

ITEM NO: 14

SUBJECT: BLUE MOUNTAINS CITY COUNCIL SUBMISSION TO THE PROPOSED MODIFICATION TO CLARENCE COLLIERY OPERATIONS

FILE NO: F05049 – 09/53615

Recommendations:

1. *That the Council write to Centennial Coal advising them of the Council's recommendations as contained in Attachment 1: "Blue Mountains City Council Submission on the proposed modification on Clarence Colliery".*
 2. *That the Council write to the Minister for Roads, the Hon. Michael Daley MP, the Member for Macquarie, the Hon. Bob Debus MP and the Member for Blue Mountains, Mr Phil Koperberg seeking support for the matters detailed in this report and attached submission.*
-

Report by Group Manager, Community and Corporate

Reason for report

Council officers were advised by Centennial Coal at a meeting on 13 February 2009 that they were preparing a 75W modification to their consent for the Clarence Colliery. Clarence Colliery is an underground coal mine operation located east of Lithgow and within the Lithgow local government area. Road access to Clarence Colliery is via Chifley Road and rail facilities are available via a private rail loop off the main western line.

The modification involves increasing the amount of a specialist coal product, known as sized coal, by 300,000 tonnes per annum. The increase in production will bring the total production for sized coal to 500,000 tonnes per annum for sale to domestic customers. The sized coal product used in the domestic market will be transported to customers by road using current haulage routes. Coal destined for international customers is transported by rail to a port.

The consent authority for this application is the Department of Planning. As a part of the process the applicant is required to prepare an Environmental Assessment containing prescribed information including the results of discussions with organisations or individuals potentially impacted by the proposal. Representatives from Centennial Coal made a presentation to the Council at its Briefing Session on Tuesday 10 March 2009.

Blue Mountains City Council has three possible courses of action. Firstly, the Council can ignore this request and Centennial Coal will assume the Council is satisfied with the proposed modification. Secondly, the Council may note no objection to the modification as proposed. Thirdly, Council can raise objections and make recommendations. This process is the Council's legislative opportunity to comment on the proposal and thereby taking appropriate risk management action.

This report provides a summary of the proposed modification and an assessment of the probable impacts of the proposal on Blue Mountains City Council. The comments made by the Council will be included and, where appropriate, addressed in the Environmental Assessment.

Background

In November 2000, the Greater Blue Mountains World Heritage Area (GBMWhA) was incorporated to the World Heritage List. The GBMWhA covers about one million hectares of mostly forested landscape on a sandstone plateau, 60 to 180 kilometres inland from central Sydney (inland from Wollongong to Newcastle). The City of Blue Mountains has a population of 77,000 and is one of only two cities in the world that is wholly contained within a designated World Heritage Area.

The City's location within a World Heritage Area places responsibilities on the community, the Council and other agencies to ensure that the impacts of urban development are carefully managed and that the internationally recognised values of this natural environment are protected. The Blue Mountains attracts millions of visitors from throughout the world to its magnificent environment, making it one of the top five tourist destinations in Australia. It is the only World Heritage area in Australia readily accessibility by public transport from a major capital and Sydney airport which is the point of entry for the majority of the international visitors to Australia.

The Blue Mountains serves as a bridge between Sydney and Central Western NSW, with the main transport corridors for road and rail located on the central ridgeline across the City. The Great Western Highway is the primary vehicular connection between Sydney and the Central West and the Western Railway Line is heavily utilised for passenger and freight movement within and outside of the region. These transport corridors place pressures and impacts on the local Blue Mountains community and the natural environment whilst also providing essential links for the Blue Mountains community, allowing access to local services along the length of the 100km corridor and to employment and specialist services outside the City. The highway also serves as the principal local traffic spine for many towns along its length.

The quality of the transport corridor and its public domain, its frontages and access are vitally important issues to the nation and state as well as the local community.

Given the above, the Council needs to ensure that the impacts of the proposed modification to the Clarence Colliery consent are fully investigated and understood; with appropriate measures identified and acted upon.

The proposed modification

Centennial Coal are preparing an application to increase the production of the sized coal, by 300,000 tonnes per annum bringing the total production of sized coal to 500,000 tonnes per annum for the domestic market.

