

ITEM NO: 15

SUBJECT: DEVELOPMENT APPLICATION NO X/195/2009 FOR A CARPORT ON LOT D, DP 416152, 4 LENNOX STREET, GLENBROOK

FILE NO: X/195/2009

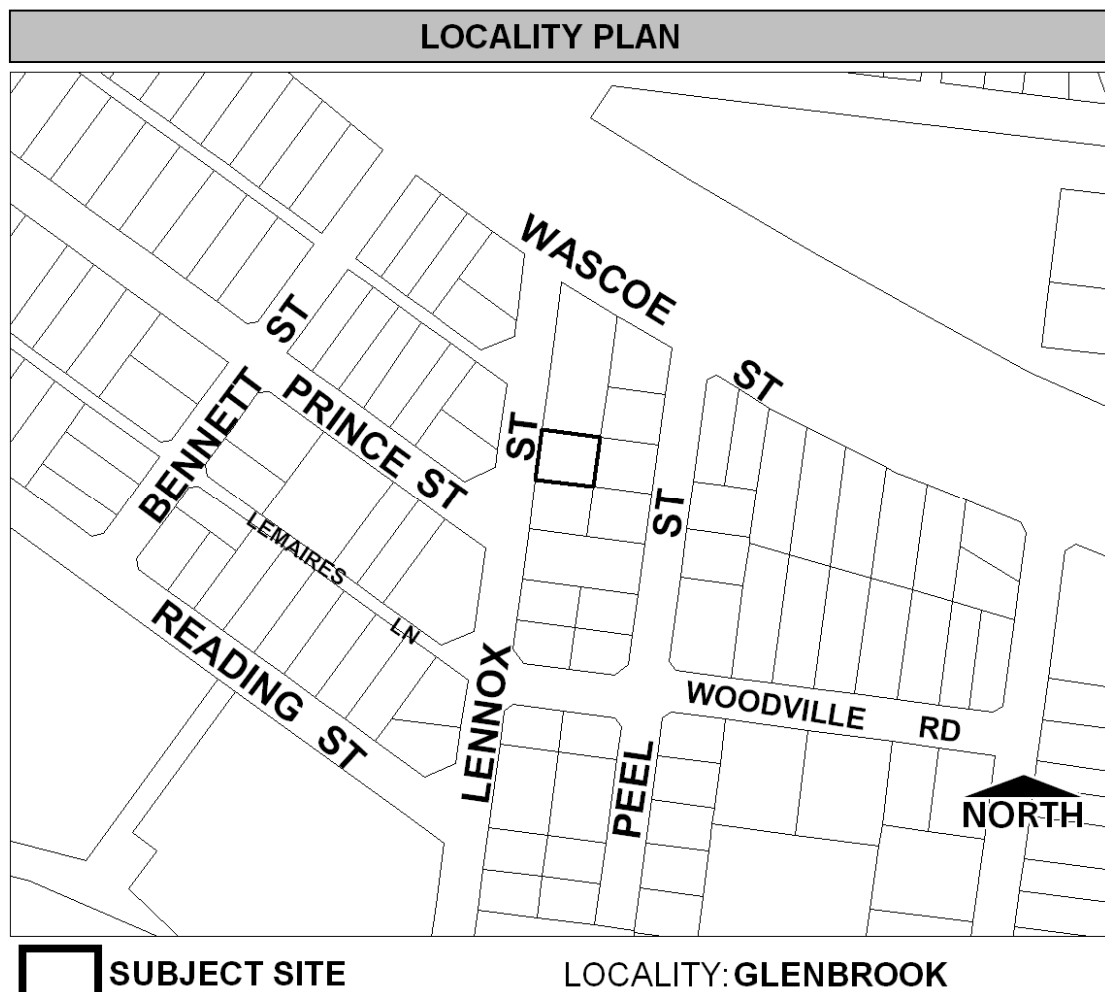
Recommendation:

That the Development Application No X/195/2009 for a carport on Lot D, DP 416152, 4 Lennox Street, Glenbrook be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this report.

Disclosure	Disclosure of any political donation and / or gift – Yes / No (add details)
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Report by Group Manager, Environmental and Customer Services:

Reason for report	The applicant has proposed a variation of greater than 10% to a numerical development standard which is outside Council officer delegations
Type of development	Local
Applicant	Mr Carports
Owner	Mr I J Ford
Application lodged	11 March 2009
Property address	4 Lennox Street, Glenbrook



Site description

The subject land is located on the eastern side of Lennox St between Wascoe St and Woodville St. and comprises one allotment having a total area of approximately 690m². A single storey dwelling with a metal roof is presently located on the property.

Proposal

It is proposed to construct a detached open carport between the southern side of the dwelling and the side boundary. The front of the carport is proposed to be located in line with the existing front verandah of the dwelling and setback 0.5 metres from the side boundary. A copy of the plans showing the site area and extent of the proposal are provided in Attachment 2 to this Report.

Development controls

Zoning - Local Environmental Plan 2005

- Living - General (Accessible Housing Area)

Better Living Development Control Plan
 State Environmental Planning Policy No. 1 – Development Standards

Notification The application was notified to adjoining and nearby properties in accordance with Council policy.

No submissions were received.

Evaluation The application has been assessed in accordance with Section 79C (Evaluation) of the Environmental Planning and Assessment Act 1979 (“the Act”). A commentary on the assessment of the development against the Section 79C evaluation matters has been detailed in this report for the Council’s consideration as follows:

1. Local Environmental Plan 2005
2. Better Living Development Control Plan
3. State Environmental Planning Policy No 1 (SEPP 1) – Development Standards

1. Compliance Table: Local Environmental Plan 2005

Clause	Standard	Proposed	Compliance
cl.22	Living - General zone objectives	The proposed development will maintain the character of the surrounding residential area.	Yes
cl.32	Permissibility	The proposed development is permissible with the consent of Council.	Yes
cl.44	Environmental Impact	The proposal will have no adverse environmental impact.	Yes
cl. 53	Retention and management of vegetation	The carport is proposed to be located over the area which is currently used for parking. No trees are proposed to be removed, however it would be necessary to prune or remove some shrubs immediately adjoining the proposed carport.	Yes
cl.57	Storm water management	Stormwater drainage lines from the carport are to be connected to the existing stormwater drainage system.	Yes
cl.58	Modification of land form.	The development site is predominately level and no modification of the land form is proposed.	Yes
cl.60	Character and Landscape	The proposed development is consistent with the established character of the streetscape. The proposed carport is an open structure with gable ends which will compliment the existing dwelling.	Yes
cl.98	Vehicular access	Access to the property is available from a public road.	Yes
cl.100	Design for car parking	The proposed development is a single width carport utilising an existing driveway. Due to the limited area behind the rear alignment of the dwelling, the carport is proposed to be located at the side of the existing dwelling. Being an	Yes

		open structure, the carport will not form a visually prominent element of the streetscape and therefore it is considered that the design and location of the carport satisfies this clause.	
Schedule 2, Part 1 - Locality Management within Living – General Zone			
cl. 1	Building height	The proposed building height is below the maximum building height limit.	Yes
cl. 2	Building setback	The front building setback is inline with the existing front verandah of the dwelling. The proposed side and rear setbacks are also compliant with this clause. The proposed width of the building across the property exceeds the development standard. The permissible total width of buildings at any one point for the subject property is 19.5m (80% of 24.38m), and the proposed total width of the buildings is approximately 21.6m. This equates to a 2.1m or 10.8% variation to the development standard. The applicant has submitted an objection under SEPP 1 and this is discussed in further detail in the following pages of the report.	No
cl. 3	Site coverage	The proposed total building site coverage is approximately 228m ² which is comprised of the dwelling, verandahs and the proposed carport (20.7m ²). The total site coverage permitted is 276m ² . The area of the property being retained as soft, pervious or landscaped areas is approximately 63% which satisfies this clause.	Yes
cl. 4	Development density	No increase in the floor space ratio is proposed. The existing floor space ratio satisfies the requirements of this clause.	Yes

2. Compliance Table: Better Living DCP

Clause	Standard	Proposed	Compliance
D1.2.	Biodiversity	The carport will be constructed on an existing level area and involves minimal changes to ground surfaces.	Yes
D1.4	Stormwater	The proposed carport has an area of 20.7m ² . The stormwater will be collected and disposed of to the existing stormwater drainage system which satisfies this clause.	Yes
D1.5	Streetscape Character	The design of the proposed carport will compliment the existing dwelling and streetscape.	Yes
D1.6	Landscaping	The amount of pervious/soft or landscaped areas proposed for the property meets the requirements.	Yes

D1.7	Bushfire	The property is outside the area mapped as being bush fire prone land.	N/A
D1.10	Vehicular access, parking and roads	The design of the carport and the existing driveway access is considered adequate.	Yes

3. State Environmental Planning Policy No 1 (SEPP 1) – Development Standards

The assessment of the proposal against the provisions of LEP 2005 has revealed that the proposed width of the development across the allotment does not comply with the building setback standards within Schedule 2 of LEP 2005.

Schedule 2, Part 1, Clause 2 (2) (a) states *“The maximum width across an allotment of any building that has a street frontage is not to be greater than 80% of the greatest width of the allotment at any one point”*. The proposed carport is located between the side of the existing dwelling and the side boundary and including the dwelling, the total overall width will be 21.6m which exceeds the allowable width by approximately 10.8%.

The applicant has submitted an objection under State Environmental Planning Policy No 1 (SEPP 1) to vary the development standard. SEPP 1 provides flexibility in the application of planning controls where strict compliance with a development standard would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Environmental Planning and Assessment Act 1979.

These sub-sections of the Act are:

“(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land.”*

The SEPP 1 objection submitted by the applicant states that it is unreasonable to comply with the development standard relating to the width of buildings across the allotment for the following reasons:

- The proposed carport is of minimal bulk and scale and for this reason will have minimal impact on the streetscape;
- The proposed site of the carport is the only reasonable position for a carport; and
- The design of the carport is sympathetic with the house and streetscape.

In relation to the objectives of the EP&A Act stated above, it is considered that this application allows for the proper development of a carport within the constraints of the property. Although the property has an existing car parking space at the side of the dwelling, there is currently no carport or garage located on the property.

