

Leichhardt Municipal Council



AGENDA

ORDINARY MEETING

**19 OCTOBER 2010**

SUPPLEMENTARY REPORTS –

ITEMS 15A, 15B, 15C, 25, 27A,  
27B, 29, 30, 31 & 32

**LEICHHARDT MUNICIPAL COUNCIL**  
**ORDINARY MEETING OF COUNCIL**

NOTICE IS HEREBY GIVEN OF THE FOLLOWING **SUPPLEMENTARY ITEMS** FOR THE **ORDINARY MEETING** OF THE LEICHHARDT MUNICIPAL COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, LEICHHARDT TOWN HALL, 107 NORTON STREET, LEICHHARDT, ON **TUESDAY 19 OCTOBER 2010**.

Peter Gainsford  
A/GENERAL MANAGER

**14 OCTOBER 2010**

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## LEICHHARDT MUNICIPAL COUNCIL

# REPORT

**DIVISION:** ENVIRONMENTAL AND COMMUNITY MANAGEMENT

**SUBJECT:** ITEM 15A – DRAFT LLEP 2011 – RECTIFYING ZONING INCONSISTENCIES PART B

**AUTHOR & TITLE:** CLARE HARLEY – EXECUTIVE STRATEGIC PLANNER  
VASILIKI ANDREWS – STUDENT STRATEGIC PLANNER  
BHAVISHA SHETH – STUDENT STRATEGIC PLANNER

**FILE REF:** F08/00169

**DATE:** 3 August 2018

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### DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS

**Financial Implications:** Nil

**Policy Implications:** Strategic Planning implications

**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**

The purpose of this report is to summarise and advise Council of:

- the proposed translation of the Leichhardt Local Environmental Plan 2000 to the Draft Leichhardt Local Environmental Plan 2011;
- the practical resolution of existing zoning inconsistencies (Part B) for a number of parcels of land in the municipality; and
- recommendations in relation to the proposed zoning of property affected by a zoning inconsistency under the Draft LLEP 2011.

## **2. Recommendation**

That Council endorse the recommendations in relation to the proposed zones under the Draft LLEP 2011 for each property as identified in Table 1 attached to this report.

## **3. Report**

### **3.1 Background**

On 28 September 2010 Council resolved to progress the rezoning of a number of zoning inconsistencies in relation to mapping errors, dual zoning and unzoned land. This report (Zoning Inconsistencies Part B) addresses the proposed rezoning of an additional number of properties in relation to dual zoning, unzoned land and mapping errors.

### **3.2 Standard Instrument**

In 2006, the State Government amended the *Environmental Planning and Assessment Act 1979* to introduce the concept of a standardised Local Environmental Plan across NSW.

As such, Leichhardt Council is required to prepare the Draft Leichhardt Local Environmental Plan 2011 (Draft LLEP 2011) in accordance with the Standard Instrument, as gazetted. All clauses, provisions, zone objectives and mapping must be consistent with the intent of the Standard Instrument and all land in the municipality must be zoned and appropriate consideration given to whether land is fit for the purpose for which it is to be zoned.

### **3.3 Translation of Local Environmental Plan 2000**

In February 2009, Council resolved to notify the Director-General of the Department of Planning under Section 54 of the *Environmental Planning and*

*Assessment Act 1979* of its intention to formally commence the preparation of the new principal Local Environmental Plan under the Standard Instrument.

The Draft LLEP 2011 Council will be a translation of the Local Environmental Plan 2000 (LEP 2000).

A translation of LEP 2000 means that existing zones will be matched with the zone under the Standard Instrument which most closely reflects current zone objectives and land use tables.

In preparing the Draft Leichhardt Local Environmental Plan 2011 Council will translate the existing land use zones in accordance with the following table:

<b>LEP 2000 Zoning</b>	<b>Draft LLEP 2011 Zoning</b>
<b>Residential</b>	General Residential (R1)
<b>Business</b>	Neighbourhood Centre (B1) or Local Centre (B2) or Mixed Use (B4) or Enterprise Corridor (B6) or Business Park (B7)
<b>Industrial</b>	Light Industrial (IN2)
<b>Open Space</b>	Public Recreation (RE1) or Private Recreation (RE2)
<b>Public Purpose Zone</b>	Special Activities (SP1) or Infrastructure (SP2)

PROPOSED TRANSLATION OF LEP 2000 ZONES TO THE DRAFT LLEP 2011

The majority of the municipality will be readily translated from one zone to an equivalent zone under the Draft LLEP 2011. The proposed translation of the majority of the municipality has been the subject of a series of Councillor Briefings and will be reported in full to Council at the November 2010 Council meeting.

### **3.4 Programme for the preparation of the Draft Leichhardt Local Environmental Plan 2011**

In 2009 Councillors participated in a series of workshops and briefings to facilitate the translation of Leichhardt Local Environmental Plan 2000 to the Draft Leichhardt Local Environmental Plan 2011.

In August 2010 Council resolved to endorse a reporting timeframe for the completion of the Draft LLEP 2011. In September 2010 Council resolved to adopt the Residential Development Strategy Stage 1 and to adopt recommendations in relation to the proposed zoning and rezoning of properties affected by zoning inconsistencies (Part A).

It is proposed that the s.64 Report and associated documentation will be reported to Council at the November Council meeting. As previously advised,

in order to meet that deadline a series of reports will be prepared for Councillor's consideration as follows:

Proposed Report date	Topic of Council Report	Status
August	Translation of LEP 2000	Adopted 24/8/10
September	Zoning inconsistencies Part A	Adopted 28/9/10
September	Residential Development Strategy	Adopted 28/9/10
October	Public Purpose Zone	October meeting
October	Zoning inconsistencies Part B	October meeting
November	s.64 report	November meeting
November	Floor Space Ratio	November meeting

### 3.5 Rectification of zoning inconsistencies

A comprehensive review of land parcels in the municipality has established that some parcels have a zoning status that cannot be directly translated from a zone under Leichhardt Local Environmental Plan 2000 to a comparable zone under the Draft LLEP 2011. The review has also identified the particulars of each instance of inconsistent zoning and suggested the most suitable zone under the Draft LLEP 2011.

The proposed course of action will rectify:

- mapping errors,
- instances where land is unzoned and
- instances where zoning has not been altered to reflect an approved development application or subdivision.

The proposed rezonings do not include:

- formalisation of existing use rights; or
- strategic rezoning of parcels of land which will result in a change of permitted land uses; or
- zoning of properties that are zoned 'Public Purpose' under Leichhardt Local Environmental Plan 2000.

A Discussion Paper which sets out the issues in detail has been prepared for the Department of Planning and is included as Attachment A to this report. Council considered an earlier version of the Discussion Paper at the September 2010 Council meeting. Minor changes to the Paper have been made. The Discussion Paper:

- Summarises the types of zoning inconsistencies
- Outlines the relevant statutory context
- Outlines the process of evaluation of each property
- Summarises the recommendations in relation to the rezoning of properties

Table 1 attached to this report summarises the proposed rezonings which are necessary to resolve existing zoning inconsistencies. Datasheets have also been prepared for each parcel/s of land which have an identified zoning inconsistency. The detailed datasheets identify site specific information and a zoning recommendation for each property. The datasheets have been provided to Councillors under separate cover.

### **3.6 Context – State Environmental Planning Policy No. 55 – Remediation of Land**

#### **3.6.1 *Why should Council consider the potential for contamination?***

Council should consider the potential for contamination before progressing a zoning or rezoning to:

- ensure that changes to land use will not increase the risk to health or the environment;
- avoid inappropriate restrictions on land use;
- exercise its statutory planning functions with a reasonable standard of care;
- link decisions about the development of land with available information about contamination possibilities

#### **3.6.2 *Contamination issues***

In rezoning land, Council must give consideration to the requirements of State Environmental Planning Policy No 55 - Remediation of Land. The SEPP provides special consideration to land proposed to be zoned to permit residential, open space or child care uses where there is incomplete knowledge as to whether the land may have had an historic use that contaminated the land.

This presents some particular challenges for Leichhardt given it contains some of the oldest settled land in Sydney and both Annandale and Balmain (particularly its waterfront land) have a long history of cottage (backyard) or maritime industries where toxic chemicals were regularly used.

This risk is further complicated by the possibility that imported fill was used to fill behind seawalls or level the land with long standing residential uses. Historically this fill was often the by-product of power stations or other industrial processes and consequently contaminated. Other sources of contamination in the area are the widespread use of lead paint, lead fallout from the power stations and historical use of now banned pesticides or herbicides.

Given this history, Council has adopted a pragmatic approach and has proposed land to be rezoned where the proposed change in permissible uses does not include more sensitive uses than those currently permitted and occurring on the land and where the land to be rezoned is currently being used in conjunction with adjoining land (which has the same zoning as the proposed zoning).

As part of the LEP process, Council will also be writing to the owners of land about the draft LEP, to advise of the rezoning, the complexities of the SEPP55 assessment and the need to address the requirements of the SEPP in any future development applications for the land and other relevant matters.

### ***3.6.3 How are the requirements of SEPP 55 being satisfied in relation to zoning inconsistencies?***

In order to satisfy the requirements of SEPP 55 and protect the interests of Council, residents and business owners Council officers have adopted the following approach:

1. Datasheets have been prepared for all properties which are subject to a zoning inconsistency. The datasheets are a review of information in relation to each property.
2. Undertaken an 'Initial Evaluation' of each property subject to a zoning inconsistency to determine:
  - whether land contamination is relevant to the decision being made and
  - whether further information is required

The initial evaluations are based on readily available information including current and previous rezoning, property files, and development applications

3. All sites that satisfy the requirements of the approach outlined above, in (1) and (2), are being progressed to draft rezoning stage, provided they meet all other requirements.
4. Those sites that do not satisfy the above approach may need to be dealt with as part of a future LEP.

## **3.7 Zoning of roads**

The Department of Planning has indicated that it requires that all roads be zoned to the dominant, adjacent land use under the Draft LLEP 2011. Council will be briefed, at a future Council meeting in relation to:



- the recommended zoning of local roads in the municipality; and
- implications of the proposed zoning of local roads.