Centennial Coal is proposing that the current and the additional sized coal will be transported to domestic customers by heavy vehicle.

The coal produced at Clarence Colliery has a high carbon content and is used by industry where the carbon is a necessary ingredient in particular processing operations. A small

proportion of the coal is sold to hospitals for use in boilers. The coal is not used for electricity generation in Australia.

Current approval

Centennial Coal currently has consent to produce 3 million tonnes of thermal coal for export and domestic sales. Export coal is hauled by rail to Port Kembla. The current consent allows for the transportation of 200,000 tonnes per annum via road haulage.

The following table was provided by Centennial Coal showing the supply of thermal coal for domestic customers during 2007/2008.

Region	No. of Customers	Total supply in tonnes
Hunter & Central Coast	3	101,085
Sydney	4	81,485
Western NSW	7	5,300
South Coast	2	5,030
Blue Mountains	2	800
South Australia	1	200
Victoria	1	150
Total	20	194,050

Current consent conditions, relevant to this submission, include:

- Prohibition of truck movements through Lithgow CBD;
- A requirement that loaded vehicles are to be covered; and
- A requirement that vehicles are clean of materials that may fall onto the road.

Current heavy vehicle routes

Loaded trucks exit Clarence Colliery and turn left onto Chifley Road then continue east along Bells Line of Road, or turn south onto the Darling Causeway. At Mount Victoria, trucks travelling in an easterly direction turn left onto Harley Avenue then left onto the Great Western Highway and those travelling west turn right at the traffic lights then proceed down Victoria Pass (ultimately travelling through Lithgow on the Great Western Highway). Trucks travelling to Clarence Colliery on their return generally use the reverse of these routes. Centennial Coal maintain due diligence during the delivery of the coal, however, truck routes are determined by drivers and these are contracted by the purchasers of the coal. Attachment 2 provides a map of the road network covering the proposal.

Vehicle numbers

Traffic numbers for the Great Western Highway are provided by the NSW Roads and Traffic Authority (RTA).

- The upper mountains has about 10,000 light vehicles and 2,000 heavy vehicles a day travel along the Great Western Highway;
- The lower mountains have about 40,000 vehicles a day;
- More than half of the road freight transport between the Central West and Sydney uses the Great Western Highway;
- Traffic will continue to increase by about 3 per cent each year; and
- Traffic on the rural sections of the Great Western Highway, between Mt Victoria and Lithgow is expected to increase to about 20,000 vehicles per day by the year 2025.

Clarence Colliery's current consent limits the maximum number of trucks permitted per day to 50 trucks, whilst also limiting the maximum number of loaded trucks between 7am and 10 pm to 7 trucks per hour.

At the present, the representative from Centennial Coal advised that they do not know how many trucks travel Bells Line of Road compared to the Great Western Highway but estimate approximately 25% use Bells Line of Road, 74% of trucks use the Darling Causeway, Harley Avenue then the Great Western Highway eastbound and 1% of trucks use the Darling Causeway then the Great Western Highway westbound.

Current heavy vehicle restrictions across the Blue Mountains

Currently the highway has legislated restrictions which limit the size of trucks allowed to operate on the Great Western Highway between Emu Plains and Lithgow. At present only vehicles up to 19 metre B-Doubles are permitted with no access allowed for 23-25 or 26 metre B-Doubles allowed.

Crashes involving heavy vehicles

Heavy vehicles travel more than 3.5 billion kilometres per year in NSW. Although they make up approximately 2% of vehicles registered in NSW, heavy trucks represent 6% of the kilometres travelled in the state. Statistical analysis of the 2006 RTA crash data shows a total of 90 of the 714 vehicles involved in crashes, in the Blue Mountains LGA, were trucks. This figure is comprised of light trucks, heavy rigid trucks and articulated trucks.

The five-year trend analysis, for trucks involved in crashes, shows a reduction in the figures from a peak of 98 in 2002. It is, however, important to note that crashes involving trucks in the Blue Mountains are above the New South Wales statistical average. The State figures for 2006 show that approximately 12% of vehicles involved in crashes were trucks, whereas the Blue Mountains statistics show approximately 13% of vehicles involved in crashes were trucks.