To satisfying the requirements of SEPP 1 the proposal must also comply with the relevant zone objectives, which in this case are:

- “a) To allow for residential development primarily in the form of detached single dwelling houses in a variety of types, designs and tenures.*
- b) To promote residential development in locations that are accessible to services and facilities, thereby encouraging use of transport modes other than private motor vehicles.*
- c) To ensure that residential and non-residential development maintains and improves the character of residential areas, in a manner that minimises impacts on the existing amenity and environmental quality of those areas.*
- d)*
- e) To ensure that development responds to the environmental characteristics of the site.”*

The proposed development must also satisfy the underlying objective of the development standard in question. The underlying objective of the building setback development standard is to provide spatial separation between developments so as to maintain the streetscape character of single detached dwellings. It is considered that the proposal enables the general character of the area to be retained. The design of the carport and the fact that it is an open structure will also ensure that the proposed development will compliment the existing dwelling.

The non compliance with the development standard has resulted from the proposed carport being located between the dwelling and the southern side boundary. The applicant has proposed this location because of the physical constraints of the property. The property has a width of 24.38m, however the depth of the property is only 28.31m. The rear yard behind the dwelling is approximately 9m deep. To locate the carport behind the rear of the dwelling would unreasonably impact on the usable recreational area at the rear of the dwelling and it would also reduce the area available for landscaping as the existing driveway would need to be extended. The proposal is considered to comply with the Living - General zone objectives and the underlying objectives despite its non-compliance with the maximum permissible width of buildings across the allotment. For these reasons, it is recommended that the Council support the variation to the building setback development standard as it is considered unnecessary in this particular case as the proposal complies with the relevant planning objectives.

Conclusion

The application for the proposed carport been assessed against the relevant provisions of the EP&A Act, LEP 2005 and Councils Better Living DCP.

The application has been accompanied by a SEPP 1 objection seeking to vary the development standard relating to the total width of buildings across the allotment. Compliance with the building setback standard is considered unreasonable in this instance as the proposal will achieve an outcome that meets the objectives of the Living General zone and will not have any adverse impact on the character and/or the streetscape of the area.

Accordingly, it is recommended that the Council support the SEPP 1 objection and that the development application be approved subject to the conditions shown in Attachment 1 to this report.

* * * * *

Attachment 1 - Conditions of development consent

Confirmation of relevant plans	1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans for a carport on a plan prepared by Glenbrook Drafting dated February 2005 and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.
Period of development consent	2. Physical commencement of construction is required within a two year period from the date of this consent. Should this not occur, the development consent will lapse.
Sydney Water Stamping of plans	3. The Council stamped approved plans must be submitted to a Sydney Water Quick Check agent or Water Servicing Coordinator to determine whether the development will affect any Sydney Water Asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped. Please refer to the web site www.sydneywater.com.au for: <ul style="list-style-type: none"> ▪ Quick Check agent details – see Building Developing and Plumbing then Quick Check; and ▪ Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating or telephone 13 20 92. A copy of the stamped plans or other documentary evidence from Sydney Water's accredited agent demonstrating that the plans have been stamped by them is to be submitted to the Principal Certifying Authority prior to construction commencing.
Occupation Certificate	4. The carport shall not be used or occupied prior to the issue of an Occupation Certificate in accordance with Sections 109H and 109M of the Environmental Planning and Assessment Act 1979.
Construction certificate (building)	5. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.
Building Code of Australia	6. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
Workers amenities	7. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.

Plans on site

8. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

Stormwater drainage

9. To control rainwater runoff, roof water shall be connected to stormwater drainage lines discharging to the existing stormwater system.

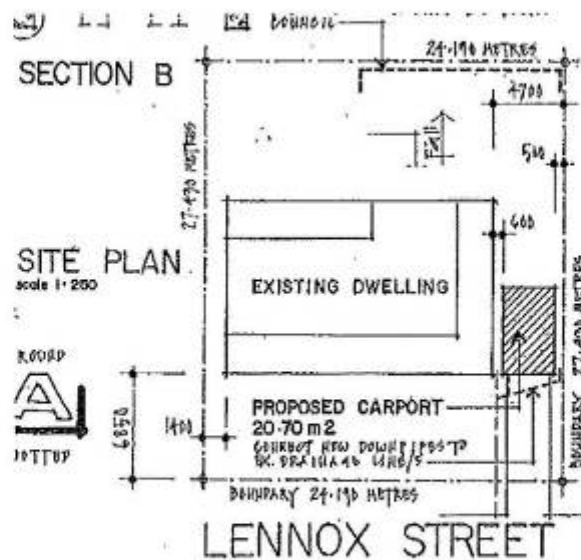
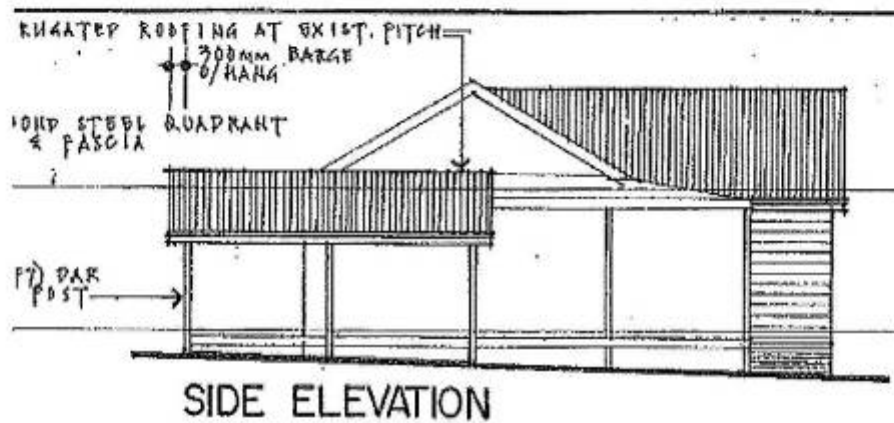
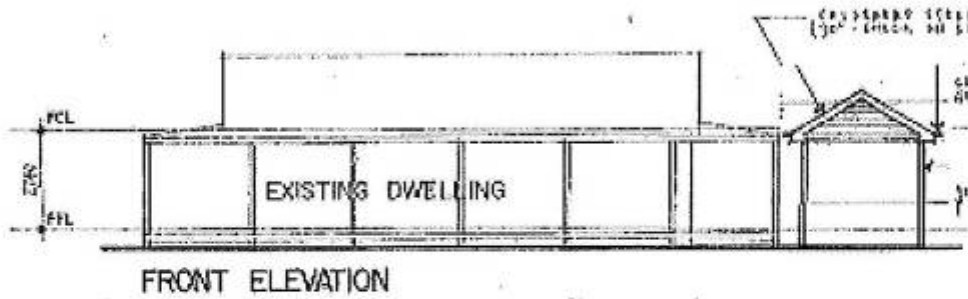
Materials & colours

10. To have regard of the amenity of the area, the materials and colours to be used are to match the existing building.

Driveway / access

11. To ensure adequate access, good sight distance and balance in the site design, the driveway:
- must be a minimum of 2.7 metres wide.
 - access should intersect the road as near to 90 degrees as possible.
 - must be finished in an all weather finish.
- Any construction works are to be completed to Council's adopted standards.

Attachment 2 - Plans



ITEM NO: 16

SUBJECT: MID MOUNTAINS SUSTAINABILITY REFERENCE GROUP
REVIEW

FILE NO: F04898 - 09/49257

Recommendations:

1. *That the Council endorses the continued operation of the Mid Mountains Sustainability Reference Group to June 2010.*
 2. *That a functional review will be conducted and the findings of the review presented to the Council for consideration prior to June 2010.*
 3. *That the Council notes the funding allocation for the Mid Mountains Sustainability Reference Group within the draft 2009/10 budget.*
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Report by Group Manager Community and Corporate

Introduction

The purpose of this report is to provide a review of the Mid Mountains Sustainability Reference Group (MMSRG) and a proposal for its continuance until June 2010.

Background

At its meeting of 13th May 2008 the Council endorsed the proposed approach to the formation of the Mid Mountains Sustainability Reference Group, including that

‘A functional review of the Mid Mountains Sustainability Reference Group will be conducted after a minimum of three (3) forums, where the findings of the review will be presented to the Council for consideration and a forward plan established.’

(Minute No. 491, 13/5/08)

The Council resolved that the functional review should also include input from the community.

The MMSRG has provided a forum for presentation of important project information to the Mid Mountains communities, providing opportunities for immediate feedback. Projects have included a Roads and Traffic Authority update of the status of highway upgrade projects between Woodford and Wentworth Falls; Lawson Town Centre Redevelopment updates; update on the Lawson Golf Course land; a Communications Plan for the Mid Mountains; introduction to the Hazelbrook Shopping Precinct project; and Lawson Town Centre Interpretation.

A large number of questions-on-notice and questions from the floor have been taken at each forum, and a ‘*mid mountains project round-up*’ from the Chair provides the latest information from Project Managers on a group of projects know as *The Mid Mountains Projects*.

All of the meetings to date have been convened at Hazelbrook Bowling Club.

Evaluation and Review of the MMSRG

Three forums of the quarterly MMSRG have been held to date. They are held over two hours and have (in accordance with the terms of reference) a primary focus of providing information out to the Mid Mountains Communities with immediate feedback to project managers.

Survey Review of the MMSRG

A review by survey of the MMSRG was undertaken. The collated survey responses are provided at *Attachment 1. - Community Survey Review of MMSRG - Summary Table*, and *Attachment 2. - Officer/Councillor Survey Review of MMSRG - Summary Table*.

Survey Review	Number of Surveys Distributed	Number of responses	% responses
MMSRG community email list	Thirty nine (39)	Ten (10)	26%
Council Officers and Ward Councillors	Eleven(11)	Seven (7)	63%
Total	Fifty (50)	Seventeen (17)	34%

Some key findings from the Community Survey Review:

- The majority of respondents are residents;
- The majority of respondents spoke and/or participated in a forum activity;
- A number of respondents one/two per activity were not satisfied with the level of involvement or council response;
- The email list is the single ‘most accessed’ medium of contact;
- The majority of respondents find the venue suitable;
- The majority of respondents find the information presented useful;
- Responses to the questions-on-notice and questions from the floor were considered inadequate on some occasions;
- There are varying views on suitability of the number of presentations per forum, the level of community involvement and opportunity for involvement in activities;
- Six of the ten respondents supported the idea of more small group work; and
- In response to the question “How would you like to see the MMSRG go forward?”
 - Four respondents made special written statements in support for continuation of the forum; and
 - Views were expressed that the forum should go on in a more consultative way, with more opportunity for community input and referral of outcomes to decision makers, and a strong preference for a workshop and Precinct type committee.

