COUNCILLOR’S REPORT

Ordinary Meeting, 8/2/2000

ITEM NO: 1
SUBJECT: WESTPOOL
FILE NO: 100726

Recommendation:

That the report by Councillor D Myles be received.

Report by Councillor D Myles:

At the first meeting of Blue Mountains City Council, after the September election, I had the honour of being chosen, along with Council staff members Mr Graham Collins and Mr Les Edwards, to represent Council on the local government insurance co-operative known as WESTPOOL. Myself and Mr Collins are on the Board and Mr Edwards, until his recent resignation as Council’s Risk Management Co-ordinator, was on the Management Committee.

WESTPOOL consists of six councils from Western Sydney - Blue Mountains, Hawkesbury, Penrith, Fairfield, Blacktown and Liverpool. It aims to defray the considerable cost of Council insurance by minimising claims through good risk management and by “pooling” resources so as to “self insure” in part and be in a better position to deal with those very few insurance companies willing to cover Local Government.

In an increasingly litigious age, effective risk management and protection from exposure are vital components of the operation of any business. It is even more relevant to our Council due to the large number of public areas, wide geographic spread and duplication of public facilities and high tourist visitation.

The many and varied areas in which the Council operates are reflected in the need for its insurance coverage through WESTPOOL to cover incorrect advice, property damage and personal injury arising from a wide range of diverse activities that include roadworks, the provision of numerous services and facilities and the approvals process. Several other policies are also taken out for matters not covered by WESTPOOL. There has been somewhat of a history of courts ruling against councils, even when the evidence against the council is less than compelling, because of the idea of Local Government being some kind of “Cash Cow”. All Councillors would know that this is not the truth, hence the need for pro-active risk management and effective cover is all the important.

WESTPOOL recently achieved a remarkable coup when Mr Terry McCormack accepted the post of Executive Officer. Mr McCormack is the General Manager of Blacktown City Council and his experience with the largest (by population) LGA in NSW will be a big asset in the smooth running of the organisation. Mr McCormack takes up his appointment in April.
Blue Mountains City Council can be very happy to be associated with WESTPOOL. I have found it to be an extremely professional organisation that works well together, regardless of the political affiliations of the Councillors on the Board or of the different size and financial strength of the different councils. In fact, so good has WESTPOOL’s operation been that it has received from the Lloyd’s of London underwriters a no-claim performance bonus refund of $68,000 arising from good risk management. This is considered a first for public liability and professional indemnity cover in Australian local government. The Council can also take satisfaction from the involvement of its own Graham Collins with WESTPOOL. Graham has been closely involved, being Secretary for a number of years, and it reflects well on Council that one of its staff has been close to the heart of a well run, efficient operation.

I commend this report to the public and the Council.
Recommendations:


2. That the master plan be exhibited for a period of three weeks, commencing 1 March 2000.

3. That following the exhibition period a further report be provided to Council for final endorsement.

Report by Project Manager, Katoomba and Echo Point Revitalisation:

Introduction:

Council, at its meeting of 27 January 1999, resolved that “Council liaise with the NSW State Property representative, in that Department’s preparation of appropriate development guidelines and / or master plans for the redevelopment of key State Government sites in the Katoomba Town Centre”.

Master Planning:

A master plan has been prepared by Infrastructure Partnership Services for the State Rail Authority Goods Yard site in Katoomba. The site is bounded by Main Street, Yeaman’s Bridge, the main western railway line and the railway pedestrian underpass.

Current zoning of the site is very restrictive. It links permissible uses to those historically associated with the site. Council has previously resolved to prepare a draft Local Environment Plan (LEP) to rezone the site to permit the range of uses envisaged in Council’s adopted Katoomba Town Centre Revitalisation Strategy. The master plan states that proposed uses could include uses which relate to finance, commerce, retailing, tourism, residential, backpacker accommodation, cultural activities or entertainment, together with some public open space. Car parking is a potential interim use. The master plan is now in a form suitable for public exhibition.

Development Proposals:

Following the exhibition of the master plan and the preparation of a draft Local Environment Plan, the State Government will be calling for proposals for purchase of the site. Sale of the site is scheduled for completion in April 2001.
Development Control and Selection:

The exhibition of the draft master plan will provide the information necessary to refine the master plan and to construct an appropriate draft LEP. The LEP (and potentially a Development Control Plan) will be referred to Council for endorsement, in accordance with normal legal processes. The preferred proposal will be submitted for assessment through the development application process.