The following table notes current and proposed heavy vehicle traffic figures for Harley Avenue, Mt Victoria; if the Clarence Colliery consent modification is approved by the Department of Planning.

		Total Number of heavy vehicles leaving Clarence Colliery	Estimated number of heavy vehicles using Harley Ave*
Current approved vehicle movements	Daily average	28	20
	Daily maximum	50	38
Proposed vehicle movements	Daily average	94	70

* takes account of estimated % of traffic using Harley Avenue which Council has been advised is approximately 74% of total trucks.

Centennial Coal engaged a consultant to undertake traffic counts in Harley Avenue; this work was completed in May/June 2008. These counts recorded an average of 15 heavy vehicle movements per day, which appears to be very low and not indicative of the current approved freight movements for Clarence Colliery. The reason for these unexpectedly low figures is unknown. However, using the above figures, the proposed modification would result in

significant increases in heavy vehicles using Harley Avenue. Such an increase in truck movements will have significant impacts on both the condition of the pavement and the safety and amenity of Harley Avenue and the adjoining sections of highway.

Road ownership and maintenance responsibility

The Darling Causeway, Chifley Road, Bells Line of Road and the Great Western Highway are maintained by the RTA. Harley Avenue is owned and maintained by Blue Mountains City Council with the assistance of regional roads funding from the RTA. Harley Avenue is a local road with a reserve width of 20m and a bitumen seal of 8m with unformed verges. Harley Avenue is approximately 340m long and a mixture of commercial, community and residential developments fronting the street.

Future road works – Mt Victoria to Lithgow By Pass

On 19 December 2008, the NSW Minister for Roads confirmed that an upgrade will bypass the village of Mount Victoria, replacing the steep grades of Victoria Pass and also bypass River Lett Hill.

The State Government state that this upgrade would:

- Improve road safety;
- Improve freight efficiency;
- Cater for the mix of through, local and tourist traffic; and
- Be sensitive to the area's nature environment, heritage and local communities.

The RTA is currently consulting the community on corridor options while also completing field studies to examine if feasible routes can be located within those corridors. This process is expected to be completed by approximately mid 2009.

This upgrade would also enable the possible lifting of the current restrictions on the larger B Double vehicles accessing the highway.

Heavy and light vehicle rest areas

The RTA are currently undertaking a major rest area strategy review which is due for completion by mid 2009. The draft strategy has not identified any locations within the Blue Mountains LGA for a major truck rest area. The nearest locations identified are River Lett Hill in the Lithgow LGA and a number of possible sites in the Penrith LGA.

There are currently two minor rest areas along the highway, these being at Falconbridge (west bound) near the fruit market; and Soldiers Pinch (east bound) near the Mt Boyce checking station. Both these sites are maintained by the RTA. However, concerns remain with the limited facilities provided at these sites and their qualifications as minor rest areas. There are also a number of unofficial locations currently used by heavy vehicles.

Any additional heavy vehicle traffic using the highway further hastens the need for the RTA to provide adequate truck parking and rest areas.

Safe-T-Cam

Safe-T-Cam is an RTA initiative that aims to reduce the incidence of heavy vehicle speed and fatigue in an effort to prevent heavy vehicle accidents. Safe-T-Cam is an automated monitoring system that uses digital camera technology capable of reading the front number plate of heavy vehicles. The network monitors heavy vehicle travel times, verifies driver

logbooks and detects vehicles that fail to enter checking stations for inspection. Safe-T-Cam is used at heavy vehicle checking stations such as Mt Boyce to monitor heavy vehicle travel times, verify driver logbooks and detect vehicles that fail to enter for inspection.

It is recommended that in support of the submission that the Council also request the Roads Minister to expend the Safe-T-Cam to a point to point system between Mt Boyce and Emu Plains.