Some key findings from the Officer/Ward Councillor Survey:

- The majority found the venue suitable, but two supported meetings in different towns;
- The majority found the frequency of forums suitable;
- All found the opportunity to present information to the Mid Mountains community useful and most plan to present an item at future meetings;

- Respondents neither agreed nor disagreed on a number of matters including whether:
 - the forum reduced the need for their own project consultation;
 - they learnt about community views and feelings to an extent they were not already aware; and
 - the number of presentations at the forum is suitable;
- Most agreed there is opportunity for community involvement at the forums, with support for more community presentations; and
- The proposal for small group discussion and feedback was supported.

Key Matters for a forward plan

The MMSRG has been a vibrant and interactive forum and much has been learnt from the three meetings held so far about how the community and the Council may communicate.

Feedback from the community and officers at meetings of the reference group, and through the MMSRG survey review, identified key elements that are working well and others that can be improved, or introduced as ways of working.

The Officer/Ward Councillor Survey Review of the MMSRG

Most agreed there is opportunity for community involvement at the forums, and supported more community presentations, and the proposal for small group discussion and feedback.

A higher 'value added' component and greater benefits for project managers could be provided if the MMSRG functions as a key forum for consultation on a project and attracts sufficient community members so that other consultation is required less frequently.

The Community Survey Review of the MMSRG provided a generally favourable evaluation, while seeking more opportunities to work in an interactive way with council officers and ensure their views are heard by project managers at meetings. This can be achieved by facilitating community members in putting agenda items forward for attention by the forum, or by small group work where appropriate.

All parties would like to see higher levels of community attendance and this can be facilitated as outlined briefly below. It is also important that opportunities for community consultation occur as early as possible in a project. This would be assisted by the longer planning timeframe to 2010, as outlined below.

A Forward Plan for the MMSRG

The forward plan assumes the continued operation of the MMSRG over a longer timeframe to support effective and strategic forward planning. The forum will continue to work within the existing terms of reference and financial constraints.

The current quarterly forums will be re-assessed, and timing aligned to mutually agreed dates consistent with Project Management timelines for key Mid Mountains Projects and their consultation plans. This will:

- Allow the MMSRG to be more widely advertised as a Mid Mountains forum; and
- Ensure the Mid Mountains communities are involved in the earliest possible stages of consultation, to optimize their contribution.

Higher levels of attendance can be encouraged by:

- Face-to-face discussion by outreach to the community of residents, businesses and groups;
- The community taking up the option within the Terms Of Reference (TOR) to place items on the agenda; and
- Including more details of proposals on the advertised agendas for the MMSRG.

Meetings are proposed to generally have a more flexible format, but with some meetings retaining the current focus of providing large amounts of information to the community. Other meetings would run on a workshop format, with a specific project focus, and interactive group work with community views recorded for the benefit of project managers.

The current practice of having small group meetings between MMSRG meeting dates on an aspect of a project, will be further encouraged.

Sustainability Assessment (Triple Bottom Line Reporting)

The table below provides a summary of the environmental, social and economic factors relating to the establishment of the Reference Group.

Effects	Positive	Negative
Environmental	Provide an avenue for the community to provide feedback on environmental issues of local concern to the Council on specific projects.	Nil
Social	Provide avenue for community to provide feedback on social and community issues of local concern to the Council on specific projects.	Nil
Economic	Provide avenue for community to provide feedback on economic issues of local concern to the Council on specific projects.	Nil

Financial implications

The Mid Mountains Sustainability Reference Group Budget is included in the draft 09/10 financial year budget as a component of the City Planning Place Based Planning Budget. Proposals for the forward plan can be supported within the current budget.

Financial expenditure on the MMSRG has been relatively small, limited to advertising and small amounts for venue hire and refreshments. Staff resourcing within City Planning has been limited to MMSRG co-ordination and facilitation, Chairing and administration. Mid mountains Project Managers present at the MMSRG as a consultation component of existing work programs, with some additional questions-on-notice requiring response.

Legal and risk management issues

The Reference Group provides a forum and means to inform and advise the Council and community in respect of projects affecting the Mid Mountains area. Risk Management issues are identified and reported under these projects and no extraordinary legal or risk management issues arise from the MMSRG.

External consultation

Mid Mountains Community members who have registered on the MMSRG email list were consulted by survey. The survey comprised fourteen (14) multiple choice questions, each with an open-ended opportunity for further comment. A fifteenth (15th) open-ended question enquired ‘*How would you like to see the MMSRG go forward, (taking the TOR into account)?*’ The community survey response summary is attached, along with the Council Officer/Ward Councillor survey response summary.

Conclusion

The MMSRG has been a vibrant and interactive forum and much has been learnt over its three meetings, about how the community and the Council may communicate.

Continuation of the forum is supported by both community and officer survey with identification of key elements that are working well and others that can be improved, or introduced to the forum.

Ways of adding value to the work of the MMSRG have been briefly outlined, and the longer timeframe to June 2010 will enable effective forward planning.

A second functional review prior to June 2010, would benefit from the learning of this first functional review of the MMSRG and contribute to significant learning about how the community and the Council may communicate in dynamic and challenging situations.

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Attachments x 2

Attachment 1 - Community Survey Review of the MMSRG Summary Table

Information							
1. What is your relationship to the Mid Mountains?	Resident -8	Employed in the Mid Mts -0	Council - 0	Business -0	Non - resident - 0	Visitor - 0	Community group - 1
2. How many MMSRG forums, have you attended?	0 forums - 0		1 forum - 1		2 forums - 3		3 forums - 6

	Yes	No	Comments	Frequency
3. Have you put forward a question on-notice?	4	5	The question was edited and the main issue not addressed	1
4. Have you put forward a question from the floor?	7	2	Yes but the response was irrelevant/nonsense	2
5. Have you spoken or put forward a suggestion from the floor?	6	3	The reply was irrelevant/question ignored	2
6. Were you involved in the MMSRG through any of the following activities?				
• Christmas Swamp discussions	5	1	Token involvement	1
• Lawson Town Centre Interpretation	6	1	Lawson Town Centre already decided, street naming, building sites etc	1
• The Communications Plan	3	2	Communication should be more two way	1
7. Do you get information on the MMSRG from:				
• Blue Mountains Gazette - Focus on the Mid Mountains display ad	3			
• Blue Mountains Gazette - Council News and Public Information	4			
• The e-mail list	7			
• The Lawson Town Centre Re-development newsletter	3			
• The library	1			
• Council Office	1			
• Mid Mountains Community Centre	1			
• Word- of- mouth	4			

<i>Please rank the following on the five point scale</i>	Evaluation					Comments	Frequency
	1. Strongly disagree	2. Disagree	3. Neither agree nor disagree	4. Agree	5. Strongly agree		
8. The venue is suitable.	1	2		6	1	<ul style="list-style-type: none"> • Access and parking difficult • Acoustics poor • Venue should alternate between towns 	1 2 1
9. The frequency of forums is suitable.	1	1		6	1	<ul style="list-style-type: none"> • Monthly forums needed • Quarterly meetings are good • Special or more frequent meetings when needed 	1 1 1
10. Information provided by presenters is useful.		1	1	5	3		
11. Number of presentations at the forums is appropriate.	1	2	2	3	2	<ul style="list-style-type: none"> • Presentations only by Council and RTA • Community limited to questions 	3 1
12. There is opportunity for involvement by the Mid Mountains Community in the forums.	2		2	4	2	<ul style="list-style-type: none"> • Insufficient time for community • Interactive workshops needed • Record and send to participants and Councillors 	1 1 1
13. Opportunity is provided for involvement in activities such as listed at question (6) above.		1	4	1	3	<ul style="list-style-type: none"> • More involvement needed, with the whole group 	2
14. Proposal for small group discussion and feedback at the forum is good.		4		4	2	<ul style="list-style-type: none"> • Not with current numbers attending 	1

<p>5. How would you like to see the MMSRG go forward, (taking the TOR into account)?</p>	<ul style="list-style-type: none"> • Appreciate/strongly support that Council has taken the initiative of the reference group and want it to continue (<i>changes suggested</i>) • The forum is ideal, (<i>continue as now</i>) giving out information, and opportunity for questions and participants should carry all the information out to their other groups • With genuine community input that seeks solutions from the community • With better links to decision making processes, Lawson shows there is a split from the group, and decision making • Workshop type format (similar to 2007 mid-mountains workshops) is needed • Want meetings with small group discussion on projects <ul style="list-style-type: none"> – This would be less formal and intimidating for many concerned community members – Presentation material is valuable and could be sent out beforehand – Questions can be put in advance, and at the meeting – Feedback to the larger group • Participation should be more like a precinct committee/neighbourhood forum • Deal with the future, sustainability streets, autonomous neighborhoods, community gardens cultural events like street parties, bushcare etc • Monthly meetings needed • Multiple sessions on a topic needed, limited ‘information out’ should be replaced with sharing of information between community and council • Why are less people attending? <ul style="list-style-type: none"> – Ads needed in shopping centres • The group should not be hijacked and: <ul style="list-style-type: none"> – Re-hash decisions already made through statutory exhibition periods – Argumentative people put ‘ordinary locals’ off attending – Ask if others have questions • Not all members attend regularly, need to go over information previously presented • More public discussion needed on projects like the old tip and golf course, but this forum is for general information and not detailed discussion • More contact with the RTA, which: <ul style="list-style-type: none"> – is constructing a divide between the community – Should contact the community with questionnaire’s etc on what the community wants e.g. crossings 	<p>1</p> <p>3</p> <p>2</p> <p>1</p> <p>1</p> <p>3</p> <p>2</p> <p>2</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>2</p> <p>1</p> <p>1</p> <p>1</p>
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Attachment 2 - Summary Table, Officer/Ward Councillor Survey Review of the MMSRG

Information - Responses					Comments
1. How many MMSRG forums, have you attended?	0 forums - 0	1 forum - 2	2 forums - 5	3 forums - 0	
2. Have you presented agenda items at the MMSRG?	Yes - Five responses		No - Two responses		
3. If yes, how many agenda items have you presented?	1 One response	2. Two responses	3.	More than 3 Two responses	

Information - Responses			Comments
	Yes	No	
4. Do you plan to present an agenda item at a future meeting?	Six responses	One response	
5. Have you spoken from the floor?	Four responses	Three responses	
6. Have you responded to community questions from the floor?	Six responses	One response	
7. Have you responded to questions-on-notice from the community?	Five responses	Two responses	