Conclusion:

Liaison has taken place with the State Government’s Department of Public Works and Services, who have prepared a master plan for the redevelopment of a key site which is owned by the State Government. Subject to public consultation, the State Government proposes to seek proposals for the development of their land.
ITEM NO: 3

SUBJECT: KATOOMBA TOWN STREETSCAPE MASTER PLAN

FILE NO: C03196

Recommendations:

1. That the Katoomba Town Centre Streetscape Master Plan, dated January 2000, be endorsed for the purpose of public exhibition.

2. That the master plan be exhibited for a period of three weeks, commencing 1 March 2000.

3. That following the exhibition period a further report be provided to Council for final endorsement.

Report by Project Manager, Katoomba and Echo Point Revitalisation:

Introduction:

The “Katoomba Charrette Outcomes Report and Town Centre Revitalisation Strategy” was completed in April 1999. Council’s three year capital works program includes a proposed allocation of funds for improvements to the streetscape of the Katoomba town centre, to contribute to the revitalisation. The State Government has entered into an agreement with Council to provide supplementary funding for these streetscape improvements.

Master Planning:

A master plan has been prepared for the Katoomba town centre streetscape. The town centre is the area approximately bounded by Waratah, Cascade and Lurline Streets, and by the Great Western Highway. The purpose is to provide an overall theme, outline and rationale for proposals across the entire study area. It incorporates specific proposals identified within the “Katoomba Charrette Outcomes Report and Town Centre Revitalisation Strategy”.

The master plan provides a framework within which streetscape works can be designed over the next decade. The scope of works proposed is greater than can be funded through the Katoomba and Echo Point Revitalisation project over the next three and a half years. The works identified in the master plan have therefore been prioritised. The budget available from the State Government is $965,000, including funds required for commuter car parking in Goldsmith Place. Council has agreed in principle to provide a further $1,054,000. These budgets include for survey, design and construction.

The master plan is now in a form suitable for public exhibition. The public will have the opportunity to comment on funding priorities, as well as other aspects of the master plan.
Comments during the exhibition process will be recorded and will be an integral part of the resolution of the issues and of the final recommendations. The final master plan will be presented to Council for endorsement.

Conclusion:

A master plan has been prepared for the Katoomba town centre streetscape. The master plan is now ready for public exhibition.
ITEM NO:  4

SUBJECT:  KATOOMBA AND ECHO POINT REVITALISATION PROGRESS REPORT

FILE NO:  C03134

Recommendations:

1. That the revised four year schedule for the revitalisation of Katoomba and Echo Point be endorsed.

2. That NSW Department of State and Regional Development be advised of the revised schedule, for the purpose of obtaining their concurrence.

Report by Project Manager, Katoomba and Echo Point Revitalisation:

Introduction:

Council, at its meeting of 7 September 1999, endorsed a four year schedule for the revitalisation of Katoomba and Echo Point. The endorsed schedule (attachment A) includes a briefing to Council each six months on progress. Copies of the currently endorsed schedule and the proposed revised schedule (attachment B) for the revitalisation are attached.

Discussion:

The project to revitalise Katoomba and Echo Point over the next three and a half years will require the integration of a number of sub-projects. Some of these now have full or partial funding allocated by State Government. Others have funding fully or partially allocated by Council. Some, such as the Rail Services Australia depot site, have no funding allocated at this time, but are being integrated into the total project. Significant funding is anticipated to come from the private sector. The redevelopment of the TAFE East precinct is a significant project, but confirmed funding at this time is limited. State Government funding is available for the selection of a detailed proposal suitable for concept design. Further State Government funding towards the design and construction of a development on the site will be subject to the receipt of an appropriate detailed proposal. Confirmed partial funding of refurbishment of the Civic Centre is available from the State Government. When a feasibility study has been undertaken, Council will decide if it will also direct funds to the Civic Centre refurbishment.

The State Government has concurred with the schedule endorsed by Council in September 1999 for those sub-projects that the State Government is funding through Council. Since then, various factors have led to the need to revise the schedule. The attached revised time schedule has been prepared with the objective of achieving the agreed State Government annual cash flow.
Except for some bus shelters, there is no proposal to change the dates for completion of the construction of any sub-projects. However it is proposed to start or finish pre-construction phases of some sub-projects at times which differ from the currently endorsed schedule. Concept design of commuter parking in Goldsmith Place has been brought forward by six months, to ensure that it is integrated into the town centre streetscape master plan. The town streetscape master plan is now ready for public exhibition. Concepts and tender documentation for the town streetscape will be prepared over a longer period of time than previously scheduled, to allow for sufficient consultation, and for integration with improvements to the highway and to rail station access. It is not proposed to delay the start of construction.