Intelligent Access Program (IAP)

The Intelligent Access Program is a new way of managing heavy vehicle access and compliance, providing transport operators with the opportunity to obtain improved access arrangements, while providing the community with greater assurances that the right trucks operate on the right roads. The IAP was developed in partnership between all Australian road agencies, the IAP is a certified intelligent transport system recognised in law, which uses satellite-based tracking technology to remotely monitor where, when and how heavy vehicles are operated on the road network. An in-vehicle unit needs to be installed in all prime movers by a certified IAP Service Provider. The unit will automatically record the time, date and position of any relevant non-compliant event associated with the access conditions of an IAP monitored vehicle. This information will form the basis of any investigation initiated by the RTA.

It is recommended that the Council request of the Roads Minister confirmation that this program is operational across the Blue Mountains LGA.

Implications for Blue Mountains City Council

The principle concern for the Council, should the proposal be approved, is the impact of the additional heavy vehicles using the Bells Line of Road, Darling Causeway, Harley Avenue and the Great Western Highway. The increase in the number of trucks turning out of, and onto, Harley Avenue would impact on the flow of traffic on the Great Western Highway in the vicinity of the intersection.

Centennial Coal acknowledges there will be significant impacts from the proposal upon the intersection of Harley Avenue and the Great Western Highway and they have proposed road works to mitigate the impact of these additional heavy vehicles. Centennial Coal is proposing the following:

- Widening the Great Western Highway to 8 metres comprising 4 metres for storage lane of right turning traffic and 4 metres for through traffic; and
- Clarence Colliery will contribute to the upkeep and maintenance of Harley Avenue via an agreement.

Sustainability Assessment (Triple Bottom Line Reporting): If the consent is modified as proposed the TBL assessment is as follows:

Effects	Positive	Negative
Environmental	Nil	<ul style="list-style-type: none"> • The use of coal adds to green house gases. • Additional trucks hauling coal through the Blue Mountains with decreased amenity and safety for motorists and residents •

Effects	Positive	Negative
Social	Nil	The additional trucks using Harley Avenue will generate noise, dust, vibration resulting in a decrease in the amenity within the vicinity of Harley Avenue.
Economic	<ul style="list-style-type: none"> Jobs will be retained in the mine and there with a slight increase in the number of employees. Manufacturing processes which require the coal product may continue using a local resource. 	<ul style="list-style-type: none"> Wear and tear on infrastructure such as roads Deters tourism Loss of productivity to local business due to additional congestion, travel times and delays

Financial implications for the Council

Centennial Coal have indicated they will upgrade the intersection of Harley Avenue and the Great Western Highway and it is recommended that Centennial Coal also contribute to the upgrading and maintenance of Harley Avenue proportionate to the number of their trucks using the road.

Provided the works are undertaken in a timely manner, to BMCC's standards and maintained to these standards, there will be no significant financial implications for the Council from the proposal.

Legal and risk management issues for the Council

There are risks to the community in terms of the impacts of the proposal and on BMCC if costs associated with the proposal are not adequately addressed. Accordingly this report recommends urging the State Government to implement the recommendations set out in this report.

External consultation

This report has been prepared using information received at the Council Briefing session on Tuesday 10 March 2009 and previous discussions with Centennial Coal.

Conclusion

This report details the possible impacts from the proposed modification and it is recommended that Council endorse the contents of the submission (Attachment 1) and that Centennial Coal be accordingly advised.

* * * * *

Attachments x 2

Attachment 1**BLUE MOUNTAINS CITY COUNCIL: SUBMISSION ON THE PROPOSED MODIFICATION TO CLARENCE COLLIERY OPERATIONS**

The following recommendations are provided for consideration in the Environmental Assessment being prepared as part of the proposed S75W modification to the consent for the Clarence Colliery. This submission has been prepared in response to the representations made on behalf of Centennial Coal to Blue Mountains City Council. The Council strongly recommends that the impact of additional heavy traffic travelling through the City is properly assessed and that, in particular, the following recommendations are seriously considered and addressed:

- Blue Mountains City Council objects to any increase in the number of heavy vehicles routinely using Harley Avenue;
- Blue Mountains City Council strongly urge that Centennial Coal prepare a detailed investigation into the use of rail transport for the haulage of the coal to a central depot/s with the intention that coal is stockpiled in the Hunter/Central Coast region, south coast region and a western region. The coal would then be loaded onto trucks at the stockpile for delivery to individual customers. The investigation shall include all costs and logistical issues relevant to the haulage of coal, including the savings of not hauling the coal by road such as fuel costs, reasonable estimates of wear and tear on infrastructure, road crash reductions and consequent savings, repair and replacement costs of vehicles and labour costs for drivers for the life of the consent. A comparison of the complete and reasonable cost alternatives is to be included in the Environmental Assessment;
- The planned upgrade of the road between Mt Victoria and Lithgow could impact significantly on the proposal and may eliminate impacts on Harley Road. Blue Mountains City Council requests that Centennial Coal make representation to the NSW Roads and Traffic Authority as to the route and the timing for the upgrade and that this information be included in the Environmental Assessment. Blue Mountains City Council requests that the advice be factored into the assessment and properly addressed within the proposal; and
- Blue Mountains City Council requests that if the above information alters the proposed haulage strategy, that Centennial Coal advise Blue Mountains City Council with a view to amending their requirements in accordance with the probable impacts from the additional information.

