

ITEM NO: 10**SUBJECT: TERMS OF REFERENCE LAWSON COMMUNITY HALL
(MECHANICS INSTITUTE) ADVISORY COMMITTEE****FILE NO: F05289 - 09/79193**

Recommendations:

- 1. That the Council adopt the Terms of Reference for the proposed Lawson Community Hall (Mechanics Institute) Advisory Committee as set out in Attachment 1;*
 - 2. That the Council conduct an Expression of Interest process calling for community members to participate on the Lawson Community Hall (Mechanics Institute) Advisory Committee;*
 - 3. That the assessment criteria adopted by the initial panel of Ward Councillors, staff and the General Manager, be used for the selection of community members of the committee;*
 - 4. That the names of the nominees, once received, and recommended composition of the Lawson Community Hall (Mechanics Institute) Advisory Committee then be reported back to the Council for adoption; and*
 - 5. That the Council determine the positions of Chair and Vice Chair of the Advisory Committee from the Ward Councillors.*
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Report by Group Manager, Community and Corporate**Reason for report**

The reason for this report is to present to the Council for consideration and approval the Terms of Reference for the proposed Lawson Community Hall (Mechanics Institute) Advisory Committee.

Background

At the ordinary Meeting of 27 January 2009 the Council resolved:

- 1. That the Council notes the report.*
- 2. That the Council not allocate any monies to upgrade the Lawson Community Hall until clarification of the RTA funding position and the outcome of Grants Applications is known.*
- 3. That a report to the Council be provided once the RTA and Grants funding position is understood and that this report reconfirm the process and costs relative to updating the existing Plan of Management.*
- 4. That Council establish a committee involving Ward Councillors, Council Officers and community members to determine the precise scope of works necessary for the Hall to be made available for public use, as referred to on page*

83 of the 27 January 2009 Business Paper and to explore ways for the community to participate in contributing to this work.

(Minute No. 14, 27 January 2009)

Items 1-3 inclusive above are to be reported to Council independently of this report. This report deals with Item no. 4.

In summary, Item 4 requires the establishment of a committee comprising Ward Councillors, council officers and community members to:

- Determine the precise scope of works necessary for the Hall to be made available for public use; and
- Explore ways for the community to participate in contributing to this work.

Proposed Terms of Reference

The proposed Terms of Reference are attached for the information of Councillors. If approved an expression of interest process will be commenced.

It is further proposed that an initial panel comprising the Ward Councillors, the three nominated staff members, and the General Manager, be convened to approve the criteria for community membership of the Lawson Community Hall (Mechanics Institute) Advisory Committee. The same panel would then be responsible for the assessment of expressions of interest submitted, and the making of a recommendation to the Council for adoption.

Sustainability Assessment (Triple Bottom Line Reporting):

Effects	Positive	Negative
Environmental	Not applicable	Not applicable
Social	<ul style="list-style-type: none"> • Supports the utilisation of existing services and facilities. • Strengthens sense of local identity and place. • Strengthens community and Council partnerships. • Fosters mutual understanding. 	Nil
Economic	Nil	Nil

Financial implications for the Council

There are no obvious financial implications from the calling of expressions of interest for an Advisory Committee for the Council.

Legal and risk management issues for the Council

There are no obvious legal and risk management issues for the Council.

External consultation

No external consultation has been undertaken in the preparation of this report.

Conclusion

To establish a Committee for the Lawson Community Hall for the purpose of carrying out specific tasks as per council resolution 27 January 2009 (Minute No. 14), it is recommended that the Council adopt the Terms of Reference as per Attachment 1.

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Attachment x 1

Attachment 1 - Terms Of Reference Lawson Community Hall (Mechanics Institute) Advisory Committee**1. NAME**

Lawson Community Hall (Mechanics Institute) Advisory Committee
(Hereinafter referred to as the “Advisory Committee”)

2. OBJECTIVES

- 2.1** To determine the precise scope of works necessary for the hall to be made available for public use
- 2.2** To explore ways for the community to participate in contributing to this work
- 2.3** To review, assess and make formal recommendations to the Council taking into consideration a range of options and inputs including the findings of the Lawson Town Centre re-development project, the Lawson Community Service Hub project which includes an assessment of needed community services and facilities, the Community Buildings Policy, Lawson Community Hall (Mechanics Institute) Plan of Management and previous review panel recommendations.