#### **4. Summary/Conclusions**

This Report advises Council of actions required to progress the translation of the Leichhardt Local Environmental Plan 2000 to the Draft Leichhardt Local Environmental Plan 2011 in relation to existing zoning inconsistencies (Part B).

## LEICHHARDT MUNICIPAL COUNCIL

# REPORT

**DIVISION:** ENVIRONMENTAL AND COMMUNITY MANAGEMENT

**SUBJECT:** ITEM 15B – DRAFT LLEP 2011 – PROPOSED ZONING OF PUBLIC PURPOSE LAND

**AUTHOR & TITLE:** CLARE HARLEY – EXECUTIVE STRATEGIC PLANNER  
VASILIKI ANDREWS – STUDENT STRATEGIC PLANNER  
BHAVISHA SHETH – STUDENT STRATEGIC PLANNER

**FILE REF:** F08/00169

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\19 10 10 Supp Book.doc

### DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS

**Financial Implications:** Nil

**Policy Implications:** Strategic Planning implications

**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**

The purpose of this report is to summarise and advise Council of:

- the proposed translation of the Leichhardt Local Environmental Plan 2000 to the Draft Leichhardt Local Environmental Plan 2011;
- the proposed zoning of Public Purpose land under the Draft LLEP 2011

## **2. Recommendation**

That Council Endorse the recommendations in relation to the proposed zones under the Draft LLEP 2011 for each property as identified in Table 2 attached to this report.

## **3. Background**

### **3.1 Standard Instrument**

In 2006, the State Government amended the *Environmental Planning and Assessment Act 1979* to introduce the concept of a standardised Local Environmental Plan across NSW.

As such, Leichhardt Council is required to prepare the Draft Leichhardt Local Environmental Plan 2011 (Draft LLEP 2011) in accordance with the Standard Instrument, as gazetted. All clauses, provisions, zone objectives and mapping must be consistent with the intent of the Standard Instrument and all land in the municipality must be zoned and appropriate consideration given to whether land is fit for the purpose for which it is to be zoned.

### **3.2 Translation of Local Environmental Plan 2000**

In February 2009, Council resolved to notify the Director-General of the Department of Planning under Section 54 of the *Environmental Planning and Assessment Act 1979* of its intention to formally commence the preparation of the new principal Local Environmental Plan under the Standard Instrument.

The Draft LLEP 2011 will be a translation of the Local Environmental Plan 2000 (LEP 2000). A translation of LEP 2000 means that existing zones will be matched with the zone under the Standard Instrument which most closely reflects current zone objectives and land use tables.

In preparing the Draft Leichhardt Local Environmental Plan 2011 Council will translate the existing land use zones in accordance with the following table:

<b>LEP 2000 Zoning</b>	<b>Draft LLEP 2011 Zoning</b>
Residential	General Residential (R1)
Business	Neighbourhood Centre (B1) or Local Centre (B2) or Mixed Use (B4) or Enterprise Corridor (B6) or Business Park (B7)
Industrial	Light Industrial (IN2)
Open Space	Public Recreation (RE1) or Private Recreation (RE2)
Public Purpose Zone	Special Activities (SP1) or Infrastructure (SP2)

**Proposed translation of LEP 2000 zones to the Draft LLEP 2011**

The majority of the municipality will be readily translated from one zone to an equivalent zone under the Draft LLEP 2011. The proposed translation of the majority of the municipality has been the subject of a series of Councillor Briefings and will be reported in full to Council at the November 2010 Council meeting.

Council is completing strategic studies which will inform the preparation of a future, second stage LEP in which strategic land use change may be considered. The purpose of this report is to make recommendations in relation to the translation of the Public Purpose Zone.

### **3.3 Programme for the preparation of the Draft Leichhardt Local Environmental Plan 2011**

In 2009 Councillors participated in a series of workshops and briefings to facilitate the translation of Leichhardt Local Environmental Plan 2000 to the Draft Leichhardt Local Environmental Plan 2011.

In August 2010 Council resolved to endorse a reporting timeframe for the completion of the Draft LLEP 2011. In September 2010 Council resolved to adopt the Residential Development Strategy Stage 1 and to adopt recommendations in relation to the proposed zoning and rezoning of properties affected by zoning inconsistencies.

It is proposed that the s.64 Report and associated documentation will be reported to Council at the November Council meeting. As previously advised, in order to meet that deadline a series of reports will be prepared for Councillor consideration as follows:

<b>Proposed Report date</b>	<b>Topic of Council Report</b>	<b>Status</b>
August	Translation of LEP 2000	Adopted 24/8/10
September	Zoning inconsistencies Part 1	Adopted 28/9/10
September	Residential Development Strategy	Adopted 28/9/10
October	Public Purpose Zone	October meeting
October	Zoning inconsistencies Part 2	October meeting
November	Floor Space Ratio	November meeting
November	s.64 report	November meeting

### **3.4 Statutory Context - State Environmental Planning Policy (Infrastructure)**

The State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP) was introduced to facilitate the delivery of infrastructure across NSW. The Infrastructure SEPP has specific planning provisions and development controls for 25 types of infrastructure including schools, hospitals, railways and airports. Some types of infrastructure are permitted in all zones under the Infrastructure SEPP.

### **3.5 Statutory Context - Local Environmental Plan Practice Note (PN 08-002)**

The Department of Planning issued a *Local Environmental Plan Practice Note (PN 08-002) Zoning for Infrastructure in LEPs* to provide Councils with advice as to how to zone public infrastructure land when preparing a comprehensive LEP in accordance with the Standard Instrument and the Infrastructure SEPP. The Practice Note states that certain principles should be followed when zoning infrastructure in new LEPs. Those principles are:

- 1) Where the infrastructure is permitted on all land:
  - Future infrastructure may be placed in any zone
  - Existing 'special use' zones should be rezoned the same as the adjacent zone
  - Roads must be zoned
- 2) Where the infrastructure type is only permitted in certain prescribed zones:  
*(a 'prescribed zone' means a zone that is nominated as a zone where certain types of infrastructure are permitted under the Infrastructure SEPP)*
  - Provide infrastructure in the prescribed zones rather than special use zones
  - Existing 'special use' zones should be rezoned the same as the adjacent land
  - Rezone the land SP2 Infrastructure if there is no adjacent prescribed zone
- 3) If currently zoned 'special use' the following infrastructure land should remain zoned for a 'special purpose'
  - Special purposes such as cemeteries, waste disposal or land fill sites
  - Large complexes or strategic sites should be zoned SP2 Infrastructure
- 4) Where land is to be zoned SP1 Special Activities or SP2 Infrastructure:
  - Include flexible zone boundary provisions
  - Use generic land use map annotations to describe the broad use of the land

5) Where surplus land is currently zoned 'special use'

- The land should be rezoned as a compatible land use, or
- The land should be rezoned consistent with a valid site compatibility certificate

6) When preparing an LEP avoid duplicating any provisions included in the Infrastructure SEPP

The majority of the lands currently zoned as Public Purpose under the LLEP 2000 are recommended to be zoned as SP2 Infrastructure or SP1 Special Activities in this report. It is noted that the Department of Planning is unlikely to support this approach and may require Council to review the proposed zoning of public, community and cultural infrastructure. Other Councils have not been able to retain public purpose zoning for public, community and cultural infrastructure in their gazetted Standard Instrument Local Environmental Plans.

#### 4.0 **Report**

As previously noted, the NSW Government introduced the State Environmental Planning Policy (Infrastructure) 2007 and Practice Notes which, essentially, require that all Councils in NSW rezone Public Purpose land to the adjacent land use zone.

Council's Strategic Planning team has reviewed all properties currently zoned Public Purpose or Special Uses, considered relevant legislation, reviewed the approach adopted by other Councils and has prepared a Discussion Paper which outlines the proposed approach and recommended zoning of public, community and cultural infrastructure under the Draft LLEP 2011.

For detailed information in relation to this matter reference should be made to the Discussion Paper – *Zoning Public Purpose land under the Draft Leichhardt Local Environmental Plan 2011* (Attachment A). The Discussion Paper:

- outlines the background and statutory context within which the Draft LLEP 2011 is being prepared;
- explains the requirements of the *Infrastructure SEPP* and other relevant legislation and guidelines in relation to Public Purpose land;
- summarises the existing situation;
- outlines the implications of implementing the requirements of the *Infrastructure SEPP* and relevant guidelines;
- explains the requirements of *SEPP No. 55 – Remediation of Land* in relation to potential for contamination and the rezoning of Public Purpose land;

- recommends the proposed zoning of each parcel of land used for public, community and cultural purposes under the Draft LLEP 2011.

This report and the Discussion Paper relate to all Public Purpose lands in the municipality, other than land to which the Callan Park Act and Sydney Regional Environmental Plan No. 26 applies. Table 1 below provides a summary of all land currently zoned Public Purpose.

<b>Land Use</b>	<b>No. of sites</b>
Callan Park	1
Child Care	4
Churches and associated buildings	19
Community facilities (Community centres, child care, aged care)	9
Council infrastructure (Town Hall, Depot, Admin Building, Car Park)	7
Educational establishments	
Non-government (includes schools run by religious organisations such as the Catholic Church)	10
Government	10
Emergency Service Facilities	
Fire Stations	2
Water Police Headquarters	1
Film, media and arts (Big Red Box & Canal Rd Film Centre)	2
Health Service Facility – Balmain Hospital	1
Multiple uses (commercial)	3
Residential	6
Transport	
Bus Depot	6
Ferry Wharf	2
Public Infrastructure – Utilities	
Energy Australia	10
Sydney Water	8
AGL	1
Miscellaneous	6
<b>Total</b>	<b>118</b>

Note that a site may contain a number properties and parcels of land

**Table 1: Summary of Public Purpose lands in the LGA**

#### **4.1 Rationale for retaining a public purpose zoning**

Council staff are proposing to translate the majority of the existing Public Purpose lands to either SP2 Infrastructure or SP1 Special Activities. It is noted that the Department of Planning is unlikely to support this approach and may require Council to review the proposed zoning of public, community and cultural infrastructure.