Evaluation - Responses						Comments	
<i>Please rank the following on the five point scale</i>	1. Strongly disagree	2. Disagree	3. Neither agree nor disagree	4. Agree	5. Strongly agree		Frequency
8. The venue is suitable.			2	5		•Meeting should be held in different towns	2
9. The frequency of forums is suitable.			2	5		•Interim meetings on some items desirable •More frequent meetings too resource intensive	1 1

<p>10. The opportunity to present information to the Mid Mountains community is useful to projects.</p>				6	1	<ul style="list-style-type: none"> • Audience not large but includes active community members • Useful when early in the process • Useful when matter is ongoing 	<p>1 1 1</p>
<p>11. The MMSRG reduces the amount of other consultation I need to undertake on a project.</p>		1	5	1		<ul style="list-style-type: none"> • Gains wider representation • Makes no difference when consultation already undertaken 	<p>1 1</p>
<p>12. I learnt about community views and feelings from the MMSRG.</p>		1	4	1	1	<ul style="list-style-type: none"> • Meeting are more about information than feedback • Most views already known • Community wanted a ‘dig’ at Council • A benefit in information going out 	<p>1 2 1 1</p>

Evaluation - Responses						Comments	
<i>Please rank the following on the five point scale</i>	1. Strongly disagree	2. Disagree	3. Neither agree nor disagree	4. Agree	5. Strongly agree		Frequency of comment
13. Overall, the number of presentations at the forums is appropriate.		2	2	3		More 'single issue' meetings desirable More time, less items	2 3
14. There is opportunity for involvement by the Mid Mountains Community in the forums.		1		5	1	Community organisation priorities should be sought Mostly a vocal minority Too much presenting by officers and not enough discussion	1 1 1
15. The proposal for small group discussion and feedback at the forum is good.			2	5		Workshop format may increase attendance Management of expectations would be required	1 1
Other suggestions or comments							
16. How would you like to see the MMSRG go forward?	<ul style="list-style-type: none"> • The MMSRG should go ahead / as is • With support through a Council working group and broad organisational involvement • Maintain for the duration of RTA work • Current attendance does not replace other consultation, achieve higher attendance • More issues outside Lawson should be dealt with • Fewer items with more time allocated • More use of email to reduce information out at meetings • The word 'sustainability' is misleading and implies environmental focus 						2 1 1 1 1 3 1 1

ITEM NO: 17

SUBJECT: GLENBROOK SCHOOL OF ARTS

FILE NO: H0421, F0475, F04899

Recommendations:

- 1. That the Council note the unwillingness of the cinema operator currently operating within the Glenbrook School of Arts to enter into a lease for the reasons set out in this report;*
 - 2. That the Council support the negotiation of a licence agreement with the cinema operator formalising the management and operation of the Glenbrook School of Arts theatre and community hall, and that if the outcome of these negotiations are unsuccessful, this be reported back to the Council within six (6) months;*
 - 3. That any licence agreement negotiated in excess of five (5) years be publicly notified, placed on public exhibition and reported back to the Council for consideration of any submissions made pertaining to the exhibition;*
 - 4. That the Council note that any licence agreement negotiated less than 5 years is not required to be publicly notified, and will be reported back to the Council for consideration;*
 - 5. That any licence agreement with the cinema operators include specific provision for the use of the facility by Glenbrook Players; and*
 - 6. That the Council note the previously agreed compensation for the interruption to business at the Cinema during the Stage 2 capital works, was not to be paid unless a lease was signed between Westringia Pty Ltd and the Council, and that execution of a licence agreement would meet the requirements of this payment being made.*
-

Report by Group Manager, Community and Corporate

Introduction

This report informs the Council of the current situation regarding the Glenbrook School of Arts, Theatre and Community Hall, in particular the status of the occupation arrangements for the cinema operators (Westringia Pty Ltd), and the Glenbrook Players.

Background

In March 2002 the Council adopted a Plan of Management (PoM) for the Glenbrook School of Arts that allowed a lease or licence to be granted to facilitate the existing cinema operation. This PoM also authorises the granting of licences and leases on any part of the land for uses that are consistent with the objectives of the land.

The community strongly expressed the desire that the cinema which has operated from the site for approximately 40 years, continue to function, and that the Glenbrook Players continue to perform at the Theatre.

Between 2005 and 2007 it was necessary for the Council to carry out works on the building to ensure its safety and structural integrity, to comply with accessibility requirements, and to allow the continuance of the facility as a Place of Public Entertainment. The work was undertaken in two stages to minimise disruption to the cinema operations.

The works included:

- Replacement of the sub-floor platform;
- Construction of access ramps; and
- Construction of accessible toilet facilities.

The Council invested \$344,293 in the 2006/07 financial year, and \$114,850 during the previous financial year. The total value of the works completed is \$459,143.

The Council and the Cinema Operator agreed that the Stage 2 works would be conducted over a four week period. The prices of the Stage 2 package of works reflected the requirement to complete the works in this constrained timeframe. The Stage 2 works were completed in November 2006 within the required schedule, and the site was reoccupied by the cinema operator in time for them to recommence screening as agreed. The Cinema Operator recommenced business operations immediately after the 4 week closure period.

It had been further agreed that a business interruption payment equal to the fixed weekly expenses of the Operator would be paid for the period of closure of the Cinema. As there was no guarantee that the Cinema Operator would recommence their business following the Stage 2 construction work, it was a condition that the compensation is paid on the signing of the lease by the Cinema Operator.

Glenbrook Players have also made use of the School of Arts over many years and have made their arrangements for partial use of the overall facility, and exclusive use of the theatre in consultation with the Cinema Operator and the Council. The community has also expressed their desire for the Glenbrook Players to continue their productions at the School of Arts theatre.

A report to the Council on 7 August 2007 resolved as follows:

- 1. That the Cinema Operator, currently operating within the Glenbrook School of Arts, be informed that the Council will defer the need to sign the proposed lease for up to 12 months to facilitate negotiations with the other stakeholders;*
- 2. That the Council investigate the potential to negotiate a lease with the Glenbrook Players to formalise their use of Glenbrook Theatre;*
- 3. That consistent with S.47 of the Local Government Act, the draft lease/s and results of the public exhibition be reported back to Council;*
- 4. That if the Cinema Operator's lease is not signed by the expiration of the 12 month period, the Council investigate the opportunity to call for expressions of interest for the leasing of the premises for the purposes of operating a cinema; and*

5. That the Council note in accordance with the agreement with Westringia Pty Ltd, compensation for the interruption to business at the Cinema during the Stage 2 capital works, is not to be paid, unless a lease is signed between Westringia Pty Ltd and Council.

(Minute No. 211, 7 August 2007)

Report

The Council have unsuccessfully attempted to have the proposed lease signed by the directors of Westringia Pty Ltd.

Westringia Pty Ltd argue that due to the marginal nature of the business they are not prepared to enter into a commercially binding agreement that may tie them to a financial commitment that would have to be met should the business become unviable (unprofitable) for them to continue. The marginal nature of the business is argued on the basis of:

1. Reduced seating capacity resulting from the alterations carried out in the 2006/07 financial year;
2. Non-exclusive use of the facility due to the part time use by Glenbrook Players;
3. Inability to improve the quality of the cinema presentation. eg. Cannot provide fixed (therefore larger) screen as it needs to be moved out for Glenbrook Players stage productions; and
4. General financial and booking difficulties experienced by all independent cinema operators in dealing with the requirements of large film distributors.

The possibility of calling for Expressions of Interest for the operation of a cinema at Glenbrook has been investigated, and is unlikely to gain any positive response. Independent cinema operation has been a marginal business for decades. It is noted there are large chain cinemas operating in Penrith, only 15 minutes away by train or car. Anecdotal evidence indicates that independent cinema operators are increasingly less common, and tend to continue because they have an affinity with the industry and local support rather than a desire to achieve substantial financial gain.

Previously the Council required the execution of a lease agreement with Westringia Pty Ltd in order to:

1. Ensure they would continue in business following the closure for works to be carried out during the 2006/07 financial year; and
2. Meet the requirements of the 2002 adopted Plan of Management that required the occupation and management aspects of the theatre be formalised, including the use of the facility by the Glenbrook Players.

The first objective has been demonstrated in that the cinema operators recommenced cinema screenings immediately following the closure and have continued to do so since that time. This was a key element in not only ensuring the continued service to the community, but guaranteeing the agreed compensation would be provided in the best interests of the community.

With regard to the requirements of the PoM the key objectives are to formalise the management arrangements for the theatre and to ensure it remains available for use by the community. This remains an important action to be achieved from the PoM, and can be achieved by way of a licence agreement as distinct from a lease agreement.

The execution of a licence agreement with the cinema operators, is both a logical and achievable action. A licence agreement with Westringia Pty Ltd will meet the requirements of the Plan of Management by formalising:

1. Use of the facility by Westringia Pty Ltd, Glenbrook Players, and others, in particular exclusive use periods.
2. Accounting and payment procedures.
3. Responsibilities as to maintenance and operational costs.
4. Business planning for the facility and marketing of the activities conducted there.
5. Communication and authority with regard to operation of the facility.

A licence agreement, as distinct from a lease agreement does not compel the cinema operator to continue their business should it become financially unviable for them to do so. Whereas a lease can be sold as part of an ongoing business, a licence can not.

As the management of the facility is proposed to be a partnership between the cinema operators and the Council, it is proposed that any agreement include formalised specific provisions for use of the facility by Glenbrook Players. This will provide the surety of a venue for this group without the need to enter into a separate agreement with the Council.

A further period of six months is recommended as sufficient time to achieve the drafting and agreement to the terms of a licence agreement.

Continuing Use of the Facility Without a Lease or Licence

While continuing cinema operations at the Glenbrook School of Arts without a formal agreement in place is not ideal, it needs to be recognised that this has been the case for many years. It is recognised that the nature and use of the community land has not changed since the adoption of the PoM, and the use is consistent with the objectives and categorisation set out in the PoM. The potential risk has been considered on the basis of the past experience and consistency with the PoM. The use of the theatre for a cinema is not considered in breach of the *Local Government Act 1993*, particularly in light of the progress towards the execution of an agreement.

Similarly the continued use of the facility by Glenbrook Players for their productions is consistent with the objectives and categorisation set out in the PoM.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Not Applicable	Not Applicable
Social	Continued operation of the facility as a cinema and drama venue. Facilitate resolution of conflicts between stakeholders. Compliance with requirements of the Plan of Management.	Nil
Economic	Continued income to the Council from both cinema operations and hiring of the facility for drama productions.	Increased risk of Cinema operation failure due to non-exclusive use of the facility.