3. MEMBERSHIP OF PANEL

- 3.1** The Advisory Committee shall consist of:
- Three (3) Ward Councillors
 - Two (2) staff members from Assets and Contract Management Branch
 - One (1) staff member Corporate Planning and Community Outcomes Branch
 - Six (6) community members
- 3.2** The Council will call for Expressions of Interest from local residents wishing to nominate for appointment to the Advisory Committee. Applications will be assessed by the Council against a set of criteria.
- 3.3** Community members of the Advisory Committee shall be approved and appointed by the Council.
- 3.4** The Advisory Committee in its deliberations may seek advice from staff, Government funding bodies, peak organisations in the community welfare and arts sectors, or other expert advisors.

4. TERM OF MEMBERSHIP

The Advisory Committee will continue until recommendations made to the Council are determined by the Council. Membership of the committee will be subject to an annual review by the Council.

5. DISQUALIFICATION OF MEMBERS

If for any reason the majority of members consider that disqualification of any member is warranted, the facts shall be reported to the Council who will determine the question.

6. CESSATION OF MEMBERSHIP

A person ceases to be a member of the Advisory Committee upon completion of his/her term of membership or if the person dies, resigns, becomes disqualified or is expelled from the Advisory Committee by resolution of the Council.

7. CASUAL VACANCIES

Casual vacancies on the Advisory Committee may be filled by a Council resolution on the recommendation of the Advisory Committee. A person filling the casual vacancy shall only be a member or officer for the remaining term of the committee.

8. MEETINGS OF THE ADVISORY COMMITTEE

8.1 Visitors to the meetings will be at the discretion of the Advisory Committee.

8.2 The Convener must give notice of all meetings to each member of the Advisory Committee at least seven (7) days in advance.

8.3 The Convener must circulate to each member the business of the meeting at least 24 hours prior to the meeting.

9. MEETINGS OF SUB-COMMITTEE

The Advisory Committee may appoint sub-committees at any general meeting to carry out specific tasks and report back to the Advisory Committee.

10. QUORUM

Any six (6) members of the Advisory Committee constitute a quorum for the transaction of the business of a meeting of the Advisory Committee.

11. CHAIR AND VICE CHAIR

11.1 The Council shall accept nominations from the Ward 3 Councillors for the positions of Chair and Vice Chair of the Advisory Committee, and appointment to those positions shall be approved by the Council.

11.2 The Chairperson will preside over all general meetings. If the Chairperson is absent or unwilling to act, the Vice Chairperson will preside at the meeting.

12. MINUTES

The Chairperson will be responsible for ensuring that the recommendations of the Advisory Committee are minuted.

13. CONVENING OF MEETINGS AND ATTENDANCE

- 13.1 Convener – Community Facilities Co-ordinator.
- 13.2 Meetings shall, subject to the presence of a quorum, start at the time set out on the notice and shall, subject to the discretion of the meeting, continue until all business on the agenda is disposed of.
- 13.3 If no quorum is present within 15 minutes of the starting time set out on the notice, the meeting shall be adjourned. The Chairperson will fix the time of the next meeting. All business on the agenda of the adjourned meeting shall be included on the agenda of the next meeting and shall take precedence over new business.
- 13.4 If at the adjourned meeting a quorum is not present within 15 minutes after the appointed time for the commencement of the meeting, the members present (being at least four (4) is to constitute a quorum.

14. CONFLICT OF INTEREST

- 14.1 Any member of the Advisory Committee who has a conflict of interest in any matter with which the Advisory Committee is concerned, and who is present at a meeting of the Advisory Committee or sub-committee at which the matter is being considered must disclose the interest to the meeting immediately.
- 14.2 Community representatives will be advised of their obligations and must adhere to the Blue Mountains City Council Code of Conduct, and Code of Meeting Practice.

