of Ginasio in Maliana up to \$50,000, now to be diverted to other community projects as outlined in the report.

**Policy Implications:** Nil

**Strategic Plan Objective:** Community Well being

**Staffing Implications:** Ongoing support from Media & Communications Coordinator

**Notifications:** Nil

**Other Implications:** Nil

**1. Purpose of Report**

To report on the August 2010 mission to Timor Leste by Maire Sheehan on behalf of the Friends of Maliana.

**2. Recommendation**

That Council receives and notes the report.

**3. Background**

In August 2010, Maire Sheehan visited East Timor with the following objectives:

- Ensure smooth placement for the Australian Volunteer International volunteer Gail Clifford, setting out achievable project objectives for her stay.
- Clarify the situation regarding the rehabilitation of the Ginasio in Maliana.
- Clarify proposals for water and sanitation in the senior high school Malibaca Yamato as well as sanitation and building repairs at the Biblioteca.
- Clarify interest in a master plan for the senior high school Malibaca Yamator.
- Clarify priorities for repairs to the CVTL (Red Cross) building in Maliana on behalf of the Friends of Maliana consortium member Emergency Architects Australia (EAA).
- Visit the Ministry of State Administration to brief the Ministry on the Friend's visit and project - specifically the rehabilitation of the Ginasio in Maliana.
- Research and discuss future proposals and emerging issues.

**4. Report**

Maire Sheehan has prepared a report attached outlining the objectives and outcomes of the recent mission. The following documentation is attached as an appendix:

- Minutes for meeting with Sr. Estanislau Batista, Regional Director of Education Bobanaro, Covalima & Ermera, Maliana 24 August 2010.
- Agreement on the principles and role for the Friendship Committee- as a steering committee of the Biblioteca project.
- Draft job descriptions for staff at the Biblioteca Community Information and Learning Centre.
- Letter from Leichhardt Council Mayor Jamie Park outlining the allocation of funds from the Ginasio to other community projects, given GoTL's decision to demolish the Ginasio.

**LEICHHARDT MUNICIPAL COUNCIL****REPORT**

**DIVISION:** GENERAL MANAGER

**SUBJECT:** ITEM 8 COUNCILS FOR GENDER EQUITY

**AUTHOR & TITLE:** GRAHAM CARNEGIE – MANAGER EMPLOYEE SERVICES

**FILE REF:** F97/00719

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Nil

**Policy Implications:** Nil

**Strategic Plan Objective:** Sustainable Services and Assets

**Staffing Implications:** Nil

**Notifications:** Application to the ACELG (Australian Centre of Excellence for Local Government).

**Other Implications:** Nil

## 1. **Purpose of Report**

At the June 2010 Council Meeting, Council resolved to prepare a report on the 50:50 Vision program to engage Leichhardt Council in the Gender Equity Program including moving to achieve accreditation.

## 2. **Recommendation**

That Council receive and endorse the statement of commitment to Gender Equity and the application for the Bronze Award as outlined in this report.

## 3. **Background**

At the recent Council of Australian Local Government Conference, the Federal Minister for the Status of Women launched The Australian Local Government Women's Association (ALGWA) *50:50 Vision - Councils for Gender Equity* program.

This important program is the first national accreditation and awards program which encourages councils across Australia to address gender equity issues within the organisation and among their elected representatives.

The program has been designed to be accessed by all councils, regardless of their size, location and progress on gender equity. Councils can apply for accreditation at three levels - starting with Bronze and working up to the prestigious, peer reviewed Gold Award.

The accreditation of council as a 50:50 Vision employer of choice will make it easier to attract and keep good women candidates and officers. Council can advance to levels starting with the bronze level.

In order to achieve a Bronze Award a council must:

- provide a council endorsed statement of commitment to address gender equality issues
- conduct a self assessment of staff/elected representative gender ratios
- outline at least one project they will undertake to address gender equity issues
- nominate a 50:50 Vision champion to have carriage of the program within the organisation.

## 4. **Report**

Leichhardt Council is well placed to apply for the first step, Bronze Award, in the Councils for Gender Equity Program, which Council must achieve before moving on to the higher levels of Silver and Gold.

Council has conducted many programs and initiatives to promote the equity of women within Council staff and elected Councillors for the past 15 years.

In comparisons with Councils that struggle to have 1 elected female Councillor, 4 of the past 6 Mayors at Leichhardt have been women. Five (of the twelve) Councillors on this Council are women and there were seven women elected to the last Council.

Council provides 18 weeks paid maternity leave which is higher than the award benefit and industry standard. Council currently sponsor two women in the staff springboard program for women conducted by the LGSA and offer places on a formal mentoring program for women. Also 7 of our 16 senior manager positions are occupied by women.

To meet the deadline for the presentation of awards at the ALGWA (Australian Local Government Women's Association) National Conference at Ryde on 25 – 27<sup>th</sup> November 2010, Council needed to submit its Application prior to this Council Meeting, the Mayor endorsed the following statement of commitment to Gender Equity to complete the application.

***“Leichhardt Council will support mentoring, networking and opportunities to continue to inspire Women to make a difference as - Councillors and - staff in leadership roles within Leichhardt Council”***

Council is asked to confirm this statement of commitment and endorse the attached application.

**LEICHHARDT MUNICIPAL COUNCIL****REPORT**

**DIVISION:** GENERAL MANAGER

**SUBJECT:** ITEM 9 PROPOSED AMENDMENT TO LANDSCAPE PLAN  
FOR 2 - 8 WESTON STREET, BALMAIN – UPDATED

**AUTHOR & TITLE:** MARGARET LYONS – MANAGER LEGAL SERVICES

**FILE REF:** F05/00109

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October  
2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Costs associated with landscape, conservation, restoration and adaptive reuse of the State Registered 1880's Fenwick Stone Building.

**Policy Implications:** Implement public purpose of acquisition of land.

**Strategic Plan Objective:** Community Wellbeing  
Accessibility  
Place Where We Live & Work  
Sustainable Environment

**Staffing Implications:** None at this stage.

**Notifications:** None for report, but consultation proposed on revised landscape plan.

**Other Implications:** Nil

## 1. Purpose of the Report

To advise Council of proposed amendments to the landscape plan for 2-8 Weston Street East Balmain.

## 2. Recommendation

That Council:

1. endorse the amendments to the landscape plan for 2-8 Weston Street East Balmain as shown on Annexure B and request Aspect to prepare a complete concept plan for community consultation;
2. note that no adaptive reuse works are proposed to the heritage item Bell's or Fenwick's Store at this time but some conservation works as required by the Heritage Office will be undertaken; and
3. authorise the upgrade works to the existing toilets at East Balmain ferry wharf.

## 3. Background

On 30 July 2004, Council acquired the property known as 2-8 Weston Street East Balmain by compulsory acquisition. On 13 April 2006, the Land and Environment Court awarded \$9,731,375 in compensation. Subsequently Council also was ordered to pay the costs of the proceedings.

On the 26th February 2008, Council adopted a Plan of Management for the site. The Council resolution (C17/08) included:

*That existing toilets (not currently accessible) be relocated to the back of the 1880 stone building, designed to accessible standards and included in the draft Masterplan for East Balmain.*

On 29 April 2008, Council granted development consent to demolish existing 1960s office building, remediate the site and landscape works. The consent required Council to prepare Conservation Management Plan, obtain a s.60 approval under the Heritage Act and undertake an archaeological assessment prior to commencing landscape works. A copy of the approved development consent plan is Annexure A.

In February 2009, Council adopted the Conservation Management Plan and a Historical Archaeological Management Plan for the Fenwick's 1880's Stone Building 2-8 Weston Street East Balmain and subsequently lodged a copy of both documents with the NSW Department of Planning (Heritage Branch).

In late 2009, as required by the Development Consent, Council obtained a s.60 Approval to conduct an archaeological investigation of the site. That protracted investigation revealed some old building rubble that was consistent with the demolition of a very old building in situ. Unfortunately, the detailed examination of this find was outside the (limited) s.60 Approval and a further application was needed.



The further Approval was obtained and the archaeological works was completed in April 2010.

Since April, Council has reviewed the approved landscape plan as a precursor to calling tenders.

#### 4. Report

As a consequence of the review of the approved landscape plan the following changes are proposed (shown on annexure B):

- A new level path from Darling Street, past the side of 10 Darling Street, to the viewing platform and ultimately the first floor level of the store.
- Relocation of the stairs from Weston Street to the viewing platform (and the back of store) to further south to link up to Paul Street. This will mean the ferry commuters and park visitors can walk from the ferry past the store and up the stairs to Weston Street and Paul Street.
- Expanded landscaping between Weston Street and the viewing platform and store.
- Relocation of the stairs from the water to the wall adjacent to the store to improve the area available for recreation and to ensure an active public interface with the store.
- Some minor changes to the level of the viewing platform.
- Landscaping of the retaining wall to the bus turning circle.
- Delineation of the curtilage of the store that is proposed to be classified as Operational Land under the Local Government Act.
- Deletion of the platform over the void area behind the store. This has been done to allow for the building to dry out once new drainage is installed around the building. Drying out of the stone is apparently a necessary precursor to any building works to adapt the building to a future use.
- Deletion of public toilets from the area under the viewing platform.

In regard to last dot point, the location of the public toilets was reconsidered on basis that cost effective refurbishment works can be undertaken to the existing toilets at the wharf to make them both more appealing and useable.

In additions to the above amendments to the landscape plan, it is proposed to request the Landscape Architects to include (if possible) additional parking off Weston Street if possible for park users (4 hour maximum parking)

### **Further Consent requirements**

Subclause 3 of clause 65 of the Infrastructure SEPP states:

Development for any of the following purposes may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:

- (a) roads, cycleways, single storey car parks, ticketing facilities and viewing platforms,
- (b) outdoor recreational facilities, including playing fields, but not including grandstands,
- (c) information facilities such as visitors' centres and information boards,
- (d) lighting, if light spill and artificial sky glow is minimised in accordance with AS/NZS 1158: 2007, *Lighting for Roads and Public Spaces*,
- (e) landscaping, including irrigation schemes (whether they use recycled or other water),
- (f) amenity facilities,
- (g) maintenance depots,
- (h) environmental management works.

Accordingly, the proposed landscape works do not require Development Consent or a Construction Certificate under the Environmental Planning and Assessment Act. However, because the site is a listed State Heritage Item, an approval under the Heritage Act is required (s.60 Approval).

To obtain a s.60 Approval, Council will need to submit a heritage impact statement which can only be prepared once the final landscape plan is endorsed by Council.

### **Community Consultation**

It is proposed to consult with the East Balmain community on the amended landscape plan.

A further report will be provided to Council on the detailed design prior to calling for tenders.

For the consultation, a plan will be displayed on the Weston Street and the waterfront fences and letters sent to the precinct and residents of Weston, Paul and Darling Streets (from Weston to Nicholson & Johnston Streets). The period of consultation will be 14 days.

### **Future stages in the redevelopment of the site**

- A. Adoption of detailed landscape plan (October Council meeting);
- B. Application for a s.60 Approval under the Heritage Act for the landscape works;
- C. Calling for tenders for the landscape works;
- D. Awarding the tender for landscape works;
- E. a report to Council on the potential commercial & community uses of the store prior to the restoration work;
- F. Development Application, for the conservation, restoration and adaptation of stone store and consent for its use; and
- G. Call for expressions of interest to lease and undertake the adaptive reuse works on the Store.

The last 3 stages (E-F) will all be subject to full consultation with the community.

### **5. Conclusion**

Council endorse the amendments to the landscape plan for the purposes of community consultation.

## LEICHHARDT MUNICIPAL COUNCIL

**REPORT**

**DIVISION:** GENERAL MANAGER

**SUBJECT:** ITEM 10 ENVIRONMENTAL DEFENDERS OFFICE – DONATION

**AUTHOR & TITLE:** MARGARET LYONS – MANAGER LEGAL SERVICES

**FILE REF:** F05/00109

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Major Issues Budget has approximately \$43,000 remaining this financial year.

**Policy Implications:** Support

**Strategic Plan Objective:** Community Wellbeing  
Accessibility  
Place Where We Live & Work  
Sustainable Environment

**Staffing Implications:** Nil

**Notifications:** Nil

**Other Implications:** Nil

## 1. Purpose of the report

To provide advice to Council on the Environmental Defenders Office.

## 2. Recommendation

That Council receive and note the report.

## 3. Background

At the September council meeting, Council resolved (C452/10):

*That Council make a contribution (the amount to be determined at the next Ordinary meeting) to the Environmental Defenders Office (EDO) towards costs and disbursements of pursuing a court action against the Barangaroo Delivery Authority (BDA), the Minister for Planning, and Lend Lease.*

## 4. Report

Any donation to the EDO may be costed to the Major Issues budget. At as 30 September 2010, there was \$approximately \$43,000 remaining of the \$50,000 budget.

Below is an extract from the EDO's website:

*The Environmental Defender's Office Ltd, (EDO), is a not-for-profit community legal centre specialising in public interest environmental law. We help individuals and community groups who are working to protect the natural and built environment.*

*The EDO is part of a national network of centres that help to protect the environment through law in their States.*

*The EDO has an active program of:*

- casework,
- scientific assessment and advice,
- education and
- law reform.

*In addition, we provide free initial legal advice to the community.*

*Public donations and support are also vital in enabling us to do the work we do. You can help support the EDO by:*

- a donation,
- becoming a Friend of the EDO or
- volunteering.

## **Mission**

*The EDO's mission is to promote the public interest and improve environmental outcomes through the informed use of the law.*

## **Strategic Approach**

*The EDO seeks to achieve its mission using the following strategies:*

- Using a multidisciplinary approach which incorporates legal and scientific advice and representation; contributing to law reform and the development of public policy; and providing education and information to the community*
- Promoting the value of public participation in environmental decision making and empowering the community to achieve better environmental outcomes through the informed use of the law*
- Increasing access to justice by working with diverse groups within the community, and providing equitable access to services throughout New South Wales*
- Recognising the importance of indigenous involvement in the protection of the environment*
- Contributing to national and international work to achieve positive environmental outcomes through the law, within the limits imposed by funding*
- Engaging early in environmental decision-making processes*
- Managing the legal complexities of client campaigns and issues to the fullest extent possible*
- Focusing on the merits of cases, both through contributions prior to decisions being made and as an adjunct to judicial review.*

## **Acknowledgments**

*The EDO receives financial assistance from the Public Purpose Fund of the Law Society of New South Wales, the Legal Aid Commission of New South Wales, the Commonwealth Attorney-General's Department, the Department of Agriculture, Fisheries and Forestry and the New South Wales Government through its Environmental Trust.*

*We would also like to thank the Environment and Planning Law Association of NSW (EPLA) for financially supporting the EDO Research Fellowship Program and DLA Phillips Fox for ongoing support.*

## Options for supporting the EDO

The website also provides the following advice:

*Your support for the EDO will help us to:*

- *Provide legal advice and representation;*
- *Promote changes to environmental laws; and*
- *Provide community legal education.*

### *Become an EDO Supporter*

*Make a one off donation to the EDO and you will be helping us protect the environment. Donations over \$2 are tax-deductible.*

### *Become an EDO Defender*

*For as little as \$10 per month, your donation will help us protect the environment and entitle you to discounts on many EDO services.*

## **ENVIRONMENTAL AND COMMUNITY MANAGEMENT**



**LEICHHARDT MUNICIPAL COUNCIL****REPORT****DIVISION:** ENVIRONMENTAL AND COMMUNITY MANAGEMENT**SUBJECT:** ITEM 11 SUMMARY OF ENVIRONMENTAL AND  
COMMUNITY MANAGEMENT RESOLUTIONS FROM  
SEPTEMBER 2010**FILE REF:** F09/**DATE:** 3 August 2018**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October  
2010\261010BP.DOC**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS****Financial Implications:** Nil**Policy Implications:** Nil**Strategic Plan Objective:** Sustainable Services and Assets**Staffing Implications:** Nil**Notifications:** Nil**Other Implications:** Nil

1. **Purpose of Report**

To advise of the status of the Environmental and Community Management Resolutions from September 2010.

2. **Recommendation**

That the information be received and noted.

## LEICHHARDT MUNICIPAL COUNCIL

# REPORT

**DIVISION:** ENVIRONMENTAL AND COMMUNITY MANAGEMENT

**SUBJECT:** ITEM 12 MINUTES OF THE COMMUNITY SERVICES, SAFETY & FACILITIES COMMITTEE MEETING – 7 OCTOBER 2010

**AUTHOR & TITLE:** ERLA RONAN – MANAGER SOCIAL PLANNING & COMMUNITY DEVELOPMENT

**FILE REF:** F05/00012 – 8

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

### DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS

**Financial Implications:** Item 9 Community Grants Program 201/2011(CSSFC 105/10) - Recommended commitment of \$19,395 from the Community Grants Program budget of \$22,500 leaving \$3.105 available for a recommended second round of grants.  
Item 10 Seniors Grants Program 201/2011(CSSFC 106/10) - Recommended commitment of \$8,370 from the Seniors Grants Program budget of \$10,000 leaving \$1,630 available for a recommended second round of grants.

**Policy Implications:** Nil

**Strategic Plan Objective:** Community Well-being  
Accessibility  
Place where we live and work  
A sustainable environment  
Business in the Community  
Sustainable Services and Assets

**Staffing Implications:** Nil

**Notifications:** Nil

**Other Implications:** Nil

**1. Purpose of Report**

To advise Council of the status of Minute Recommendations of the Community Services, Safety & Facilities Committee held on 7 October 2010.

**2. Recommendation**

That Council adopt the minutes of the Community Services, Safety & Facilities Committee held on 7 October 2010 with the accompanying recommendations.

**MINUTES** of the **Community Services, Safety & Facilities Committee** of Leichhardt Municipal Council held in the Supper Room on **7 October 2010**.

Present at the commencement of the meeting: Cr Rochelle Porteous (Chair), Cr Vera-Ann Hannaford, Cr Cassi Plate, David Lawrence, Joe Mannix, Jefferson Lee, Sharon Page, Janet Green

Staff Present: Director, Environment & Community Management, Acting Manager, Social Planning & Community Development, Administration Officer, Community Development Officer – Youth Focus, Community Youth Officer/Community Safety Officer.

Meeting Commenced: 6.35PM

# **ACKNOWLEDGEMENT OF COUNTRY:**

Council acknowledges the Gadigal and Wangal people of the Eora nation on whose land this meeting is taking place.

## **ITEM 1 APOLOGIES**

**CSSFC 98/10 RECOMMENDED LAWRENCE/MANNIX**

That apologies be accepted for the non attendance of Lisa Smajlov, Cr Lyndal Howison, Alison Peters, Erla Ronan and Craig Greene.

## **ITEM 2 DECLARATION OF PECUNIARY AND NON-PECUNIARY INTERESTS - Nil**

## **ITEM 11 (Brought Forward) COMMUNITY & CULTURAL PLAN – KEY ISSUES & MAJOR THEMES (FOR DISCUSSION – TABLED AT THE 28 SEPTEMBER 2010 ORDINARY MEETING)**

**CSSFC 99/10 RECOMMENDED HANNAFORD/MANNIX**

Discussion was held relating to the Key Issues and Major Themes of the Community and Cultural Plan, in particular:

- Opportunities for involving community members from all walks of life.
- Opportunities for young people.
- The importance of public spaces where they need to be safe, accessible and well designed.
- The isolation of some community members.
- Leichhardt is a liveable / connected place.
- The Italian identity of Council.

## **ITEM 12**

1. That the report be received and noted.

### **ITEM 3**

#### **MINUTES OF PREVIOUS MEETING: 2 September 2010**

##### **OFFICER RECOMMENDATION**

That Council adopt the minutes of the Community Services, Safety and Facilities Committee meeting held on 2 September 2010 with the accompanying recommendations.

##### **CSSFC 100/10 COMMITTEE RECOMMENDATION      PLATE/MANNIX**

1. That Council adopt the minutes of the Community Services, Safety and Facilities Committee meeting held on 2 September 2010 with the accompanying recommendations.
2. That apology is accepted for the non attendance of Sharon Page at the September meeting.

Sharon Page asked that she receive a copy of the final report regarding the Review of Community Facilities.

### **ITEM 4**

#### **SUMMARY OF RESOLUTIONS**

##### **OFFICER RECOMMENDATION**

That the information in the summary of resolutions be received and noted.

##### **CSSFC 101/10 COMMITTEE RECOMMENDATION      MANNIX/PLATE**

1. That the information in the summary of resolutions be received and noted.
2. That a meeting be set for the Flight Path festival organisers and notify those involved.
3. That a report be brought to the CSSFC meeting and compile with the original resolution re Feedback on Community Safety (CSSFC 33/10) regarding outcome from meeting with Department of Planning and Council staff.

### **ITEM 5**

#### **FEEDBACK ON COMMUNITY SAFETY**

1. The meeting was asked if council has planned any activities / events for Pioneer Park during the Christmas / holiday period that may enliven and promote community safety.
2. It was noted that planning for Carols on Norton Street and the associated Lantern Parade will again be held and a series of Outdoor Movies will take place in 2011.

### **ITEM 12**

**ITEM 6**

**ANNANDALE NEIGHBOURHOOD CENTRE MANAGEMENT COMMITTEE MINUTES**

**CSSFC 102/10 RECOMMENDED**

**PLATE/MANNIX**

The Council adopt the minutes of the Annandale Neighbourhood Centre Management Committee meeting held on 23 July 2010 (**ATTACHMENT 1**).

**ITEM 7**

**BALMAIN TOWN HALL MANAGEMENT COMMITTEE MINUTES**

**OFFICER RECOMMENDED**

1. That Council note the Minutes of the s.355 Committee, Balmain Town Hall Management Committee are presented in a standardised format to facilitate Council's review and decision-making.
2. That Council adopt the Minutes of the Balmain Town Hall Management Committee for 15 July 2010 and 19 August 2010.

**CSSFC 103/10 COMMITTEE RECOMMENDED**

**MANNIX/PLATE**

1. That Council note the Minutes of the s.355 Committee, Balmain Town Hall Management Committee are presented in a standardised format to facilitate Council's review and decision-making.
2. That Council adopt the Minutes of the Balmain Town Hall Management Committee for 15 July 2010 and 19 August 2010 (**ATTACHMENT 2**).
3. That George Georgakis (Administration Manager) be asked to provide a report to the next CSSFC meeting regarding any acoustic reports/information that have been carried out at the Balmain Town Hall and does the current PA system address a FM transmission loop system.