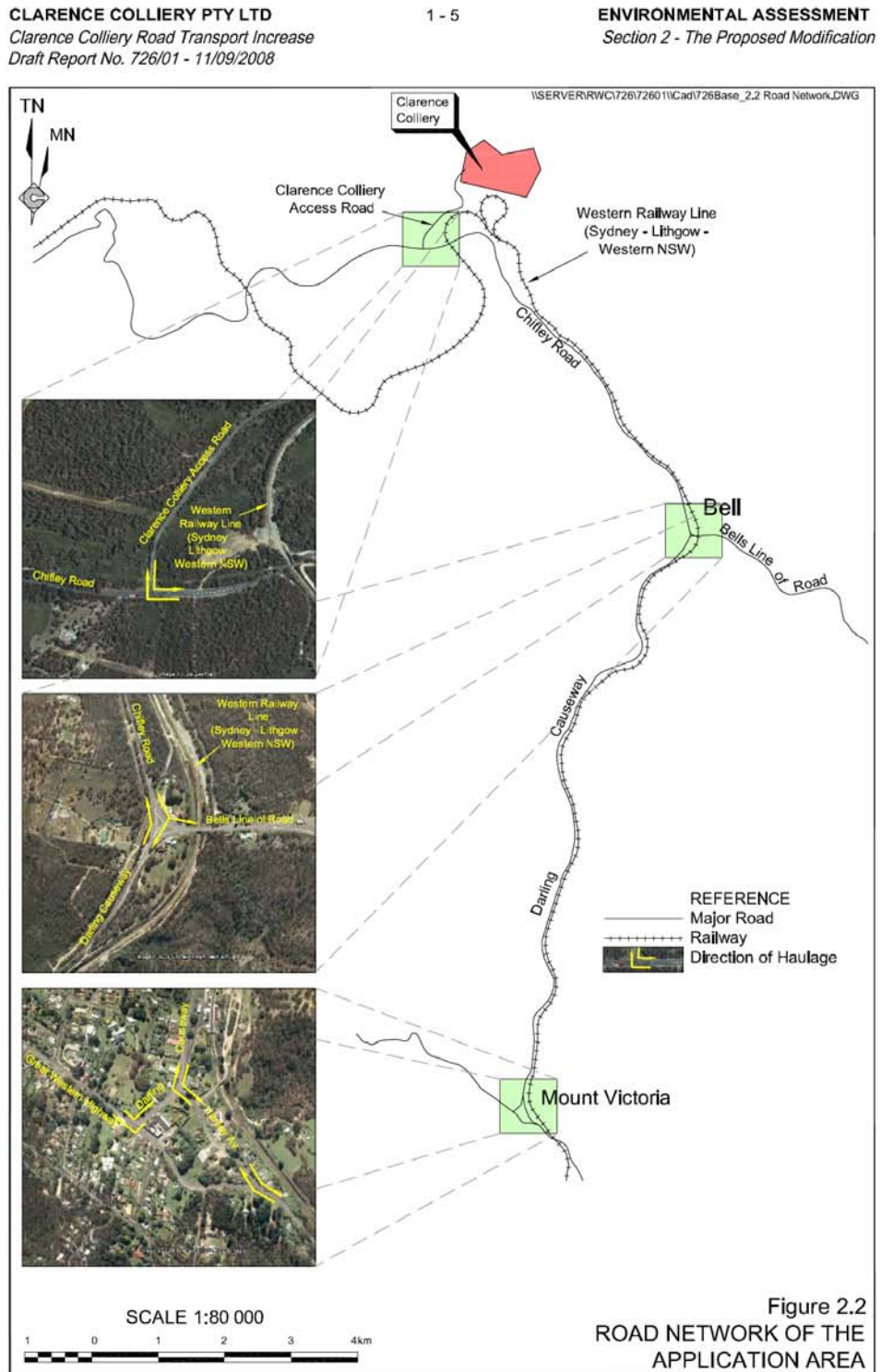
Determinations - Consent Approval

In the event that consent is approved Blue Mountains City Council (BMCC) strongly urges the Department of Planning require Centennial Coal to undertake the following:

- That Harley Avenue be upgraded in accordance with BMCC design plans as previously provided;
- That Centennial Coal enter into a formal agreement with respect to the road maintenance of Harley Avenue based on either an average number of truck movements or the actual number of truck movements as a percentage of the total of the trucks using Harley Avenue;

- That the intersection of Harley Road and the Great Western Highway be upgraded to a dedicated right turn bay as opposed to the proposed inside passing lane;
- That Centennial Coal construct 200 metres of 2.5 metre wide shared pedestrian / cycle path (between Mt Piddington Road and Cecil Road); and
- That Centennial Coal construct 200 metres of 1.5 metre wide bike lane/shoulder (between Mt Piddington Road and Cecil Road);
- That Centennial Coal construct improved driveway access for residents affected by road widening; and
- That all designs for these works are completed, and a satisfactory time frame for the works to be completed and agreed, prior to commencement of the works.

Attachment 2: Network Map



ITEM NO: 15

SUBJECT: BLUE MOUNTAINS CULTURAL CENTRE DEVELOPMENT:
STRATUM ISSUES

FILE NO: 09/65880

Recommendations:

1. *That the Council approves the preparation and submission of an application to close that part of the road known as College Lane that is a public road, and that is identified in the Option Deed for the Blue Mountains Cultural Centre Development (the "Option Deed") as "East/West College Lane" ("East/West College Lane").*
 2. *That the Council notes that satisfactory alternative access arrangements, for properties with street frontages to Katoomba Street, are required by the Option Deed to be maintained during the construction of the Cultural Centre Development, and that the closure to traffic will only be during the construction period.*
 3. *That the Council gives in principle approval to the stratum subdivision of the land comprising East/West College Lane, subject to the submission and approval of all required development applications, to create a stratum lot or lots that will become part of the retail level and part of the basement carparking level or levels within the completed Cultural Centre Development (the "substratum lots").*
 4. *That the Council gives in principle approval to the grant to Coles Group Property Developments Limited ("CGPD") of a lease of the substratum lots for a term of 99 years, unless the Council transfers ownership of the stratum lots to CGPD.*
 5. *Subject to the Council being satisfied that East/West College Lane may be re-opened (as a public road) as a stratum road, and that the Council has the power to transfer ownership of the substratum lots to CGPD, the Council gives in principle approval to that transfer.*
-

Report by Group Manager, Community and Corporate

Introduction

This report recommends that the Council approve the proposed closure of the public road known as East/West College Lane, Katoomba. That road is located along the northern boundary of the site on which the Blue Mountains Cultural Centre Development will be constructed.

The Option Deed relating to the development requires that East/West College Lane be closed and excavated. The below ground carpark and the retail precincts within the development will both be constructed to extend beneath the former road. The road will then be reconstructed and reopened.

The report also recommends that the Council approve the stratum subdivision of the land comprising the road to create stratum lots below the road. Those lots will be dealt with in one of two ways. First, ownership of the lots would be transferred to the Coles Group Property Developments Limited (“CGPD”), and become part of CGPD’s lot. Alternatively, and only if an ownership transfer cannot be achieved, then the long term lease of the land below the road would be granted by the Council to CGPD.