Legal and Risk Management Issues

A lease, licence or other estate in respect to community land may be granted under Section 46 of the *Local Government Act 1993*. There are many cases where a lease or licence may be granted (eg. public utilities), however in this case, the lease or licence may be granted, in accordance with an express authorisation in the Plan of Management (section 46 (1) (b) of the Local Government Act 1993).

Further, Section 46(4)(1)(b)(i) of the Local Government Act 1993 states:

The following purposes are prescribed for the purposes of subsection (1) (b) (i):

- (a) *the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation to any of the following:*
 - (i) *public recreation,*
 - (ii) *the physical, cultural, social and intellectual welfare or development of persons.*
- (b) *the provision of public roads.*

Any lease, licence or other estate in respect of community classified land granted for a period exceeding 5 years must comply with Section 47 of the *Local Government Act 1993*. In short, Section 47 prescribes the public notification, exhibition and the Council’s full consideration of all submissions prior to granting the lease or licence. The lease or licence may require Ministerial approval. The maximum period of a lease or licence is 21 years.

Financial Implications

This report recommends a response to the unsuccessful negotiations conducted to formalise a lease agreement with Westringia Pty Ltd. It proposes a licence agreement that would provide the same financial outcomes with regard to recurrent income from Westringia Pty Ltd, Glenbrook Players and other users. The longer term income from the cinema operation however cannot be guaranteed under the proposed licence arrangement, as the term of occupation would be no more binding on the operator than any other community building occupant.

The report further recommends the payment of the business interruption compensation to the cinema operator subject to execution of the proposed licence agreement. This payment can be funded from the restricted asset account held for the Glenbrook School of Arts.

External Consultation

Council officers have met with the directors of Westringia Pty Ltd in preparing this report. As agreement with Westringia Pty Ltd and endorsement of the proposed approach by the Council is critical to progressing the matter, no further consultation has been undertaken at this stage.

Conclusion

The proposed recommendations provide for further negotiations with stakeholders to establish formalisation of the management arrangements for the Glenbrook School of Arts.

* * * * *

ITEM NO: 18

SUBJECT: MEDICAL SERVICES IN WINMALEE

FILE NO: F00078, 09/82806

Recommendation:

That the contents of this report are noted and that a further report is brought to Council in 6 months time detailing progress made.

Report by Group Manager, Community and Corporate

Reason for report

At its meeting on 3 March the Council resolved:

'That the General Manager brings back a brief report, within 3 months, on the possible ways forward to enable a medical facility to be established, in an appropriate location at Winmalee to service the local community.'

(Minute No. 68, 3/3/09)

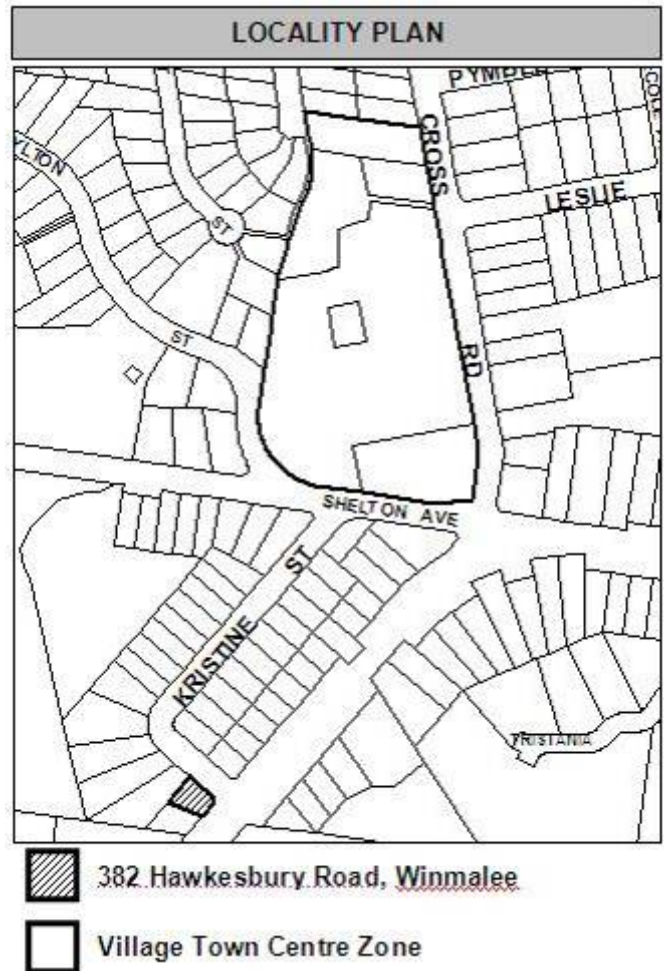
Background

As reported in the Mayoral Minute 1 of 3 March 2009, the Council is aware that the health care practice that currently exists at No.382 Hawkesbury Road, Winmalee as operated by Dr DeVries (locality plan below), has outgrown the premises and this was the subject of a report to the Council on 1 April 2008 in response to Minute No.419 where it was resolved that:

'The Council agree that negotiations and discussions proceed as outlined in the report and that in the event that meaningful progress is not being made, the matter will be reported back to the Council with respect to recommendations in relation to proposed enforcement action.'

(Minute No. 452, 1/4/08)

The Council is also aware that the consortium of local General Practitioners (including Dr DeVries), did not win the super clinic contract awarded by the Federal Government. The consortium members have indicated that they are keen to remain in Winmalee and service the local area, which is somewhat remote from other service centres. It is also clear from past resolutions that the Council supports the retention of the medical facilities in Winmalee.



Blue Mountains Local Environmental Plan 2005

The existing site on Hawkesbury Road is zoned Accessible Housing and Living General under Local Environment Plan 2005 (LEP 2005). A “Health Care Practice” is permissible in Living General zoning; however, a “Medical Centre” is prohibited. The uses are defined in LEP 2005 as follows:

*‘Health Care Practice’ is defined in LEP 2005 as:
 ‘a room or number of rooms forming part of, or attached to, or within the curtilage of a dwelling house and used by not more than **one health care professional** at any time for rendering professional treatments or health care services to members of the public, together with administrative support.’*

*‘Medical Centre’ is defined in LEP 2005 as:
 ‘a building or place used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to outpatients only.’*

Medical centres are permissible in a number of the Village zones and in both Employment zones. They are not permissible in any Living zone. The nearest Village zone is that located at Winmalee Village (Village Town Centre Precinct – WL01), as shown on the above locality plan.

The possibility for entering a re-zoning process offers one potential route to resolve the outstanding issues, subject to the identification of a suitable site. This does, however, remain a far from certain process and is both a lengthy and costly exercise (even if there was broad Department of Planning support), typically taking up to two years to complete.

Current Position

The health care practice at No.382 Hawkesbury Rd remains operational and in accordance with previous resolutions of the Council no enforcement action has been pursued to date. Discussions are ongoing with Dr DeVries regarding suitable options for investigation, both for the existing practice and for a potentially more significant development.

As set out in their submission to the Federal Government, the consortium of local General Practitioners and their related ancillary functions has formed and is seeking to develop a more comprehensive medical centre for the Winmalee area. Initial indications are that such a facility could necessitate a building footprint of between 600 – 1000m² to accommodate up to 8 General Practitioners, 4 nurses, training facilities and a range of complementary health initiatives. Clearly, the site area would need to be considerably larger than the building footprint alone to accommodate parking and servicing requirements.

These discussions remain at an ‘in principle’ stage and the consortium is exploring a range of options.

Sustainability Assessment (Triple Bottom Line Reporting)

Not applicable

Financial implications for the Council

Nil

Legal and risk management issues for the Council

Not applicable

External consultation

Not applicable at this stage

Conclusion

Discussions are ongoing with the consortium of local General Practitioners regarding their efforts to identify suitable options for securing long term medical facilities in the Winmalee area. These remain at an initial stage and further reports will be presented to the Council at the appropriate times.

* * * * *

ITEM NO: 19

SUBJECT: BOWEN CREEK BRIDGE MANAGEMENT STRATEGY

FILE NO: 09/082866

Recommendations:

- 1. That a gate be constructed at the Bowen Creek Bridge to restrict vehicular access, whilst providing emergency services access.*
 - 2. That the current 5t gross vehicle mass limit be maintained for the Bowen Creek Bridge.*
-

Report by Group Manager, Community and Corporate:

Reason for report

This report advises the Council on an appropriate management strategy for the Bowen Creek Bridge. In particular, the report presents:

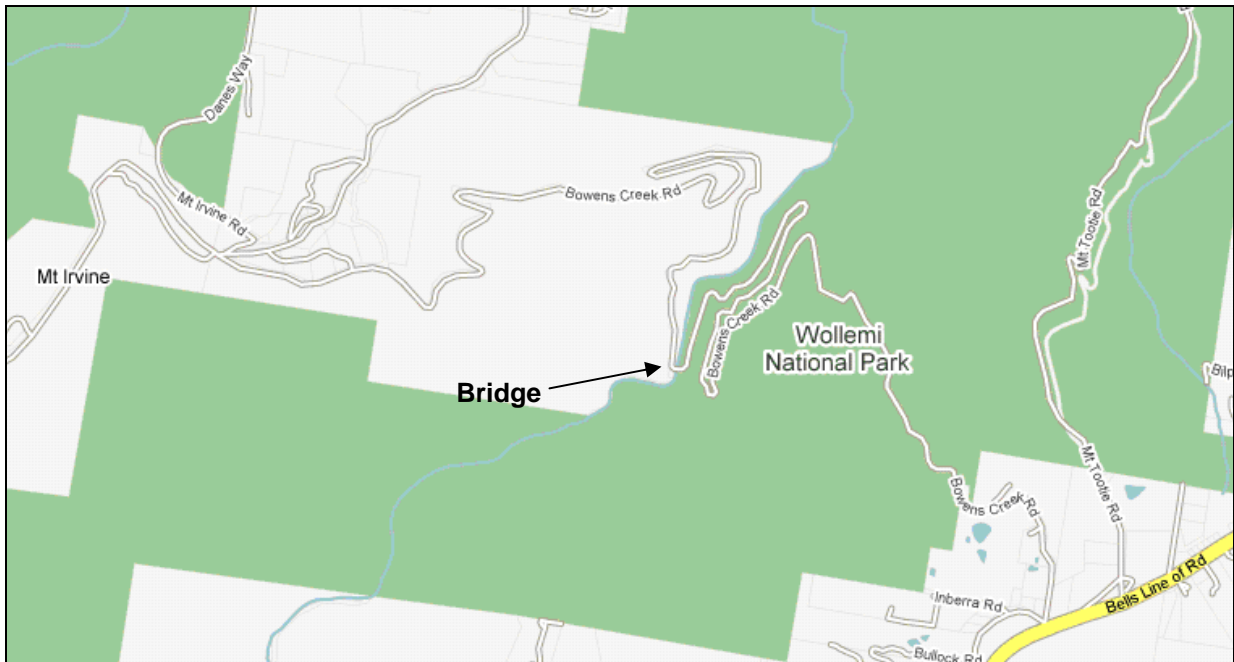
- The outcomes of negotiations with Hawkesbury City Council;
- The results of community consultation; and
- The recommended future management of Bowen Creek Bridge.