**ITEM 8**

**CLONTARF COTTAGE MANAGEMENT COMMITTEE MINUTES**

**CSSFC 104/10 RECOMMENDED**

**LAWRENCE/PLATE**

That Council adopt the Minutes of the Clontarf Cottage Management s.355 Committee for 9 August and 13 September 2010 (**ATTACHMENT 3**).

**ITEM9**

**COMMUNITY GRANTS PROGRAM 2010/2011**

**OFFICER RECOMMENDED**

1. That the following groups be allocated grants totalling \$19,395 for the 2010/2011 year under the Community Grants Program, as follows:

**ITEM 12**

1.	Community First Aid Sydney Inc	\$1,500
2.	Rozelle Neighbourhood Centre Inc	\$2,000
3.	Balmain PCYC	\$2,000
4.	Rosemount Good Shepherd Youth & Family Services	\$1,000
5.	Inner Western Circle	\$2,000
6.	St Thomas' Rozelle Child Care Centre Inc	\$2,000
7.	Legs on the Wall	\$2,000
8.	Yoppy's Dance auspiced under Hannaford Centre	\$2,000
9.	Sunnyfield	\$1,200
10.	CoAslt	\$1,000
11.	Inner West Community Band	\$1,000
12.	Ethnic Craft Group	\$1,695
	<b>Total</b>	<b>\$19,395</b>
	Total funding budget available	\$22,500.00
	Uncommitted in this round	\$3,105

2. That Council advertises a second round of grants for an amount totalling \$3,105, calling for applications by January 2011. This is to be in conjunction with the second round of Community Event Funding, and Seniors Funding.

#### CSSFC 105/10 COMMITTEE RECOMMENDED

#### PLATE/MANNIX

1. That the following groups be allocated grants totalling \$20,395 for the 2010/2011 year under the Community Grants Program, as follows:

1.	Community First Aid Sydney Inc	\$1,500
2.	Rozelle Neighbourhood Centre Inc	\$2,000
3.	Balmain PCYC	\$2,000
4.	Rosemount Good Shepherd Youth & Family Services	\$1,000
5.	Inner Western Circle	\$2,000
6.	St Thomas' Rozelle Child Care Centre Inc	\$2,000
7.	Legs on the Wall	\$2,000
8.	Yoppy's Dance auspiced under Hannaford Centre	\$2,000
9.	Sunnyfield	\$1,200
10.	CoAslt	\$1,000
11.	Inner West Community Band	\$1,000
12.	Ethnic Craft Group	\$1,695
13.	Conservation Volunteers Australia	\$1,000
	<b>Total</b>	<b>\$20,395</b>
	Total funding budget available	\$22,500.00
	Uncommitted in this round	\$2,105



2. That Council advertises a second round of grants for an amount totalling \$2,105, calling for applications by January 2011. This is to be in conjunction with the second round of Community Event Funding, and Seniors Funding.

## ITEM 10

### SENIORS GRANTS PROGRAM 2010/2011

#### CSSFC 106/10 RECOMMENDED

#### PLATE/MANNIX

1. That the following groups be allocated grants totalling \$8,370 for the 2010/2011 year under the Seniors Grants Program as follows:

1.	AMIGOSS Association	\$650
2.	Balmain Hospital Auxiliary	\$500
3.	Creative Kick Start auspice under Hannaford Centre	\$1,000
4.	Sisters of Good Samaritan Welfare	\$750
5.	HOPE auspice under Hannaford Centre	\$750
6.	Bow Meow Inc	\$1,000
7.	Ethnic Craft Group	\$1,000
8.	CoAslt	\$1,000
9.	ACLI	\$720
10.	Conservation Volunteers Australia	\$1,000
	<b>TOTAL</b>	<b>\$8,370</b>
	Total funding budget available	\$10,000
	Uncommitted in this round	\$1,630

2. That the unallocated amount of \$1,630 be made available in a second round of grants in the 3<sup>rd</sup> quarter of the financial year.

## ITEM 12

### OTHER BUSINESS

#### 12.1 LEICHHARDT MARKET TOWN SHOPPING CENTRE

#### CSSFC107/10

#### RECOMMENDED

#### PLATE/MANNIX

That a meeting be convened between the Mayor, interested Councillors and the Centre Manager of the Leichhardt Market Town Shopping Centre to address the provisions for ramps and lift to assist elderly residents, parents with prams and shoppers with trolleys in getting around LMP more safely.

## ITEM 13

### NEXT MEETING – 4 November 2010

MEETING CLOSED AT 8.30pm

# LEICHHARDT MUNICIPAL COUNCIL

## REPORT

**DIVISION:** ENVIRONMENTAL AND COMMUNITY MANAGEMENT

**SUBJECT:** ITEM 13 ENVIRONMENT AND RECREATION COMMITTEE MINUTES – 6 OCTOBER 2010

**AUTHOR & TITLE:** GILL DAWSON – MANAGER ENVIRONMENT & URBAN PLANNING

**FILE REF:** F05/00015 – 5

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

### DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS

**Financial Implications:** Nil

**Policy Implications:** Nil

**Strategic Plan Objective:** Place Where We Live & Work  
A Sustainable Environment  
Sustainable Services & Assets  
Community Wellbeing

**Staffing Implications:** Nil

**Notifications:** Nil

**Other Implications:** Nil

**1. Purpose of Report**

To advise Council of the status of Minute Recommendations of the Environment & Recreation Committee held on 6 October 2010.

**2. Recommendation**

That Council adopt the minutes of the Environment & Recreation Committee held on 6 October 2010 with the accompanying.

**MINUTES** of the **Environment and Recreation Committee** of Leichhardt Municipal Council held in the Supper Room on **6 October 2010**.

Present at the meeting: Cr Daniel Kogoy, Cr Vera-Ann Hannaford, Cr John Stamolis, David Lawrence, Paul Geraghty, Sally Gillespie, Gillian Leahy, Naho Yamazaki, Bassem Hijazi, Janet Green, Peter Andrews, Paul Murray, Tara Kennedy, Stephen Arnerich, Bev Maunsell, Bronwen Campbell

Staff Present: Vince Cusumano, Gill Dawson, Aaron Callaghan, Leisha Deguara, Deborah Harvey, Ken Welsh

Apologies Cr Rochelle Porteous, Hugh Malfroy and David Eckstein

Meeting Commenced: 6.36pm

### **ACKNOWLEDGEMENT OF COUNTRY:**

Cr Kogoy performed acknowledgement of country in the capacity as Chairperson.

I acknowledge the Gadigal and Wangal people of the Eora nation on whose Country we are meeting today, and their elders past and present.

### **BUSINESS:**

#### **ITEM 1**

#### **APOLOGIES**

#### **ERC45/10 RECOMMENDED**

That apologies be accepted for the non attendance of Cr Rochelle Porteous, Hugh Malfroy and David Eckstein.

#### **ITEM 2**

#### **DECLARATION OF PECUNIARY INTEREST AND NON-PECUNIARY INTERESTS**

Cr Kogoy declared that he is a staff member of Sydney Buses.

#### **ITEM 3**

#### **MINUTES OF THE PREVIOUS MEETING: 4 August 2010**

#### **ERC46/10 RECOMMENDED**

1. That Council adopt the minutes of the Environment & Recreation Committee meeting held on 4 August 2010.
2. To note that Stephen Arnerich attended the 4 August 2010 Committee meeting.

#### **ITEM 13**

3. To note that the correct naming in terms of the Friends Group for Whites Valley Creek Park is as follows: the Friends of Whites Valley Creek Park.

#### **ITEM 4**

#### **SUMMARY OF RESOLUTIONS**

#### **ERC47/10 RECOMMENDED**

That the information in the Summary of Resolutions be received and noted with the following amendments to be included in the revised Summary of Resolutions.

1. Additional resolutions to ERC36/10 – Community Native Nursery, 22 Wisdom Street, Annandale
  - That a Community Native Nursery time line is prepared and brought to the Environment and Recreation Committee including the following:
    1. Contamination testing
    2. Results of test
    3. Contract for demolition/decontamination
    4. Tenders for construction nursery
    5. Construction of nursery
    6. Official opening
2. Additional resolutions to ERC 03/10 – Community Orchard, White Street
  - That written correspondence is sent to the relevant state department seeking an immediate closure and securing of the properties at White Street to prevent access by vandals who are currently damaging the property.
  - That Council seeks a meeting with the relevant department and prepares a report to the next Environment and Recreation committee seeking clarification on the status of the houses at White Street.
3. Additional resolutions to ERC 33/09 – Bushcare Group
  - That the employment of a further bushcare staff member is expedited and that they liaise with the bushcare native nursery.
4. Additional resolutions to ERC 41/10 – Tree Destruction - Darling St Rozelle
  - That copies of the letters sent to the local pubs be brought to the next Environment and Recreation Committee meeting.

#### **ITEM 5**

#### **CORRESPONDENCE - Nil**

#### **ITEM 6**

#### **REPORTS FROM THE COMMUNITY - Nil**

**ITEM 7**

**CLIMATE CHANGE TASKFORCE MINUTES – 1 SEPTEMBER 2010**

**ERC4810      RECOMMENDED**

That the minutes of the Climate Change Taskforce meeting held on 1 September 2010 including amendment per Council Resolution (C458/10) be noted.

**ITEM 8**

**COMMUNITY GARDENS POLICY FOR LEICHHARDT LGA**

**OFFICER RECOMMENDATION**

That the Committee note and receive this report

**ERC4910      RECOMMENDED**

1. That the Committee note and receive this report.
2. That it is noted that consultation is formalised with community groups including Friends of Whites Valley Creek Park and Transition Leichhardt in developing the community garden policy.

**ITEM 9**

**BIODIVERSITY UPDATE**

**OFFICER RECOMMENDATION**

That this report be received and noted.

**ERC50/10      RECOMMENDED**

1. That this report be received and noted.
2. That appreciation is expressed to Doug Anderson, Biodiversity Officer for the works carried out, as outlined in this report.

**ITEM 10**

**NATIVE PLANTINGS IN VERGES**

**ERC51/10      RECOMMENDED**

1. That the pilot programme for Adopt-a Verge plantings in Bayview Crescent be approved.
2. Should this trial prove successful, that Council roll the programme out to further streets selected from the footpath replacement programme that meet the adopt a verge guidelines in the 2011-2012 financial year.

**ITEM 13**

**ITEM 11**  
**BENEFITS OF TREES BROCHURE**

**ERC52/10      RECOMMENDED**

That Council receive and note this report.

**ITEM 12**  
**PROPOSED TREE REMOVAL BY THE RTA ON THE CITY WEST LINK RD**

**OFFICER RECOMMENDATION**

That Council receive and note this report.

**ERC53/10      RECOMMENDED**

1. That Council receive and note this report.
2. That the community is consulted by way of an on-site meeting with local residents.
3. That the RTA ensure information is distributed through Annandale and Rozelle/Lilyfield Precinct Committees and the Friends of Whites Valley Creek Park.
4. That RTA liaise with Leichhardt Council to arrange this meeting.
5. That a list of local species is provided to the RTA.

**ITEM 14**  
**COMMUNITY AND CULTURAL PLAN – KEY ISSUES AND MAJOR THEMES (FOR DISCUSSION – TABLED AT THE 28 SEPTEMBER 2010 ORDINARY COUNCIL MEETING)**

Discussion was held relating to the Key Issues and Major Themes of the Community and Cultural Plan, including:

- Community gardens as a means of involving community members from all walks of life.
- Opportunities for young people
- Transport and access to open space
- The role of pocket parks in the community
- The link between the Community and Cultural Plan and other strategies such as the Integrated Transport Strategy

1. That the report be received and noted.

**ERC54/10      RECOMMENDED**

That the report be received and noted.

**ITEM 15  
OTHER BUSINESS**

**ITEM 15.1  
INTEGRATED TRANSPORT STRATEGY**

**ERC55/10      RECOMMENDED**

That the Integrated Transport Strategy presented by the Strategic Transport Planner be received and noted.

**ITEM 16  
NEXT MEETING**

**The next meeting will be held on Wednesday, 1 December 2010 at 6:30pm.**

**Meetings for 2011:  
2 February, 6 April, 1 June, 3 August, 5 October, 7 December**

**Meeting closed at 9.00pm**



## LEICHHARDT MUNICIPAL COUNCIL

# REPORT

<b>DIVISION:</b>	ENVIRONMENTAL AND COMMUNITY MANAGEMENT
<b>SUBJECT:</b>	ITEM 14 REVIEW OF HOUESKEEPING AMENDMENTS TO THE LEICHHARDT LOCAL ENVIRONMENTAL PLAN
<b>AUTHOR &amp; TITLE:</b>	VASILIKI ANDREWS – STUDENT STRATEGIC PLANNER DAVID PARSELL – TEAM LEADER STRATEGIC PLANNING
<b>FILE REF:</b>	F09/00265
<b>DATE:</b>	3 August 2018
<b>WORD PROCESSING REF:</b>	G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

### DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS

<b>Financial Implications:</b>	Nil
<b>Policy Implications:</b>	Proposed Amendments to be adopted and incorporated into the LEP 2000
<b>Strategic Plan Objective:</b>	Community Well-Being Accessibility Place where we live and work A Sustainable environment Sustainable Services and Assets
<b>Staffing Implications:</b>	Nil
<b>Notifications:</b>	Department of Planning, all persons who provided a submission during exhibition
<b>Other Implications:</b>	Nil

## EXECUTIVE SUMMARY

The aim of this report is to inform Council of the outcomes of the public exhibition and to make recommendations to finalise the housekeeping amendments to the Leichhardt Local Environmental Plan 2000 (LEP 2000).

The intent of the proposed housekeeping amendments to the LEP 2000 is to address a number of mapping errors, zoning anomalies as well as inconsistencies between schedules and maps. Changes to the classification of 2 properties are also proposed.

At the Ordinary Council Meeting held on the 8 December 2009, Council resolved to endorse the proposed amendments to LEP 2000 and forward a 'Planning Proposal' to the NSW Department of Planning for assessment. On the 9 February 2010 the Department of Planning informed Council that the proposed amendments to LEP 2000 should proceed to public exhibition in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*.

The Planning Proposal was exhibited from the 4 March 2010 to 9 April 2010. Subsequently, public hearings were held for two of the matters which involved the reclassification of public land. This report details the results of the public exhibition process.

The report also seeks Council's resolution to adopt the proposed amendments to the LEP 2000, subject to the amendments outlined in this report. If adopted by Council the Planning Proposal will be forwarded to the Department of Planning for assessment and approval.

An executive summary of the proposed amendments is provided below:

### **ITEM 1                    119 RENWICK STREET, LEICHHARDT**

This amendment proposes to correct an inconsistency between the LEP 2000 heritage schedule and map, where the schedule incorrectly identifies the address of the *Former Presbyterian Church* as 119 Renwick Street, Leichhardt. The correct address is 2 Marion Street, Leichhardt.

No submissions were received for this proposal. Planning Proposal – Appendix F to this report

### **ITEM 2                    701 - 703 PARRAMATTA ROAD (EUROSET P/L), LEICHHARDT**

This amendment proposes to correct a mapping error by rezoning the rear car park at 701-703 Parramatta Road, Leichhardt (Lot 1 DP 927456) from '*Residential*' to '*Industrial*'.

By rezoning this land, Council can via DA assessment address a range of traffic and amenity impacts of the industrial use at 701-703 Parramatta Road.

7 submissions were received against this proposal. Planning Proposal – Appendix G to this report.

**ITEM 3                    14 HATHERN STREET, LEICHHARDT**

This amendment proposes to correct a mapping error by rezoning the residential dwelling at 14 Hathern Street, Leichhardt (Lot A DP 393123) from *'Industrial'* to *'Residential'*.

Note: The owners of 14 Hathern Street indicated a desire for their property to remain zoned *'Industrial'*, despite the property being a residential dwelling and used for residential purposes for over 60 years.

1 submission was received against this proposal. Planning Proposal – Appendix H to this report.

**ITEM 4                    29 & 31 WILLIAM STREET, BALMAIN EAST**

This amendment proposes to correct an inconsistency between the LEP 2000 heritage schedule and map, where the map fails to identify 29 & 31 William Street, Balmain East as heritage items. The properties are identified as Heritage Items in Schedule 2 of LEP 2000.

No submissions were received for this proposal. Planning Proposal – Appendix I to this report.

**ITEM 5                    107 ELLIOT STREET (PELLEGRINI'S) & PARINGA RESERVE, BALMAIN**

This amendment proposes to zone 107 Elliot Street, Balmain (currently unzoned land), to *'Open Space'*; to reclassify that portion of Paringa Reserve currently used as a refreshment room from community to operational land and to insert a site specific provision for the subject land that allows a refreshment room as a permissible use.

The amendments will ensure LEP 2000 reflects the uses currently occurring and allow Council to resolve the long standing leasing issues on the site.

As the matter involves the reclassification of public land an independently facilitated public hearing was held. No members of the public attended the hearing.

2 submissions were received which made no objection. Planning Proposal – Appendix J to this report.

**ITEM 6                    REZONING OF LAND ACQUIRED BY COUNCIL TO OPEN SPACE**

This amendment proposes to rezone a number of sites that Council has acquired from *'Open Space to be Acquired'* to *'Open Space'*. Rezoning will also correct a mapping error associated with one of the sites.

No submissions were received for this proposal. Planning Proposal – Attachment K to this report.

**ITEM 7                    13 SIMMONS STREET, BALMAIN EAST**

This amendment proposes to correct a mapping error made during the preparation of LEP 2000 by rezoning 13 Simmons Street, Balmain East (Lot 1 DP 562679) from *'Open Space'* to *'Residential'*.

1 submission was received in support of this proposal. Planning Proposal – Appendix L to this report.

**ITEM 8      34 - 40 NICHOLSON STREET & 5A DUKE PLACE, BALMAIN EAST**

This amendment proposes to rezone to '*Residential*' those portions of 34, 36, 38 & 40 Nicholson Street and 5A Duke Place, Balmain East that were incorrectly zoned '*Open Space*' during the preparation of LEP 2000.

Submissions Received: 1 for proposal, 3 against proposal. Planning Proposal – Appendix M to this report.

**ITEM 9      2-8 WESTON STREET, BALMAIN EAST**

The amendment proposes to:

- rezone 2-8 Weston Street from '*Open Space to be acquired*' to '*Open Space*' as the land was acquired by Council in 2004 (rezoning will also correct a mapping error associated with the site); and
- reclassify the land from community land to operational land in order to facilitate the restoration, adaptive reuse of the state listed heritage item (Stone Building/Fenwick & Co Boat Store) in accordance with the adopted plan of management.

As the matter involves the reclassification of public land an independently facilitated public hearing was held. The public hearing was attended by 19 people.

Submissions received: 5 for proposal, 3 against proposal to reclassify land – One of these submissions was a petition of 40 signatures. All submissions supported the proposal to rezone the land.

Planning Proposal – Appendix N to this report

## **1. Purpose of Report**

The aim of this Report is to inform Council of the outcomes of the public exhibition and to make recommendations to finalise the Housekeeping Amendments to the Leichhardt Local Environmental Plan 2000 (LEP 2000).

The intent of the proposed amendments to the LEP 2000 is to address a number of mapping errors, zoning anomalies as well as inconsistencies between schedules and maps. Changes to the classification of 2 properties are also proposed. The Housekeeping Amendment proposes to address these matters. The proposed Housekeeping Amendments will, on adoption be submitted to the Minister for the making of the (amending) LEP that will incorporate these amendments into LEP 2000.

At the Ordinary Council Meeting held on the 8 December 2009, Council resolved to endorse the proposed amendments to LEP 2000 and forward a 'Planning Proposal' to the Department of Planning for assessment. On the 9 February, 2010 the Department of Planning informed Council that the proposed amendments to LEP 2000 should proceed to public exhibition in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*.

The Planning Proposal was exhibited from the 4 March 2010 to 9 April 2010. Subsequently, a public hearing was held for two of the matters which involved the reclassification of public land (Item 5 & Item 9) as required by s29 of the Local Government Act. This report details the results of the public exhibition process. The report also seeks Council's resolution to adopt the proposed amendments to the LEP 2000, subject to the amendments outlined in this report.

## **2. Recommendations**

That Council:

1. Note the extensive public consultation on the Housekeeping Amendment to LEP 2000.
2. Endorse reduction in area of 2-8 Weston Street Balmain East to be reclassified as Operational.
3. Adopt the Planning Proposals and request that the Minister for Planning make the amendment to LEP2000

## **3. Background**

Since the preparation of the LEP 2000; Council has been made aware of a number of mapping errors, zoning anomalies as well as inconsistencies between schedules and maps. The Housekeeping Amendment proposes to correct these matters.

These amendments have been expedited ahead of the preparation of the new Comprehensive LEP so as to reduce Council's exposure to potential litigation, enable Council to resolve outstanding lease arrangements and remove unreasonable impediments on property owners.

At the Ordinary Council Meeting held on the 8 December 2009 Council resolved to endorse the amendments to the LEP 2000 and forward a 'Planning Proposal' to the Department of Planning for assessment.

On 4 January 2010 the Planning Proposal was lodged with the Department of Planning. On 9 February, 2010 the Department of Planning informed Council that the proposed amendments to LEP 2000 should proceed to public exhibition in accordance with section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (Gateway Determination – **Appendix A**). The exhibition was held from the 4 March 2010 to 9 April 2010 and 21 submissions were received (discussed in Section 6 of this Report.).

The Planning Proposal also involved two matters requiring the reclassification of Council land Item 5 – Paringa Reserve and Item 9 – 2-8 Weston Street, Balmain. As a result, a public hearing was held for each in accordance with EP&A Act and the *Local Government Act 1993* (LG Act), the results of which are discussed in detail in Section 5 of this Report.

**Note, the Appendices referred to in this report have been circulated to Councillors separately.**

#### **4. Public Exhibition**

The Planning Proposal and supplementary documentation was publicly exhibited for 37 days from the 4 March 2010 to 9 April 2010. The Report to Council and supporting documentation were made available to view at the Citizens Service Centre, Leichhardt Library, Balmain Library and on Council's website.