The rationale for retaining a public purpose zoning in the majority of instances is summarised as follows:

1. There is inadequate consideration of the social, economic and environmental implications of rezoning Public Purpose land to the adjacent land use zone.

2. There is no regional or subregional framework to inform the long term provision of public, community and cultural infrastructure;
3. Zones such as the General Residential (R1) Zone are not the best zone for public, community and cultural infrastructure and should not be applied to Public Purpose land just because they are the adjacent land use zone;
4. Rezoning of Public Purpose land to the adjacent land use zone may result in a reduction of land available for public, community and cultural infrastructure;
5. Adopting the land use zone adjacent to Public Purpose introduces a strategic dimension that has not been investigated to an appropriate degree;
6. Retaining a Public Purpose zone for public, community and cultural infrastructure is symbolically important to the community as it is an explicit statement of intent to retain public lands for public purposes;
7. Council has incomplete knowledge about historic land use in the municipality and cannot rezone Public Purpose land in the absence of appropriate information in relation to site contamination. As the Department of Planning has requested that Council rezone Public Purpose land the onus is on the Crown to provide that information.
8. The view that public purpose zoning should be retained is supported by that of other Councils which have similarly proposed the use of public purpose zoning.

## **4.2 Categories of Public Purpose land**

The recommendations contained in the report and the related Discussion Paper are the result of an analysis of the characteristics of each site currently zoned Public Purpose. Sites with similar characteristics have been grouped and considered in light of the Principles outlined in the Department of Planning's *Local Environmental Plan Practice Note (PN 08-002) Zoning for Infrastructure in LEPs*.

The categories of Public Purpose land are:

- Large complexes or strategic sites
- Educational establishments
- Places of worship and associated facilities
- Emergency Service facilities
- Public Utilities
- Health Services Facilities
- Child care
- Community facilities



- Council Infrastructure
- Film, Media and Arts
- Transport Infrastructure
- Residential

#### *Large complexes or strategic sites*

A number of large and complex sites are located in the municipality. They are sites that would require a Masterplan to be in place before a change of use would be considered appropriate. Principle 3 of the Practice Note PN08-002 states that 'large complexes and strategic sites should be rezoned to SP2 Infrastructure if they are currently zoned for a public purpose. This category includes the Balmain and Leichhardt Civic Precincts, St Fiacres Church and school, the St Brendan's, St Columbas and All Souls complexes.

#### *Educational Establishments*

There are 20 schools zoned Public Purpose in the municipality. Large school sites such as the Balmain and Leichhardt Secondary colleges, Orange Grove, Kegworth, Rozelle, Annandale, Birchgrove and Annandale North Primary Schools have also been categorised as large strategic complexes.

Smaller school sites may be made particularly vulnerable to redevelopment if zoned to the adjacent use, in accordance with the Practice Note Principles.

The municipality is currently experiencing growth in the number of pre-school aged children. That trend is expected to continue with demand for school places rising correspondingly. Therefore, a zone of SP2 Infrastructure – Educational Establishment is recommended for all school sites in the municipality.

#### *Places of public worship*

Places of public worship and associated facilities are considered to be too important to the community to be made vulnerable to redevelopment as a result of a rezoning to the adjacent use. In a municipality with an increasingly dense population with diverse backgrounds and requirements, churches and church halls provide space and services which are in strong demand in the community.

They provide low cost facilities and venue hire for a range of non-religious activities including social, community and educational groups, support services and cultural and art activities. All places of public worship and associated land in the municipality are proposed to be zoned SP2 Infrastructure.

#### *Emergency service facilities*

Three emergency service facilities are currently zoned Public Purpose. They are the Balmain and Leichhardt Fire Stations and the Water Police Headquarters. The Balmain Fire Station is considered to be essential infrastructure and should be zoned SP2 Infrastructure. The Leichhardt Fire Station is part of the Leichhardt Civic Precinct which is considered to be a large strategic site. Furthermore, the adjacent zone of Residential is not a zone in which a fire station is permissible. The Water

Police Headquarters site is contaminated and cannot be rezoned to the adjacent use.

#### *Public utilities*

The following utility providers are located within the municipality:

- Energy Australia
- Sydney Water
- AGL

It is noted that Principle 1 of the Practice Note PN08-002 may apply to public utilities owned by a Public Authority. The principle suggests that as the uses are permissible with consent in any zone they should be rezoned to the adjacent land use. The application of the adjacent zone is not supported in relation to the majority of the public utility sites for the following reasons:

- Where the utility provider has indicated a preference for a SP2 Infrastructure zone despite the requirements of the Department of Planning
- Where there are any contamination issues
- To give an explicit indication to the community that the sites are to have a long term use as public utilities

It is noted that Energy Australia support the retention of a public purpose or SP2 zoning for all of their sites and Sydney Water for some of their sites.

#### *Health service facilities*

The Balmain Hospital site has a large site area and its strategic location in Balmain would require an extensive Masterplan process before any change of use could be considered appropriate. Furthermore, the retention of the SP2 Infrastructure zoning is sought to ensure that there is an explicit indication of the intent for the site to be retained by the NSW Government as a Hospital site. Therefore the site is proposed to be zoned SP2 Infrastructure under the Draft LLEP 2011

#### *Transport Infrastructure*

The ferry facilities at Waterview and Alexander Streets as well as the Leichhardt Bus Depot cannot be zoned to the adjacent residential zones due to the requirements of the Infrastructure SEPP, with residential zones not being a prescribed zone for these uses. The proposed zoning is therefore SP2 Infrastructure.

#### *Child Care and pre-schools*

Not-for-profit community based child care facilities are proposed to be zoned SP2 – Infrastructure. Pre-schools are considered to be educational establishments and have been dealt with in that category.

### *Community facilities*

A variety of community centres and facilities are located within the municipality. The community and cultural facilities are important as they provide facilities such as:

- day care for well aged and frail aged people (including Italian and Greek specific days), dementia sufferers, people with disabilities,
- programs in Italian, Greek, Russian and Egyptian Coptic,
- line dancing and art classes,
- snooker group,
- physiotherapy,
- in-centre activities and day outings,
- vocational counselling, communication skills;
- needle exchange services;
- family relationship counselling,
- job seeking skills and a job network.

The community halls and other buildings that accommodate these activities make a significant contribution to community activity and social cohesion and may be made vulnerable to redevelopment if zoned to the adjacent land use. A zone of SP2 Infrastructure is recommended.

### *Council infrastructure*

Council owns a number of properties which are zoned Public Purpose. The landholdings include Balmain and Leichhardt Town Halls, Balmain depot, Council's Administration buildings, car parks and a drainage reserve. The Council land holdings are proposed to be zoned SP2 Infrastructure in accordance with Principle 3 of the Practice Note as they are large, strategic sites.

Council's land holdings are classified as operational land. A rezoning would potentially,

### *Film, media and arts*

#### *1 Canal Road, Canal Road Film Centre.*

1 Canal Road is currently used for film, media and the arts and is owned by the State Property Authority which seeks a rezoning to the IN2 Light Industrial Zone. The IN2 zoning would permit the range of activities currently existing at the site and would be a better fit than a public purpose zone.

#### *Big Red Box and Arts Centre – 91 Canal Road*

91 Canal Road includes performance and rehearsal space, office space, meeting rooms and storage for the museum. A portion of the site is a purpose built facility that has an important ancillary function to the Art Gallery of NSW and is considered to be a site that warrants the SP1 Special Activities Zone.

### *Residential*

A number of properties are proposed to be rezoned to R1 Residential Zone. All are purpose built or renovated for residential purposes in accordance with approved Development applications.

### *Miscellaneous*

A number of properties have been categorised as 'Miscellaneous' due to the nature of the site and the activities which occur on the site. They are:

- a section of land that was acquired by the RTA to accommodate the City West Link and now incorporates a wetland, the road and a part of the footbridge;
- the Catholic Schools Board located at 38-40 Renwick Street, Leichhardt which accommodates the Catholic Schools regional office and support services;
- Annandale Post Office is located at the intersection of Booth Street and Johnston Street;
- four small parcels of undevelopable land (due to size and shape) that is proposed to be zoned R1 General Residential. Three will be sold to the adjacent landowners and the fourth is part of an accessway that is otherwise zoned R1 General Residential.

## **4.3 State Environmental Planning Policy No. 55 – Remediation of Land**

### ***4.3.1 Why should Council consider the potential for contamination?***

Council should consider the potential for contamination before progressing a zoning or rezoning to:

- ensure that changes to land use will not increase the risk to health or the environment;
- avoid inappropriate restrictions on land use;
- exercise its statutory planning functions with a reasonable standard of care;
- link decisions about the development of land with available information about contamination possibilities.

### ***4.3.2 Contamination issues***

In rezoning land, Council must give consideration to the requirements of State Environmental Planning Policy No 55 - Remediation of Land. The SEPP provides special consideration to land proposed to be zoned to permit residential, open space or child care uses where there is incomplete knowledge as to whether the land may have had an historic use that contaminated the land.

This presents some particular challenges for Leichhardt given it contains some of the oldest settled land in Sydney and both Annandale and Balmain (particularly its

waterfront land) have a long history of cottage (backyard) or maritime industries where toxic chemicals were regularly used.

This risk is further complicated by the possibility that imported fill was used to fill behind seawalls or level the land with long standing residential uses. Historically this fill was often the by-product of power stations or other industrial processes and consequently contaminated. Other sources of contamination in the area are the widespread use of lead paint, lead fallout from the power stations and historical use of now banned pesticides or herbicides.

Given this history, Council has adopted a pragmatic approach and has proposed land to be rezoned where the proposed change in permissible uses does not include more sensitive uses than those currently permitted and occurring on the land and where the land to be rezoned is currently being used in conjunction with adjoining land (which has the same zoning as the proposed zoning).

As part of the LEP process, Council will also be writing to the owners of land about the draft LEP, to advise of the rezoning, the complexities of the SEPP55 assessment and the need to address the requirements of the SEPP in any future development applications for the land and other relevant matters.