15. DECISION MAKING PROCEDURES

- 15.1 It is intended that the Advisory Committee will make recommendations to the Council based on consensus.
- 15.2 Any dissenting views will also be reported to the Council along with the recommendations.

16. CONFIDENTIALITY

The Advisory Committee shall be bound to maintain confidentiality on items identified as confidential on the agenda.

17. SUPPORT SERVICES

The Council will provide a meeting place and appropriate clerical assistance for the proper functioning of the Advisory Committee.

18. REPORTING TO THE COUNCIL

The Advisory Committee shall make recommendations to the Council for their consideration and approval.

Adopted by Council..... Minute No:

ITEM NO: 11**SUBJECT: COMMUNITY GARDEN AT TERRYMONT ROAD, WARRIMOO****FILE NO: F04536 / F04899**

Recommendations:

- 1. That no further investigation be conducted on the site at Terryfont Road, Warrimoo for the purpose of developing a community garden;*
 - 2. That Council staff assist the Warrimoo community garden group in identifying other sites that might be appropriate for development of a community garden in Warrimoo or other options to meet their gardening needs; and*
 - 3. That a set of guidelines be developed by April 2010 to assist community groups considering the establishment of community gardens in the City of Blue Mountains.*
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Report by Group Manager Community and Corporate**Reason for report**

This Report is provided in response to the resolution:

“That a report comes to the Council regarding options for a community garden on Terryfont Road at Warrimoo.”

(Minute No. 80, 3/03/09)

This Notice of Motion moved by Councillor Greenhill, indicated that a group of Warrimoo residents had expressed interest in converting a significant grassed area at the bottom of Terryfont Road, Warrimoo into a community garden. The motion requested that a report be prepared canvassing and assessing the options for doing this.

Report

Council staff conducted a risk assessment of the site in question and consulted with representatives of the resident group wanting to develop a community garden on it. In the course of this assessment the resident group indicated that they no longer wished to pursue the Terryfont Road site as residents living in proximity to it were not supportive and were actively opposing a community garden in the location.

The main options for the group now are to either find another more suitable location for a community garden or to pursue other activities that could bring similar benefits to the group and the Warrimoo community.

The Council could support this group by providing access to information about suitable sites, and more generally, by developing a set of clear guidelines for the establishment of community gardens. Given the increasing number of requests for community gardens to be developed across the City, having a set of clear guidelines to both inform and guide the development of such gardens would be beneficial.

It is noted that residents involved in the Warrimoo community garden group have participated actively in the Council sponsored Sustainability Street initiative and run the community website *Warrimoo Village Green*.

Sustainability Assessment (Triple Bottom Line Reporting):

The recommendations of this report support community gardens in principle, however recommend that guidelines be developed to provide clarity on the process for the establishment of community gardens. There are a number of positive and negative sustainability impacts from community gardens.

Effects	Positive	Negative
Environmental	<ul style="list-style-type: none"> • Educating about living more sustainably. 	<ul style="list-style-type: none"> • Potential for weed infestation.
Social	<ul style="list-style-type: none"> • Responding to community request/need. • Provide a place for social interaction, learning and sharing. 	<ul style="list-style-type: none"> • Unless well managed can have some negative social impacts.
Economic	<ul style="list-style-type: none"> • Provide community with skills to grow their own food and subsidise food expenses. 	<ul style="list-style-type: none"> • Significant costs to Council in staff time to investigate and support the establishment of a new community garden that may only benefit small numbers of residents. • There may be more cost effective ways to address project objectives that do not involve establishment of a single community garden. • Costs of infrastructure, equipment, set-up and insurances to council and / or community.

Financial implications for the Council

Further assistance to the Warrimoo community garden group will be provided within existing staff resources. The development community garden guidelines will also be developed within existing staff resources.

Legal and risk management issues for the Council

Legal and risk management issues will be considered as part of the process of assisting the Warrimoo community garden group to identify other sites that might be appropriate for development of a community garden. The development of community garden guidelines will incorporate legal and risk management issues in relation to the roles and responsibilities of community groups and the Council.