During and after the formal exhibition period Council responded to approximately 8 telephone and face to face enquiries in relation to the proposed amendments to LEP 2000.

##### **4.1 Notification of Public Exhibition**

Notice of public exhibition of the Planning Proposal was advertised in both editions of the Inner West Courier as per recommendation of the Planning Committee.

- Thursday 4 March 2010 (paper edition)
- Tuesday 9 March 2010 (glossy edition)
- Re run –Thursday 11 March, 2010 (paper edition)

Notice of public exhibition was also available on Council's website and advertised in Leichhardt's E-News.

In addition to notifying the community of the Public Exhibition via newspaper advertisements and Council website, 1,629 letters were sent to both owners and occupiers of properties included in, affected by, or surrounding the proposed amendments. Furthermore, a memo was sent out to Councillors and Precinct Committee members.

As per the gateway determination the RTA and Maritime NSW (as a property owner & public authority) were notified. A copy of the proposal and supplementary material was attached.

## 5. Public Hearing

Where there is a proposal to reclassify public land from 'community land' to 'operational land' s29 *LG Act* provides that Council must hold an independently facilitated public hearing in accordance with the provisions of s57 of the EP&A Act.

The Planning Proposal involved two matters requiring the reclassification of Council land Paringa Reserve (Item 5) and 2-8 Weston Street, Balmain (Item 9).

The public hearings were held in the meeting room at Balmain Town Hall on Wednesday 30 June 2010. Willana Associates were appointed to preside over the public hearings and prepare a report for each matter (**Appendix B & C**) in accordance with the EP&A Act 1979) & the LG Act 1993.

Paringa Reserve, Balmain (Item 5)	The public hearing for the reclassification of a small portion of Paringa Reserve was scheduled from 6:00pm – 7:00pm. No members of the public attended the hearing.
2-8 Weston Street, Balmain East (Item 9)	The public hearing for the reclassification 2-8 Weston Street, Balmain East was conducted from 7.15pm – 8.30pm. A total of 19 members of the public attended the meeting. Comments and oral submissions are discussed in Section 6.9 of this Report

### 5.1

### 5.2 Notification of Public Hearing

Notice of the public hearings was given on Council's website and advertised in the Inner West Courier on Thursday 3 June and Tuesday 8 June 2010 a total of 28 days notice. Additionally, 896 letters were sent to both owners and occupiers of properties affected by or surrounding the land related to the proposed amendments. Furthermore, a memo was sent out to Councillors and Balmain Precinct Committee.

As per the gateway determination the RTA and Maritime NSW (as a property owner & public authority) were notified.

### 5.3 Display of Public Hearing Reports

Section 47 (G) (3) of the *LG Act* provides:

*Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.*

On Monday 19 July 2010 the public hearing reports were displayed, at Council's Citizen Service Centre, Leichhardt Library, Balmain Library and on Council's website. Additionally letters and emails were also sent out to attendees of the Public Hearing (2-8 Weston). Furthermore, a memo with the public hearing reports attached was provided to Councillors. The Reports were displayed until Friday 20 August 2010.

## 6. Submissions Summary

A total number of 21 written submissions were received as a result of the public exhibition of the Housekeeping Amendments to the LEP 2000. The submissions comprised 18 from local residents, 2 from public authorities and 1 on behalf of Leichhardt Precinct Committee. A summary of these submissions is provided below.

Summary of Submissions					
Amendment	Address	No. of Submissions	For	Against	Report Page #
Item 1	119 Renwick Street, Leichhardt	-	-	-	9
Item 2	701- 703 Parramatta Road (Euroset P/L), Leichhardt	7	-	7	10
Item 3	14 Hathern Street, Leichhardt	1	-	1	13
Item 4	29 & 31 William Street, Balmain East	-	-	-	16
Item 5	107 Elliot Street (Pellegrini's) & Paringa Reserve, Balmain	2	2	-	17
Item 6 (a)	27B Susan Street, Annandale	-	-	-	18
Item 6 (b)	13 Hearn Street, Leichhardt	-	-	-	18
Item 6 (c)	Wangal Nura Park, 41 Flood Street, Leichhardt	-	-	-	18
Item 6 (d)	Marr Reserve, 44A Cary Street (74-80 Excelsior Street), Leichhardt	-	-	-	18
Item 7	13 Simmons Street , Balmain East	1	1	-	19
Item 8	34 – 40 Nicholson Street & 5A Duke Place, Balmain East	3	1	2	20
Item 9	2-8 Weston Street, Balmain East	8	5	3*	22
All Items	There was one submission received in support for the proposal of all items.	1	1	-	N/A

\* These submissions were against the reclassification proposal. All submissions supported the proposal to rezone the land. One of these submissions was a petition of 40 signatures.

In addition, 16 members of the community presented oral submissions at the public hearing for 2-8 Weston Street, Balmain East this will be addressed in Section 6.9 of this Report.

The table provided in **Appendix D** provides a detailed summary of all the submissions received in relation to the proposed amendments. An explanation of the submissions received, staff comments and recommendations for each proposed amendment is summarised below. Note that residents and those who made a submission (written or oral) were advised of the Report going to Council Meeting on 28 September 2010.



## 6.1. ITEM 1 – 119 RENWICK STREET, LEICHHARDT

### Proposal

This amendment proposes to correct an inconsistency between the LEP 2000 heritage schedule and map, where the schedule incorrectly identifies the address of the *Former Presbyterian Church* as 119 Renwick Street, Leichhardt. The correct address is 2 Marion Street, Leichhardt.

Planning Proposal for this item is **Appendix F** to this report.

### Response to Submissions

There were no concerns raised regarding the proposed amendment.

### Recommendation

That Council amend the Heritage Schedule in the Leichhardt LEP as follows:

- Remove 119 Renwick Street, Leichhardt, from the Heritage Schedule in the Leichhardt LEP 2000, which is incorrectly identified as a *Former Presbyterian Church*.
- Insert the correct address – No. 2 Marion Street, Leichhardt for this heritage item.

## 6.2. ITEM 2 – 701- 703 PARRAMATTA ROAD (EUROSET P/L), LEICHHARDT

### Proposal

This amendment proposes to correct a mapping error by rezoning:

- The rear car park at 701-703 Parramatta Road, Leichhardt (Lot 1 DP 927456) from '*Residential*' to '*Industrial*'.

This will provide Council with the capacity to address a range of traffic and amenity concerns raised by the community related to the operation of the business at 701-703 Parramatta Road.

By rezoning this land, the car park associated with the industrial use of the site would become permissible, and Council could then choose to approve a DA for the site and attach conditions which addressed the communities concerns about traffic and amenity.

Planning Proposal for this item is **Appendix G** to this report.

### Meeting with residents

A meeting was held on 30 November 2009 between Council and the residents of Hathern Street.

The objective of the meeting was to discuss the options available to resolve the issues with the operation of Euroset Trading P/L at 701-703 Parramatta Road, Leichhardt. A total of six (6) members of the public attended and six proxy's were also provided to Council. The Mayor Jamie Parker and Councillor Vera-Ann Hannaford also attended. Council officers present were:

- Margaret Lyons – Legal Services Manager
- Gill Dawson – Manager Environment & Urban Planning
- Vasiliki Andrews – Student Strategic Planner

At the conclusion of the meeting residents were informed that the Report to Council would be going to the December 2009 Council meeting. Residents would be notified should the proposal proceed to exhibition and be invited to make a submission to voice any further concerns.

### **Submissions Received**

A total of 7 submissions were received in objection to the proposed rezoning of 701-703 Parramatta Road. Note that the objections included a submission from Leichhardt Precinct Committee.

The following issues were raised in objection:

- I. Lack of traffic management: traffic flow, heavy vehicles, noise, congestion and safety
- II. Doubts about whether traffic management will be improved by rezoning
- III. Business (Euroset P/L) operating illegally
- IV. Inability to establish existing use rights for car park
- V. Car park was never approved
- VI. Legitimacy of the zoning history of 14 Hathern St

Concerns were also raised about Department of Planning's comments regarding future zoning of land bound by Brown, Tebutt and Hathern Streets. A request was also made for a copy of the RTA's submission to Council.

### **Response to Submissions**

#### ***Traffic Management (I & II)***

Hathern Street is controlled by the RTA, Council has no ability to control the traffic related issues. In addition, as there is no valid consent for the use on the site, Council is unable to refer to conditions to address these issues.

However Council can provide itself with the capacity to address these issues if it were to support the rezoning of the car park at the rear of 701-703 Parramatta Road from *Residential* to *Industrial*.

By rezoning this land, the car park associated with the industrial use of the site would become permissible, and Council could then choose to approve a DA for the site and attach conditions which addressed the communities concerns about traffic and amenity.

### ***Illegal Operation and Existing Use Rights (III & IV)***

In 1965, the first consent for 701-703 Parramatta Road (DA2592) gave approval to “erect factory for manufacturing and selling machine tools and plastic moulding machines”.

In 1977, under Interim Development Application (IDA 975), approval was granted to demolish a dwelling at the subject lot, Lot 1 DP 927456 (previously known as 10 Hathern Street) and use the land for off street vehicular parking in connection with the company’s use of the adjoining industrial building (Lot 1 DP 539229).

The last approved use for No. 701-703 Parramatta Road was granted in 1984 (DA388/84) for the manufacture of industrial machinery, being a Class 8 building. The use and operation presently of 701-703 Parramatta Road has altered since the 1984 Development Application. The use of the premise can be described as being for the purposes of supplying rendering materials to the building industry (bulky goods retailing).

Council however has not issued consent for the operation of the current use. Council considers that existing use rights cannot be established.

As a consequence, a DA (D/2008/465) was submitted to Council in 2008 seeking approval from Council to formalise:

- the current use of Lot 1 DP 539229 as a premises for warehouse and bulky goods retail of building materials; and
- the current use of Lot 1 DP 927456 as a car park associated with the business premises

This DA was refused by Council on the grounds that Lot 1 DP 927456 is currently zoned ‘Residential’ and under Leichhardt LEP 2000 the type of car parking proposed in the DA is not permissible with in the Residential Zone.

A new DA was submitted in 2009 for the establishment of use for warehouse, light manufacturing, showroom, office and car parking (D/2009/245) however this has been withdrawn.

On the 30 April 2010 Euroset P/L were convicted of development without consent and fined a total of \$27,576. Given the current zoning is a mapping error rather than a reflection of Council’s planning intentions (in 2000) for the land and the industrial use of the land since 1977, Council would have difficulty closing down the current use. From a planning perspective it is preferable to rezone the land to industrial to enable Council to assess and impose appropriate conditions on development consent.

Should Council decide not to proceed with the rezoning the Minister (on the request by the owner) has the option under the EP&A Act to direct the Director-General or any other person or body prescribed by the regulations as the relevant planning authority to consider a planning proposal (s54 EP&A Act).

### ***Approval of the Car Park (Lot 1 DP 927456) – formally 10 Hathern Street (V)***

On the 27 June 1977 approval was granted (IDA 975) to demolish the dwelling known as 10 Hathern Street Leichhardt and use the land for off street vehicular parking in connection with the company's (Handel Industries P/L) use of adjoining land (701 -707 Parramatta Road). This information was also outlined in the Report to Council in December 2009.

***Historical Zoning of 14 Hathern St*** – Refer to Section 6.3 of this Report (VI)

### ***Future Zoning of Land bound by Brown, Tebbutt & Hathern***

Council is in the process of finalising an Employment Lands Study which looks at the strategic supply and demand of all our *Business* and *Industrial* zoned land in the LGA and makes recommendations as to what the future zoning of that land should be under Council's new comprehensive LEP.

The Department of Planning letter requests that Council 'examine the most appropriate zoning of all the land bound by Brown, Hathern & Tebutt'.

The Employment Lands Study includes an examination of the land bound by Brown, Hathern & Tebutt and does not recommend the large scale rezoning of the whole block bound by Brown, Hathern & Tebutt to Industrial. It does recommend that the current industrial uses be retained and supported.

### ***Request for a copy of the RTA's submission to Council***

The RTA did not make any reference to Item 2 in their submission to Council regarding Housekeeping Amendments to LEP 2000.

### **Recommendation**

That Council amend the Land Zoning Map in the Leichhardt LEP as follows:

- Rezone 701-703 Parramatta Road, Leichhardt (10 Hathern Street) (Lot 1 DP 927456) from '*Residential*' to '*Industrial*'.

## **6.3. ITEM 3 – 14 HATHERN STREET, LEICHHARDT**

### **Proposal**

This amendment proposes to correct a mapping error by rezoning:

- The residential dwelling at 14 Hathern Street (Lot A DP 393123) from '*Industrial*' to '*Residential*'

Planning Proposal for this item is **Appendix H** to this report.

### **Meeting with residents**

At the same meeting outlined in Section 6.2 of this Report held 30 November 2009, the property owner of 14 Hathern Street expressed strong objection to the rezoning of his property.

It can be noted that some of the residents indicated they did not support an expansion of industrial uses on Hathern Street but supported the retention of the 'Industrial' zoning of 14 Hathern Street.

Since this meeting various correspondences have been exchanged between the property owner and Council regarding a number of issues surrounding the rezoning.

On the 4 January 2010 Council notified the property owner that the proposal had been submitted to Department of Planning. On 3 March 2010 Council again notified property owner of public exhibition.

### **Submissions Received**

A written submission was received from the property owner in objection of the proposed amendment.

The following issues and comments were raised:

- I. *"Request the property remain industrial as it was when I bought it in 1978"*
- II. Claims his property became zoned Light Industrial when 3m was acquired from 12 Hathern Street which was already zoned Light Industrial and that because the dwelling was built on the property before merging the two lots that rates would remain residential.
- III. Claims he had received correspondence from Council stating the above however has misplaced this.
- IV. Raises comments regarding table of Zoning History that was included in the original report to Council which was amended to include his comments.
- V. *'The so called "mapping error" is based by the Council on purely an assumption. In the raport [sic] it states "**it appears** the intention was to zone from Residential to Industrial.....".To me it appears there is no factual evidence to support this supposition, rather an interest to justify the rezoning of 10 Hathern St.'*
- VI. Loss of the property file for the property

## **Response to Submissions**

### ***Historical Zoning of 14 Hathern Street (Lot A DP 393123)***

The property has been used for residential purposes since for over 60 years and there is no record of any industrial use. The use of the property for residential purposes would but for existing use rights be unlawful.

In **1951**, 14 Hathern Street was zoned In **1955**, 14 Hathern Street was suspended from scheme under Section 342 *Local Government Act 1919*. At this time the land was effectively unzoned.

In **1967**, *Leichhardt Planning Scheme Ordinance* was exhibited however it was not gazetted. Under the Leichhardt Planning Scheme Ordinance 14 Hathern Street was zoned Residential 2(a).

While the *Leichhardt Planning Scheme Ordinance* was not gazetted, the *Interim Development Order (IDO27)* required that it be taken into consideration during development assessment.

This was still the case when Mr and Mrs T Suriya purchased 14 Hathern Street in **1978**. While the land was unzoned under the County of Cumberland Scheme, any development proposal had to consider the provisions associated with the Residential 2(b2) zone under the *Leichhardt Planning Scheme Ordinance*.

In **1979**, 14 Hathern Street was zoned Residential 2(c) under the Leichhardt Planning Scheme. In **1984** the land was zoned Residential 2(b2) under LEP 20.

In **2000**, 14 Hathern Street was zoned Industrial under LEP 2000.

Recent investigations into the zoning of 14 Hathern Street and surrounding land indicate that a mapping error occurred during the preparation of Leichhardt LEP 2000.

It appears the intention was to zone from 'Residential' to 'Industrial' those properties on Hathern Street being used for industrial purposes, which were the rear lots of 701-703 and 705-707 Parramatta Rd.

**Council has copies of the gazetted zoning maps affecting 14 Hathern Street since the first Planning Instrument was established in 1951.**

YEAR	ZONING
1951 - County of Cumberland	
1955 - County of Cumberland	Suspended from scheme under Section 342Y <i>Local Government Act 1919</i> . Gov. Gaz. No 148 23-12-55 (Land Unzoned)
1967 - Planning Scheme	Unzoned - County of Cumberland Residential 2(b2) – under draft Planning Scheme (1967)
1978 - Mr & Mrs T Suriya purchased property	Unzoned - County of Cumberland Residential 2(b2) – under draft Planning Scheme (1967)
1979 - Planning Scheme	Residential 2(c)
1984 - LEP 20	Residential 2(b2)
2000 - LEP	Industrial

In the absence of a property file Strategic Planning spent a number of weeks researching the zoning, subdivision and ownership of the 14 Hathern and the surrounding properties.

To retain the existing use would enable the expansion of the existing industrial uses in the Street with the consequence impact of residential properties. Further it will limit the residential redevelopment of the property given the narrowing of existing use rights

### **Recommendation**

That Council amend the Land Zoning Map in the Leichhardt LEP as follows:

- Rezone 14 Hathern Street, Leichhardt (Lot A DP 393123) from '*Industrial*' to '*Residential*'.

## **6.4. ITEM 4 – 29 & 31 WILLIAM STREET, BALMAIN EAST**

### **Proposal**

This amendment proposes to correct an inconsistency between the LEP 2000 heritage schedule and map, where the map fails to identify 29 & 31 William Street, Balmain East as heritage items.

Planning Proposal for this item is **Appendix I** to this report.

### **Response to Submissions**

There were no concerns raised regarding the proposed amendment.

### **Recommendation**

That Council amend the Heritage Conservation Map in the Leichhardt LEP 2000 as follows:

- 29 William Street (Lot 1 DP 736305) and 31 William Street (Lot 1 DP 986257), Balmain East to be coloured orange relating to their listing as heritage items – ‘Built’ on the Heritage Conservation Map.

## **6.5. ITEM 5 – 107 ELLIOT STREET (PELLEGRINI’S) & PARINGA RESERVE, BALMAIN**

### **Proposal**

This amendment proposes to zone 107 Elliot Street, Balmain (currently unzoned land), to ‘*Open Space*’; to reclassify that portion of Paringa Reserve currently used as a refreshment room from community to operational land and to insert a site specific provision for the subject land that allows a refreshment room as a permissible use.

The amendments will ensure LEP 2000 reflects the uses currently occurring and allow Council to resolve the long standing leasing issues on the site.

Planning Proposal for this item is **Appendix J** to this report.

### **Submissions Received**

Two submissions were received for this item. Neither objected to the proposal. A public hearing was also held however no public or agency representatives attended. (**Appendix B**)

### **Response to Submissions**

Based on the available information there are no obstacles to the reclassification of part of Paringa Reserve, Lot E DP 36161 to operational land.

### **Recommendation**

That Council:

- Amend LEP 2000 Land Zoning Map as follows, to zone 107 Elliot Street Balmain, Lot 1 DP 852863 & Lot 26 DP 850832 (plan for lease purposes) to ‘*Open Space*’.
- Reclassify from community to operational that part of Paringa Reserve, Lot E DP 36161, occupied by the refreshment room pursuant to the *Local Government Act 1993* and amend the Leichhardt LEP 2000 table of *Classification and Reclassification of Public Land as Operational Land* accordingly.
- Insert a site specific provision on Lot 1 DP 852863, Lot 26 DP 850832 and that part of lot E DP 36161 which has been reclassified that allows refreshment room as a permissible use limited to the land currently occupied by Pellegrini’s Restaurant.



## 6.6. ITEM 6 – REZONING OF LAND ACQUIRED BY COUNCIL TO OPEN SPACE

### Proposal

This amendment proposes to rezone a number of sites council has acquired from ‘*Open Space to be Acquired*’ to ‘*Open Space*’. Rezoning will also correct a mapping error associated with one of the sites.

Planning Proposal for this item is **Appendix K** to this report.

### Response to Submissions

There were no concerns raised regarding the proposed amendment.

### Recommendation

That Council amend the Land Zoning Map as follows; rezone the following parcels of land to ‘*Open Space*’ under the Leichhardt LEP 2000:

Property Address	Legal Description	Current Zoning LEP 2000
(a) 27B Susan Street, Annandale	Lot 2 DP 1041424	Open Space to be acquired
(b) 13 Hearn Street, Leichhardt	Lot 1 DP 996961	Open Space to be acquired
(c) Wangal Nura Park 26-28 Myrtle Street (41 Flood Street) Leichhardt	Lots 46-54 Sec 2 DP 2829	Open Space to be acquired
(d) Marr Reserve, 44A Cary Street (74-80 Excelsior Street) Leichhardt	Lot 1 DP 590330 Lot 2 Sec 9 DP 612	Open Space to be acquired
	Lot 1 & 2 DP 600835	Residential

## 6.7. ITEM 7 – 13 SIMMONS STREET, BALMAIN EAST

### Proposal

This amendment proposes to correct a mapping error made during the preparation of LEP 2000 by rezoning 13 Simmons Street (Lot 1 DP 562679) from ‘*Open Space*’ to ‘*Residential*’.

Planning Proposal for this item is **Appendix L** to this report.

### Submissions Received

There was 1 written submission received in support of the proposed amendment.

### Response to Submissions

A suggestion in the submission indicated that ‘the public open space zoning could

be retained on the waterfrontage area to guarantee public access and help fill the “missing links” on the foreshore walkway around Mort Bay’. 13 Simmons Street is privately owned land.

It is not feasible to zone the waterfront area of the property *Open Space* unless Council had intentions to purchase the land in which it would be zoned *Open Space to be Acquired*. Council has not indicated any intention to purchase any part of the land. Neither Council’s Section 94 Plan nor LEP 2000 identifies the land at 13 Simmons Street as land to be acquired by Council.

### **Recommendation**

That Council amend the LEP 2000 Land Zoning map as follows:

- Rezone 13 Simmons Street, Balmain East (Lot 1 DP 562679) from ‘*Open Space*’ to ‘*Residential*’.

## **6.8. ITEM 8 – 34, 36, 38, 40 NICHOLSON STREET & 5A DUKE PLACE, BALMAIN**

### **Proposal**

This amendment proposed to rezone to ‘*Residential*’ those portions of 34, 36, 38 & 40 Nicholson Street and 5A Duke Place that were incorrectly zoned ‘*Open Space*’ during the preparation of LEP 2000.