#### ***4.3.3 How are the requirements of SEPP 55 being satisfied?***

In order to satisfy the requirements of SEPP 55 and protect the interests of Council, residents and business owners, Council officers have adopted the following approach:

1. Datasheets have been prepared for all properties which are proposed to be rezoned (as opposed to being translated). The datasheets are a review of information in relation to each property.
2. Undertake an 'Initial Evaluation' of each property subject to proposed rezoning, to determine:
  - whether land contamination is relevant to the decision being made and
  - whether further information is required

The initial evaluations are based on readily available information including current and previous rezoning, property files, and development applications

3. Sites that satisfy the requirements of the approach outlined in (1) and (2), above are being progressed to the draft rezoning stage, provided they meet all other requirements.

## **5. Summary/Conclusions**

This Report follows on from a series of Councillor briefings in relation to the translation of LLEP 2000 to the Standard Instrument. The report advises Council of actions required to progress the translation of the Leichhardt Local Environmental Plan 2000 to the Draft Leichhardt Local Environmental Plan 2011 in relation to the proposed zoning of Public Purpose land.

The translation of the majority of the existing Public Purpose lands to an equivalent Standard Instrument zone of SP2 Infrastructure or SP1 Special Activities is proposed as outlined in Table 2 (attached to this report). It is noted that the Department of Planning is unlikely to support this approach and may require Council to review the proposed zoning of public, community and cultural infrastructure.

## LEICHHARDT MUNICIPAL COUNCIL

# REPORT

**DIVISION:** ENVIRONMENTAL AND COMMUNITY MANAGEMENT

**SUBJECT:** ITEM 15C – BUILDING CERTIFICATE FOR 126 HUBERT STREET, LILYFIELD

**AUTHOR & TITLE:** SIMON TURNER – EXECUTIVE OFFICER

**FILE REF:** BC/88/2010

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\19 10 10 Supp Book.doc

### DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS

**Financial Implications:** Nil

**Policy Implications:** Nil

**Strategic Plan Objective:** Nil

**Staffing Implications:** Applicant and owner of the subject property is a Council Staff member.

**Notifications:** Nil

**Other Implications:** Nil

**1. Purpose of Report**

The purpose of the report is to consider a building certificate application for the sale of a property known as 126 Hubert Street Lilyfield.

The applicant and owner of the subject property is a staff member. The application has been made for the purposes of selling the property.

As the application is for the purposes of the sale of a property the usual practice is that these applications are considered on an urgent basis.

**2. Recommendation**

That the independent consultant recommendation that the building certificate application BC/88/2010 be issued be adopted.

**3. Report**

Under the current delegations of the General Manager, Council's Director of Environmental and Community Management and Manager Assessments do not have the delegation to consider and determine applications made by an applicant who is a Council employee or by the owner of the subject property who is a Council employee.

To avoid a potential conflict of interest the consistent application for this practice is that Council refers the application to an independent consultant for consideration and to make a recommendation. This recommendation is reported to a Council meeting for consideration.

The independent consultant has been appointed. The independent consultant has recommended that the building certificate application BC/88/2010 be issued.

It is considered that the advice given is consistent with planning case law and Council's current practices.

**4. Summary/Conclusions**

The building certificate application BC/88/2010 has been considered by an independent consultant with a recommendation that the application be issued. Therefore it is recommended that the building certificate application BC/88/2010 be issued be adopted.



## LEICHHARDT MUNICIPAL COUNCIL

# REPORT

**DIVISION:** CORPORATE AND INFORMATION SERVICES

**SUBJECT:** ITEM 25 – SUPPLEMENTARY REPORT TO ITEM 25 –  
POLICY FOR PAYMENT OF EXPENSES AND PROVISION  
OF FACILITIES TO COUNCILLORS

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

**FILE REF:** F97/00345

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\19  
10 10 Supp Book.doc

### DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS

**Financial Implications:** Nil

**Policy Implications:** Once adopted, Policy to be updated and included  
in Policy Register

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

**Staffing Implications:** Nil

**Notifications:** Proposed changes to the Policy to be advertised  
and comments invited for 28 days.

**Other Implications:** Nil

**1. Purpose of Report**

To propose a further change to the Policy for Payment of Expenses and Provision of Facilities to Councillors (in addition to those already proposed in the original report on this Business Paper – Item 25 on pages 127-131 of the main Business Paper).

**2. Recommendation**

That the changes to the Payment of Expenses and Provision of Facilities to Councillors Policy (as outlined in the original report on this Business Paper and the further change proposed in this Supplementary Report) be placed on public exhibition for 28 days and comments invited and a further report be submitted to the November Council meeting.

**4. Report**

The current Policy provides for the *“provision of smart cards (upon request) to the value of \$50.00 per quarter”*.

Since the printing of the original report on this Business Paper (which recommends that this amount be increased to \$52.00 in line with the 3.1% increase in Leichhardt Council’s parking meter fees), it has come to light that smart cards for parking meters are being phased out and no more are being made with the introduction of parking meters which accept credit cards.

It is therefore recommended that a further change be proposed to the Policy as follows;

*“An allowance of \$52.00 be made to Councillors per quarter (upon request) for parking meter fees in the Municipality.”*

This would be *upon request*, as is the current practice with the provision of smart cards, and is similar to the allowance provided to Councillors who use their own phones for Council business.

## LEICHHARDT MUNICIPAL COUNCIL

# REPORT

**DIVISION:** CORPORATE AND INFORMATION SERVICES

**SUBJECT:** ITEM 27A – ANNUAL FINANCIAL REPORTS FOR THE YEAR ENDING 30 JUNE 2010

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

**FILE REF:** F10/00075

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\19 10 10 Supp Book.doc

### DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS

**Financial Implications:** Financial result for 2009/10 maintains Council's healthy financial position. Carryovers reduced by 47% from prior year.

**Policy Implications:** Continuous improvement in line with financial policy.

**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:** Public notice will be given in accordance with the Local Government Act.

**Other Implications:** Nil

## **1. PURPOSE OF REPORT**

To present Council's audited financial reports for the year ending 30 June 2010 and seek the adoption of a statement by Council in relation to the reports.

## **2. RECOMMENDATIONS**

2.1 That Council resolves to adopt the 2009/10 audited Financial Report, including the following statement:

(a) the annual financial reports have been drawn up in accordance with:

(i) the Local Government Act 1993 and Regulations, and

(ii) the Local Government Code of Accounting Practice and Financial Reporting, and

(iii) the Australian Accounting Standards and professional pronouncements, and

(b) the reports present fairly the Council's financial position and operating result for the year, and

(c) the reports accord with the Council's accounting and other records, and

(d) the Council does not know of anything that would make the reports false or misleading in any way.

2.2 That Council adopt carryover expenditure for 2009/10 of \$8,896,432 as detailed in the attachment to this report and represented by:

Unexpended grant funded works:

Grants received	\$802,155
Grants to be received	\$548,137
Unexpended revenue funded works	\$3,590,148
Unexpended reserves, loans, s94 funded works	\$3,955,992

2.3 That Council note that a public notice regarding the financial reports will be advertised in accordance with the Act and any comments received from the public will be provided to the next Council meeting.

2.4 That Council express its appreciation to the auditors Warton Thompson and Co. for their assistance throughout the 2009/10 financial year.

### **3. BACKGROUND**

The Local Government Act requires Council to prepare financial reports which must be audited by 31 October each year. Accordingly, financial reports have been prepared in accordance with relevant legislation, codes and standards, and have been audited by Council's external auditor. The audited financial reports including a copy of the Auditor's report have been provided separately to Councillors.

Before the financial reports can be finalised, Council is required to adopt a statement on its financial reports in the following terms:

- (a) whether or not the council's annual financial reports have been drawn up in accordance with:
  - (i) the Local Government Act 1993 and Regulations, and
  - (ii) the Local Government Code of Accounting Practice and Financial Reporting, and the Local Government Asset Accounting Manual, and
  - (iii) the Australian Accounting Standards issued by the Australian Accounting Standards Board, and
- (b) whether or not those reports present fairly the Council's financial position and operating result for the year, and
- (c) whether or not those reports accord with the Council's accounting and other records, and
- (d) whether or not the signatories know of anything that would make those reports false or misleading in any way.

The statement must be signed by the Mayor, at least one Councillor, the General Manager and the Responsible Accounting Officer.

In order to make the above statement, Councillors must rely significantly on the advice of Council staff as well as the external auditor. The Acting General Manager and Responsible Accounting Officer (Finance Manager) have confirmed that, to the best of their knowledge and belief, the statement listed above is true. The auditor's report, attached, should also provide comfort to Councillors as to the financial reports.

Council is also required to present the audited financial reports together with the Auditor's report to a publicly advertised meeting of the Council. Public notice regarding the financial reports will be advertised in accordance with the Act and any comments received from the public will be provided to the next Council meeting.

## 4. REPORT

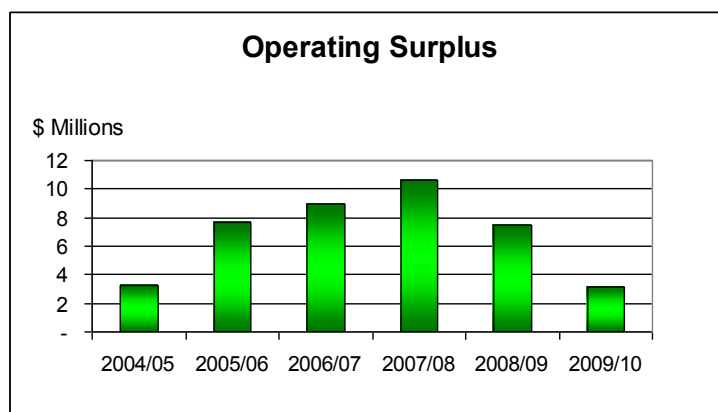
The 2009/10 financial year has produced a strong financial result and maintained Council's sound financial position. After conducting the external audit, the auditor concluded that Council is considered to be in a very stable financial position, with Unrestricted Current Ratio and Debt Servicing commitments better than industry benchmarks.