External consultation

Residents from the Warrimoo community garden group, were consulted for this report.

Conclusion

No further investigation of the Terryont Road site is required for the purposes of developing a community garden. The community group are no longer pursuing this option.

A set of clear guidelines regarding development of community gardens in the City of Blue Mountains could assist groups wanting to establish community gardens and ensure appropriate consideration has been given to required matters.

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ITEM NO: 12

SUBJECT: CONFIDENTIAL BUSINESS PAPER – HAZELBROOK EARLY LEARNING AND CARE CENTRE

FILE NO: F04170 – 09/82045

Recommendations:

- 1. That Item C1 in the Confidential Business Paper be deferred for consideration until all other business of this meeting has been concluded.*
 - 2. That the Council close part of the Council Meeting for consideration of Item C1 of the Confidential Business Paper for the Council to consider endorsing the lodgement a Proposal to the Commonwealth Government, for the establishment of an Early Learning and Care Centre in Hazelbrook. This is recommended as a Confidential item, pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993, as the report contains and discussion is likely to involve, information that could if disclosed, confer a commercial advantage on an individual.*
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Report by Group Manager, Community and Corporate:

This matter has been listed in the Confidential Business Paper because consideration of the matter will involve discussion of sensitive commercial considerations that would best take place in a meeting which has been closed to the public in accordance with the provisions of Section 10A of the Local Government Act 1993.

The matter to be dealt with relates to the Council considering the endorsement of a proposal to the Commonwealth Government to establish an Early Learning and Care Centre in Hazelbrook. The Council's endorsement of the proposal will enable negotiations with the Commonwealth to proceed, to assess whether there is a viable option that can be developed at no additional cost to the Council. A further report will be put for the Council's consideration before entering into any contract with the Commonwealth.

Section 10A of the Act requires that any proposal to close part of a meeting to the public be notified in the agenda, and a resolution to close part of a meeting to the public be passed setting out reasons for doing so.

In this case, the reason for closing that part of the meeting to consider the report in the Confidential Business Paper is that the report contains, and discussion is likely to involve, information that would, if disclosed, confer a commercial advantage on an individual.

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ITEM NO: 13**SUBJECT: BLUE MOUNTAINS CULTURAL CENTRE COSTS****FILE NO: F05282 - 09/085715**

Report by Group Manager Community & Corporate**Summary**

This report has been prepared to respond to the following Question with Notice:

“Please advise Council’s total costs to date (Feb 09) of the Cultural Centre project. Such costs should be itemised and include, but not limited to:

- *Council staffing costs (direct and indirect);*
- *Consultant costs (external and internal);*
- *Design and planning costs;*
- *Any costs incurred by the Cultural Centre and Katoomba Library Advisory Committee; and*
- *Ancillary costs arising from project advertising, the Cultural Centre project open day, travel etc.*

(Item No 14, 03/03/09)

The project costs to date reflect the costs of achieving the Blue Mountains Cultural Centre, the new Katoomba Library and the associated Civic and Civil works which are the public facility components of the Blue Mountains Cultural Centre and Mixed Use Development (referred to as the “Development Project”).

The question covers approximately ten years of Council work and the information for the report has been sourced from the General Manager’s response to a previous costing question in 2005 (Item No 10 13/09/05) and the Council’s BIS financial system from 2005 to 14 April 2009 to provide an analysis of the costs.

In order to achieve the Development Project and the associated Civic and Civil works, operational costs have been incurred over a ten year span since the preliminary feasibility study in 1999. The pre-Development Deed costs were largely borne by the State Government.

The operational costs of achieving this complex project and its various components are substantial. This is balanced against the fact that the Council has had to contribute a small percentage of the capital costs for the Cultural Centre itself (\$1.9 million) along with \$3 million for the Library and \$1.6 million for the Civic Centre and Civil Works projects as reported in a Confidential Report to the Council (Minute No 63, 17/02/09).

The Council committed capital works funding in 2004 and the project received the green light in December 2005 with the signing of the Option Deed for the Development by all parties.