Planning Proposal for this item is **Appendix M** to this report.

### **Submissions Received**

A total of 3 submissions were received for Item 8. Of these 2 raised objections and 1 was in support of the proposed amendment.

The following issues were raised in objection:

- I. Concerns given that the Right of Way along the waterfront has been blocked off by residents
- II. Perception that the Open Space zoning applied to the properties is correct and that the width of Open Space zoning is the issue
- III. Emphasis of the importance of foreshore access highlighting Council’s past efforts to achieve public access to the foreshore

It was also indicated in one of the objections that Council should ‘*negotiate with the owners to resolve all their resistance issues to construct the public access footpath including “embellishments to the right of footway”*’. A case involving the issue of extending public access to Duke Street that involved 37 & 41 Duke St and 1,5 & 5A Duke Place was also mentioned.

## **Response to Submissions**

### ***Fence Blocking Foreshore Access to Right of Way***

Recently Council officers also noted the fence blocking public access to the foreshore. As a consequence a letter was sent by the Council's Property and Commercial Services Manager on 19 March 2010 requesting the immediate removal of the fencing and the sign. A further letter has been sent advising that Council will remove the fence and this is being pursued.

### ***Incorrect zoning of the land under LEP 2000***

During the preparation of the LEP 2000, a decision was made to rezone the right of footway along the waterfronts and another 5-10 metres of these properties *Open Space* – which was originally thought to provide added flexibility for Council to undertake embellishments on the right of footway. This assumption was incorrect.

It has been clarified that the *Open Space* zoning applied to these properties does not expand the rights Council has under the terms of the right of footway.

Unlike a lease, an easement or right of footway does not give Council exclusive possession of the property. The land is still owned by the private property owner; however, the public are entitled to walk across it. Council cannot undertake embellishments to the right of footway (unless pre-negotiated into the terms of the right of footway, which did not occur in this case) except to the minimum extent to take advantage of the terms of the right of way, that is to make it passable on foot. The zoning of the land, whether that is *Residential* or *Open Space*, does not change this. It is also important to note that under the terms of the right of footway the owners of the properties cannot obstruct the use of the right of the way by the public. In other words, they cannot undertake any development on the footway that will stop the public from using it. Again, the zoning of the land, whether that is *Residential* or *Open Space*, does not change this. Further the land to be rezoned is forward of the Foreshore Building Line and hence clause 33 of the LEP 2000 restricts the use of this land, such that the rezoning will in practice not result in a change of use.

The basic principle here is that Council should not apply an *Open Space* zoning to private property unless it has the intention of purchasing that land – which in this case, Council does not. Council's Developer Contributions Plan 1 – Open Space and Recreation identifies a right-of-way between Duke and Nicholson Streets be constructed in the schedule of works for Mort Bay Foreshores it does not identify any land to be acquired by Council. Further, LEP 2000 does not identify any land at Duke and Nicholson Street as land to be acquired by Council. The right of footway is registered on each of the affected properties and so continues even if the property is sold.

### ***Creating a continuous foreshore access***

This is a separate issue to the rezoning however Council has noted the submission. It is a long term objective of Leichhardt Council to obtain public access to the Harbour Foreshore. The objective is embodied in LEP 2000 and

works are also scheduled in Council's Developer Contributions Plan 1 – Open Space and Recreation.

The right of footway across the Nicholson Street properties was created as part of the plan to obtain a continuous public walkway around Mort Bay Foreshore but at this stage the right of way ends at 34 Nicholson Street. Council is waiting for registration of a right-of-footway over 7 Duke Place (37-39A Duke Street & 7A & B Duke Place) as apart of the approval of development application D/2000/955. Council is still to obtain rights of way across the front of 5 & 5A Duke Place to connect the two rights of way already in place. Council's practice has been to wait for a development application to be lodged and impose foreshore public access as a condition of consent. Another option is for Council to compulsorily acquire the right of way but this is not preferred as it is likely to be very costly.

### **Recommendation**

- That Council rezone to '*Residential*' those portions of the following parcels of land incorrectly zoned '*Open Space*' under the Leichhardt LEP 2000:

Property Address	Legal Description
34 Nicholson Street, Balmain East	Lot 4 DP 624911
36 Nicholson Street, Balmain East	Lot 3 DP 706387
38 Nicholson Street, Balmain East	Part Lot 2 DP 706387
40 Nicholson Street, Balmain East	Lot 1 DP 624991
5A Duke Place, Balmain East	Lot 1 DP 514238

## **6.9.**

### **6.10. ITEM 9 – 2-8 WESTON STREET, BALMAIN**

#### **Proposal**

The amendment proposes to:

- rezone 2-8 Weston Street from '*Open Space to be acquired*' to '*Open Space*' as the land was acquired by Council in 2004 (rezoning will also correct a mapping error associated with the site); and
- reclassify the land from community land to operational land in order to facilitate the restoration, adaptive reuse of the state listed heritage item (Stone Building/Fenwick & Co Boat Store) in accordance with the adopted plan of management.

Planning Proposal for this item is **Appendix N** to this report.

#### **Meeting with Balmain Precinct Committee**

A meeting was held on 3 May 2010 between Council and the Balmain Precinct Committee. The objective of the meeting was to discuss the options available to resolve the issues with 2-8 Weston Street.

A total of 33 members of the public attended. Councillor John Stamolis and Councillor Gordon Weiss also attended. Council officers present were:

- Margaret Lyons – Legal Services Manager
- David Parsell – Team Leader Strategic Planning

The following motion was raised and accepted at the precinct meeting:

*“The community asks that Council retain the classification of the 2-8 Weston Street as community land, and rejects the proposed reclassification to operational land. We ask that the process involving the reclassification be terminated”.*

First: Rod Linklater

This motion was accepted by 32 residents and not accepted by 1.

### **Submissions Received**

A total of 8 written submissions were received for the proposals at 2-8 Weston. Of these submissions, 5 were in support of the proposed amendment. Three submissions raised objections with regards to the reclassification. One of these objections was a petition with 40 signatures. Note that no submissions raised objections with the proposed rezoning.

Sixteen (16) members of the community also presented oral submissions at the public hearing discussed in detail in the public hearing report. **(Appendix C)**. Of those no concerns were raised regarding the rezoning. However, with regards to the reclassification 15 were in objection and 1 was in support.

Over the course of the public consultation process the following key issues were raised in objection:

- I. Whether community land or open space should be alienated in this locality under any circumstances.
- II. Whether the operational land classification will preserve the qualities of the land?
- III. Would the reclassification of land unreasonably impact on the foreshore links between Illoura Reserve, the ferry wharf and Thornton Park?
- IV. Is there sufficient information on what the “adaptive reuse” of the Building might be?
- V. Does the rezoning and reclassification protect the Site from being sold by Council’s elected in the future?
- VI. Will the community land classification allow appropriate flexibility to attract commercial investors?
- VII. Whether a 21 year lease will attract commercial investors.

- VIII. Whether there is a third approach through classification of the building as operational and ensure the public foreshore remains community land to preserve public foreshore access.
- IX. Is the reclassification justified in order to facilitate the restoration of the Bell's Store building?

The following key issues were raised in support:

- I. *'Restoration works need to expedited so that the current 'eyesore' can be turned into a welcoming acquisition of the area'*
- II. An appropriate commercial operation would assist in the enjoyment of Illoura Reserve for local residents and visitors
- III. Council's intent for acquiring the site has been fulfilled by the Plan of Management and works to date
- IV. *'The substantial costs to Council and the community for the restoration and adaptive re-use of the Bell's Store building if borne by Council is inequitable to all members of the municipality'*
- V. Reclassification will allow for the greatest flexibility for use, lease arrangements and private investment
- VI. Further use of the site and its arrangement can be further controlled by way of the development approval process.

## **Response to Submissions**

### ***Council's intentions***

Council compulsorily acquired 2-8 Weston Street in 2004 to expand the Illoura Reserve waterfront park and to restore the historical stone building on the site so it can be accessed and enjoyed by the public. To date Council has spent a total of \$13 million dollars on site acquisition, planning and embellishments. A revised landscape plan is currently being prepared.

Council adopted a *Plan of Management* for the site in 2008 followed by a *Conservation Management Plan* in 2009. Both plans adopted by Council support the restoration and adaptive reuse of the stone building. Both Plans also identify a café /gallery as compatible uses.

### ***Greater flexibility for conservation and lease arrangements***

The Local Government Act (s.47) provides that, prior to entering into a lease of community land for more than 5 years, Council must have the approval of the Minister, if there is one or more objections to the lease. So even though Council had approved a DA for adaptive reuse of the heritage building and sought via public tender (or EOIs) for a tenant for the building all in full consultation with the

community, the Minister could delay indefinitely or deny Council the opportunity to lease the building thereby stopping the conservation of the building until Council can fund the work itself.

Accordingly, the reclassification will provide Council with greater flexibility in seeking expressions of interest for the conservation and adaptive reuse of the heritage item which will no doubt include the granting of a longer term lease over part of the land. The stone store is in urgent need of conservation works. The capacity to grant a longer lease is considered necessary to make it financially viable to cover the high cost of the restoration and conservation works to the stone building.

While there is legitimate community concern about the yet to be decided ultimate use of the Store, this concern is best addressed when Council considers options for the use and the conservation works. It maybe the community will support the propose use and have no concern about a long term lease on the basis the store will be conserved and available to the public.

Other concerns raised at the Precinct meeting and at the Public Hearing related to concern that Council was planning to sell the site. It seems people were not dissuaded from this concern even when told the site was being rezoned Open Space. To address this concern and demonstrate Council's long term commitment to the site being Open Space and a link between Illoura Reserve and Thornton Park, it is proposed to reduce the area to be reclassified to just the footprint of the store and its curtilage of approximately 5 metres on all 4 sides. A plan of this proposed area to be classified as Operational is attached as Annexure E.

If only the store and its curtilage were made Operational Land, a decision by a future Council to alienate the Store by sale or 99 year lease would require the consent of the Heritage Office and Minister for Planning as the store & its curtilage would require to be subdivided from the park and rezoned for a private purpose.

### ***Restoration Costs***

Costs associated with the planning restoration and ongoing conservation of the 1880's building and surrounding landscaping works will be an expensive undertaking for Council. The total cost of the project is estimated at \$2,852,208.

Council's ability to fully fund the restoration in the short to medium term is severely constrained by competing funding demands of other large scale projects in other suburbs. Furthermore to date Council has not been successful in any grant programs for the restoration of the stone building.

### ***Precursor to sale and alienation of public land***

The reclassification is not a precursor to the sale or alienation from public use. Nor does the proposed reclassification impact or influence the final use of the site. Further, there is an approved Development Application for the landscaping and embellishment of the land (a part of the curtilage of the store) and park linking Illoura Reserve to Thorton Park. These landscaping works have been budgeted for and should commence this year.

Once completed there will be park on both sides of the stone store. Thus it would be impossible to sell the building or part of the land once these works are completed.

### ***Use of the building***

The reclassification is to provide Council with the option to bring forward the completion of the restoration works to enable the building to be used by the public. The reclassification does not influence the final use of the site or affect any estate or interest Council has in the land.

Councillors and community will have further opportunities in the future to determine the most appropriate use of the building in line with the adopted plan of management for the park and the conservation management plan.

### ***Current classification allows for a substantial lease***

The current community land classification of the land allows for a lease of a maximum 21 years however as noted above, a lease of more than 5 years requires the approval of the Minister if there is an objection to a lease.

### **Options**

There are two parts to the proposed amendment, the Rezoning and the Reclassification of 2-8 Weston Street.

### ***Rezoning***

There have been no objections raised with the proposed rezoning. As such it is recommended that Council undertake the proposed rezoning.

### ***Reclassification***

Following the public hearing for 2-8 Weston Street the independent facilitators, Willana Associates, identified the 3 options open to Council:

• Option 1	Support the proposal to reclassify the whole site from <i>community</i> to <i>operational</i> .
• Option 2	Not support the proposal and retain the current community classification of the whole site.
• Option 3	Partially reclassify the site. Only reclassify the lease area of the Building, and a minimum curtilage around it as operational, rather than the whole Site.

These options are outlined in detail in the public hearing report attached to this report **Appendix C**.



## **Recommendation**

<b>Rezoning</b>	<p>It is recommended that Council amend the Land Zoning Map as follows:</p> <ul style="list-style-type: none"> <li>Rezone 2-8 Weston Street, Balmain East (Lot 1 DP 722968, Lot 1 DP 89648, and Lot 1 DP 83357) to 'Open Space'.</li> </ul>
<b>Reclassification</b>	<p>In light of community concerns and the findings of the public hearing report, it is recommended that <b>Option 3</b> is adopted by Council.</p> <p>It is recommended that Council:</p> <ul style="list-style-type: none"> <li>Only reclassify the area occupied by the building and its curtilage as shown in <b>Appendix E</b> as operational</li> </ul> <p>The remainder of the Site, particularly along the foreshore, maintains its current classification as community land to preserve in perpetuity public access to the foreshore, and to safeguard the linkages between Illoura Reserve, the ferry wharf and Thornton Park.</p>

Refer to **Appendix E** – Plan showing area to be classified as Operational Land for 2-8 Weston Street

## **7. Summary of Recommendations**

A summary of the recommendations is detailed in the table below

<b>Item #</b>	<b>Address</b>	<b>Recommendation</b>
<b>Item 1</b>	119 Renwick St, Leichhardt	<p>That Council amend the Heritage Schedule in the Leichhardt LEP as follows:</p> <ul style="list-style-type: none"> <li>Remove 119 Renwick Street, Leichhardt, from the Heritage Schedule in the Leichhardt LEP 2000, which is incorrectly identified as a <i>Former Presbyterian Church</i>.</li> <li>Insert the correct address - No. 2 Marion Street, Leichhardt for this heritage item.</li> </ul>
<b>Item 2</b>	701- 703 Parramatta Road (Euroset P/L), Leichhardt	<p>That Council amend the Land Zoning Map in the Leichhardt LEP as follows:</p> <ul style="list-style-type: none"> <li>Rezone 701-703 Parramatta Road, Leichhardt (10 Hathern Street) (Lot 1 DP 927456) from 'Residential' to 'Industrial'.</li> </ul>
<b>Item 3</b>	14 Hathern St, Leichhardt	<p>That Council amend the Land Zoning Map in the Leichhardt LEP as follows:</p> <ul style="list-style-type: none"> <li>Rezone 14 Hathern Street, Leichhardt (Lot A DP 393123) from 'Industrial' to 'Residential'.</li> </ul>
<b>Item 4</b>	29 & 31 William St, Balmain East.	<p>That Council amend the Heritage Conservation Map in the Leichhardt LEP 2000 as follows:</p> <ul style="list-style-type: none"> <li>29 William Street (Lot 1 DP 736305) and 31 William Street (Lot 1 DP 986257), Balmain East</li> </ul>

Item #	Address	Recommendation
		to be coloured orange relating to their listing as heritage items – 'Built' on the Heritage Conservation Map.
<b>Item 5</b>	107 Elliot St & Paringa Reserve, Balmain	<p>That Council:</p> <ul style="list-style-type: none"> <li>Amend LEP 2000 Land Zoning Map as follows, to zone 107 Elliot Street Balmain, Lot 1 DP 852863 &amp; Lot 26 DP 850832 (plan for lease purposes) to 'Open Space'.</li> <li>Reclassify from community to operational that part of Paringa Reserve, Lot E DP 36161, occupied by the refreshment room pursuant to the <i>Local Government Act 1993</i> and amend the Leichhardt LEP 2000 table of <i>Classification and Reclassification of Public Land as Operational Land</i> accordingly.</li> <li>Insert a site specific provision on Lot 1 DP 852863, Lot 26 DP 850832 and that part of lot E DP 36161 which has been reclassified that allows refreshment room as a permissible use limited to the land currently occupied by Pellegrini's Restaurant.</li> </ul>
<b>Item 6 (a)</b>	27B Susan St, Annandale	<p>That Council amend the Land Zoning Map and rezone the land to 'Open Space' under the Leichhardt LEP 2000.</p>
<b>Item 6 (b)</b>	13 Hearn St, Leichhardt	
<b>Item 6 (c)</b>	Wangal Nura Park, 41 Flood St, Leichhardt	
<b>Item 6 (d)</b>	Marr Reserve, 44A Cary St (74-80 Excelsior St), Leichhardt	
<b>Item 7</b>	13 Simmons St, Balmain East	<p>That Council amend the LEP 2000 Land Zoning map as follows:</p> <ul style="list-style-type: none"> <li>Rezone 13 Simmons Street, Balmain East (Lot 1 DP 562679) from 'Open Space' to 'Residential'.</li> </ul>
<b>Item 8</b>	34, 36, 38 & 40 Nicholson Street and 5A Duke Place, Balmain East	That Council rezone to 'Residential' those portions of 34, 36, 38 & 40 Nicholson Street and 5A Duke Place incorrectly zoned 'Open Space' under the Leichhardt LEP 2000.
<b>Item 9</b>	2-8 Weston St, Balmain East	<p><b>Rezoning</b></p> <p>It is recommended that Council:</p> <ul style="list-style-type: none"> <li>Amend the Land Zoning Map as follows to rezone 2 8 Weston Street, Balmain East (Lot 1 DP 722968, Lot 1 DP 89648, and Lot 1 DP 83357) to 'Open Space'.</li> </ul> <p><b>Reclassification</b></p> <p>It is recommended that Council:</p> <ul style="list-style-type: none"> <li>Only reclassify the area occupied by the</li> </ul>

Item #	Address	Recommendation
		building and its curtilage as shown in Appendix E as operational.

## 8. **Conclusion**

This report details the results of the public exhibition process for the proposed amendments to the Leichhardt LEP 2000. The intent of the amendments is to address mapping errors, zoning and land classification anomalies as well as inconsistencies between schedules and maps.

The proposed amendments will enable Council to resolve outstanding lease arrangements and remove unreasonable impediments on property owners, reducing Council's exposure to potential litigation.

It is recommended that Council resolve to adopt the proposed amendments, including an aforementioned option for the reclassification of 2-8 Weston Street (Item 9) so that it can be forwarded to the Minister of Planning for assessment.

### 8.1 **Next Steps**

If Council resolves to endorse the '*Planning Proposal*' subject to any changes it will then be forwarded to the Minister of Planning for assessment.

Note that if the planning proposal is varied, further community consultation is not required unless directed in a revised gateway determination (EP&A s. 58(20 & (3)). The Department of Planning will advise Council whether a revised gateway determination is to be issued.

Otherwise the next step towards implementation is legal drafting of the amendments to the Leichhardt LEP 2000 undertaken by Parliamentary Counsel. Once drafted with the Minister's (or delegates) approval the plan become law and is published on the NSW legislation website.

## List of Appendices

<b>A</b>	Gateway Determination
<b>B</b>	Public Hearing Report: Paringa Reserve, Balmain
<b>C</b>	Public Hearing Report: 2-8 Weston Street, Balmain
<b>D</b>	Summary of Submissions to public exhibition – Housekeeping Amendments to LEP 2000
<b>E</b>	Plan showing area to be classified as Operational Land for 2-8 Weston Street
<b>F</b>	Planning Proposal – 119 Renwick Street, Leichhardt (Item 1)
<b>G</b>	Planning Proposal – 701- 703 Parramatta Road, Leichhardt (Item 2)
<b>H</b>	Planning Proposal – 14 Hathern Street, Leichhardt (Item 3)
<b>I</b>	Planning Proposal – 29 & 31 William Street, Balmain East (Item 4)
<b>J</b>	Planning Proposal – 107 Elliot Street & Paringa Reserve, Balmain (Item 5)
<b>K</b>	Planning Proposal – Rezoning of land acquired by Council to open space (Item 6)
<b>L</b>	Planning Proposal – 13 Simmons Street , Balmain East (Item 7)
<b>M</b>	Planning Proposal – 34 – 40 Nicholson Street & 5A Duke Place, Balmain (Item 8)
<b>N</b>	Planning Proposal – 2-8 Weston Street, Balmain East (Item 9)

## LEICHHARDT MUNICIPAL COUNCIL

**REPORT**

**DIVISION:** ENVIRONMENTAL AND COMMUNITY MANAGEMENT

**SUBJECT:** ITEM 15 OPEN SPACE IMPACTS RELATING TO USAGES OF PROPERTIES AT WHITE STREET, LILYFIELD

**AUTHOR & TITLE:** AARON CALLAGHAN – SENIOR PARKS & OPEN SPACE PLANNER

**FILE REF:** PO9714

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Nil at this stage

**Policy Implications:** Recreation needs; Local Environment Plan; Parks Plan of Management; Council leases

**Strategic Plan Objective:** Community Wellbeing  
Accessibility

**Staffing Implications:** Nil

**Notifications:** None at this stage

**Other Implications:** Commonwealth and State policy relating to housing and disability support services.

### 1. **Purpose of Report**

To address issues raised by Council in relation to the long term impact on open space if the houses at 35, 37 and 39 White Street, Lilyfield were retained.

### 2. **Recommendation**

That Council receive and note the report on the open space impact considerations if the properties at 35, 37 and 39 White Street, Lilyfield are not delivered as open space.

### 3. **Background**

In 2009 Leichhardt Council received a proposal from local families for the use of properties at White Street. The proposal was concerned with the three vacant houses at 35, 37 and 39 White Street, Lilyfield. The proposal advocated that these houses be renovated to provide accommodation for 3-6 people with mild intellectual disabilities, under a family-centred model of Independent Supported Living.

As reported to Council in November 2009, housing stock at 35, 37 and 39 White Street is owned by the Minister for Planning and under its care, control and management. It is intended they pass to Council control for the purpose of providing public open space. Extended negotiations relating to the relevant works is ongoing. These negotiations have included discussion on:

- Formal handover of the properties to Council
- Remediation of the site in regards to contamination
- Demolition

The existing Plan of Management for the park advocates that these houses be eventually demolished and incorporated into the park. The Office of Strategic Lands, Land and Property Management Authority (transferred from the Department of Planning) requires the houses to be demolished for open space being the purpose for which they were acquired.