A summary of the financial result and key financial indicators for the 2009/10 financial year is provided below:

### 4.1 Operating Surplus

**\$ 3,105,000**

The operating result is a measure of the net increase in the value of all assets, including infrastructure assets. It is important to note that the Operating surplus represents an 'accounting' surplus, it is not a surplus of available cash. The operating result takes into account the revenues received by Council, less the expenses from operations including depreciation of assets (a theoretical non-cash amount). The operating result excludes capital expenditure (actual expenditure on assets). In summary, the operating surplus indicates that Council's revenues exceeded the costs of providing its services and the depreciation of its assets by \$3,105,000, which is a good financial result.



While the operating surplus has decreased over the last two years, this result can vary in any given year due to many factors such as one-off grant income and the level of carryovers. For example, there was a grant of \$3,000,000 for Leichhardt Oval received in 2007/08, and \$1,900,000 RTA compensation for compulsory land acquisition in 2008/09. There has been additional expenditure incurred in undertaking carryover works this year from funds received in prior years, with a reduction in outstanding works of some \$8,003,000 in 2009/10, or 47% compared to 2008/09. The operating surplus is also impacted by the level of depreciation, which has increased from \$8,410,000 in 2007/08 to \$10,341,000 in 2009/10, mainly due to an increase in depreciation for building assets as a result of the fair value revaluation in 2008 and new building works undertaken.

Depreciation is the allocation of the capital cost of an asset over the period of its useful life. Following a revaluation of building assets in 2008, which increased the estimated value of the assets, the estimated period of useful life remaining for these assets has been reviewed and adjusted downwards. This has had the effect of increasing the amount of depreciation expensed in the operating statement to reflect a more realistic estimate of the depletion of the assets over time.

#### 4.2 Working Funds Surplus 2009/10

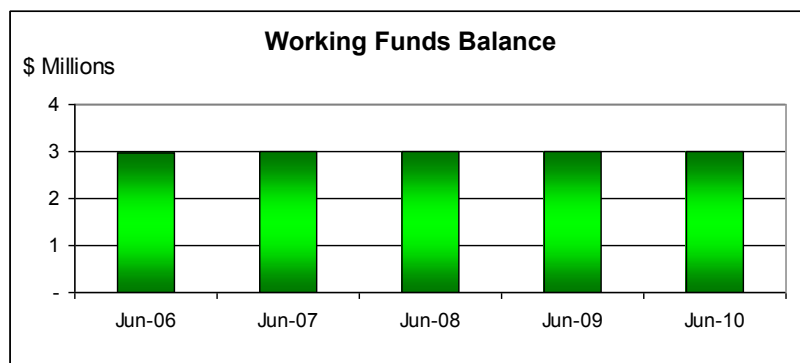
<b>Accumulated Working Funds Balance</b>	<b>\$ 1,000</b>
	<b>\$ 3,006,000</b>

Council's ongoing budgets are more closely aligned to the concept of "working funds". A limitation of the Operating result described above is that it doesn't take into account capital expenditure, movements in reserves, carryover amounts or loan funding, amongst other things.

Therefore from a practical budgeting and day to day financial management point of view the working funds result, which includes these matters, is another important indicator.

Working funds are a measure of Council's net current assets held, after deducting funds set aside for specific purposes, such as reserves and Section 94 contributions. As working funds are essentially the uncommitted funds of Council, an adequate level of working funds is important in maintaining liquidity and as a buffer in the event of unforeseen circumstances or other unscheduled impacts on revenues or expenditures.

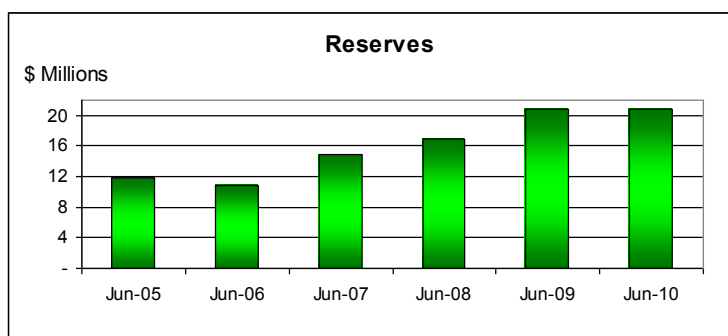
The preliminary working funds budget result for the 2009/10 financial year was a surplus of \$23,000. As Council's level of working funds is considered to be adequate for Council's needs, the majority of this surplus (\$22,000) is proposed to be transferred to the property reserve. This will partly offset the impact of extraordinary cost increases such as superannuation, worker's compensation and electricity which have impacted on the availability of funds for this reserve. The opening balance of working funds as at 1 July 2009 was \$3,005,000. After an amount of \$1,000 is transferred to working funds, the balance as at 30 June 2010 is a comfortable level of \$3,006,000.



### 4.3 Reserves

Reserves are cash and investments held for a specific purpose. The Reserves (excluding s.94 developer contributions) totalled \$20,810,000 as at 30 June 2010, an increase of \$14,000 for the year. All reserves are fully supported by cash and investments to enable the expenditure, against which the reserve is held, to be met when required.

The movement in Council reserves is shown in the graph below:



Council's reserves have changed as follows over the 2009/10 financial year:

RESERVE	30 June 2009	30 June 2010
Employee Leave Entitlements	4,082,000	4,530,000
Property	6,026,000	6,334,000
Special Rates Program	3,301,000	1,770,000
Parking Meter (Infrastructure)	1,049,000	1,473,000
Domestic Waste	2,720,000	2,861,000
Plant Replacement	469,000	363,000
Car Parking	421,000	420,000
Information Technology	898,000	894,000
Insurance	998,000	1,194,000
Loan Repayment (City of Sydney portion)	346,000	130,000
Other	486,000	841,000
<b>Total</b>	<b>\$20,796,000</b>	<b>\$20,810,000</b>

The employee leave entitlements reserve of \$4,530,000 is cash and investments set aside to meet employee accrued leave entitlements, such as long service leave, annual leave, sick leave accrued prior to 1993 (which vests with the employee), and gratuities (for staff who joined Council prior to 1977). The total employee leave liability at 30 June 2010 was \$10,221,000. Council includes in its annual budget the estimated leave payments for the year, so the reserve is required only for unexpected high levels of payments in any given year. The reserve also adds significantly to the overall strength of Council's balance sheet. It is considered that the employee leave entitlements reserve is adequate given the level of Council's total liability.

The Property reserve is funding set aside for the major replacement / renovation of Council properties. A four year "Major Property, Mainstreets



and Developer Contributions Plan” plan was adopted as part of the 2010 - 2019 Delivery Program. Much of this reserve is already allocated to major projects.

The Special Rates Program reserve is funding quarantined from a major rates increase in 2005/06. The planned expenditure is also as set out in the Major Property and Mainstreets Program. This reserve has decreased in 2009/10 to \$1,770,000 as major projects were undertaken.

The Parking Meter Infrastructure reserve is for funding replacement of parking meter infrastructure, and has increased in 2009/10 to \$1,473,000. Replacement of parking meters is budgeted for 2010/11.

The Domestic Waste reserve is funding set aside principally for the replacement of domestic waste assets – including property, plant and mobile garbage bins. This reserve now stands at \$2,861,000.

The Plant Replacement reserve is funding set aside to purchase plant and heavy machinery. This reserve decreased in 2009/10 to \$363,000.

The Car Parking reserve is funding reserved for future expenditure on car parking, with a balance of \$420,000.

The Information Technology reserve is funding of \$894,000 set aside for the replacement and development of Council’s computers systems and

telecommunications. Future expenditure will include major hardware upgrades, replacing the main phone system (PABX), and improving the links to remote sites.

The Insurance reserve is funding set aside for funding of claims, risk management and premium increases. Continued good performance for public liability claims and budgets for safety and risk management have allowed the Insurance reserve to increase to \$1,194,000.

The Loan Repayment (City of Sydney) reserve of \$130,000 represents funds provided by the City of Sydney to pay their share of future loan repayments (relating to the boundary change in 2003). As these loans are repaid, this reserve will decrease to nil by the end of 2010/11.

Other minor reserves includes Childcare building, Balmain Town Hall Committee, East Timor, Road Sales, Environmental Sustainability and Tennis court reserves.

#### **4.4 Developer Contributions**

Council holds s.94 developer contributions of \$5,617,000 as at 30 June 2010. The majority of these funds (\$3,980,000) were collected for a particular project

(Balmain Peninsula Access) which is dependent on future decisions of the State Government. It should be noted that the current s.94 plans contain works schedules with outstanding works to be funded from developer contributions amounting to some \$30,000,000. In 2009/10, an amount of \$1,354,000 was collected in contributions. At the current rate of collection, these works will take many years to complete. At the same time, the State Government has placed a cap on the level of developer contributions. The s.94 plans are currently under review.

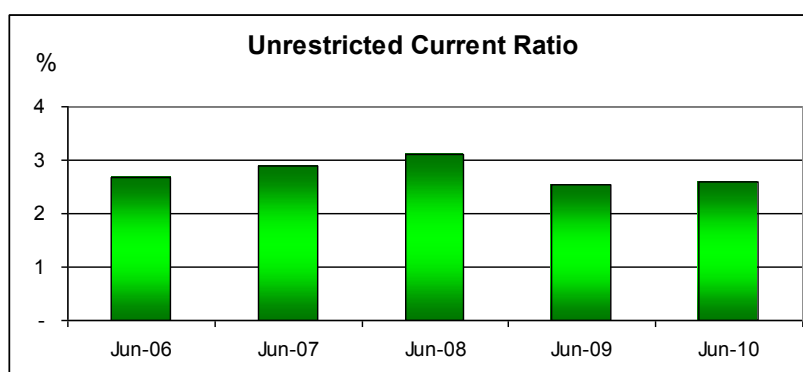
## 4.5 Unrestricted Current Ratio

This ratio is another key measure of a Council's financial health, as it provides a measure of liquidity as a ratio – that is, the ability to satisfy obligations in the short term for the activities of Council. Council's ratio of 2.58:1 indicates that for every dollar in unrestricted current liabilities, the Council has \$2.58 in unrestricted current assets on hand to meet the liability. Unrestricted current assets are those not restricted for specific purposes by external requirements (such as s.94 contributions).