Background

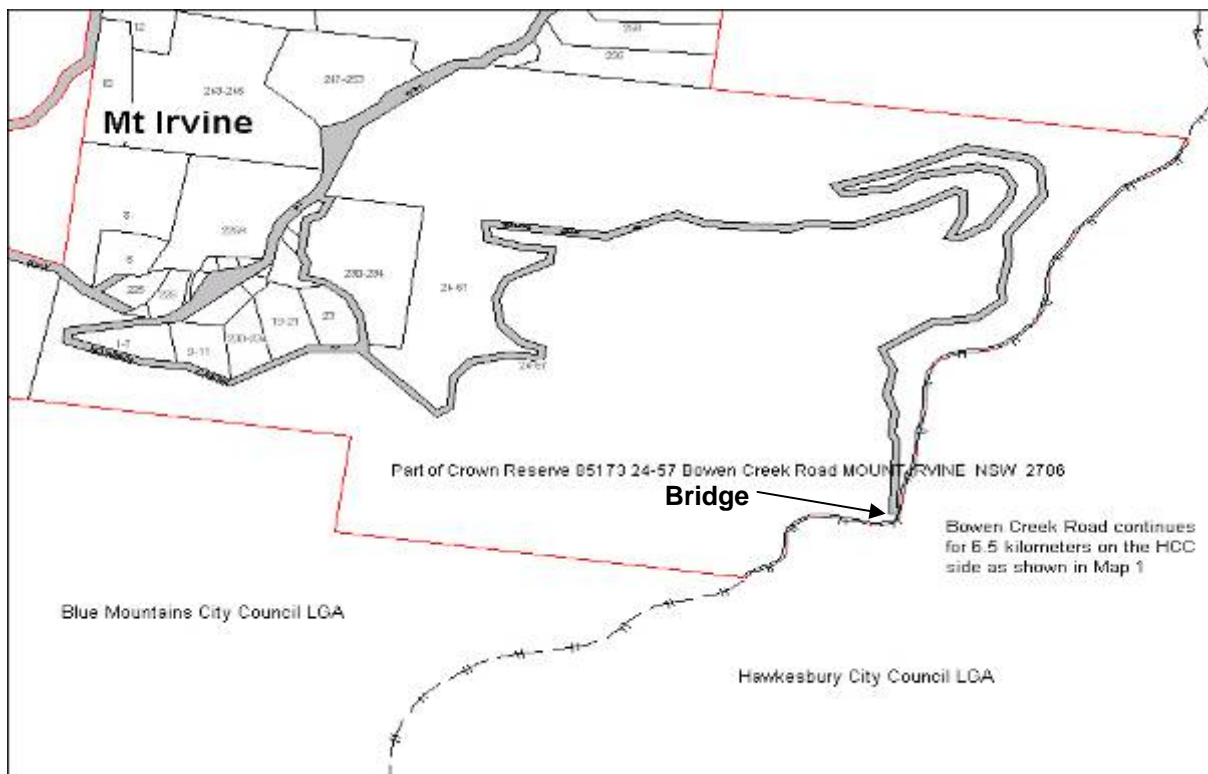
Bowen Creek Road is a gravel road which runs from the sealed Mt Irvine Road, Mt Irvine, through to Bells Line of Road in the Hawkesbury LGA, a total of around 14km. The road is steep and narrow in places and traverses through rugged forest, with rock walls on one side and sheer drops on the other. The length of road is split almost evenly between the Blue Mountains and Hawkesbury City Councils. An old wooden bridge is located approximately halfway along at the local government boundary, with file records indicating a 50/50 share of responsibility between the Blue Mountains and Hawkesbury City Councils.

Map 1 below shows the entire length of Bowen Creek Road from Mt Irvine to the Bells Line of Road. Map 2 shows the BMCC length of Bowen Creek Road and the last 2 private properties, 230-234 Mt Irvine Road and 23 Bowen Creek Road.

Map 1: Entire Length of Bowen Creek Road



Map 2: Blue Mountains City Council Length of Bowen Creek Road



At the ordinary Council meeting of 30 January, 2007 the Council resolved:

- ‘1. That the Blue Mountains’ portion of Bowen Creek Road remain open to a 4WD standard.*
- 2. That the gate remain open subject to the findings of the bridge assessment report currently being undertaken by the Hawkesbury City Council.*
- 3. That the Council receives feedback on the bridge assessment report when it becomes available from the Hawkesbury City Council.*
- 4. That the Council write to the Hawkesbury City Council outlining the outcomes of this report and seek comment on their ongoing intentions for the road.’*

(Minute No: 20, 30/1/07)

The following actions have occurred since this resolution:

1. In September 2007 an Inspection and Assessment Report was prepared by the Roads & Traffic Authority (RTA) for the Bowen Creek Bridge, Mt Irvine at the request of the Hawkesbury City Council;
2. In May 2008 this report was made available to the Blue Mountains City Council and was discussed in the following July report to the Council;
3. In May 2008 an on-site inspection and review of the RTA report was conducted by officers of the Blue Mountains City Council; and
4. In June 2008 a joint on-site inspection/meeting was held with Hawkesbury City Council and Blue Mountains City Council officers.

At the ordinary Council meeting of 15 July, 2008 the Council resolved:

- ‘1. That a management strategy for the bridge be developed in partnership with Hawkesbury City Council.*
- 2. That a report come back to the Council by February 2009 on the draft management strategy.’*

(Minute No: 562, 15/7/08)

The following actions have occurred since this resolution:

- Onsite inspections and negotiations have been undertaken with Officers of Hawkesbury City Council;
- In May 2009 a further bridge inspection and assessment report was completed; and
- Feedback has been solicited from identified stakeholders and unsolicited feedback has been received from the general community of Mt Wilson and Mt Irvine.

2009 Bridge inspection & assessment

In May 2009 an inspection and assessment of the Bowen Creek Bridge was completed by Opus International Consultants. The objectives of the inspection and assessment report of the bridge were:

- Concept design options to restore the bridge condition to allow for a 20t gross vehicle mass (GVM) limit and cost estimates for this work; and
- Concept design options to replace the existing bridge with a new bridge with a 20t GVM limit and costs estimates for this work.

The Opus Report detailed the following options for providing vehicular access across Bowen Creek with a 20t GVM limit:

1. *Restoration of Existing Bridge:* This option would require replacement of the existing abutments, replacement or supplement some of the girders and rebuilding of the trestle props. The report also identifies that the barriers on both sides of the bridges are not compliant and it is not feasible to install compliant barriers to the existing bridge structure. Due to the unknown interior state of the timber members and possible termite activity the lifespan of the structure cannot be predicted past five years. The estimated cost for this option is \$274,000, and would most likely require further investment after 5 years.
2. *Construction of a Replacement Three Span Steel Bridge:* This option involves replacement of the abutments, construction of steel trestle piers on the existing concrete footings, installation of three span sections and corrugated steel decking infilled with sand-gravel. The estimated cost of this option is \$400,000 utilising the existing concrete footings and is dependant on site access constraints. Site access constraints are likely to raise the costs of these works.
3. *Construction of a Replacement Single Span Steel Bridge:* This option involves replacement of the abutments, construction of a single span section and corrugated steel decking infilled with sand-gravel. The estimated cost of this option is \$400,000 and is dependant on site access constraints.
4. *Construction of a Replacement Single Pre-fabricated Steel Arch bridge:* This option involves construction of a corrugated steel profiled arch and headwall backfilled with suitable material. Due to the restrictive profile of this option on the creek and potential environmental issues, this option is not recommended and has not been costed.

Stakeholder consultation and feedback

NSW Rural Fire Service (RFS), Bilpin Rural Fire Brigade (RFB): The retention of the HCC section of the road is supported for strategic hazard reduction and appropriate back burning operations. The retention of the bridge is supported to enable tankers to respond to incidents on the BMCC side of Bowen Creek from the Bilpin area. The Bilpin RFB regards Bowen Creek Road providing a significant strategic fire advantage.

Response: The value of Bowen Creek Road as a strategic fire suppression and mitigation asset is acknowledged however significant repairs to the bridge have not occurred, as recommended in the RTA inspection report of September 2007, therefore the 5t GVM limit will be maintained. This situation will still allow access by the Bilpin RFB Category 9 light tanker.

NSW Rural Fire Service, Mt Wilson/Mt Irvine Rural Fire Brigade: The condition of the Bowen Creek Road Bridge is of concern as it is considered by the brigade as unusable for fire fighting activities. The road and bridge is considered an alternate route should Mt Wilson Road be closed due to fire activity. The retention of the bridge and the scheduling of necessary repairs is supported.

Response: The bridge currently has a 5t gross vehicle mass limit restriction which does preclude its use by RFS fire appliances over 5t. However appliances, such as the Category 9 fire tanker stationed at Bilpin, under 5t are still able to use the bridge at this time. As the road is narrow and winding, often too narrow for two vehicles to pass, and has limited potential for turning around, the potential for vehicles being trapped on the road is high. The road travels through dense bushland where it would be easy for a fire to overrun a vehicle on the road.

Therefore the use of Bowen Creek Road as an escape route during fire emergencies is not considered advisable.

NSW Rural Fire Service, Hawkesbury District Office: Bowen Creek Road is considered of strategic value in the control of wildfire as part of a larger overall strategy, however not if fire is in the immediate vicinity. The raising of the bridge GVM limit to 7t is supported to allow use by RFS Category 7 appliances and grant funding for fire trail maintenance may be available to affect repairs to the bridge.

Response: As per previous.