At the June 2010 Ordinary Council meeting Council resolved

#### ***ITEM 40 IMPACT ON OPEN SPACE IN GADIGAL / ANNANDALE – LEICHHARDT C304/10 RESOLVED PLATE/KOGOY***

*That Council Officers prepare a report that references the Recreation and Open Space Needs Study 2005 and forecasts the impact on recreation in the LGA generally, and the suburbs of Annandale and Lilyfield, if the houses at 35, 37 and 39 White Street, Annandale are not eventually delivered as open space in line with their current zoning.*

*That Council recognises that all parties want the backyards of the above 3 properties to be open space.*

This report addresses these issues and provides information on the impacts to open space provision if the houses at 35, 37 and 39 White Street were retained as housing.

#### 4. **Report**

##### 4.1 Acquisition of 35, 37 and 39 White Street Lilyfield

The **1951 County of Cumberland Plan** zoned land in this area around White's Creek for future open space. Over the last 50 years, the Minister Administering the Environmental Planning and Assessment Act, 1979 has been acquiring the identified properties as they become available, with funds provided by the **Sydney Regional Development Fund** (SRDF) for recreational uses and open space. SRDF funds are levied from Councils under the Environmental Planning & Assessment Act and managed by Department of Planning for the acquisition and other provision of open space.

##### 4.2 Zoning

The properties are zoned open space under the Leichhardt Local Environmental Plan (LLEP). Development is permitted without consent for:

- Ancillary sporting structures
- Open space embellishment
- Playgrounds
- Recreation areas

Development is permitted with consent for:

- Clubs
- Community facilities
- Community Gardens
- Jetties
- Kiosks
- Public amenities
- Public Transport Stops
- Recreation facilities
- Demolition
- Sub-division

All other development is prohibited. However, consent can be granted for other uses which are identified in a Plan of Management adopted by Council under the Local Government Act 1993. Land classified as community land must have a Plan of Management.

Prior to the proposal from local families for use of the properties, Council was negotiating with representatives from the Department of Planning (DoP) in regard to the handing over to Council's control the property at 22 Wisdom Street for inclusion as Council's Community Nursery site.

Strategic Lands' officers have stated that the Minister of Planning wishes to transfer title (not just control) of the properties, including 35, 37 and 39 White Street and 22 Wisdom Street, at the same time. The discussions on the possible retention of the White Street properties has therefore delayed the construction of the community nursery.

In discussions with Strategic Lands in September 2010, the department has revised its position and confirmed that they may be willing to a staged transfer of access and control of the properties, although title of all sites is to be transferred at the same time. Their position remains that the sites must be used for open space purposes. Further to this, the department has also confirmed that they will meet agreed costs associated with the demolition and remediation of the sites to a "fit for purpose" condition. They have also agreed to allow Council to project manage these works.

Council is currently awaiting an amended Deed setting out the agreement for the formal transfer of the properties to Council.

#### 4.3 Community Land

The Local Government Act 1993 requires land under Council's control (other than crown land and roads) to be classified as either operational land or community land. The terms under which the Department of Planning proposes to hand the properties over to Council include:

- they must remain as community land; and
- they must not be reclassified as operational land.

The Local Government Act restricts the uses of community land and the types of lease and licenses which can be granted. Any lease or licence must be expressly authorised in the Plan of Management and must be consistent with the category of community land or for a prescribed purpose.

#### 4.4 Plan of Management

The Plan of Management for Whites Creek Valley Park dated August 24 1999 identifies 35, 37, 39 Whites Street as properties to be acquired for future open space.

#### 4.5 Deficiencies in Open Space

Leichhardt Council has significant deficiencies in open space provision. Leichhardt has an open space ratio of 1.08 ha /1,000 people. The national standard is benchmarked at 2.8/1,000people. Compared to other Local authorities open space provision within Leichhardt is low: -

**Leichhardt at 1.7 ha /1,000 people** inclusive of Callan Park, Ballast Point Park

Burwood at 1.2ha/1000 people

Ashfield at 1.2ha/1000 people



Marrickville at 1.5 ha/1000 people  
 Waverley at 1.80 ha / 1,000 people  
 Sydney City 2.36 ha / 1,000 people  
 North Sydney at 2.60 ha / 1,000 people  
 Strathfield at 3.8 ha / 1,000 people  
 Canada Bay at 3.87 ha / 1,000 people  
 Lane Cove at 4.64 ha / 1,000 people  
 Ryde at 6.70 ha / 1,000 people

- No ward in the Leichhardt LGA has an open space provision that is in excess of the benchmark figure of 2.83 hectares / 1,000 people.
- The ward with the highest ratio is Lilyfield (2.66 ha / 1,000 people), whilst Annandale has the lowest ratio (0.73 ha / 1,000 people).

In terms of overall open space in the Leichhardt LGA this has been summarised in Table 1.0 below.

**Table 1.0 Public Open Space Provision within the Leichhardt LGA**

Ward	2006 Population		No of Hectares	Hectares / 1,000 people
	No.	%		
Annandale	8,286	18.4	6.0568	0.73
Balmain (inc Balmain East and Birchgrove)	11,091	24.5	27.7193	2.4
Leichhardt	12,248	27.0	17.0279	1.39
Lilyfield	6,761	15.0	18.0050	2.66
Rozelle	6,873	15.1	11.6703	1.69
<b>Total</b>	<b>45,259</b>	<b>100%</b>	<b>80.4793</b>	<b>1.77</b>

**Provision of Public Open Space by 1,000 People and by Ward (Leichhardt LGA, 2006)** Note the provision of open space per person has decreased with increasing population across the local government area.

It is pertinent to note that the City West Link acts as a “barrier” between southern part of Lilyfield/ Annandale and Callan Park, the Bay Run etc. These significant areas of open space are between 1.5 and 2km walk from Whites Creek Valley Park. Main roads such as the City West Link also create barriers to recreation provision particularly for younger residents and their ability to cross such barriers to reach leisure and recreation destinations.

#### 4.6 Whites Valley Creek Park

The open space area of Whites Creek Valley Park is approximately 2.2 ha in size (22,022 sq.m). This figure excludes the popular and important community garden which is part of the park, but restricted in terms of access. The community garden

occupies an area of 712 square metres. The figure also excludes the community centre at 31 White Street.

Whites Creek Valley Park provides recreational opportunities for both local residents at the neighbourhood level and the district level in terms of providing opportunities for access to recreational space for residents in the surrounding areas of Annandale and southern parts of Lilyfield.

In terms of the properties at 35, 37 and 39 Whites Street these can be summarised in Table 1.1 as follows:

**Table 1.1 Current Land Area Occupied by Housing at 35, 37 and 39 Whites Street**

<b>Address</b>	<b>Current Land Area sq.m</b>	<b>Conversion to Ha.</b>	<b>Percentage of the park occupied</b>
35 White Street	981 sq.m	0.097	4.5%
37 White Street	893 sq.m	0.089	4%
39 White Street	1210 sq.m	0.120	5.5%
<b>Total area</b>	<b>3174 sq.m</b>	<b>0.306</b>	<b>14%</b>

Table 1.1 above has been developed taking into account the existing size of the sections listed. It has been submitted by some community members who have proposed the use of the properties for family orientated supported living that the backyards of the properties continue as open space. In order for functional living backyard space is however required for private open space including the provision of a clothesline.

Applying this rationale Council officers have compared the properties with neighbouring properties in White Street. On average neighbouring properties within the street have a depth of 30 m and lot size of 380 sq.m. Based on the existing built form it would be necessary to allow a depth of 35m. The resultant areas are shown in Table 1.2.

**Table 1.2 Open Space Impacts-Retention of 35, 37 and 39 White Street**

Address	Current Land Area sq.m	Area reserved for houses	Area remaining for open space	Conversion to Ha.	Percentage of Park Occupied
35 White Street	981 sq.m	264 sq.m	717 sq.m	0.07 ha	1.2%
37 White Street	893 sq.m	335 sq.m	558 sq.m	0.056 ha	1.5%
39 White Street	1,210 sq.m	452 sq.m	758 sq.m	0.076 ha	2%
<b>Total area occupied</b>	<b>3,084 sq.m</b>	<b>1,051 sq.m</b>	<b>2,033 sq.m</b>	<b>0.2 ha</b>	<b>4.7%</b>

Table 1.2 shows that whilst there would be an increase of about 2,033 m<sup>2</sup> of open space were the properties retained with a reduced back yard (resulting in a property depth of 35m) to accommodate functional backyards, the impact on an inclusive and uninterrupted park land would be compromised and the long term vision for the park as a united and uninterrupted parkland unable to be achieved.

A united uninterrupted park would assist in improving the open space qualities of the park, improving its visual amenity, (and that of neighbouring residential properties) enhancing access to the park as well as providing a more integrated parkland setting. It is noted, however, that a fully unified parkland cannot be achieved long term without the removal of 31 White Street (White Street Cottage) which Council has recently invested significant capital improvements in to provided a valued community centre, and the removal of fencing around the community garden at 29 White Street.

Were Council to retain the properties in White Street (for example for use as supported living accommodation) and look towards opportunities for increasing open space elsewhere, at least nine additional properties would need to be purchased (based on the average Lot Size in Annandale of 380 sq.m).

Currently the average property price in Annandale is \$950,000 hence the financial ability and reality of Council being able to purchase significant open space to replace the land at Whites Valley Creek Park would be limited.

### **Whites Creek Valley Park Plan of Management**

The Whites Creek Valley Park Plan of Management was adopted in September 1999. The Plan of management highlights the problems in relation to the existing housing along the White Street frontage of the park including the planning notation that *"the park is in its present condition is a confused space, divided into separate strips by the canal, lacking definition at its eastern and western edges and fragmented by the remaining privately occupied houses on White Street"* (Page 8 Whites Creek Valley park POM)

In addition to the above, the current master plan for the park advocates the development of a community orchard in the area directly below the properties of 35, 37 and 39 Whites Street (refer to Attachment 1). Item 14 on the master plan.

The community orchard concept advocated as part of the plan of management for the park while having merit has in recent years included proposals for the provision of a bee hive and citrus plantings. Both proposals raise important issues for Council notably the provision of a beehive in a public park which would incur safety issues for Council, particularly where children are concerned and secondly the fencing of the community orchard to safeguard citrus plantings.

Council needs to ensure in any further planning for the community orchard proposal that such development does not alienate or segregate the park further. As such further planning on any community orchard proposal to address these concerns is also recommended.

## **5. Summary/Conclusions**

Council officers were requested to forecast the impact on recreation in the LGA generally, and the suburbs of Annandale and Lilyfield, if the houses at 35, 37 and 39 White Street, Annandale are not eventually delivered as open space in line with their current zoning.

Whites Creek Valley Park provides valuable recreational opportunities for both local residents at the neighbourhood level and the district level in terms of providing opportunities for access to open space for residents in the surrounding areas of Annandale and Lilyfield. This is especially important given the lack of large open space areas within walking distance of the southern area of Lilyfield and Annandale. Main roads such as the City West Link also create barriers to recreation provision particularly for younger residents and their ability to cross such barriers to reach leisure and recreation destinations.

Deficiencies in open space are high within in the LGA and notably higher in the Annandale suburb than other wards within the LGA. It could be argued that demolishing the houses at 35, 37 and 39 White Street would not significantly decrease open space provision. Strategically, however, the impact of non delivery of these properties will adversely affect the long term community vision for the park in terms of the adopted park plan of management and the concept of an integrated parkland. Further, the ability of Council to purchase additional open space within the Annandale/southern Lilyfield area to replace the land that would be excised from the park is limited due to the high land values and difficulties in purchasing several adjacent properties to form larger single open space areas.

It is noted that the benefits of improved open space through demolition of the housing stock would have a greater value to the local neighbourhood, in that it would unite the park, increase the local amenity of the park as a whole, and result in improved open space access.

It is acknowledged that the retention of 31 White Street for community use has compromised the united park vision to some extent, but it is a community centre and so for public recreation.

Council is also asked to note that recent discussions with the Office of Strategic Lands have resulted in them committing to a hand over of both the housing and nursery sites to Council with costs for both demolition and remediation of the properties to a “fit for purpose” condition being met by the Department of Planning. The Office of Strategic Lands has also agreed to allow Council to project manage these works as part of the hand over process.

## **INFRASTRUCTURE AND SERVICE DELIVERY**

## LEICHHARDT MUNICIPAL COUNCIL

**REPORT**

**DIVISION:** INFRASTRUCTURE AND SERVICE DELIVERY

**SUBJECT:** ITEM 16 SUMMARY OF INFRASTRUCTURE AND SERVICE DELIVERY RESOLUTIONS FROM SEPTEMBER 2010

**FILE REF:** F09/

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Nil

**Policy Implications:** Nil

**Strategic Plan Objective:** Sustainable Services and Assets

**Staffing Implications:** Nil

**Notifications:** Nil

**Other Implications:** Nil

1. **Purpose of Report**

To advise of the status of the Infrastructure and Service Delivery Resolutions from September 2010.

2. **Recommendation**

That the information be received and noted.



## LEICHHARDT MUNICIPAL COUNCIL

# REPORT

<b>DIVISION:</b>	INFRASTRUCTURE AND SERVICE DELIVERY
<b>SUBJECT:</b>	ITEM 17 MINUTES OF LOCAL TRAFFIC COMMITTEE
<b>FILE REF:</b>	F97/00809
<b>DATE:</b>	3 August 2018
<b>WORD PROCESSING REF:</b>	G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

### PRESENT

Councillor Rochelle Porteous	Chairperson – Item 1.0 – 2.5 & 3.2
Councillor Alan Cinis	Deputy Chairperson
Leanne Stathakis	Roads and Traffic Authority – Client Services
Sgt M F	Leichhardt LAC – NSW Police
Ruth Graver	Verity Firth MP – Member for Balmain
Daniela Fontana	Sydney Buses
John Stephens	LMC - Traffic Manager
Jason Scoufis	LMC – Traffic Engineer
Kim Fagan	LMC – Administration Assistant
Bob Moore	BAC Representative
Lyn Jones	Resident – Item 3.2
Camille Derbyshire	Resident – Item 3.2
Alison Peters	LMC Community Events Co-Ordinator – Item 2.10

### LATE

### APOLOGIES

Anoma Herath	LMC – Traffic Engineer
Chris Johnson	LMC – Road Safety Officer

**LEICHHARDT MUNICIPAL COUNCIL****REPORT**

**DIVISION:** INFRASTRUCTURE AND SERVICE DELIVERY

**SUBJECT:** ITEM 18 PART-TIME 'TAXI ZONE' – DARLING STREET, BALMAIN

**AUTHOR & TITLE:** ANOMA HERATH – SENIOR TRAFFIC ENGINEER

**FILE REF:** F97/01223 & ST00644

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Nil

**Policy Implications:** Nil

**Strategic Plan Objective:** Community Wellbeing  
Accessibility

**Staffing Implications:** Nil

**Notifications:** Notification to affected property occupants.

**Other Implications:** Nil

## 1. **Purpose of Report**

To report back to Council following deferral of Item from 24<sup>th</sup> August Council meeting and later Councillor briefing held on 21<sup>st</sup> September 2010.

## 2. **Recommendation**

That the recommendations outlined in Section 4.1 of this report be adopted.

## 3. **Background**

Council at its Ordinary meeting held on 24<sup>th</sup> August 2010 considered the Local Traffic Committee's recommendation from its meeting held on 5<sup>th</sup> August 2010 and resolved:

*"That the matter be deferred for a Councillor briefing from the Police to Councillors on this item and this briefing be organised as soon as possible."*

Consequently, the matter was discussed at a Councillor Briefing held on 21<sup>st</sup> September 2010.

## 4. **Report**

At the Councillor Briefing, Council staff gave a presentation of the issues and the Acting Licensing Sergeant from Glebe LAC was present to brief the Councillors on the item and the need to provide a late night Taxi Zone away from the Unity Hotel (located on Darling Street at the corner of Beattie Street).

Parking occupancy survey data was also presented and the meeting noted that the surveys were undertaken in Darling Street between Church Street and McDonald Street / Booth Street. The results are summarised below:

- Survey period: From 9.30pm on Saturday, 24 July 2010 to 4.00am on Sunday, 25 July 2010
  - Entire Section - Average parking occupancy levels were generally high (over 75%) before 11.00pm and reduced below 40% after 11.30pm
  - In the parking zone (16 spaces) on the southern side, between Beattie Street and Booth Street
    - At 9.30pm – no vacant spaces
    - At 9.45pm – 1 vacant space
    - At 10.00pm – 3 vacant space
    - At 10.15pm – 4 vacant space
    - At 10.30pm – 5 vacant space
    - At 10.45pm – 4 vacant space

The key points discussed and considered at the meeting were:

- A number of locations along Darling Street were considered:
  - On the northern side of Darling Street between College Street and Church Street,
  - On the southern side between Booth Street and Eaton Street outside Gladstone Park.
- The proposed late night 'Taxi Zone' may discourage pedestrians from using the southern footpath adjacent to the 'Taxi Zone' which is in close proximity to the marked pedestrian crossing across Darling Street.
- The Police are liaising with the local hotels to provide security for the proposed late night 'Taxi Zone'.
- Transport NSW can assist local authorities in providing security at 'Taxi Zones' across NSW and there are taxi ranks which have security guards present on Friday and Saturday nights. The guards are there to provide a safe environment for intending passengers and taxi drivers.

It is proposed to relocate the 'Taxi Zone' in Darling Street, from outside the Unity Hotel in the evening hours and install a part-time 'Taxi Zone' on the southern side of Darling Street, between Beattie Street and Booth Street for approximately five carspaces, east of the existing 'Mail Zone' on a 6 month trial basis to assist Police with enforcement in the vicinity of licensed premises in the area.

A letter was mailed out on 6<sup>th</sup> October 2010 to the affected residents / businesses in Darling Street, Balmain advising them of the proposal and that the Item was being reconsidered at the 19<sup>th</sup> October 2010 Ordinary Council meeting.

A copy of the previous report, discussion and Committee recommendation from the 5<sup>th</sup> August 2010 Local Traffic Committee meeting is attached in the Appendix of this report for the Councillors' information.

#### **4.1 Officer's recommendation**

- a) That a part-time 'Taxi Zone 10pm-6am' (in place of 5 unrestricted parking spaces) be installed on the southern side of Darling Street between Beattie Street and Booth Street, east of the existing 'Mail Zone'.
- b) That the existing full-time 'Taxi Zone' on the southern side of Darling Street outside the Unity Hotel be amended to a 'Taxi Zone 6am-10pm'.
- c) That Council write to Transport NSW and seek assistance for security and any other support measures to manage the proposed late night 'Taxi Zone'.
- d) That the Police be requested to liaise with the various Hotels in the vicinity and the security firm engaged to manage the new 'Taxi Zone'.

- e) That the above proposal be trialled for a six month period and a report detailing the results of the trial be brought back to Council.
- f) That the residents / businesses in Darling Street between Montague Street and Booth Street be advised of Council's decision.
- g) That the Local Traffic Committee be advised of Council's decision.

## **CORPORATE AND INFORMATION SERVICES**

**LEICHHARDT MUNICIPAL COUNCIL****REPORT**

**DIVISION:** CORPORATE AND INFORMATION SERVICES

**SUBJECT:** ITEM 19 SUMMARY OF CORPORATE AND INFORMATION SERVICES RESOLUTIONS FROM SEPTEMBER 2010

**FILE REF:** F09/

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Nil

**Policy Implications:** Nil

**Strategic Plan Objective:** Sustainable Services and Assets

**Staffing Implications:** Nil

**Notifications:** Nil

**Other Implications:** Nil

**1. Purpose of Report**

To advise of the status of the Corporate and Information Services Resolutions from September 2010.

**2. Recommendation**

That the information be received and noted.



## LEICHHARDT MUNICIPAL COUNCIL

**REPORT**

**DIVISION:** CORPORATE AND INFORMATION SERVICES

**SUBJECT:** ITEM 20 STATEMENT OF INVESTMENT BALANCES AS AT 30 SEPTEMBER 2010

**AUTHOR & TITLE:** JODIE BOURKE – FINANCIAL ACCOUNTANT  
JOHN TENHO – ACCOUNTING OFFICER

**FILE REF:** F97/00004

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Investment income within budget.

**Policy Implications:** Nil

**Strategic Plan Objective:** Sustainable services and assets – manage our staff, financial resources, services and assets efficiently and effectively to ensure their sustainability.

**Staffing Implications:** Nil

**Notifications:** Nil

**Other Implications:** Nil

**1. Purpose of Report**

Local Government (General) Regulation 2005, Section 212 specifies that:

*The responsible accounting officer of a Council must provide the Council with a written report to be presented at each Ordinary Meeting of the Council, setting out details of all money that the Council has invested under Section 625 of the Act.*

In accordance with the requirements of Section 625 of the Local Government Act and the above Regulation, attached is a Statement of Investment Balances as at 30 September 2010.

In accordance with Local Government (General) Regulation Section 212 (1)(b), it can be certified that the investments listed have been made in accordance with the Act, the Regulations and the Council's investment policies.

**2. Recommendation**

That the Statement of Investment Balances, as at 30 September 2010, be received and noted.

**A. STATEMENT OF INVESTMENTS**

The following investments represent the balances and interest rates applying at the end of the month.