Background

The Cultural Centre, along with the new Katoomba Library (referred to as the “Library”), is located within the Cultural Centre building on the top (podium) level of a four story development in Katoomba, the Blue Mountains Cultural Centre and Mixed Use Development (referred to as the “Development Project”). The Development Project comprises the cultural facilities, plazas and viewing platform on the podium level with the Coles Supermarket and retail level and two floors of car parking below. The core functions of the Cultural Centre are the Regional City Art Gallery and the World Heritage Interpretive Centre.

The new Katoomba Library is a key feature of the development and is co-located within the Cultural Centre building on the podium level.

The Development Project is being constructed by the Coles Group as outlined in the *Option Deed - Blue Mountains Cultural Centre and Mixed Use Development Project, TAFE East Precinct Katoomba, December 2005* and Deed of Variation 2007 (together referred to as the “Project Deed”) under a partnership agreement between the Council, the State Government and the Coles Group. The details of the Developer’s actual costs are commercial in confidence.

The Council and State Government’s financial contribution towards the capital costs of the cultural facilities of the Development Project are limited by the provisions of the Project Deed. Staff time, consultancy and other costs have been required in order to develop and manage the negotiation, planning, funding and current design development and construction phase of the Development Project, as well as to plan for and implement the projects for which the Council has direct responsibility. These comprise the general Cultural Centre fitout, the World Heritage Interpretive Centre exhibition and fitout; the Library fitout and the Civic Centre and Civil works projects.

In addition, future planning for the operation of the Cultural Centre when established has also been required. The Council acknowledged this with the appointment of a Director for the Cultural Centre in 2007 and the Major Projects Director in October of that same year. The Council has attracted triennial funding of \$174,000 from ArtsNSW for the period 2007 to 2009 to support this employment cost and will be applying this year for continuation of funding support.

Costs to Date

Information included in this report was provided by the Council’s Financial Management Branch, sourced from the BIS Financial system. The table does include employment costs, but does not include any indirect staff costs incurred through involvement in the project by senior staff.

Cultural Centre, Library & Civic Centre Operating						
Operational	2002 to November 2005¹	2005/06	2006/07	2007/08	2008/09 (17/04/09)	Total
	\$	\$	\$	\$	\$	\$
Employment Costs Staff Salaries/On Costs/ Internal Vehicle Hire	225,000	6,240	155,641	296,525	260,199	943,525
Design & Planning Costs Professional Fees: Project Management; Architects Quantity Surveyors; Probity Advisors & Specialist Advisors (<i>Contractors & Consultants</i>)	295,500	79,843	318,719	145,779	65,195	905,036
Professional Fees: Legal	109,458		21,231	16,959	16,448	164,096
Approvals, Land Rezoning & Public Exhibition Costs	41,000			61,013	41,123	143,136
Programme Costs /Office Costs/Capital Equipment		350	1,474	12,077	3,102	17,003
Programme Costs-Ancillary		24,433	33,754	19,825	3,315	81,326
Advisory Committees Costs			197	3,423	1,668	5,288
Total	670,958	110,866	531,016	555,600	390,970	2,259,410

Note 1: The 2002 – Nov 2005 costs sourced from Item 10, Ordinary Meeting 1/11/05.

Capital Works

Of Council's \$6.5 million capital works commitment, total expenditure to date (as of 14 April 2009) for the Cultural Centre, Library & Civic Centre is \$156,789, comprising \$25,190 in 2007/2008 and \$133,599 in 2008/2009.

Sustainability Assessment (Triple Bottom Line Reporting):

Whilst the noting of this report will not add any additional elements of sustainability, it should be recognised that the project has previously been assessed as having a positive effect.

Effects	Positive	Negative
Environmental	The Blue Mountains Cultural Centre has incorporated into the design many aspects of sustainable development: such as storm water retention and reuse; recycled materials and efficient mechanical systems.	Nil
Social	The Blue Mountains Cultural Centre will enhance social capital in the local government area.	Nil

Economic	The Blue Mountains Cultural Centre will enhance economic capital in the local government area.	Nil
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Financial implications for the Council

Previous expenditure has been allocated through the normal annual budgeting processes for operational activity. Of necessity the operational budget has had to accommodate operational costs for the New Katoomba Library and Civic and Civil works planning and development as well as specific Cultural Centre operational costs.