Background

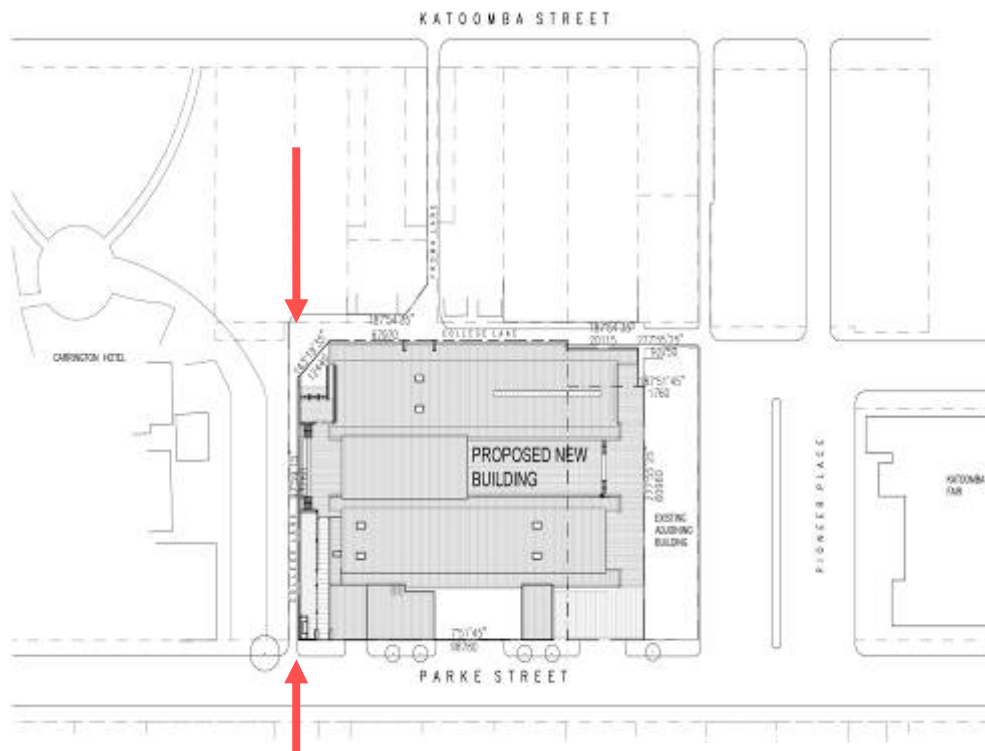
The Council is one of four parties to the Option Deed. The other three parties to the Option Deed are the Ministerial Corporation for Industry (“MCI”), the New South Wales Minister for State Development (“Minister”) and CGPD.

On 15 July 2008 the Council resolved to grant development consent for the Cultural Centre Development. The next major step to be taken in relation to the project is the grant of a construction certificate, to allow excavation and construction work for the development to commence.

The site on which the development will be constructed is bordered to the west by Parke Street Katoomba, to the north by East/West College Lane and to the east by another part of College Lane (“North/South College Lane”) (see Map below). East/West College Lane is a public road, regulated by the *Roads Act* 1993. North/South College Lane is not a public road. The land comprising North/South College Lane is owned by the Council and is subject to various easements allowing the passage of pedestrians and traffic over the land.

The development consent granted by the Council envisages the closure and excavation of East/West College Lane. That work is necessary because part of the retail level of the development and part of at least the upper level of the two basement carpark levels will be located below East/West College Lane. It is possible that the second and lowest carparking level may also be excavated below East/West College Lane.

Map: Arrows Indicate College Lane East/West



The Option Deed Relating to the Development

The Option Deed requires that, following the construction of the basement carparking levels and the construction of the retail level of the development, East/West College Lane be reconstructed and reopened as a public road.

The development site (excluding East/West College Lane) is owned approximately 90% by MCI and as to the remaining 10% by the Council. The Council is the owner of East/West College Lane in its capacity as the roads authority for the Blue Mountains local government area, by operation of s145 of the *Roads Act* 1993.

CGPD will construct the Cultural Centre Development on land that remains in the ownership of MCI and the Council. This condition was imposed to protect the interests of both the New South Wales State Government and the Council, while construction of the development proceeds.