<b><u>Term Deposits</u></b>	<b>Rating</b>		<b>Term (Days)</b>	<b>Amount</b>	<b>Interest Rate</b>
AMP Bank	A-1	*	365	1,000,000	6.31%
Australian Defence Credit Union	NR	*	365	1,000,000	6.43%
Banana Coast Credit Union	NR	*	365	1,000,000	6.77%
Banana Coast Credit Union	NR		365	1,000,000	6.77%
Bank of Cyprus	NR	*	734	500,000	4.90%
Bank of Cyprus	NR	*	731	500,000	5.00%
Bank of Cyprus	NR		365	1,000,000	6.45%
Bank of Cyprus	NR		365	1,000,000	6.60%
Bank of Queensland	A-2	*	364	1,000,000	6.50%
Bank of Queensland	A-2		365	500,000	6.50%
Bank of Queensland	BBB+		549	2,000,000	6.40%
Bendigo	A-2	*	365	1,000,000	6.30%
Credit Union Australia	NR	*	365	1,000,000	6.50%
Defence Force Credit Union	NR	*	365	1,000,000	6.80%
Investec Bank (Aust)	NR		540	500,000	6.10%
Investec Bank (Aust)	NR	*	365	1,000,000	6.50%
National Australia Bank	A-1+	*	365	1,000,000	6.80%
New England Credit Union	NR	*	365	250,000	6.35%
New England Credit Union	NR	*	365	750,000	6.47%
Police & Nurses Credit Society	NR	*	364	1,000,000	6.44%
Rural Bank	BBB	*	734	1,000,000	4.90%
Southern Cross Credit Union	NR	*	365	1,000,000	6.20%
Suncorp Metway	A-1		364	1,000,000	6.65%
Suncorp Metway	A-1		365	1,000,000	6.45%
Suncorp Metway	A-1		364	1,000,000	6.50%
Suncorp Metway	A-1	*	365	1,000,000	6.45%
Suncorp Metway	A-1		365	2,000,000	6.47%
Suncorp Metway	A-1		365	1,000,000	6.60%
Westpac Banking Corporation	A-1+	*	365	1,000,000	6.80%
Westpac Banking Corporation	A-1+		365	1,000,000	6.80%
Wide Bay Australia Building Society	A-3	*	365	1,000,000	6.30%
				<b>30,000,000</b>	<b>6.41%</b>

Note 1: The investments indicated (\*) are subject to the Federal Government's deposit guarantee up to \$1 million with any ADI.

These investments have an applied rating of A-1+ for Short Term Investments and AAA for Long Term Investments (covered by the Government guarantee).

<b><u>Loan Offset</u></b>	<b>Rating</b>	<b>Term (Days)</b>	<b>Amount</b>	<b>Interest Rate</b>
CBA Offset (34/99)	A-1+	91	202,500	4.70%
			<b>202,500</b>	<b>4.70%</b>

Note 2: 34/99 is a Loan / Investment offset facility and the amount invested is reduced to match the loan principal outstanding every quarter.

<b><u>Call Accounts</u></b>	<b>Rating</b>	<b>Term</b>	<b>Amount</b>	<b>Interest Rate</b>
CBA Business Online Saver	A-1+	At Call	3,825,703	5.00%
CBA at Call - Leichhardt Oval Grant	A-1+	At Call	528,690	4.45%
			<b>4,354,392</b>	<b>4.93%</b>

Note 3: Call accounts have a variable daily interest rate.

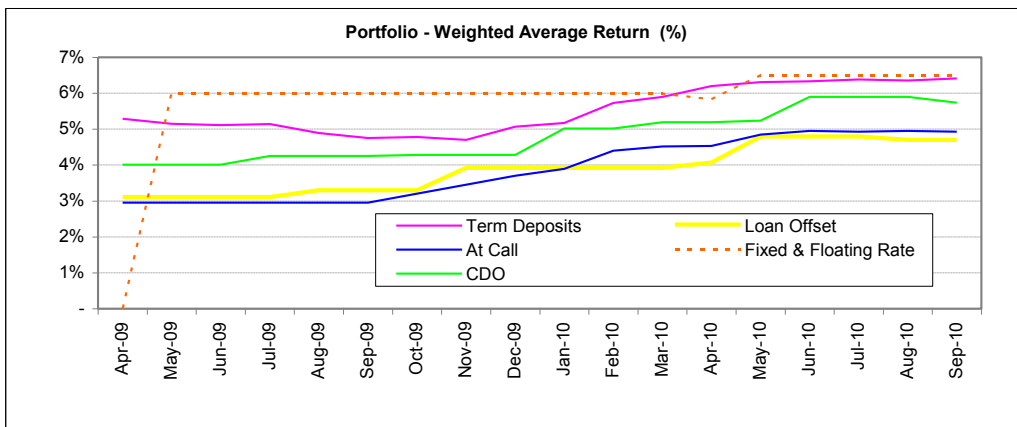
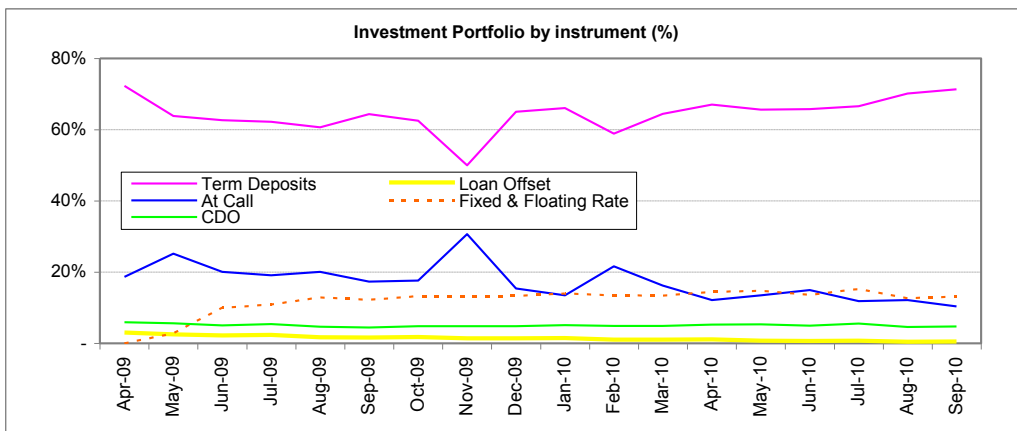
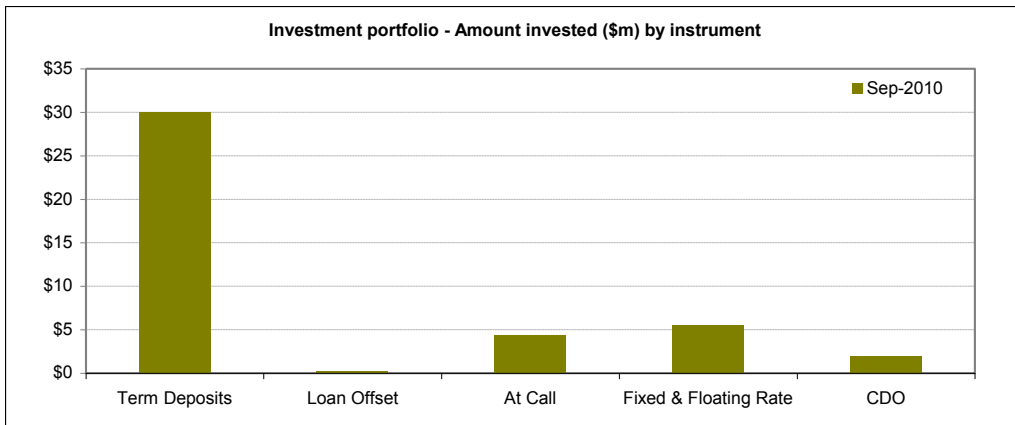
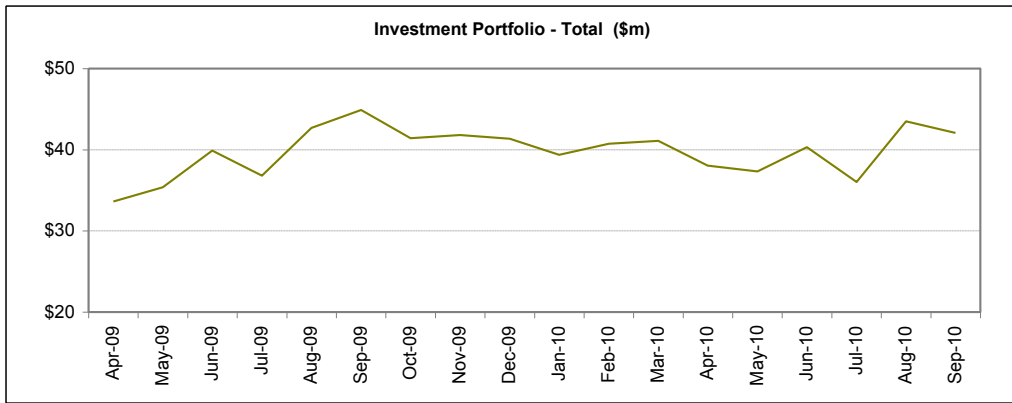
<b><u>Fixed Rate Notes</u></b>	<b>Rating</b>	<b>Term (Days)</b>	<b>Amount</b>	<b>Interest Rate</b>
Bank of Queensland	BBB+	552	1,000,000	6.00%
Halifax Bank of Scotland (HBOS Sydney)	A+	424	1,500,000	5.75%
Halifax Bank of Scotland (HBOS Sydney)	A+	484	1,700,000	5.75%
Suncorp Metway	A	700	1,300,000	8.75%
			<b>5,500,000</b>	<b>6.50%</b>

<b><u>Collateralised Debt Obligation (CDO)</u></b>	<b>Rating</b>	<b>Term</b>	<b>Amount</b>	<b>Interest Rate</b>
CDO (Ethical Green)	CCC-	10 yrs	<b>2,000,000</b>	<b>5.74%</b>

Note 4: This CDO had a AA credit rating when it was originally purchased. The CDO is grandfathered as it was purchased prior to the Minister of Local Government's Ministerial Investment Order (issued in August 2008) and Council's new investment policy adopted in March 2009.

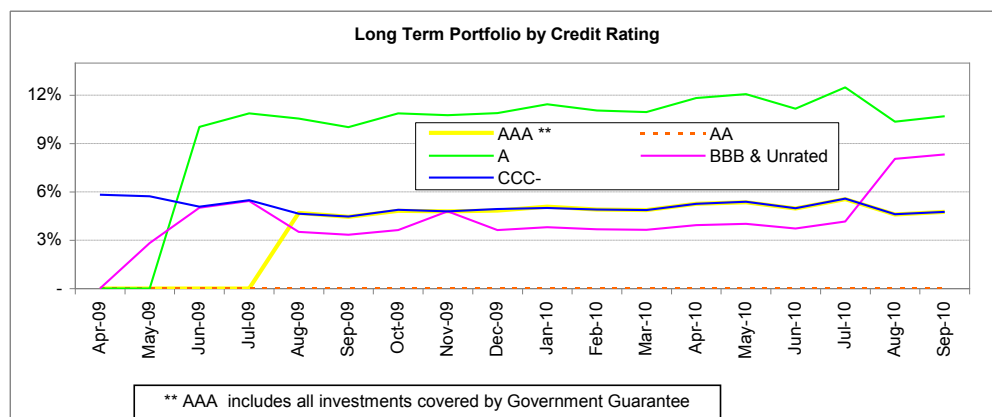
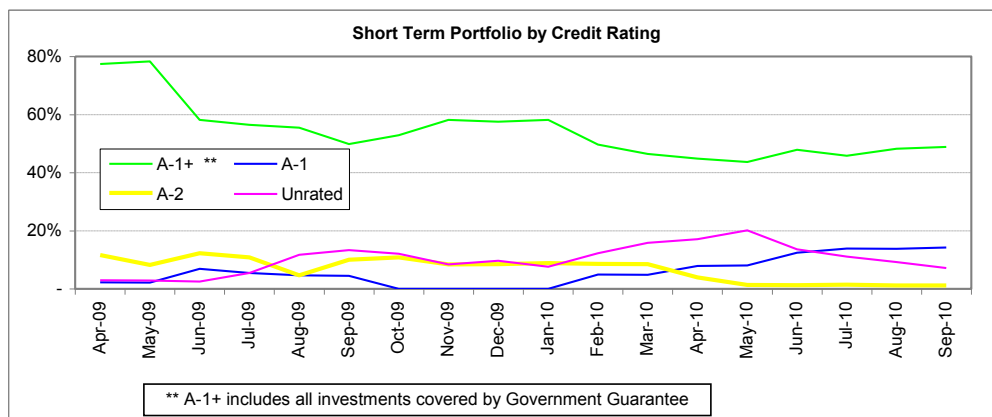
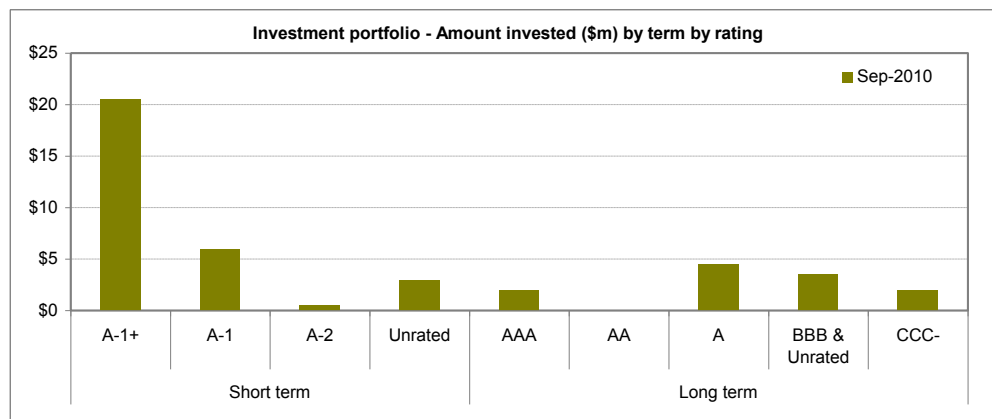
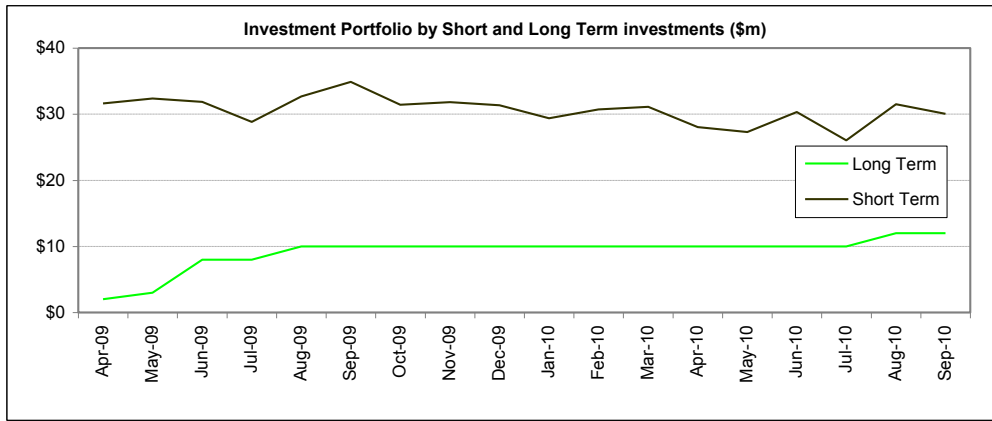
With no active market in which to trade this CDO, valuation is problematic. However, Council's investment advisors have estimated the value of this CDO to be \$119,500 at the end of September.

<b>Total Investments</b>	<b>42,056,892</b>
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**B. PORTFOLIO CREDIT RATINGS**

Credit Ratings	Max. per Investment Policy	Portfolio Amount	% of Portfolio
<b>Short Term Investments</b>	<b>100%</b>		
<b>(Less than or Equal to 1 year)</b>			
A-1+ (Including At Call Funds & funds under Government Guarantee)	100%	20,556,892	49
A-1	80%	6,000,000	14
A-2	40%	500,000	1
Unrated ADIs	25%	3,000,000	7
Short Term Total		30,056,892	71
<b>Long Term Investments</b>	<b>40%</b>		
<b>(Greater than 1 year)</b>			
AAA (Including funds under Government Guarantee)	40%	2,000,000	5
AA	32%	-	0
A & A+	16%	4,500,000	11
BBB & Unrated ADIs	10%	3,500,000	8
CCC-	0%	2,000,000	5
Long Term Total		12,000,000	29
<b>Total Portfolio</b>		<b>42,056,892</b>	<b>100</b>



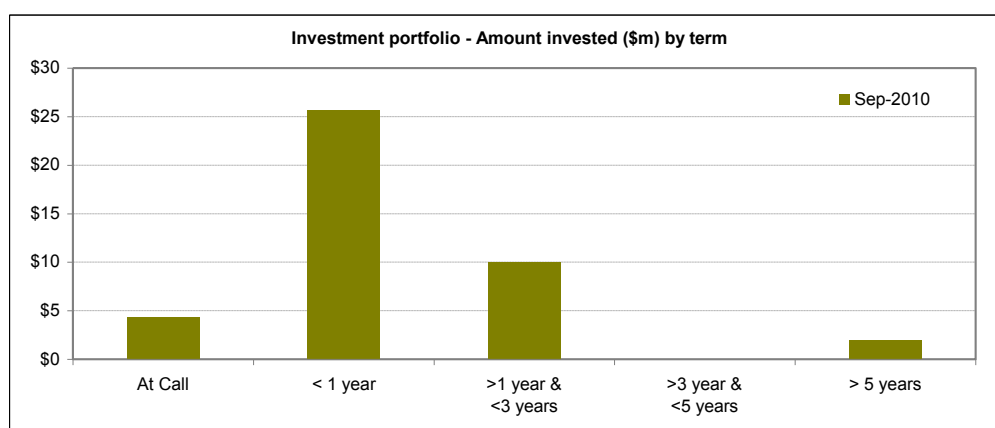
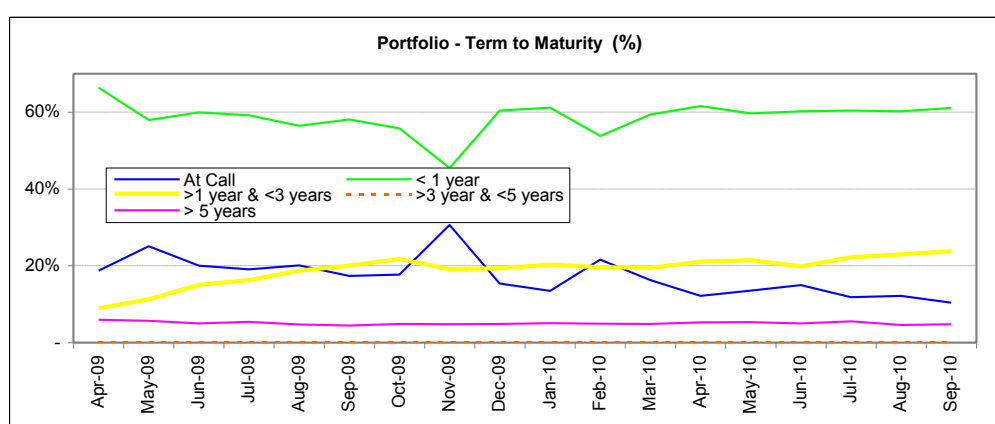
**C. INSTITUTIONAL CREDIT EXPOSURE**

Institution	Credit Ratings	Max. per Investment Policy	Portfolio Amount	% of Portfolio
<b>Short Term Investments</b>		<b>100%</b>		
AMP Bank	A-1	35%	1,000,000	2
Australian Defence Credit Union	NR	10%	1,000,000	2
Banana Coast Credit Union	NR	10%	2,000,000	5
Bank of Cyprus	NR	10%	2,000,000	5
Bank of Queensland	A-2	20%	1,500,000	4
Bendigo	A-2	20%	1,000,000	2
Commonwealth Bank of Australia (Including At Call Funds)	A-1+	45%	4,556,892	11
Credit Union Australia	NR	10%	1,000,000	2
Defence Force Credit Union	NR	10%	1,000,000	2
Investec Bank (Aust)	NR	10%	1,000,000	2
National Australia Bank	A-1+	45%	1,000,000	2
New England Credit Union	NR	10%	1,000,000	2
Police & Nurses Credit Society	NR	10%	1,000,000	2
Southern Cross Credit Union	NR	10%	1,000,000	2
Suncorp Metway	A-1	35%	7,000,000	16
Westpac Banking Corporation	A-1+	45%	2,000,000	5
Wide Bay Australia Building Society	NR	10%	1,000,000	2
			<b>30,056,892</b>	<b>71</b>
<b>Long Term Investments</b>		<b>40%</b>		
Bank of Cyprus	NR	10%	1,000,000	2
Bank of Queensland	BBB+	10%	3,000,000	7
Rural Bank	BBB	10%	1,000,000	2
Halifax Bank of Scotland (HBOS Sydney)	A+	20%	3,200,000	8
Investec Bank (Aust)	NR	10%	500,000	1
Suncorp Metway	A+	20%	1,300,000	3
CDO (Ethical Green)	CCC-	0%	2,000,000	5
			<b>12,000,000</b>	<b>29</b>
<b>Total Portfolio</b>			<b>42,056,892</b>	<b>100</b>



## D. TERM TO MATURITY

Term	Min per Investment Policy	Max per Investment Policy	Portfolio Amount	% of Portfolio
At Call Funds		Max 100%	4,354,392	10
Less than or equal to 1 year	Min 40%	Max 100%	25,702,500	61
Between 1 and 3 years	Min 0%	Max 40%	10,000,000	24
Between 3 and 5 years	Min 0%	Max 20%	-	0
Greater than 5 years	Min 0%	Max 10%	2,000,000	5
<b>Total Portfolio</b>			<b>42,056,892</b>	<b>100</b>



## Comment

The Reserve Bank of Australia has left the interest rate unchanged at 4.50%.

**LEICHHARDT MUNICIPAL COUNCIL****REPORT**

**DIVISION:** CORPORATE AND INFORMATION SERVICES

**SUBJECT:** ITEM 21 INTERNAL AND EXTERNAL COMMITTEES

**AUTHOR & TITLE:** GEORGE GEORGAKIS – MANAGER ADMINISTRATION SERVICES

**FILE REF:** F99/00126

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Nil

**Policy Implications:** Nil

**Strategic Plan Objective:** Sustainable Services and Assets

**Staffing Implications:** Nil

**Notifications:** Nil

**Other Implications:** Nil

**1. Purpose of Report**

For Council to review membership on Internal, External and Statutory Committees.

**2. Recommendation**

That Council review its membership (and Chairperson) to the Committees listed in the report.

**3. Background**

Traditionally, membership of Committees is reviewed at the beginning of each Council term and annually thereafter, after the Mayoral election.

Set out in the table below is the list of Councillor delegates to Internal, External and Statutory Committees, including Chairperson and Deputy Chairperson where applicable of the Committees, which was adopted by Council for the 2009/10 period.

**4. Report**

Councillor delegates to Council's Internal and External Committees for the 2009/10 period, including Chairperson and Deputy Chairperson (where applicable) are listed below.