The Unrestricted Current Ratio can be broadly interpreted as follows (with benchmarks provided by the Division of Local Government):

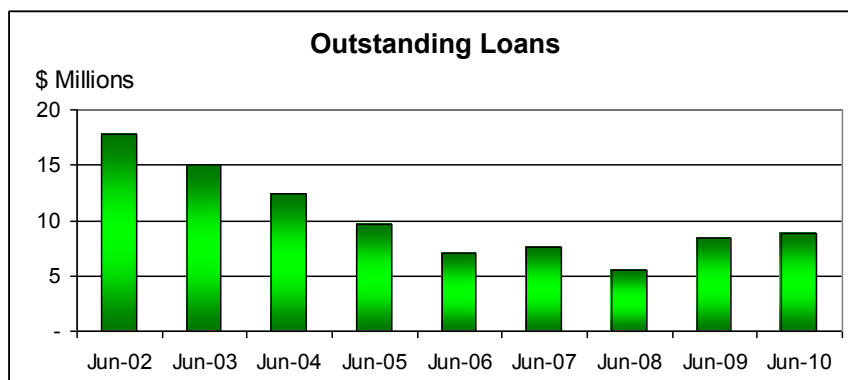
- < 1.5 is regarded as being unsatisfactory
- Between 1.5 and 2 is regarded as satisfactory
- > 2 is regarded as good

With an Unrestricted Current Ratio of 2.58, Council is considered to be in a good financial position.

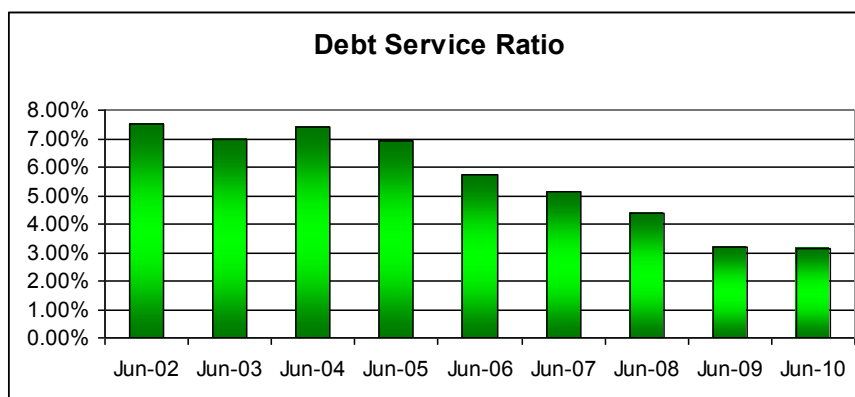


## 4.6 Debt

In the 2009/10 year Council undertook loan borrowings of \$1,900,000 for the development of the Administration Building.



The change in Council's loan liability is shown in the graph above. The liability has decreased substantially in the last eight years. In 2009/10 new borrowings totalled \$1,900,000 while loan debt of \$1,420,000 was retired – resulting in a net increase in loans in 2009/10 of \$480,000. The total outstanding loans at 30 June 2010 was \$8,869,000.



The debt service ratio (above) assesses the degree to which revenues from continuing operations are committed to the repayment of debt. The Division of Local Government's accepted benchmark for the debt service ratio is <10% satisfactory, 10% to 20% is fair, and >20% is of concern.

The use of loan funds for infrastructure improvements and other capital purposes is considered to be a prudent financial strategy allowing for a contribution to the cost of the asset through its life by the community.

Council's debt servicing ratio at 30 June 2010 represented an affordable level of 3.1% of operating revenue.

#### 4.8 Rates and Annual Charges Outstanding

This indicator assesses the effectiveness of a council's debt recovery. The percentage of rates and annual charges that are unpaid at the end of a financial year is a measure of how well a council is managing debt recovery. The average for NSW Councils in 2008/09 was 5.4%, and for the group of Councils

to which Leichhardt belongs, the average was 4.0%. A figure of less than 5% is considered to be generally satisfactory.

Council's arrears of rates and charges at 30 June 2010 totalled \$3,193,000. This represents 6.98% of the levies for the 2009/10 year, showing a decrease from the figure of 7.33% for the previous year. As Council allows pensioners to defer their rates, this does have an impact on the level of arrears. Excluding the pensioner arrears, the amount would reduce to 5.84%. However, this is still higher than the benchmark level.

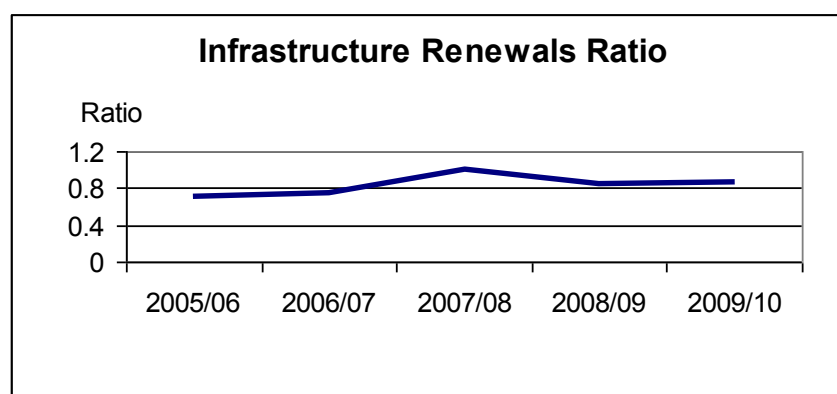
Council has a financial target of 6% for outstanding rates and charges in 2010/11. There will be an increased effort on debt collection this financial year to decrease the ratio to the target level.

#### 4.9 Building and Infrastructure Renewals Ratio

**0.858**

An indication of good asset management is whether asset replacement is keeping up with depreciation. This indicator assesses a council's replacement (renewal) of building and infrastructure capital assets compared with the consumption (depreciation) of these assets. A ratio of 1:1 indicates that the amount spent on asset renewal equals the amount of depreciation.

Council spent \$5,544,000 on renewal capital expenditure for Buildings and Infrastructure in 2009/10. The depreciation on these assets was \$6,463,000, resulting in a building and infrastructure renewals ratio of 0.858. This indicates an asset renewals gap, as has been identified in Council's assets strategy previously reported to Council. Council has allocated an additional \$3,700,000 over the next 4 years to reduce this renewals gap.

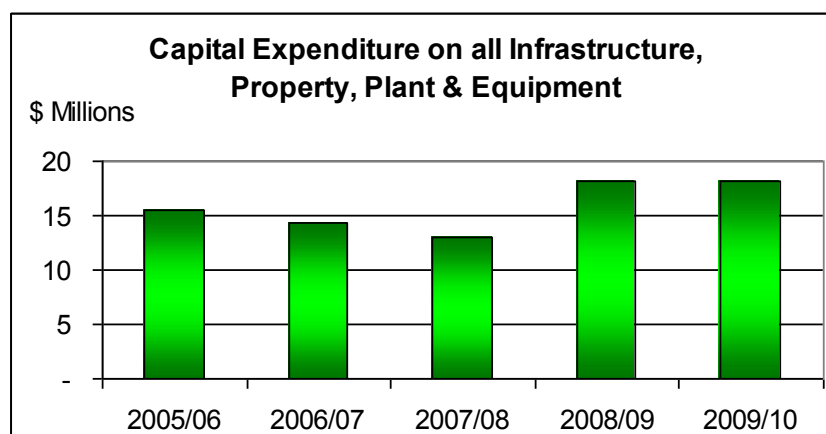


Note that the building and infrastructure renewals ratio can fluctuate from year to year due to the nature of capital projects undertaken (i.e. the proportion of expenditure on renewing existing assets compared to improving existing assets or building new assets). The ratio is also affected by asset valuations and the depreciation rate used.

#### 4.10 Capital expenditure on all Infrastructure, Property, Plant and Equipment

**\$18,228,000**

Another indicator of Council's ability to manage and improve its assets is the gross total capital expenditure. Again, funding can vary from year to year depending on the nature and timing of particular projects, but it is clear from the graph below that Council has been able to fund a strong capital works program in recent years. However, there will remain a high demand for capital funds in the future for both expansion and renewal projects, requiring continued planning and prioritisation by Council.



#### 4.11 Carryover Expenditure

Carryover expenditure represents funding for programs forming part of the budget in the 2009/10 year that were not completed in that year. Expenditure of \$8,896,432 is recommended for Council approval to be carried forward into the 2010/11 financial year.

The carryover expenditure is represented by:

Unexpended grant funded works:

Grants received	\$802,155
Grants to be received	\$548,137
Unexpended revenue funded works	\$3,590,148
Unexpended reserves, loans, s94 funded works	\$3,955,992

The recommended carryovers have reduced by \$8,003,000 (47%) on the previous year, as considerable infrastructure works have been undertaken, such as the LPAC redevelopment, Leichhardt Oval works, Hannaford Centre extension and renovation, and the extension of the Administration building. Other general carryovers for non infrastructure related programs have also reduced.

The carryovers are partly inflated by the inclusion of projects funded by grants that are received in advance of the works. However, the level of carryovers is still considered to be unacceptably high, and should ideally be no more than around 5% of total expenditure, or \$4,000,000. The high carryover level in part reflects the approach taken in the past whereby funds were budgeted with the objective of allocating/securing funds for particular projects, rather than the ability of Council to complete the project within the next financial year. The carryovers also reflect the injection of additional capital funds in recent years and the large number of complex works programmed.

Increased focus is being applied to the timing of budget allocations so that ideally, funds are only allocated to a project in the particular year in which the funds will be spent. The carryover backlog will not disappear overnight however Council has set a goal to decrease the carryovers to the target level of 5% of total expenditure.

