

---

**From:** Cole, Ryan  
**Sent:** Thursday, 30 October 2014 12:49 PM  
**To:** GPSC5 GPSC5  
**Cc:** Lipkova, Veronika; Ronan, Erla  
**Subject:** RE: Inquiry into the performance of the NSW EPA - Transcript of 13 October 2014 hearing  
**Attachments:** Instructions on how to correct transcripts and provide answers.pdf; Leichhardt & White Bay Precinct - Transcript - 13 Oct 2014.pdf

To whom it may concern:

I refer to your request for Council to review the Transcript for the Inquiry into the Performance of the EPA (copy attached).

Based on the instructions (copy attached) that stipulate ‘... you may make alterations **only** if they are necessary to correct a typographical error such as misspellings, duplications or omissions.’ Based on this instruction, I have reviewed the content of my responses and do not propose any changes.

In addition, in response to the question on notice I took during the hearing as follows:

*The Hon. Dr PETER PHELPS: Has council looked at the idea of seeking legal representation for a nuisance tort? Is council statutorily prohibited from bringing a nuisance tort against the cruise lines? I honestly do not know the answer to that question*

*Mr COLE: I would have to take that on notice and talk to our legal advisers.*

I provide a response to the above question on Notice to me, I provide the following:

*‘Council has discussed the matter with its legal advisors. The issues raised associated with the operations of the terminal are the responsibility of the state to address. The issue for Council to seek a nuisance order is misplaced. Council as an organisation is not an impacted party but a stakeholder within the community.’*

Regarding the review of the Transcript and answering of additional questions taken on notice from other persons attending for and on behalf of Council, this document has been passed on for their review and I understand a response will be provided under separate cover. For follow up purposes to these matters, I will be on leave until 13/11/14 and you can contact Veronika Lipkova Personal Assistant to the Mayor of Leichhardt on

Regards,

**Ryan Cole** | Manager, Compliance and Enforcement  
Leichhardt Municipal Council | 7 - 15 Wetherill Street | Leichhardt NSW 2040