Note, for some of the external Committees, the Mayor and Deputy Mayor are Council's representatives. At last month's Mayoral Election, Councillor Porteous was elected Deputy Mayor, so she will be Council's representative on those Committees along with the Mayor.

<b>INTERNAL COMMITTEES</b>	<b>COUNCILLORS</b>	<b>MEETING FREQUENCY</b>
Community Services, Safety & Facilities Committee	Porteous (Chairperson), Plate (Deputy Chair), Hannaford, Howison & Cinis	1 <sup>st</sup> Thursday of the month at 6:30pm.
Planning Committee	McKenzie (Chairperson), Costantino (Deputy Chair), Stamolis & Parker	On the 2 <sup>nd</sup> Thursday of the month at 6:30pm.
Environment & Recreation Committee	Porteous (Chairperson), McKenzie (Deputy Chair) Weiss, Kogoy, Stamolis & Hannaford.	Bi-monthly on the 1 <sup>st</sup> Wednesday of the month at 6:30pm.
Climate Change Taskforce	Porteous (Chairperson), Kogoy & Weiss	Bi-monthly on the 1 <sup>st</sup> Wednesday of the month at 6:00pm.
Disability & Access Committee	Hannaford (Chairperson) & Cinis (Deputy Chair)	Bi-monthly 2 <sup>nd</sup> Wednesday of the month at 3:30pm.
Seniors Council Committee	Cinis & Stamolis (alternated)	Monthly on the last Wednesday of the month.
Leichhardt Aboriginal & Torres Strait Islander Consultative Committee	Former Councillor Robert Webb (Chairperson), Plate (Deputy Chairperson), Cinis, Hannaford & McKenzie	Bi-monthly on 3 <sup>rd</sup> Wednesday of the month at 6pm.
Balmain Town Hall Management Committee	Parker, Weiss & McKenzie (Chaired by Committee member)	3 <sup>rd</sup> Thursday of the month at 5.00pm
Annandale Neighbourhood Centre Resident Management Committee	Costantino, Kogoy & Howison (Chaired by Committee member)	Quarterly during school holidays.
Traffic Committee*	Porteous (Chairperson) & Cinis (Deputy)	1 <sup>st</sup> Thursday of each month at 10.00am.
Clontarf Cottage	Parker	2 <sup>nd</sup> Monday of each month at 7:30pm.
Bicycle Advisory Committee	Porteous (Chairperson), Kogoy (Deputy), Weiss & Hannaford.	Quarterly on the 3 <sup>rd</sup> Wednesday of the month at 6:30pm.

<b>EXTERNAL COMMITTEES</b>	<b>COUNCILLORS</b>	<b>MEETING FREQUENCY</b>
Southern Sydney Region of Councils	Mayor & Deputy Mayor	4 times a year
Inner Metropolitan Regional Organisation of Councils (IMROC)	Mayor & Deputy Mayor	
Eastern Local Government Region of Aboriginal & Torres Straits Islander Committee	(Former Councillor) Webb & Cinis	
Sydney Coastal Council Group	Mayor, Deputy Mayor, Cinis & vacant.	Bi-monthly
Foreshore & Waterways Planning & Development Committee*	Mayor	Monthly
Community Safety Precinct Committee (formerly known as the Police Accountability Consultation Team)*	Mayor, Deputy Mayor, Hannaford & Cinis	Quarterly
RTA Footway Parking Steering Committee	Mayor	Meets as required
Sydney Airport Community Forum	Mayor	Meets as required.
Parramatta River Catchment Group	Mayor & Deputy Mayor (as alternate)	Twice a year

**\* Denotes Statutory Committee**

Terms of Reference or information relating to the issues each Committee deals with are listed below:

**Planning Committee Terms of Reference** (Adopted by Council 26 October 1999)

The role of Leichhardt's Planning Committee is to:

1. Provide a community forum for the review and development of strategic planning policies for Leichhardt and its regional setting.
2. Develop strategic planning policies, projects and initiatives that:
  - ensure support for ongoing negotiations for review of the new Town Plan
  - develop and promote strategies that support the principles of ESD
  - support pro-active forward planning
  - improve local business development and growth
  - improve community consultation procedures and techniques,
  - improve management and practice for remediation of contaminated land,
  - provide design guidance through *Development Control Plans*,
  - achieve more diverse and affordable housing,
  - conserve and protect the area's heritage,
  - integrate local and regional *Transport Strategy* policies and initiatives,
  - achieve strategic open space objectives,
  - address rezonings of land through *Local Environmental Plans*,
  - respond to state government planning policies and strategies,
  - are consistent with policy development in other Council committees, especially the Environment Committee,
  - maintaining and improving residential amenity and the quality of life,
  - improving public access to the waterfront and encouraging sympathetic development.

**Bicycle Advisory Committee Terms of Reference**

**Principal Objective:** To achieve the objectives and targets of the Bicycle Strategy.

**Other Objectives:**

- a. To assist Council deliver more effective and efficacious services, programs and facilities for cyclists.
- b. To increase community awareness, understanding and the profile of cycling and other sustainable transport modes in the Leichhardt Council area.
- c. To increase Council's awareness and understanding of issues affecting cyclists in the Leichhardt Council area.
- d. To assist Council to improve coordination of planning towards a consistent and connected cycle network.
- e. To strongly advocate for sustainable transport modes in the Leichhardt LGA.

**Principal Role:** To progress and monitor the implementation of the Bicycle Strategy 2007.

**Other Roles:**

- a. To provide and share information, data and research that may assist in the review and development of Council policy or plans so that the needs of cyclists are fully considered.
- b. To identify barriers to cycling and determine strategies for overcoming these.
- c. To provide input into the development and/or review of Council's Bicycle Strategy and other relevant policies, including sustainable transport policies and reviews of the LATM.
- d. To review the implementation of any other Council Strategy that may impact on cycling or cyclists.
- e. To provide advice on the proposed Annual Works Program, including the establishment of priorities for bike works.
- f. To advise Council on the impacts on cycling and cyclists of key building and development and processes.
- g. To provide input into the development of the annual Cycling Promotional Action Plans.

**Community Services, Safety and Facilities Committee Terms of Reference**

*(Adopted by Council on 22/02/05)*

The role of Leichhardt's Community Services, Safety and Facilities Committee is to:

1. Provide a community forum for the review and development of policies relating to community services, community safety and community facilities for Leichhardt and the region.
2. Develop policies, projects and initiatives that address:
  - social planning
  - facilities provision and management
  - services specifically targeting children; young people; older people; women; ATSI; CALD; people with a disability.
  - crime prevention
  - community safety
  - cultural planning
  - community building
  - community development
  - social impact assessment

**Aims of the Committee**

- To provide a forum for the discussion of community safety issues.

- To inform Leichhardt Council's contribution to the safety of the community.
- To serve as the steering committee, either directly or by way of a subcommittee, for the planning, implementation and evaluation of specific community safety planning instruments developed by Council (such as the Leichhardt Crime Prevention Plan).

### **Scope of the Committee**

In considering improvement to community safety the Committee will:

- examine the incidence of injury to persons and property in the community through research and community consultation
- prioritise issues for intervention by Council on the basis of need
- assess crime and public injury prevention measures which act to reduce the level of injury to persons and property
- Make recommendations to Council

### **Disability Policy Access Committee Terms of reference**

Leichhardt Council is committed to working towards accessible and equitable service provision for all people within the municipality, including people with disabilities. In 1989, Council adopted a policy to:-

*"...work towards making the municipality an accessible community...one in which the transportation systems, physical environment, communication systems, technological systems, political, cultural, bureaucratic, corporate, social institutions and employment practices are open and available to people with disabilities..."*

### **Environment and Recreation Committee Terms of reference**

The Environment and Recreation Committee, being guided by the principles of ecologically sustainable development and maximising local passive and active recreation opportunities, deals with, but will not be limited to, the following:

Environment Policy development on:

- Council's Sustainability Strategy
- Environmental health
- Waste minimisation and resource recovery
- Stormwater management
- Corporate Sustainability
- Trees and open space
- Landscaping
- Environmental education
- Pollution monitoring
- Biodiversity conservation and enhancement



Recreation Policy development on:

- Open space plans of management and masterplans
- Management of companion animals in open space
- Management and provision of open space, including small parks and sports fields
- Management and provision of recreational facilities
- Provision of recreational programs and services

### **Leichhardt Aboriginal & Torres Strait Islander Consultative Committee Terms of Reference**

Leichhardt Council is committed to working with the Aboriginal and Torres Strait Islander community in the Local Government Area on all aspects of community life. Following aims were adopted by Council in 2005:

- 2.1 *To provide a forum for people who live, or work in the Leichhardt Local Government Area (LGA), to discuss issues affecting people from Aboriginal and Torres Strait Islander background, and develop recommendations for consideration by Council;*
- 2.2 *To assess the need for access, by people from Aboriginal and Torres Strait Islander backgrounds, to Council's facilities and services, and recommend to Council for improving access;*
- 2.3 *To act as a consultative mechanism for Council to learn more about the needs and current issues within the local Aboriginal and Torres Strait Islander community;*
- 2.4 *To increase public awareness and respect for Aboriginal and Torres Strait Islander culture and history;*
- 2.5 *To involve Aboriginal and Torres Strait Islander people, and their advocates, in Council's planning and decision-making process; and*
- 2.6 *To work with Council staff in developing its Reconciliation and NAIDOC Week activities for the local Aboriginal and Torres Strait Islander community.*

### **Sydney Airport Community Forum Terms of Reference**

(Revised 2008 by the Minister for Infrastructure, Transport, Regional Development and Local Government).

The role of the Sydney Airport Community Forum (SACF) is to act as a forum for:

- Providing advice to the Minister for Infrastructure, Transport, Regional Development and Local Government, Sydney Airport Corporation and aviation authorities on the abatement of aircraft noise and related environmental issues at Sydney Airport
  - in particular it is the main body for consultation on the Long Term Operating Plan for the Airport
- Providing advice to aviation authorities to facilitate improved consultation and information flows to the community about the Airport's operations.

### *Operating Arrangements*

The body will meet no less than quarterly.

Sub-committees may be established as required to report to the main body.

The Minister for Infrastructure, Transport, Regional Development and Local Government will nominate the Chair.

The Minister, in consultation with the Chair, will determine membership of the Forum. The Forum will have a broad representation of all areas affected by airport operations.

Secretariat support services will be provided by the Federal Department of Infrastructure, Transport, Regional Development and Local Government.

### **Southern Sydney Regional Organisation of Councils (SSROC)**

Leichhardt Council is a long standing member of the Inner Metropolitan Organisation of Councils (IMROC) which unfortunately hasn't operated as an effective ROC for some time now. In 2006 we therefore joined SSROC as an associate member along with other former IMROC Councils Canada Bay, Burwood and Ashfield. Of more recent time, Bankstown has also joined SSROC as an associate member.

SSROC is a well established regional organisation of 11 full Council members comprising Botany Bay, Canterbury, City of Sydney, Hurstville, Kogarah, Marrickville, Randwick, Rockdale, Sutherland, Waverley and Woollahra.

SSROC unanimously resolved to offer full membership to Leichhardt (along with Ashfield, Burwood and Canada Bay) – meaning that Leichhardt Council delegates can attend, actively participate in discussions and vote on all matters at SSROC general and annual meetings. As an associate member, our representation has been limited to General Manager and officer attendance at regular working group meetings (which in itself has been beneficial).

Being a full member of SSROC is a positive step. The benefits at a staff level of working on a regional basis with other SSROC officers have to date proved more than worthwhile, not only in terms of regular networking and knowledge sharing but also reaping the financial and other benefits from projects such as joint procurement and the street lighting improvement program.

As a full member, we will also be able to interact regionally at a political level and actively participate in our region's / sub region's strategic development.

### **Parramatta River Catchment Group (PRCG)**

The PRCG was formed to lead efforts to improve the condition and ecological function of the Parramatta River, its tributaries and catchment lands by improving and coordinating effort in Natural Resource Management (NRM). Many NRM issues exist across the catchment or region and working only within local government boundaries will limit achievements. Better outcomes can be attained, for example, for biodiversity corridors, weed and pest management, and water quality by working at a regional level.

Other practical outcomes for Councils and agencies working collectively within the PRCG with the support of the Sydney Metropolitan Catchment Management Authority (SMCMA) include:

- Assistance with identifying, setting and implementing Council NRM priorities.
- Stronger basis for and assistance with grant applications.
- Access to a regional perspective and technical advice.
- Access to baseline information and Best Practice Guidelines.
- Development of the technical capacities of Council staff.
- Opportunities for additional funding.
- Assistance with generating community support.
- Opportunities for collective research.
- Contributing towards the achievement of state-wide NRM targets (State Plan) and assistance with Council responsibilities, for example State of the Environment reporting and Stormwater Management Plan implementation.

The PRCG presents many opportunities to undertake a number of environmental initiatives on a regional basis.

### **The Eastern Region Local Government Aboriginal & Torres Strait Islander Forum**

The Eastern Region Local Government Aboriginal & Torres Strait Islander Forum incorporates 6 Councils. The key objective of the Forum is to address and issues relating to Indigenous affairs, events and celebrations that impact our local Aboriginal and Torres Strait Islander communities.

The Eastern Region Local Government Aboriginal and Torres Strait Islander (ATSI) Forum was established in early 1998 as a partnership between 5 Councils, City of Botany Bay, Randwick City Council, South Sydney City Council (City of Sydney), Waverley Council and Woollahra Council. The aim of the Forum is to improve the ATSI community's way of life by providing a Forum for Local Government (Councils) to address matters affecting the ATSI community at a regional level.

Having moved on from 1998, the Forum has expanded to include the Leichhardt local government area and commit a more planned procedure to break down cultural barriers and improve the quality of life for the ATSI community.

The Forum currently consists of the following six Council; City of Botany Bay, City of Sydney, Leichhardt, Randwick City, Waverley and Woollahra Councils.

### **Local Traffic Committee**

The Local Traffic Committee (LTC) is primarily a technical review committee. It advises a local council on traffic control matters that have been referred to the local council. These matters must be related to prescribed traffic control devices or traffic control facilities for which council has delegated authority.

The LTC is made up of four formal (voting) members. The members are:

- A local council representative.
- A NSW Police Force representative.
- An RTA representative.
- The local State Member of Parliament (MP) or their nominee.

A local council (in consultation with the formal members of the LTC) may also decide to have additional informal (non-voting) advisors to the LTC who can provide input into the process. These additional advisors can include a:

- Road Safety Officer
- NSW Ministry of Transport representative
- NSW Fire Brigade representative
- NSW Ambulance Service representative
- Bus Operator representative
- Transport Workers Union representative
- Chamber of Commerce representative

Generally, informal advisors are not required to attend every LTC meeting. Their attendance is only required when an item appears on the agenda related to their area of expertise or responsibility.

### **Foreshore and Waterways Planning & Development Advisory Committee**

The Foreshore and Waterways Planning & Development Advisory Committee is currently under review. It comprises 3 members appointed by the Director General being:

- Officer of the Maritime Authority of NSW
- Officer of the Department of Planning
- Officer of the Council

The Council Officer representing Leichhardt is Ian Betts, Senior Assessments Officer.

### **Sydney Coastal Councils Group**

The Sydney Coastal Councils Group (SCCG) is a Regional Organisation of Councils that provides project facilitation and coordination on environmental and natural resource management (NRM) issues that relate to the coastal urban environment.

The Full Group Membership comprises 2 elected and 1 professional representative from each Council.

### **Community Safety Precinct Committee**

Community Safety Precinct Committees provide an opportunity for local councils and community members to meet with Police Local Area Commanders and share their perspective on local crime and safety issues. It provides the opportunity for community members and business owners to get involved in strategies designed to address local crime concerns. The agendas for CSPC are determined by the Local Area Command and will include the following items:

- Crime Hotspots in the Local Area Command
- Police visibility and deployment in the Local Area Command
- Issues and decisions of the previous meeting
- Action taken in respect of working groups being established to tackle local crime issues

Meetings are held quarterly.

### **Footway Parking Steering Committee**

This Committee is periodically convened by the RTA with the intention of formalising footpath parking guidelines. Draft guidelines have been prepared and Council has been trialling a number of streets for footpath parking.

Council officers attend this meeting along with the Mayor, as well as one other metropolitan council, a rural council, Pedestrian Council of Australia, disability groups, State Government Planning representatives, the Police and the RTA.

### **Annandale Neighbourhood Centre Management Committee, Balmain Town Hall Management Committee and Clontarf Cottage Management Committee**

Council has three Community facilities managed by s355 Committees of Council. These are;

- Annandale Neighbourhood Centre Management Committee
- Balmain Town Hall Management Committee
- Clontarf (in Balmain) Cottage Management Committee

The committees are composed of residents of the Leichhardt Local Government Area elected annually at their Annual General Meetings. The committee's decisions are made taking into account Council's Policies & Procedures and their constitutions.

A Council staff member is present at meetings to give advice. Usually two Councillors are appointed annually and sit on the Committee as Council's representatives. The Committee considers matters relating to hall hire (requesting for fee waivers and reductions), maintenance issues and programs at the Centres.

**LEICHHARDT MUNICIPAL COUNCIL****REPORT**

**DIVISION:** CORPORATE AND INFORMATION SERVICES

**SUBJECT:** ITEM 22 DISCLOSURE OF INTEREST RETURNS

**AUTHOR & TITLE:** GEORGE GEORGAKIS – MANAGER ADMINISTRATION SERVICES

**FILE REF:** F97/01503 & F97/00520

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Nil

**Policy Implications:** Nil

**Strategic Plan Objective:** Responsible Government – Effective Management

**Staffing Implications:** Nil

**Notifications:** Nil

**Other Implications:** Comply with Section 449 & 450 of the Local Government Act 1993.

**1. Purpose of Report**

To comply with Section 449 & 450A of the Local Government Act relating to the completion and lodgement of Disclosure of Interest Returns.

**2. Recommendation**

That the tabling of Councillors and designated persons Disclosure of Interest returns for the period 01/07/09 to 30/06/10 be received and noted.

**3. Report**

Section 450A of the Local Government Act requires that a register of all Disclosure of Interest returns required to be lodged under section 499 of the Act to be kept by the General Manager.

It also requires that returns lodged with the General Manager by Councillors and designated persons each year be tabled at a Council meeting.

Councillors and designated persons have completed their Disclosure of Interest returns for the year 1 July 2009 to 30 June 2010 and they are accordingly tabled at this Council meeting.

## LEICHHARDT MUNICIPAL COUNCIL

**REPORT**

**DIVISION:** CORPORATE AND INFORMATION SERVICES

**SUBJECT:** ITEM 23 PRECINCT COMMITTEE SYSTEM

**AUTHOR & TITLE:** GEORGE GEORGAKIS – MANAGER ADMINISTRATION SERVICES &  
LOUISE KEIGHTLEY – COMMUNITY LIAISON OFFICER

**FILE REF:** F09/

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Nil

**Policy Implications:** Nil

**Strategic Plan Objective:** Sustainable Services and Assets

**Staffing Implications:** Nil

**Notifications:** The proposed wording for inclusion in Council's Code of Conduct will be referred to the Precinct Committees for their comment and submissions.

**Other Implications:** Nil



## 1. **Purpose of Report**

To report back to Council on the development of an Honour Roll for the Precincts and proposed wording for inclusion in Council's Code of Conduct to ensure Precincts are not misused for any purposes including party political purposes.

## 2. **Recommendation**

1. An Honour Roll be developed and posted on Council's Precinct website page listing all Precinct Chairpersons and Secretaries (where applicable) from 1991 until present and to be updated each year.
2. The proposed wording (Annexure A of the report) for inclusion in Council's Code of Conduct be referred to the Precincts for comment / submissions. If changes are suggested, a further report will be submitted to Council to adopt the final wording.

## 3. **Background**

A Notice of Motion was submitted to the August 2010 Ordinary Meeting of Council relating to the Precinct Committee System at Leichhardt Council (the Notice of Motion is attached to this report).

At that meeting, Council resolved:

*That Council reaffirm its strong support for the independence and integrity of the Precincts, supporting their unbiased and principled record and call for a report on the development of an Honour Roll in time for the 20<sup>th</sup> anniversary of the Precincts.*

*That Council request a report on appropriate wording to be included in Council's Code of Conduct to ensure Precincts are not misused for any purposes including Party Political purposes. The report must ask for submissions from the Precincts.*

## 4. **Report**

This report addresses both issues raised in the August 2010 Council resolution.

### 4.1(a) **Background to Precinct Committee System**

In 1991, Leichhardt Council adopted a *Precinct Committee Structure*. At the time, there were fourteen (14) Precinct areas across the then Municipality, covering nine (9) suburbs.

In 2003, the boundary changes resulted in Glebe and Forest Lodge forming part of the City of Sydney local government area. This resulted in the number of Precincts being reduced to eleven (11) Precinct areas, covering seven (7) suburbs in the Municipality.

Over time, some of these Precinct areas started to hold combined meetings, such as Precinct Areas 7/8 – Pioneer & Elswick; Precincts 10/11 – North & South Annandale.

Further, some Precinct Committees ceased to operate, as they were having difficulties in attracting and maintaining interest due to various reasons.

In 2008, a review of the Precinct System was undertaken. At present, there are seven (7) Precinct areas across the Municipality, of which six (6) are active with Precinct Committees.

#### **(b) Roll of Honour**

Given the above changes over the past 20 years, the records of membership of Precincts is likely to be incomplete. Further, to incorporate all data located, the layout of the Honour Roll board would appear to look 'ad hoc' by the various changes to the number of Precincts over time and/or vacancies. Based on this, it is suggested that the names of the Precinct Chairpersons (and Secretaries where applicable) for each year since 1991 be listed on the Honour Roll and not the actual Precinct area.

To begin with, this would involve listing in the order of 350 names – Chairpersons and Secretaries of every Precinct Committee since 1991 according to the best of our records and Precinct records. It would be impractical and cost prohibitive to put that many names on a board and then update it each year.

It is therefore recommended that the Honour Roll be included on the Precinct page of Council's website. The Honour Roll would detail the names of the Chairpersons and Secretaries (where applicable) of all Precinct Committees from 1991 till present and then updated annually.