Further details on the recommended carryover works are shown in the attachment to this report. For each carryover item, a timeframe for completion is provided which will be monitored throughout this financial year as part of the quarterly reviews.

## **5. Conclusion**

The 2009/10 financial year has seen Council deliver an operating surplus, maintain its level of working funds and reserves which are at a healthy level, and maintain sound financial indicators for liquidity and debt. Council has been able to reduce carryovers by \$8,003,000 (47%), continued to invest strongly in capital infrastructure works and while an infrastructure renewal gap remains, increased funding for infrastructure renewal has been allocated in the budget for 2010/11 – 2013/14. The 2009/10 financial reports indicate that Council is in a very stable financial position.

## LEICHHARDT MUNICIPAL COUNCIL

# REPORT

**DIVISION:** CORPORATE AND INFORMATION SERVICES

**SUBJECT:** ITEM 27B – MAJOR INFRASTRUCTURE PROJECTS –  
QUARTERLY REPORTING TO THE COMMUNITY

**AUTHOR & TITLE:** DAVID MARSHALL – DIRECTOR CORPORATE AND  
INFORMATION SERVICES  
PETER GAINSFORD – DIRECTOR INFRASTRUCTURE  
AND SERVICE DELIVERY

**FILE REF:** F09/00075

**DATE:** 3 August 2018

**WORD PROCESSING REF:** G:\BP\Agendas\2010 Agendas\October 2010\19  
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### DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS

**Financial Implications:** Nil

**Policy Implications:** Presents Council's progress towards achieving  
major infrastructure projects identified in the  
Management Plan.

**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

## **1.0 PURPOSE OF REPORT**

To update Council on the progress of the implementation of major infrastructure projects.

## **2.0 RECOMMENDATION**

That Council receive and note the report.

## **3.0 REPORT**

This report provides an update as to the status of major infrastructure projects undertaken over the previous year up to 30 June 2010. There will be a report to the next Council meeting updating the report with projects in the 2010/11 budget.

Accordingly, a list of major infrastructure projects with information on progress as at 30 June 2010 is attached to this report.



## Major Infrastructure Projects - Quarterly Report to the Community - 30 June 2010

*Projects completed since 30/6/09 and Projects currently in progress at 30/6/10*

Project Name	Project Description	Status as at 30/6/10	Estimated Future Completion Date (as at 30/6/10)	Total Cost Estimate as at 30/6/10	Comment
<b>Buildings and Facilities</b>					
Hannaford Centre extension and renovation	Addition of an extra storey to the rear of the building, general restoration and improvements to building functionality and accessibility.	Completed		1,353,283	
Leichhardt Administration Building	Addition of two set back floors, plus allowance for works to upgrade existing air con systems at end of useful life to reduce g/house emissions, also funds for space freed up by movement of staff out of old buildings in car park.	Ongoing	December 2010	6,089,690	Fitout being completed
LPAC - new gym and pool	New gym facilities, indoor program pool, improvements to main entrance.	Completed		7,557,372	
Balmain Rozelle Occasional Care Centre	Renovation of old John McMahon Child Care Centre to make suitable for occasional care	Ongoing	September 2010	150,000	Relocation has been completed after 30/6/10.
Dawn Fraser Baths - Fire services upgrade	New emergency lighting and fire hydrant	Ongoing	June 2010	100,000	BCA report being prepared
Hamilton Street Carpark works	Extension of car park to support Rozelle business precinct	Completed		93,181	
Leichhardt Oval stage 3 works	New corporate facilities, lift, toilets handrails, fire services upgrade to Latchem Robinson Stand	Ongoing	July 2010	3,325,847	Extension of corporate area, new lift, fire safety and toilets to Latchem Robinson Grandstand completed.
<b>Open Space and Recreation</b>					
2-8 Weston Street, East Balmain - Public Access works	Sea wall repair, creation of foreshore link and embellishment of 2-8 Weston street	Ongoing	June 2011	2,213,271	Creation of new open space, adjoining to Iloura Reserve. Include hard surface forecourt to sandstone building to remain, soft landscaping / planting, stairs, pathways, lighting & interpretive signage.
Annandale Living Streets - Taylor Street	Develop design with community to improve streetscape amenity, sustainability pedestrian and cycle access.	Ongoing	June 2011	500,127	Part of Living Streets Project - currently under development with community by Consultants. Works to commence 2010-11
Hawthorne Canal - pedestrian and cycle access improvements (Sharing Sydney Harbour)	Bridge over Hawthorne Canal near Blackmore Park linking Ashfield Council area	Ongoing	March 2011	163,000	New bridge over Hawthorne Canal near Blackmore Park.
Access and Green Space embellishment between Mort Bay Park and Ballast Point	Construction of formalised link between two parks	Completed		109,850	
Timber boardwalk linking from Broadside Street Balmain	Pedestrian Link through Water Police site	Ongoing	June 2011	161,000	Proposed boardwalk - design & costing completed. Awaiting handover from State Govt.
Community Nursery (Nissen Hut)	Demolition and remediation of site and construction of new nursery and facilities for volunteers	Ongoing	June 2011	200,000	Ongoing discussions with Department of Planning formal handover expected in December 2010
King George Water Quality Project & Gross Pollutant Trap	Rainwater tank and reuse of stormwater to irrigate playing field	Ongoing	December 2010	145,379	Continuation of grant funded project at King George Park for GPT and harvesting of stormwater - consultants engaged for design.
Playing field renovation		Completed		163,654	
Deloitte Ave Lighting		Completed		79,100	
Playground Improvement Program - Shields Playground	New play equipment and extension to perimeter fence	Completed		46,073	
Playground Improvement Program - Punch Park	New play equipment	Ongoing	November 2010	65,227	Proposed upgrade of playground equipment, landscaping, fencing furniture.
Playground Improvement Program - Orange Grove Plaza	New play equipment	Completed		17,967	
36th Battalion Park	New playground and park upgrade	Completed		171,866	
Playground Improvement Program - Stephen Street Playground	New playground	Completed		33,147	
Playground Improvement Program - Issy Wyner Reserve	New playground and park upgrade	Completed		41,054	
North Street Playground	Playground improvement	Completed		17,329	
Leichhardt Secondary College Playing Field	Field reconstruction including drainage irrigation and flood lighting.	Completed		314,106	
Iron Cove Water Quality Project	Regional stormwater treatment facility with Ashfield, Canada Bay and Leichhardt Council	Ongoing		1,600,000	Community consultation underway for a preferred location.

## Major Infrastructure Projects - Quarterly Report to the Community - 30 June 2010

*Projects completed since 30/6/09 and Projects currently in progress at 30/6/10*

Project Name	Project Description	Status as at 30/6/10	Estimated Future Completion Date (as at 30/6/10)	Total Cost Estimate as at 30/6/10	Comment
<b>Main Street Improvement Works</b>					
Norton St - Parramatta Rd Entry	New pavers, catenary lighting, fencing with entry signage	Ongoing	February 2011	472,659	Norton St entry and fence upgrade.
Norton St at Italian Forum - Raised Crossing	Catenary lighting and banner poles	Completed		35,045	
Marion Street - Edith to Flood St Stage 1	Marion Street mainstreet upgrade southern side	Ongoing	September 2010	300,000	Mainstreet improvements including kerb extensions at Edith street, street trees, footpath paving & upgraded lighting completed.
Parramatta Rd - Johnston to Annandale	Banded paving	Completed		99,535	
Annandale - New Pavers Johnston near Booth	New paving street furniture and artwork	Completed		301,720	
Darling Street - Rozelle Square	Mainstreet upgrade and new fence along frontage of Rozelle Public School	Ongoing	June 2011	340,000	Creation of additional public open space at Rozelle Public School replaced with set back heritage style fence (sandstone columns & steel palisade infill). Additional street furniture & paving.
Darling St - Phillip to McDonald-both sides		Completed		1,365,999	
Darling St - Rozelle - Victoria to Belmore	Mainstreet upgrade	Completed		213,009	
National St, Rozelle	New mainstreet pavers next to 656 Darling Street	Completed		51,154	
Parramatta Rd	Pymont Bridge Road to Mallet Street	Ongoing	December 2010	146,306	Parramatta Road Mallet St to Pymont Bridge Road.
<b>Bike Plan Implementation</b>					
Bike plan implementation 08/09 works	Local Bike Facilities	Ongoing	June 2011	452,714	Part of ongoing program being implemented in liaison with BAC.
Bike plan implementation 09/10 works	Hawthorne Canal	Ongoing	July 2010	100,000	Completed after 30 June 2010
Bike plan implementation 09/10 works	Catherine Street contra flow	Ongoing	January 2011	45,000	From City West Link Road to Lilyfield Road.
Bike plan implementation 09/10 works	Eaton and Darvall contra flow	Completed		4,102	
Bike plan implementation 09/10 works	Johnston's Creek cycle way	Ongoing	June 2011	150,000	Separate bike and pedestrian path.
Bike plan implementation 09/10 works	Whites Creek Pathway	Completed		5,415	
Bike plan implementation 09/10 works	Route EW7 Robert, Hyam, Ewerton, Darling	Completed	May 2010	30,836	
Bike plan implementation 09/10 works	Route NS2 Flood William from Parramatta Rd to Darley Rd	Ongoing	July 2010	74,537	Completed after 30 June 2010
Bike plan implementation 09/10 works	Catherine Street City West Link	Completed		19,603	
Bike plan implementation 09/10 works	Victoria Road, Perry Street, Balmain Road	Completed	May 2010	13,605	
Bike plan implementation 09/10 works	Lilyfield Rd Directional Signage	Completed	May 2010	6,150	
Bike plan implementation 09/10 works	Bicycle Parking - Mainstreets	Ongoing	December 2010	10,000	
	Total Bike works			911,962	
<b>Narrow Streets Program</b>					
Narrow Streets Program	Legalising footpath parking	Ongoing	June 2011	648,093	Ongoing implementation of Narrow Street LATM facilities.
<b>TOTAL</b>				<b>29,597,004</b>	

## LEICHHARDT MUNICIPAL COUNCIL

# NOTICE OF MOTION

<b>DIVISION:</b>	MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN
<b>SUBJECT:</b>	ITEM 29 – UPGRADES FOR MORT BAY PARK
<b>FILE REF:</b>	F09/
<b>DATE:</b>	3 August 2018
<b>WORD PROCESSING REF:</b>	G:\BP\Agendas\2010 Agendas\October 2010\19 10 10 Supp Book.doc

**Cr Weiss**

### Background

The plan of management for Mort Bay Park proposed a number of improvements along the boundary with Bay Street. Many have been implemented and some remain to be done. Items to be done include the incorporation in the pocket park on Bay Street and Short Street into Mort Bay Park, and also enhancements to the Bay Street boundary of the park. This could include additional seating to provide a viewing platform. The enhancements to the Bay Street boundary of the park would include modifications to the boundary fence and replacement of a concrete pad adjacent to Bay Street.