NSW Rural Fire Service, Blue Mountains District Office: Generally supports the view of RFS Hawkesbury District Office.

Mt Wilson Progress Association: The retention of the bridge and the scheduling of necessary repairs is supported to enable fire fighting operations and as an escape route should Mt Wilson Road be impassable.

Response: As per previous.

National Parks & Wildlife Service: The National Parks and Wildlife Service have not responded to the request for feedback on this issue however previous reports have indicated that they “did not see the road as a major point of access to the Blue Mountains National Park, but more as a track for maintenance access, fire fighting and a need to be available for this purpose”.

General Community: Numerous items of correspondence have been received from the general community of Mt Wilson and Mt Irvine expressing their need for a secondary exit to Bells Line of Road during times of emergency.

Response: Discussions with HCC Officers and correspondence have determined that the HCC section of Bowen Creek Road is officially closed, therefore the use of this road by the general public is not appropriate at this time. As the road is narrow and winding, often too narrow for two vehicles to pass, and has limited potential for turning around, the potential for vehicles being trapped on the road is high. The road travels through dense bushland where it would be easy for a fire to overrun a vehicle on the road. Therefore the use of Bowen Creek Road as an escape route during fire emergencies is not considered advisable.

Blue Mountains City Council, Local Emergency Management: Bowen Creek Road has been assessed by Council’s Emergency Management Section as being suitable for a fire trail but not as general emergency access. A fire trail is a track that provides strategic access for fire suppression and mitigation operations.

Hawkesbury City Council: HCC resolved at its meeting of 9 October 2001 to “...close Mt Irvine Road from a point past the last property from Bells Line of Road to, and including the Bowen Creek Bridge...” This situation is still current as confirmed by signage at the intersection of Bells Line of Road and discussions with HCC Officers. The HCC section of Bowen Creek Road is generally in poor condition and estimates compiled in 2001 indicated that funding in excess of \$1,000,000 would be required to improve the road to an acceptable standard for public use. HCC is not able to justify this level of expenditure for improvements to the road therefore significant funding to undertake repairs to the bridge is unlikely to be a priority for future programs.

Response: Given yearly increases in road construction costs and probable further deterioration in the condition of the road it is likely that the estimated costs to restore the HCC section of Bowen Creek Road would now exceed \$1,500,000. It appears that little or no maintenance to the road has been undertaken by HCC in recent times.

Discussion

The RFS and community value the road to assist with strategic fire fighting activity, and as an alternative access in times of emergency. It is noted that as an escape route in fire the road may not be suitable. Both BMCC and HCC do not have any budget to support the improvements to these roads. Extensive capital expenditure at this time is not considered a priority.

As a public road, neither of the Councils is in a strong position to apply for grant money for this purpose. However, if the public road was closed and reopened as a fire trail, grant funding opportunities may become available. The priority of this asset would need to be assessed by the Bushfire Management Committee.

Until this time however, and as the HCC Council section of the road is officially closed and in very poor condition, it is recommended to gate the bridge for emergency access only.

Sustainability Assessment:

The following assessment is based on the recommendation to install a gate at Bowen Creek Bridge, whilst allowing emergency services access, maintenance of the 5t GVM limit and further investigation of works required to raise the bridge GVM limit to 7t.

Effects	Positive	Negative
Environmental	Restriction of vehicular access to the bridge will prevent through access via Bowen Creek Road. This may minimise environmental impacts to the area from such vehicular movements.	None
Social	Public access will still be available to the area adjacent to the bridge for community use.	Public vehicular access to Bilpin via Bowen Creek Road will not be available.
Economic	None	None

Financial implications for the Council

As the Hawkesbury City Council has previously resolved to close their section of Bowen Creek Road they may be unwilling to contribute significant resources to any project to restore the bridge. Therefore should BMCC wish to proceed with restoration of the vehicular access up to 20t GVM it is likely these costs would be fully borne by BMCC. However HCC may contribute to works required to upgrade the bridge GVM limit to 7t.

There are currently no funds in the budget for any significant works to this road or bridge.

Legal and risk management issues for the Council

There is a responsibility to ensure the bridge is safe for users of the area. The sign posted 5t limit would satisfy this responsibility in the interim. However, the non compliant nature of the crash barriers on the bridge would render public vehicular access to the bridge inappropriate.

There are significant risks associated with all options, and the Council has a duty of care to ensure adequate control measures are in place to mitigate this risk, including installation of appropriate signage. It is important that the Council make these risks known to users of the road.

Conclusion

The 2009 Opus report indicates that significant costs would be incurred to restore the Bowen Creek Bridge to a 20t GVM limit. As the HCC section of Bowen Creek Road remains closed with little or no maintenance undertaken in recent times, significant expenditure on bridge restoration or replacement is not justified at this time.

The condition and status of the HCC section of Bowen Creek Road and the condition of the bridge would preclude public access to this area. It is therefore appropriate to restrict public access to the bridge. In addition, the use of Bowen Creek Road as an emergency route during a fire in the vicinity of the Bowen Creek Road is not advisable due to the condition of the HCC section of the road, the steep terrain and the potential for entrapment in a fire situation.

However, the value of Bowen Creek Road as a strategic asset for bushfire mitigation and suppression is acknowledged. Current vehicular access to bridge is restricted to vehicles with a GVM of 5t or less. It would be desirable for this limit to be lifted to 7t GVM to allow access by RFS Category 7 tankers. It should also be noted that as the road is currently classified as a council road, funding assistance related to fire trail maintenance for upgrades to the bridge may be unavailable.

* * * * *

ITEM NO: 20

SUBJECT: TENDER FOR THE SUPPLY AND INSTALLATION OF CLADDING, ROOF PLUMBING AND VENTILATORS FOR THE KATOOMBA WASTE TRANSFER STATION – TENDER C7-2009

FILE NO: F03894.

Recommendation:

That the Council accepts the tender submitted by Custom Plumbing and Gas Fitting for the supply and installation of cladding roof plumbing and ventilators for the Katoomba Waste Transfer Station for the cost of \$272,731.80 (\$247,938 + \$24,793.80 GST).

Report by Group Manager, BM City Services

Reason for report

This report has been prepared to seek the approval of the Council, in accordance with the Council Tendering Policy, for a contract for the supply and installation of cladding, roof plumbing and ventilators for the Katoomba Waste Transfer Station development.

Background

The contract that is proposed to be entered into as part of this report is not a new commitment.

The Council is already committed to the new Katoomba Waste Transfer Station as:

- The Council approved the Development Application for this new facility on 19 February 2008;
- The Council commitment to the closure of the Katoomba landfill and construction of the Waste Transfer Station is outlined in the Council 2008/2009 Management Plan approved by the Council on 24 June 2008; and
- The financial allocation to undertake the supply and installation of cladding, roof plumbing and ventilators is included in the 2008/2009 budget as outlined in the Council 2008/2009 financial supplement approved by the Council on 24 June 2008.

The Council Tendering Policy and the estimated cost of the goods and services require that public tenders should be called. Resolution by the Council is required for the preferred tender to be formally accepted based on the recommendations of this report.

The Tender

Open tenders were called in accordance with the Council's Tendering Policy. The tender was advertised in the Sydney Morning Herald on 7 April 2009 and in the Blue Mountains Gazette on 8 April 2009. The tender was also advertised on WSROC's eTendering website portal on the NSW Government's Department of Commerce website, with free download of all relevant documents.

Tenders closed at 2.00pm on Tuesday, 28 April 2009.

Evaluation Criteria

The evaluation criteria for determining the value for money represented by the tenders is available as a confidential Tender Evaluation Report on file for Councillor's reference. The criteria are those notified to tenderers in the tender documents. The panel applied these criteria to evaluate the tenders.

Tender Evaluation

A Tender Evaluation Panel (hereafter referred to as the panel) was established to evaluate the submissions in accordance with the assessment criteria and processes specified within the documents. The panel, which was made up of three (3) Council staff, was required to establish which tender offered the best value to the Council.

The tender evaluation process comprised of four (4) stages as defined in the tender documents. These are summarised below:

Stage 1 – Opening of the Tender Box

Five (5) submissions were received from the following companies:

- Axis Metal Roofing Pty Ltd
- Custom Plumbing and Gas Fitting
- IVR Group
- Murphys Group Services
- Top Down Constructions

One (1) submission was received after the 2pm tender deadline. A tender from Proof Metal Roofing was hand delivered to front counter staff and stamped as received on 29 April 2009. The panel decided that in accordance with the processes outlined in the tender documents and in the Council's Tendering Policy, the tender from Proof Metal Roofing would be excluded.

One (1) further submission failed to meet the mandatory technical requirements by only pricing ventilators. The panel decided this tender from IVR Group in accordance with the processes outlined in the tender documents and in the Council's Tendering Policy, would be excluded.

Stage 2 – Compliance, Lead Times, Price and Capacity Evaluation

The assessment criteria applied by the panel were:

- Completion of Tenderer's Declaration;
- Technical Compliance (Mandatory);
- Price (70%, ratio points score benchmarked on lowest tendered price);
- Lead Time (15%, ratio points score benchmarked on lowest tendered lead time); and
- References and performance on previous similar projects (15%).

Each tender taken forward in the assessment was checked for compliance with the mandatory and technical requirements. Although the level of detail provided varied significantly, all tenders were deemed to be acceptable under these criteria.

The capacity of each tenderer, lead times for fabrication and erection and the tendered price were then assessed as per the process outlined in the Tender Evaluation Report. The best value tender received based on the aggregate points score was assessed to be that supplied by Custom Plumbing and Gas Fitting.

Stage 3 – Reference Check

At the conclusion of the desktop tender evaluation, contact was made with the nominated referees of Custom Plumbing and Gas Fitting to confirm details of performance on recent similar projects.

Stage 4 – Evaluation Recommendations

The panel determined that Custom Plumbing and Gas Fitting was the preferred tenderer for the supply and installation of cladding, roof plumbing and ventilators for the Katoomba Waste Transfer Station based on:

- Competitive price;
- Efficient lead times for fabrication and erection; and
- Positive reference checks and performance on similar projects.

Sustainability Assessment (Triple Bottom Line Reporting):

The sustainability assessment relates to the recommended tenderer, Custom Plumbing and Gas Fitting.