#### **4.2(i) Proposed Wording for Inclusion in Council's Code of Conduct**

The information in Annexure 1 attached is proposed to be included in Council's Code of Conduct.

It should be noted that Precincts are run in accordance with the Resident Precinct Policy & Guidelines. It is proposed that some of the information in the Guidelines be included in Council's Code of Conduct (see part (a) of Annexure 1 attached).

Other information proposed to be included in the Code of Conduct in response to the August Council resolution is also included - see parts (b) and (c) of Annexure 1 attached.

#### **(ii) Submissions from Precincts**

The proposed wording endorsed by Council will be forwarded to the Precinct Committees for their comment / submissions and if changes are suggested, a further report will be submitted to Council to adopt the final wording.

## LEICHHARDT MUNICIPAL COUNCIL

**REPORT**

**DIVISION:** CORPORATE AND INFORMATION SERVICES

**SUBJECT:** ITEM 24 LICENCE FEES FOR FOOTPATH OCCUPATIONS

**AUTHOR & TITLE:** LYN GERATHY – MANAGER PROPERTY & COMMERCIAL SERVICES

**FILE REF:** F01/00083

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Minor reduction in revenue.

**Policy Implications:** Appropriate financial return on the commercial use of public assets.

**Strategic Plan Objective:**

3. Place where we live and work.
5. Business in the community.
6. Sustainable services and assets.

**Staffing Implications:** Additional administration required to implement any new fee structure.

**Notifications:** Nil

**Other Implications:** If a new fee structure were introduced mid-year, this would lead to refunds and/or differences in total fees for a year depending on whether they are paid annually or quarterly.

## 1. **Purpose of Report**

To advise on the financial implications if the same rates were charged for all suburbs for the use of footpaths by adjacent businesses.

## 2. **Recommendations**

That Council retain its current fee structure for licences for occupation and use of public footpaths.

## 3. **Background**

On 23 March 2010, Council considered a Notice of Motion in the following terms:

### ***“FEES & CHARGES FOR SHOPS IN RESIDENTIAL ZONES”***

#### ***Background***

*It would appear that under the current fees and charges, a corner shop in Lilyfield would have to pay \$288 per m<sup>2</sup> for any tables or chairs. However, a shop in Rozelle would have to pay only \$182 per m<sup>2</sup>, so we do have an anomaly here. We have the opportunity to review the fees and charges as part of the budget process, and we could pursue two paths.*

*One is to simply amend the fees and charges to sort out the anomaly between Rozelle and Lilyfield and reduce the Lilyfield fee down to the Rozelle fee. The other is to look at revaluing the fees and charges for local neighbourhood corner shops.*

#### ***Recommendation:***

*Council seeks information from staff regarding fees and charges for local Neighbourhood shops in Residential Zonings with the idea of pursuing incentives for local small businesses in residential zones.”*

On 23 March 2010, Council adopted the recommendation as a resolution.

Use of the public footpath for the placement of tables and chairs for customers effectively increases the size of the café or restaurant premises. Use of the footpath for the placement of A-frames provides valuable advertising for adjacent businesses. It is fair that businesses pay an appropriate fee for the use of public land for these purposes in the same way they pay rent for their premises or for other advertising space.

Rent, whether it be retail, commercial or residential rent, varies according to location, that is the suburb and street within that suburb. The rate of rent which shop keepers pay their private landlords varies according to suburb and street as well as size and condition of premises.

The Background to the Notice of Motion considered by Council in March 2010 referred to anomalies between areas. The use of the footpath by adjacent businesses is analogous to renting additional space for the business. Accordingly, it was thought appropriate that the new fees be market rates assessed by a valuer, noting that the market rates for occupation licences, like retail rents, varies between different locations. This was thought to be the fairest way to charge both as between licensees and for the return to the general body of ratepayers for the private commercial use of the public footpath.

The valuation was obtained and the proposed fees and charges were placed on public exhibition as part of the budget. They were adopted by Council as part of the budget. Invoices have been issued for the adopted fees, which in some cases are paid annually and in other cases are paid quarterly.

The main and secondary retail areas were identified by the valuer and marked on a plan, and reflect the actual main and secondary retail areas in the valuer's opinion. A neighbourhood shop was specified as a small shop:

- outside the main and secondary retail areas, and not in Parramatta Road;
- that is a small neighbourhood shop in a predominantly residential area selling groceries as its principal business even if it also sells coffee and other refreshments for immediate consumption, but not a shop which is predominantly a café, milk bar, kiosk or refreshment room; and
- for a maximum of 2 tables and 8 chairs on the footpath.

On 25 May 2010, Council considered a notice of motion and resolved:

*“That a report be brought back to Council showing the comparative financial impact of the alternative flat structure for footpath occupation charges with a view to introducing it for the second half of the financial year.”*

The alternative proposed was that all suburbs be charged at the same rates, although there would be differences between the main retail, secondary retail and other areas. The rates proposed were:

Main Retail Areas (all suburbs)	\$450 per square metre
Secondary Retail Areas (all suburbs)	\$350 per square metre
Other Areas (all suburbs)	\$250 per square metre
Neighbourhood shops (all suburbs)	\$150 per square metre

#### **4. Report**

Attached as Annexure 1 is a table showing the current rates for footpath licences for main retail areas, secondary retail areas and other areas in each suburb as assessed by the valuer, and discounted rates for neighbourhood shops in view of the March 2010 resolution, and the proposed flat structure set out in the Notice of Motion in May 2010. This table shows that:

- The same rates for all suburbs would mean a reduction for retailers in Balmain, Balmain East and Birchgrove and an increase in fees for retailers in Annandale and Rozelle.
- Council would be charging retailers in Annandale and Rozelle higher fees than a valuer has assessed as the market rates for those areas, having regard to retail rents in those areas.

The revenue estimate under the current fee structure is approximately \$240,000. The proposed flat fees across suburbs would mean a reduction of about \$8,000.

The Council resolution refers to altering the rates for the second half of the financial year. Many licensees pay the fee annually rather than quarterly, so a mid-year change in the rates would mean Council refunding amounts to retailers in Balmain. If retailers in Annandale and Rozelle who have paid the annual fee were sent a second invoice for the increase in the annual fee, it is likely that they would object. On the other hand, if adjustments were not made to those who had already paid the annual fee, and the new fees only applied to future invoices issued, this may create unfair differences between those who pay annually and those who pay quarterly. Also, it would take administrative time to alter the records and billing systems and deal with requests for refunds and other issues. Therefore, if any change were to be made, it is recommended that this be at the start of a new financial year and not half way through the current financial year.

It is not recommended that the current fee structure be altered in favour of a flat fee across suburbs. The suggested flat fee structure for all suburbs has different rates for the main retail areas, secondary retail area and other areas reflecting the reality that different locations are worth more. The market rate for the main retail area is higher than the market rate for a side street or for a shop outside a retail strip. It is similar for suburbs. Retail rents in some suburbs are higher than in others; retail rents in Balmain are higher than in Annandale. As the licence for use of the footpath effectively increases the size of the retail premises, it is thought fair that the licence fees be at market rates having regard to retail rents and so higher in Balmain than in Annandale. It minimises cross-subsidisation between businesses and gives a proper return to the public for the private commercial use of the public footpath.

## **5. Summary/Conclusions**

Council officers obtained a valuation from an external valuer of the market fee for footpath licences for tables and chairs. These rates were exhibited as part of the budget and adopted. Council officers have been asked to look at the financial effect if the same rates were charged for all suburbs, that is with the rates for main retail, secondary retail, neighbourhood shops and other areas differing from each other but the same for each suburb. The financial effects would be a small reduction in revenue for Council for a full year, administrative and financial difficulties if it were introduced half way through a financial year rather than at the start of a financial year, and the charging of above market rates to retailers in Annandale and Rozelle in order to reduce the fees for Balmain to less than market rates. The difference between the fees for main retail and other areas recognises that different locations are more valuable and the same applies to suburbs. It is recommended that the current rates be retained.

## LEICHHARDT MUNICIPAL COUNCIL

**REPORT**

<b>DIVISION:</b>	CORPORATE AND INFORMATION SERVICES
<b>SUBJECT:</b>	ITEM 25 POLICY FOR PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS
<b>AUTHOR &amp; TITLE:</b>	GEORGE GEORGAKIS – MANAGER ADMINISTRATION SERVICES
<b>FILE REF:</b>	F97/00345
<b>DATE:</b>	3 August 2018
<b>WORD PROCESSING REF:</b>	G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

<b>Financial Implications:</b>	Nil
<b>Policy Implications:</b>	Once adopted, Policy to be updated and included in Policy Register
<b>Strategic Plan Objective:</b>	Sustainable Services and Assets
<b>Staffing Implications:</b>	Nil
<b>Notifications:</b>	Proposed changes to the Policy to be advertised and comments invited for 28 days.
<b>Other Implications:</b>	Nil

## 1. **Purpose of Report**

To report back to Council on the Policy for Payment of Expenses and Provision of Facilities to Councillors.

## 2. **Recommendation**

That the changes to the Payment of Expenses and Provision of Facilities to Councillors be placed on public exhibition for 28 days and comments invited and a further report be submitted to the November Council meeting.

## 3. **Background**

Council considered a report on the Policy at the September 2010 Ordinary Meeting and resolved that:

*“A report be prepared to increase the monetary amounts/limits (other than the Councillor and Mayor remuneration/fees, the minimum and maximum fees of which are set by the Local Government Remuneration Tribunal) in the Policy each year in line with the Consumer Price Index or other relevant index, whichever is the larger”.*

## 4. **Report**

Councils are required by legislation to submit their expenses and facilities policy to the Department of Local Government by 30 November each year.

A Council need not give public notice of a proposed amendment to its policy for the payment of expenses and provision of facilities if the Council is of the opinion that the proposed amendment is not substantial.

Note, any new category of expenses, facilities and equipment included in the policy, as well as changes to monetary amounts that are greater than 5% will require public notice.

There are no new categories of expenses, facilities or equipment proposed, however as the proposed increase in the Conference and Seminars subsistence allowance and Provision of Care Facilities allowances is greater than 5%, it is proposed to exhibit the proposed changes for 28 days and invite submissions prior to adopting the changes.

The following rules have been applied to the proposed changes;

\* Percentage change used is from the June quarter to the June quarter of the previous year.

\* The CPI for Sydney, for all groups, for the financial year ending 2010 was 2.9%. If the relevant index relating to the facility is lower than 2.9%, then the CPI for Sydney, for all groups, is the index used.



\* Changes to rates is to take affect from December each year. This is to allow for time for statistics to be published and for Council's Policy to be adopted by Council (which is required by the end of November each year).

\* Increases are to be rounded up to the nearest dollar.

The monetary amounts in the Policy (other than the Councillor and Mayor remuneration/fees, the minimum and maximum fees of which are set by the Local Government Remuneration Tribunal) are listed below, together with proposed changes to the monetary limit, the index used and the proposed fee to take affect from December 2010:

**- Smart cards (upon request) to the value of \$50 per quarter**

Proposed change:	3.1% increase
Index used:	Leichhardt Council's parking meter fees
Proposed fee from December 2010:	\$52.00

**- Provision of postage (either by way of sending Councillors' mail through the Council mailing system, or by claiming reimbursement of costs incurred) up to an amount of \$50 per Councillor per quarter.**

Proposed change:	2.9% increase
Index used:	CPI Postal – Sydney is 1.8%. Therefore the CPI all groups of 2.9% was used.
Proposed fee from December 2010:	\$52.00

**- Internet access (this will also include the provision of broadband connection and associated monthly fees plus download limit to the value of \$109.00 per month)**

Proposed change:	2.9% increase.
Index used:	CPI Telecommunications – Sydney is -0.3%. Therefore the CPI all groups of 2.9% was used.
Proposed fee from December 2010:	\$113.00 per month

**- Where a Councillor is away from home (eg. away on Council business or a work related trip or away on holidays) and wishes to access his/her Council emails, Council will pay for costs up to the value of \$200.00 per Councillor per annum (upon provision of a claim for reimbursement).**

Proposed change:	2.9% increase.
Index used:	CPI Telecommunications – Sydney is -0.3%. Therefore the CPI all groups of 2.9% was used.

Proposed fee from December 2010:	\$206.00 per Councillor per annum
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**- A filing cabinet with file attachments to Councillors (upon request) who require one for Council documents and the cap on the filing cabinet to be \$500.00.**

Proposed change: 2.9%  
 Index used: CPI – Furniture – Sydney is -0.5%.  
 Therefore the CPI all groups of 2.9% was used.  
 Proposed fee from December 2010: \$515.00

**- A combined monthly phone allowance is available for Councillors' fixed and mobile phone costs. The maximum allowance is \$400.00 for the Mayor and \$200.00 for other Councillors.**

Proposed change: 2.9%  
 Index used: CPI - Telecommunications – Sydney is -0.3%.  
 Therefore the CPI all groups of 2.9% was used.  
 Proposed fee from December 2010: \$412.00 for the Mayor and \$206.00 for other Councillors.

**- Councillors using their own phone will receive a monthly allowance of \$50.00 per month.**

Proposed change: 2.9%.  
 Index used: CPI - Telecommunications – Sydney is -0.3%.  
 Therefore the CPI all groups of 2.9% was used.  
 Proposed allowance from December 2010: \$52.00

**- Conference and seminars – subsistence**

**A daily travel allowance as outlined below is payable to Councillors where travel for Council business involves an overnight stay;**

**Should the conference or accommodation packages include the provision of these meals, then that meal allowance cannot be claimed. Incidental costs are paid for overnight stays**

**- Breakfast \$21.00**  
**- Lunch \$24.00**  
**- Dinner \$40.00**  
**- Incidentals \$20.00**

Proposed change: 2.9%.  
 Index used: CPI – Restaurants & meals out – weighted average 8 capital cities is 2.3%. Therefore the CPI all groups of 2.9% was used.

Proposed allowance from December 2010:

- Breakfast     \$22.00
- Lunch         \$25.00
- Dinner        \$42.00
- Incidentals   \$21.00

**- Provision of care facilities. A monetary amount of up to a maximum of \$4,000 per annum be made for provision for the reimbursement of the cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of Councillors, to allow Councillors to attend Council, Committee and other meetings, official civic ceremonial functions.**

Proposed change:	6.3% increase.
Index used:	CPI – Childcare – Sydney
Proposed fee from December 2010:	Up to \$4,252 per annum.

## 5. Summary/Conclusions

As the Conference and Seminars subsistence allowance and Provision of Care facilities allowances propose an increase of greater than 5%, it is proposed that the changes to the Payment of Expenses and Provision of Facilities to Councillors to placed on public exhibition for 28 days and comments invited and a further report be submitted to the November Council meeting.

**LEICHHARDT MUNICIPAL COUNCIL****REPORT**

**DIVISION:** CORPORATE AND INFORMATION SERVICES

**SUBJECT:** ITEM 26 DAWN FRASER BATHS – INTRODUCTION OF NEW FEE

**AUTHOR & TITLE:** BILL MEANEY – MANAGER AQUATIC FACILITIES

**FILE REF:** F10/00074

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Possible minor reduction in fee income.

**Policy Implications:** Nil

**Strategic Plan Objective:** Community Wellbeing  
Sustainable Services and Assets

**Staffing Implications:** Nil

**Notifications:** Public notice for 28 days, will also be displayed at the Baths

**Other Implications:** Nil

### 1. **Purpose of Report**

To recommend the exhibition of a proposed new family fee for the Dawn Fraser Baths.

### 2. **Recommendation**

That the proposed introduction of a family entry fee at the Dawn Fraser Baths be exhibited for 28 days and a report brought back to Council.

### 3. **Report**

Council has received a request from a resident to introduce a family entry fee at the Dawn Fraser Baths (DFB). Family passes are not currently available at the DFB.

As the fees for the DFB are relatively modest, a family rate has not previously been considered necessary. However family rates are available at the Leichhardt Park Aquatic Centre and on reflection it is considered that it would be reasonable and fair to introduce a family rate at the DFB. The following fees are proposed:

#### **Existing Fees**

<b>Casual Visit</b>	<b>Fee</b>
Adult	\$4.00
Child 5-16yrs	\$2.80
1 Adult with 3 children 5-16yrs (based on existing fees)	\$12.40
2 Adults with 3 children 5-16yrs (based on existing fees)	\$16.40

#### **New Family Fees**

<b>Casual Visit</b>	<b>Full Fee</b>	<b>Proposed Family Fee</b>
Family A – 1 Adult with up to 3 children 5-16yrs	\$12.40	\$9.00
Family B - 2 Adults with up to 3 children 5-16yrs	\$16.40	\$12.00
Each additional child	\$ 2.80	\$1.40
Each additional adult	\$ 4.00	\$2.00

The financial impact of the proposed changes is considered to be minimal and may be offset by possible increased usage of the facility by families.

**LEICHHARDT MUNICIPAL COUNCIL****REPORT**

**DIVISION:** CORPORATE AND INFORMATION SERVICES

**SUBJECT:** ITEM 27 FORMER BALMAIN LEAGUES CLUB SITE  
VOLNTARY PLANNING AGREEMENT

**AUTHOR & TITLE:** DAVID MARSHALL – DIRECTOR CORPORATE AND  
INFORMATION SERVICES

**FILE REF:** F07/00203

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October  
2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Nil

**Policy Implications:** Nil

**Strategic Plan Objective:** Place Where We Live & Work  
A Sustainable Environment  
Sustainable Services and Assets

**Staffing Implications:** Nil

**Notifications:** Rozelle Village Pty Ltd

**Other Implications:** Nil

## 1. **Purpose of Report**

To provide advice to Council on a request by Rozelle Village Pty Limited for the return of bank guarantees lodged in relation to the Voluntary Planning Agreement (VPA) and Development Application (DA) for redevelopment of the Balmain Leagues Club site.

## 2. **Recommendations**

That Council not return the bank guarantees until the development application appeal right has expired or there has been an amendment to the VPA that:

- a. authorises the return and re-lodgement of the guarantees;
- b. includes the new owner of the site; and
- c. includes any new application whether it be a development application or a project under Part 3A of the Act.

## 3. **Background**

On 29 August 2008, an amendment to LEP2000 was gazetted to provide site specific controls for the Balmain Leagues Club site.

Prior to the gazettal of this amendment, on 26 June 2008, Council and the Balmain Leagues Club Limited entered into a VPA to secure a range of public benefits. This VPA was made in accordance with the provisions of the Environmental Planning and Assessment Act current at that time.

On 3 September 2009 a DA was lodged for the redevelopment of the site based on the amendment to LEP2000. The Applicant was dKO Architecture NSW Pty Ltd with the consent of the then owner Balmain Leagues Club Limited.

While the VPA required bank guarantees (securing the public benefits) to be lodged with Council prior to the lodgement of the DA, they were not received until some time after. Council considered a report on the matter in November 2009. The bank guarantees were eventually lodged in mid January 2010. The bank guarantees were to the value of \$750,000 and otherwise complied with Part B of Schedule 3 of the VPA. The guarantees were provided by Rozelle Village Pty Limited, not by Balmain Leagues Club.

On 7 July 2010 the sale of the Balmain Leagues Club site to Rozelle Village Pty Limited was registered on title.

On 8 July 2010, the Joint Regional Planning Panel (JRPP) refused development consent to the DA.

The Applicant's right of appeal to the Land and Environment Court does not expire until 12 months after receipt of the Notice of Determination, namely, some time after 8 July 2011.

#### 4. **Report**

Subsequent to the determination of the DA by the JRPP, Council received a request from Rozelle Village Pty Limited for a return of the bank guarantees. As an appeal to the Land and Environment Court could still be made, Council advised the guarantees would not be returned.

Following a further request for the return of the guarantees, legal advice was sought. In essence that advice was:

- The Voluntary Planning Agreement does not make provision for the return of the bank guarantees.
- In order to protect the Council's interest until such time as the appeal right has expired, the Council in the absence of amendment to the Voluntary Planning Agreement, should continue to hold the bank guarantees.
- Alternatively if Council did want to agree to the request to release the bank guarantees, the Voluntary Planning Agreement should be amended to authorise the release and the re-lodgement upon the making of any appeal and the making of any future application.
- Any amendment to the Voluntary Planning Agreement must be undertaken in accordance with the provisions of the Voluntary Planning Agreement and the Environmental Planning and Assessment Act and Regulations. In particular, the amendment would need to be notified to the Minister and publicly notified.
- In addition, the Voluntary Planning Agreement should be amended to reflect changes to the Environmental Planning and Assessment Act since June 2008 to include provision for lodgement of a bank guarantee in the event of an application under Part 3A of the Act – Major Infrastructure and other projects as well as a new DA.

The Applicant has agreed with Council amendments to the VPA in regard to the return and re-lodgement of the guarantees but has not agreed to update the Agreement to reflect changes to the Act to ensure the promises made by Balmain Leagues Club in the VPA as part of the rezoning process will be kept irrespective of whether a further application to redevelop the site is a development application (under Part 4 of the Act) or a project under Part 3A of the Act.

Clause 17 of the VPA also required Balmain Leagues Club Limited to not sell the site without giving Council notice of the sale and providing to Council a deed setting out the purchaser's agreement to be bound by the provisions of the VPA. This requirement of the VPA was not met and the breach has not been remedied.

#### 5. **Summary/Conclusions**

That Council not return the bank guarantee until the appeal right has expired or there has been an amendment to the VPA that authorises the return and updates the Agreement to include the new owner of the site and a possibility that a new application may be lodged including a project under Part 3A of the Act.



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

**LEICHHARDT MUNICIPAL COUNCIL****NOTICE OF MOTION**

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

**SUBJECT:** ITEM 28 SUMMARY OF MOTIONS OF WHICH DUE NOTICE  
HAS BEEN GIVEN RESOLUTIONS FROM SEPTEMBER  
2010

**FILE REF:** F09/

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October  
2010\261010BP.DOC

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Nil

**Policy Implications:** Nil

**Strategic Plan Objective:** Sustainable Services and Assets

**Staffing Implications:** Nil

**Notifications:** Nil

**Other Implications:** Nil

1. **Purpose of Report**

To advise of the status of the Motions of Which Due Notice Has Been Given Resolutions from September 2010.

2. **Recommendation**

That the information be received and noted.

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