An extract from the plan of management is shown below, along with a recent aerial photo. The latter is marked with possible improvements.





Note also that the section of Bay Street adjacent to the park is used to store boats, which are always present and are reflective of a relatively low demand for parking in the immediate vicinity.

**Recommendation:**

1. Leichhardt Council supports in principle the implementation of the plan of management of Mort Bay Park.
2. That the Local Traffic Committee investigate the closure of Bay Street, as suggested in the plan of management.
3. That a report be brought to Council outlining the steps required to:
  - (a) Incorporate the pocket park into Mort Bay Park
  - (b) Provide additional seating in the pocket park and;
  - (c) Upgrade the area on the side of Bay Street including conversion to a viewing platform and provision of seating.
4. That the Budget and Parking Management Task Force explore how provision for this work can be included in the 2011 operational plan.

## LEICHHARDT MUNICIPAL COUNCIL

# NOTICE OF MOTION

<b>DIVISION:</b>	MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN
<b>SUBJECT:</b>	ITEM 30 – BELLS STORE EXTERNAL REPAIRS
<b>FILE REF:</b>	F09/
<b>DATE:</b>	3 August 2018
<b>WORD PROCESSING REF:</b>	G:\BP\Agendas\2010 Agendas\October 2010\19 10 10 Supp Book.doc

### Cr Stamolis

### Background

At the September 2010 Ordinary Council Meeting, Council discussed the landscape management plan for 2-8 Weston Street (sometimes referred to as Bells Foreshore).

In the recommendations to the report, which were deferred, there was reference that *no works (other than drainage) are proposed to the heritage item Bell's or Fenwick's Store at this time.*

Prior to the report being deferred, however, there was debate about this particular recommendation. That is, that Council should commit funds to ensure that basic reparations and restoration which are necessary to protect the building and which would enhance the surrounding area should be done in conjunction with the landscaping works or even before.

The photos below show the tremendous significance of the 'store' in terms of its location:

- on the foreshore
- in a park
- near a high volume transport location
- on the harbour gateway to the Balmain Peninsula

Furthermore this building is noted for its heritage significance. Unfortunately, the photos below show a structure that is in need of maintenance sooner rather than later. Stonework needs to be attended to, windows need to be replaced and the gutters and doors require repairs or replacement.

Bells Store – Photo 1



Bells Store – Photo 2



Bells Store – Photo 3



Bells Store – Photo 4





**Recommendation:**

In any future deliberations and reports relating to embellishment of 2-8 Weston Street, Council should ensure that funds are committed to ensure that basic reparations and restoration which are necessary to protect the building and enhance the surrounding area will be done at the earliest possible opportunity.

## LEICHHARDT MUNICIPAL COUNCIL

# NOTICE OF MOTION

<b>DIVISION:</b>	MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN
<b>SUBJECT:</b>	ITEM 31 – TELECOMMUNICATIONS INSTALLATIONS ON RESIDENTIAL BUILDINGS (#3)
<b>FILE REF:</b>	F09/
<b>DATE:</b>	3 August 2018
<b>WORD PROCESSING REF:</b>	G:\BP\Agendas\2010 Agendas\October 2010\19 10 10 Supp Book.doc

**Cr Stamolis**

### Background

Planning issues relating to the location of telecommunications facilities, as well as growing public concern and research in to public health risks associated with these facilities, must be addressed by governments.

It is a very positive step that Leichhardt Council will be raising this important issue at the 2010 Local Government Conference.

While the motion which will be presented at the Conference is good, it is important that speakers for this motion address the broader issues surrounding Council and general public concern about these facilities which includes:

#### A. Planning issues

- visual impact
- the size of installations
- the number of installations at a given location
- heritage

#### B. Councils to have greater role in planning and assessment

### C. Public risk

- the need for a hierarchy for location of installations (which would place residential as a low order location or would eliminate residential locations)
- exclude locations near schools, childcare centres
- acknowledge growing research and debate on public risk

### D. Better solutions for the future

- the desire for providers of communication services to continue research into the design of facilities which will address public concerns.

Below is a copy of the motion being put to the 2010 Local Government Conference as well as recent activity/discussion on this issue, by Council, over recent months.

## **1. Motion for Local Government Conference 2010**

Issue: Telecommunications installations on residential buildings

Themes:        Modern approaches to community wellbeing and  
                    Modern approaches to the natural and built environment

Motion:        That the Local Government Association:

Write to the Minister for Housing and Minister for the Status of Women and Senator Stephen Conroy, Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate; to detail the concerns of the Association with the installation of mobile phone towers and similar facilities which emit radiation on residential buildings.

The letter should also cover the Association's concerns about visual impact, the size of installations, the number of installations at a given location, the need for a hierarchy for location of installations (which would place residential as a low order location or would eliminate residential locations) and our desire for providers of communication services to continue research into the design of facilities which will address these concerns.

## **2. Ordinary Council Meeting - July 2010**

### **ITEM 38 TELECOMMUNICATIONS INSTALLATIONS ON RESIDENTIAL BUILDINGS (#2) C361/10 RESOLVED STAMOLIS/PARKER**

Council write to the local Federal member The Hon. Tanya Plibersek MP, Minister for Housing and Minister for the Status of Women and Senator Stephen Conroy, Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate; to detail the concerns of Leichhardt Council with the installation of mobile phone towers and similar facilities which emit radiation on residential buildings (the attached photos in the report should be included in the letter).

The letter should also cover Council's concerns about visual impact, the size of installations, the number of installations at a given location, the need for a hierarchy for location of installations (which would place residential as a low order location or would eliminate residential locations) and our desire for providers of communication services to continue research into the design of facilities which will address these concerns.

#### **CARRIED UNANIMOUSLY**

**3. Site inspection – June 2010** (not listed on B&D schedule but time permitted a quick visit). At the site inspections (June 2010) Cr Stamolis took several Councillors (Cr Parker – Mayor, Cr McKenzie – Deputy Mayor, Cr Hannaford, Cr Constantino, Cr Cinis) to visit the block of units at the corner of Darling Street and Duke Street, East Balmain. Councillors viewed the three mobile phone installations situated on the residential block. See the photos below.

## **4. Ordinary Council Meeting - April 2010**

This item relates to Council policy on the installation of telecommunication facilities on residential premises. Particular reference will be made to the multiple telecommunications facilities located on a single block of units at the corner of Darling Street and Duke Street, East Balmain. The size and scale of these facilities are large, if not excessive.

### **ITEM 33 TELECOMMUNICATIONS INSTALLATIONS ON RESIDENTIAL BUILDINGS C162/10 RESOLVED STAMOLIS/PARKER**

1. Council to conduct an inspection of the telecommunication facilities located on top of the block of units on the corner of Darling Street and Duke Street, East Balmain.
2. Council to briefly assess the appropriateness of these facilities on residential buildings.

3. Council to provide responses to Q1 to Q9 in relation to the installations on top of the block of units on the corner of Darling Street and Duke Street, East Balmain.
4. That Councillors be provided with a briefing on this issue.

**FOR 8 AGAINST 4**

Photo 1 – Installation at rear of block



Photo 2 – Installation at rear of block



Photo 3 – Installation at front of block



## **Recommendation:**

Speakers for this motion (at the 2010 Local Government Conference should address the broader issues surrounding Council and general public concern about these facilities which includes:

### **A. Planning issues**

- visual impact
- the size of installations
- the number of installations at a given location
- heritage

### **B. Councils to have greater role in planning and assessment**

### **C. Public risk**

- the need for a hierarchy for location of installations (which would place residential as a low order location or would eliminate residential locations)
- exclude locations near schools, childcare centres
- acknowledge growing research and debate on public risk

### **D. Better solutions for the future**

- our desire for providers of communication services to continue research into the design of facilities which will address public concerns.

## LEICHHARDT MUNICIPAL COUNCIL

# NOTICE OF MOTION

<b>DIVISION:</b>	MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN
<b>SUBJECT:</b>	ITEM 32 – CONSTRUCTED WETLAND FOR BLACKMORE OVAL
<b>FILE REF:</b>	F09/
<b>DATE:</b>	3 August 2018
<b>WORD PROCESSING REF:</b>	G:\BP\Agendas\2010 Agendas\October 2010\19 10 10 Supp Book.doc

**Cr Weiss**

### Background

The draft plan of management for Blackmore Oval flags an area for revegetation – area 9 in the figure below. It is also visible in the aerial photo. This is a stormwater detention basin owned by the RTA and it acts to contain surges of stormwater from the City West Link before release into Hawthorne Canal.







It also has potential to become a constructed wetland, along the lines of the one in Whites Creek Valley Park, and in fact most of the structures are in place.

Public access would be provided by replacing the fence that currently surrounds with a more sympathetic safety barrier and constructing a path over the wetland.

Apart from the cost of construction, the major on-going maintenance cost will be the infrequent removal of accumulated debris

As well as offering natural cleaning of stormwater, offer enhanced diversity of open space in the inner city.

### **Recommendation:**

1. Leichhardt Council supports in principle the conversion of the RTA stormwater pit into a constructed wetland.
2. That a report be brought to Council outlining the steps required to develop the wetland and the costs involved.
3. That the Mayor write to the Minister of Roads and the CEO of the RTA seeking their support for the proposal.