The Council has allocated future operational funding for the Cultural Centre project through the normal annual budgeting processes for operational activity and has incorporated future indicative estimates into the long term financial strategy. As the project is now nearing the construction phase it is timely to revisit the expenditure estimates and income targets. This has been operationally planned to commence in August 2009 and appropriate expertise in financial forecasting for cultural facilities and visitation trends will be sought.

Legal and risk management issues for the Council

There are no known significant legal issues associated with the recommendations in this report.

External consultation

Financial information included in this report was provided by Council’s Financial Management Branch.

Conclusion

The total operational expenditure for the Cultural Centre, Library and civil works projects from 2002 to April 09 is \$2,259,410, averaging approximately \$282,400 per annum for the period. This is within the parameters reported to the Council in November 2005. The Council was advised by the General Manager to consider that the operational costs would be in the order of \$500,000 per annum leading up to the opening of the new cultural facilities. In 2005/2006 the Council made this provision in its operational budget for preparation and start up costs for the Cultural Centre and the Library. An operating budget of this order is required to optimise the potential to ensure that the cultural facilities are well designed and well estimated in terms of costs.

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ITEM NO: 14**SUBJECT: BUS SERVICE FOR HAWKESBURY HEIGHTS RESIDENTS****FILE NO: F04899**

Recommendations:

- 1. That the Council note that over the next 12 months the Blue Mountains Bus Company will be completing a review of its network services.*
 - 2. That the Council work with the Blue Mountains Bus Company to ensure that the needs of the Hawkesbury Heights residents are taken into consideration and assessed as part of the Blue Mountains Bus Company Network Review.*
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Report by Group Manager, Community and Corporate**Reason for the Report**

At the 5 May 2009 Council Meeting, it was resolved:

“That the Council receive a brief report on contact with the Pearce Bus Company on establishing a bus service for residents in Hawkesbury Heights at the 26 May Council Meeting.”

(Minute No. 167, 5/05/09)

Report

Currently the Hawkesbury Heights area is only serviced by a school bus service. Residents have expressed the need for increased levels of bus services. Three years ago the Pearce Bus Company – now known as the Blue Mountains Bus Company – submitted a case to the Ministry of transport to increase bus services in Hawkesbury Heights. This request was unsuccessful given low demand and patronage levels at the time.

The ongoing requests from Hawkesbury Heights residents for improved bus services have been discussed with the Blue Mountains Bus Company. The Blue Mountains Bus Company have indicated that they are about to commence a 12 month required review of their bus network services in the Blue Mountains. They believe that it is best to include an assessment of the needs of Hawkesbury Heights in this overall review rather than to do a separate business case submission which may not succeed – particularly given that there has been little change in demand for bus services since the last case was made three years ago. By including the particular needs of Hawkesbury Heights residents in the overall review, it may be possible to argue on broader grounds for extending bus services to this area taking into account the demography, socio-economic status and geography of the Blue Mountains.

Sustainability Assessment (Triple Bottom Line Reporting)

Effects	Positive	Negative
Environmental	<ul style="list-style-type: none"> • Extended public bus services will decrease reliance on cars and private vehicles. 	No significant negative environmental impacts.
Social	<ul style="list-style-type: none"> • Improved accessibility for isolated residents. 	No significant negative social impacts.
Economic	<ul style="list-style-type: none"> • Provide improved access for local residents to local services. 	No significant negative economic impacts.

Financial implications for the Council

There are no cost implications in regard to Council working with Blue Mountains Bus Company other than existing staff time.

Legal and risk management issues for the Council

There are no legal or risk management issues.

External consultation

Liaison with Blue Mountains Bus Company and the Blue Mountains Integrated Transport Forum.

Conclusion

It is recommended that the Council support and have input into the Blue Mountains Bus Company’s service network review over the next 12 months. This review will include an assessment of the needs of residents in the Hawkesbury Heights area for improved bus services.

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