Effects	Positive	Negative
Environmental	Entering into a contract for the provision of these services will contribute to the successful development of the new facility that will, when commissioned enhance waste separation and recycling, and introduce improved site water management.	Nil
Social	The opening of the waste transfer facility will create a number of new employment opportunities in the local area.	Nil
Economic	Entering into a contract for the provision of these services will contribute to the successful development of the new facility that will, when commissioned, contribute positively to the economic sustainability of the Upper Blue Mountains. It will create new employment opportunities, increased material recycling, and wholesaling of recycled products.	Nil

Financial implications for the Council

The supply and installation of cladding, roof plumbing and ventilators forms a component of the overall project budget allocated under the approved Capital Works Program Budget.

Legal and risk management issues for the Council

This tender process has been conducted in accordance with the Council's Procurement Policies. The Tender Review Committee has reviewed the tender procedures and is satisfied as to the fairness of the process and that the process has complied with policies. There are no identified legal or risk management issues related to this matter.

External consultation

No external stakeholder consultation was undertaken.

Conclusion

Based on the assessment of the tenders received, it is recommended that the Council accepts the tender submitted by Custom Plumbing and Gas Fitting for the supply and installation of cladding, roof plumbing and ventilators for the Katoomba Waste Transfer Station development for the cost of \$272,731.80 (\$247,938 + \$24,793.80 GST).

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ITEM NO: 21

SUBJECT: TENDER FOR THE SUPPLY AND INSTALLATION OF WALL LOUVRES FOR THE KATOOMBA WASTE TRANSFER STATION – TENDER C8-2009

FILE NO: F03894.

Recommendation:

That the Council accepts the tender submitted by Shutters by Design for the supply and installation of wall louvres for the Katoomba Waste Transfer Station for the cost of \$255,684 (\$232,440 + \$23,244 GST).

Report by Group Manager, BM City Services

Reason for report

This report has been prepared to seek the approval of the Council, in accordance with the Council's Tendering Policy, for a contract to supply and install wall louvres for the Katoomba Waste Transfer Station development.

Background

The contract that is proposed to be entered into as part of this report is not a new commitment.

The Council is already committed to the new Katoomba Waste Transfer Station as:

- The Council approved the Development Application for this new facility on 19 February 2008;
- The Council commitment to the closure of the Katoomba landfill and construction of the Waste Transfer Station is outlined in the Council 2008/2009 Management Plan approved by the Council on 24 June 2008;
- The financial allocation to undertake the supply and installation of wall louvres is included in the 2008/2009 budget as outlined in the Council 2008/2009 financial supplement approved by the Council on 24 June 2008.

The Council Tendering Policy and the estimated cost of the goods and services requires that public tenders should be called. Resolution by the Council is required for the preferred tender to be formally accepted based on the recommendations of this report.

The Tender

Open tenders were called in accordance with the Council's Tendering Policy. The tender was advertised in the Sydney Morning Herald on 7 April 2009 and in the Blue Mountains Gazette on 8 April 2009. The tender was also advertised on WSROC's eTendering website portal on the NSW Government's Department of Commerce website, with free download of all relevant documents.

Tenders closed at 2.00pm on Tuesday, 28 April 2009.

Evaluation Criteria

The evaluation criteria for determining the value for money represented by the tenders is available as a confidential Tender Evaluation Report on file for Councillor's reference. The criteria are those notified to tenders in the tender documents. The panel applied these criteria to evaluate the tenders.

Tender Evaluation

A Tender Evaluation Panel (hereafter referred to as the panel) was established to evaluate the submissions in accordance with the assessment criteria and processes specified within the documents. The panel, which was made up of three (3) Council staff, was required to establish which tender offered the best value to the Council.

The tender evaluation process comprised of four (4) stages as defined in the tender documents. These are summarised below:

Stage 1 – Opening of the Tender Box

Two (2) submissions were received from the following companies:

- Bower Contracting Pty Ltd
- Shutters by Design

Stage 2 – Compliance, Lead Times, Price and Capacity Evaluation

The assessment criteria applied by the panel were:

- Completion of Tenderer's Declaration (Mandatory)
- Technical Compliance (Mandatory)
- Price (70%, ratio points score benchmarked on lowest tendered price)
- Lead Time (15%, ratio points score benchmarked on lowest tendered lead time)
- References and performance on previous similar projects (15%)

Each tender taken forward in the assessment was checked for compliance with the mandatory and technical requirements. Although the level of detail provided varied between the two, both tenders were deemed to be acceptable under these criteria.

The capacity of each tenderer, lead times for fabrication and erection and the tendered price were then assessed as per the process outlined in the Tender Evaluation Report. The best value tender received based on the aggregate points score was assessed to be that supplied by Shutters by Design.

Stage 3 – Reference Check

At the conclusion of the desktop tender evaluation, contact was made with the nominated referees of Shutters by Design to confirm details of performance on recent similar projects.

Stage 4 – Evaluation Recommendations

The panel determined that the tender submitted by Shutters by Design represented the best value for the supply and installation of wall louvres for the Katoomba Waste Transfer Station based on:

- Competitive price
- Efficient lead times for fabrication and erection
- Positive reference checks and performance on similar projects

Sustainability Assessment (Triple Bottom Line Reporting):

The sustainability assessment relates to the recommended tenderer, Shutters by Design.

Effects	Positive	Negative
Environmental	Entering into a contract for the provision of these components contributes to the development of the new facility that will, when commissioned, enhance waste separation and recycling, and introduce improved site water management.	Nil
Social	The opening of the waste transfer facility will create a number of new employment opportunities in the local area.	Nil
Economic	Entering into a contract for the provision of these components contributes to the development of the new facility that will, when commissioned, contribute positively to the economic sustainability of the Upper Blue Mountains. It will create new employment opportunities, increased material recycling, and wholesaling of recycled products.	Nil

Financial implications for the Council

The supply and installation of wall louvres forms a component of the overall project budget allocated under the approved Capital Works Program Budget. Ongoing operating and maintenance costs for the built asset will be incorporated in future years’ budgets and will be funded from waste fees and charges.

Legal and risk management issues for the Council

This tender process has been conducted in accordance with the Council’s Procurement Policies. The Tender Review Committee has reviewed the tender procedures and is satisfied as to the fairness of the process and that the process has complied with policies. There are no identified legal or risk management issues related to this matter.

External consultation

No external stakeholder consultation was undertaken.

Conclusion

Based on the assessment of the tenders received, it is recommended that the Council accepts the tender submitted by Shutters by Design for the supply and installation of wall louvres for the Katoomba Waste Transfer Station development for the cost of \$255,684 (\$232,440 + \$23,244 GST).

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ITEM NO: 22**SUBJECT: FUTURE OF POINTSMAN'S COTTAGE AT GLENBROOK****FILE NO: A76922-E - 09/79905**

Recommendations:

- 1. That the Council receives and notes this report.*
 - 2. That the Council note that no firm proposal has been received from the owner of the land and that no further action be taken by the Council at this time.*
-

Report by Group Manager, Community and Corporate**Reason for report**

The purpose of this report is to respond to the following Question with Notice from the Council meeting of 14 April 2009.

“What is the latest information regarding discussions about the future of the Pointsmen’s Cottage at Glenbrook?”

(Minute No. 137, 14/4/09)

The report also partly responds to the Notice of Motion adopted at the Council Meeting of 24 June 2008.

“That a report come to the Council detailing possible options and actions:

- ‘1. To bring the former Station Masters Cottage at Glenbrook on the Great Western Highway into public ownership either as Crown land or Council owned land;*
- 2. If acquisition of the land is not an option the report include the possibility of leasing the site for use by the Glenbrook & District Historical Society;*
- 3. The possibility of the cottage being occupied and managed by the Glenbrook & District Historical Society to provide static local historic displays; and*
- 4. Such displays and the cottage being marketed and managed as a tourist attraction.’*

(Minute No. 544, 24/06/08)

Background

The Glenbrook Pointsmen’s Cottage was constructed in 1871 on what is now the corner of the Great Western Highway and Ross Street, Glenbrook. The original railway line over the mountains ran close by at this location. The cottage was built to house the pointsman and his family. The pointsman was responsible for changing the points at the crossing siding, when

trains passed each other on the single line. In 1879, when a station was constructed, the cottage became the Station Masters House and it continued in this use even after the new station was constructed on the relocated line in 1913. In 1927 the cottage was incorporated into a service station and remained enclosed within a large shed, until exposed and restored in 1996 by the then service station owner, Ampol. The current owners of the property, Caltex, continue to maintain the cottage in good condition, as per the requirements of the original development consent for the service station redevelopment. Caltex have stressed that the land and use of the building for storage is integral to their commercial operations.

The Council has approached the property owner to canvas their interest in the range of proposals put forward in the 24 June 2008 Notice of Motion. All options including purchase, purchase in exchange for sale of Council owned land, leasing, and licencing were put forward as options for consideration.

Response

During August / September 2008 in following through the Council Resolution of 24 June 2008, Council officers had a number of discussions with the owner's property department. The discussions centred on the current and future use of the building and the overall site.

Currently the Pointsman's Cottage is used by Caltex. The owners advised that the opportunity to provide the same volume and security of space elsewhere on the site was very limited and could not see any alternative storage arrangements as being suitable. They have advised that they may wish to redevelop the service station site in the future, to align the site design and operation more appropriately with their current retailing practices. They asked if the Council could provide them with any ideas that would assist them in achieving this outcome, thereby freeing up the use of the Pointsman's Cottage.

In response to the owner's request, on 27 September 2008 the Council provided the owner with the sketch drawing shown below indicating adjacent land holding that the Council may consider disposing of in order to facilitate the construction of alternative storage facilities on the western side of the service station retail building. This land is currently part of the Wascoe Street road reserve and is comprised a lawn area and disused recycling station. No effect on public parking in the immediate vicinity is envisaged should such an option be pursued. Any disposal of this kind would be subject to the normal road closure procedures and the approval of the elected councillors. Councillors should note that the land is not suitably zoned for commercial development, there is no budget allocation to support this initiative at this time and that there are a range of implications of such a proposal that would need careful consideration.

In February 2008 the Glenbrook Historical Society asked for the contact details of the Caltex Property Department, so that they too could write to them expressing interest in the use of the Pointsman's Cottage.

The options provided by the possible availability of the land to the west of the existing service station retail building, are currently being considered by the Caltex Property Department design section. Preliminary advice received from Caltex is that the land to the west of the building provides them with little opportunity to replace the space currently utilised in the Pointsman's Cottage. Discussions with Caltex on other potential opportunities that may return the Pointsman's Cottage to public ownership are however continuing. The Glenbrook

Historical Society and Councillors will be advised of the outcome of Caltex's deliberations, when received.