As a result of this requirement, CGPD will be granted a licence to occupy the site, prior to the commencement of excavation and construction work. However, that licence will not be granted until a number of pre-conditions are satisfied. These conditions are referred to in the Option Deed as the “Construction Licence Conditions Precedent” (the “conditions precedent”).

The conditions precedent include matters such as the rezoning of the development site and the issue of the development consent for the project. The majority of the conditions precedent have already been satisfied. The outstanding conditions precedent include the issue of a construction certificate for the development. The application for that certificate should be lodged with the Council within the next three months.

This report addresses three other requirements within the conditions precedent that must be satisfied before CGPD is granted a licence to occupy the development site. Those conditions may be summarised as follows:

1. The Council must secure the temporary or permanent closure of East/West College Lane to allow the excavation of the development site, including the land below the road;
2. The Council must secure either the approval by the Director of Planning (or of any other relevant authority) for the grant of a long term lease of the land below College Lane to CGPD or for the transfer of the ownership of that land to CGPD; and
3. There must be no impediment to work being carried out on the land comprising or below East/West College Lane.

East/West College Lane

By operation of the *Roads Act* the Council is the roads authority for the Blue Mountains local government area and it is the owner of East/West College Lane, in its capacity as the roads authority.

Under s149 of the *Roads Act* the Council may lease the air space above, or the land below the surface of, East/West College Lane. However, s149(2) provides that such a lease may not be granted by the Council except with the approval of the Director of Planning.

The New South Wales Department of Planning has confirmed that the Director's powers in relation to the grant of such a lease have been delegated to the Council. The Department's advice on this issue is included in a letter dated 18 February 2009, forwarded to the Council by the Department's Regional Director, Sydney West. That letter relevantly states:

“Although the leasing of land above or below a road is now addressed under Section 149 of the Road Act 1993, the Instrument of Delegation [issued by the Department in April 1988] continues to be in force by way of a Savings Provision included in (Section 4 of) Schedule 7 of the current Local Government Act 1993...

The Blue Mountains City Council can therefore undertake the Director-General's function in approving a lease above or below a public road, and continue with its discussions with the developer regarding the long term lease of the land below College Lane ... ”

By operation of the Instrument of Delegation to which the Department refers, the Council is therefore in a position to grant the East/West College Lane substratum lease. This report recommends that the Council should grant “in principle” approval for that lease and for the strata subdivision of the road to allow the proposed substratum lots to be created. At this stage, given that the stratum subdivision of East/West College Lane has not yet been effected, the Council may only give in principle approval for these steps.

The report also recommends that the Council determine whether it will be possible to transfer the substratum lots, to be created below East/West College Lane, to CGPD as owner. If the stratum subdivision of East/West College Lane is effected before the road is reopened, and if the reopened road is confined to the land above and the land comprising the road itself (to an appropriate and practical depth below the road) then there may be no impediment to such a transfer. The final conclusion on that issue will be the subject of a further report to the Council, as the development progresses. For present purposes, it is sufficient to note that if the transfer of ownership of the substratum lots is possible, then the Council is required by the Option Deed to take that step.

Sustainability Assessment (Triple Bottom Line Reporting):

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

Financial implications for the Council

The Council is required by the Option Deed to effect the stratum subdivision of East/West College Lane. In accordance with the Option Deed the Council will bear the costs of the required survey work and the costs associated with securing the required development consent. These costs are included in the Council's budget for the Cultural Centre Development.

The College Lane substratum will either be leased to CGPD, or transferred to CGPD, for only nominal consideration. The East/West College Lane substratum forms part of the Council's contribution to the Cultural Centre Development.

Legal risk management issues for the Council

There are no known significant legal or risk management issues associated with the recommendations contained in this report. The recommendations made in the report reflect the Council's existing obligations under the Option Deed.

External consultation

It is considered that no external consultation, other than the concluded consultation with the Department of Planning in relation to s149 of the *Roads Act*, is required in relation to this matter.

Conclusion

This report seeks the approval of the Council for the resolutions set out in the recommendations made at the commencement of this report. The passing of those resolutions will facilitate the continued progress of the Cultural Centre Development and ensure that the commencement of construction of the development is not delayed.

* * * * *