The façade restoration program has been reduced from four years to one year, to encourage property owners to complete restorations before the Olympic tourism peak period. The program has been launched and discussions have occurred with about twenty property owners.

A quotation has been obtained from the National Parks and Wildlife Service to design and construct the national park path improvements. Concept design will be extended to March 2000, to ensure that the scope of work is clearly defined before the tender documents for the construction phase are prepared. Construction is still scheduled to start in May 2000.

The brief for detailed requirements for the Civic Centre has been commenced. A feasibility study for the Civic Centre refurbishment will be completed four weeks later than currently scheduled. This will allow sufficient time to assess and cost the technical implications of upgrading the entire building to current standards required by legislation. The start date for the construction of the refurbishment is unchanged.

The master plan for the TAFE East Precinct has been endorsed by Council. The preferred proposals for the redevelopment of the TAFE east precinct will now not be selected until August 2000. This represents an extension of about six months to the schedule for this sub-project. As the TAFE east site is in State Government ownership, decisions about the timing of the proposal process are determined by the State Government’s Department of Public Works and Services (DPWS). DPWS has now decided that in order to attract the best proposals for the precinct, their call for detailed proposals will be preceded by a call for expressions of interest. Expressions of interest were not allowed for in the currently endorsed schedule.

It is likely that the proposed development of the TAFE east precinct will require some bus shelters to be constructed in Parke Street. However until the concept for the TAFE east precinct has been developed, it is uncertain exactly where these shelters will be required. It is therefore proposed to delay to the construction of any bus shelters in Parke Street.

Conclusion:

The scope of the revitalisation project consists of a variety of sub-projects, with funds provided by State Government, Council and the private sector. State Government funding must be expended by June 2003. Some changes are proposed to the current schedule endorsed by Council.
Attachment B
Recommendations:

1. That the rationalisation of lands for creation of the Echo Point Crown Reserve include the portion of National Park presently used for a car park off Cliff Drive, and that it be excised from the Blue Mountains National Park.

2. That confirmation be sought from the National Parks and Wildlife Service that they are willing to have the land excised from the Blue Mountains National Park.

Report by Project Manager, Katoomba and Echo Point Revitalisation:

Introduction:

Council, at its meeting of 24 November 1998, resolved “That the rationalisation of lands for creation of the Echo Point Crown Reserve exclude the portion of National Park presently used for a car park off Cliff Drive, and that it be retained in the Blue Mountains National Park.” At that time the State Government did not want to reduce the area of land in this part of the National Park.

The final plan of management for the Echo Point Crown Reserve is scheduled for completion in February 2000. In order to facilitate the implementation of the plan, the State Government has now agreed in principle that none of the existing car park off Cliff Drive should remain within the National Park.

Discussion:

The State Government is now receptive to the portion of National Park presently used for a car park off Cliff Drive being incorporated in the Crown Reserve. This will ensure that there is no car parking at Echo Point on National Park land. The area of land concerned is identified in attachment A. The Crown Reserve will be managed by Council.

Conclusion:

Administration of car parking at Echo Point will be simplified if there is no car parking within the National Park.
Attachment
COMMUNITY & RECREATION PROGRAM

Ordinary Meeting, 8/2/2000

ITEM NO: 6

SUBJECT: COMMUNITY ASSISTANCE/DONATIONS - RECOMMENDATIONS BY COUNCILLORS

FILE NO: C00944

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Recommendations:

1. That Council approve the following donations from the Councillors’ Minor Local Projects Vote:-

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glenbrook Train Disaster</td>
<td>$336</td>
</tr>
<tr>
<td>Afternoon Tea (including refundable bond)</td>
<td></td>
</tr>
<tr>
<td>Linden Bushfire Brigade</td>
<td>$100</td>
</tr>
<tr>
<td>Hazelbrook Public School P&amp;C</td>
<td></td>
</tr>
<tr>
<td>Gardens Committee</td>
<td>$100</td>
</tr>
<tr>
<td>Gloria Park Advisory Committee</td>
<td>$100</td>
</tr>
<tr>
<td>Springwood Hospital Auxiliary</td>
<td>$150</td>
</tr>
</tbody>
</table>

2. That, when appropriate, the bond refund for the hire of the Lawson Community Centre be credited to the Councillors’ Minor Local Projects Vote.

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Report by General Manager:

On 1 November 1994 Council adopted a statement of broad principles for the provision of community assistance/donations. The following recommendations for donations, which appear to fall within the ambit of the broad principles, have been received and are submitted for approval.

<table>
<thead>
<tr>
<th>Recommending Councillor</th>
<th>Organisation</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr C Kime</td>
<td>Glenbrook Train Disaster Afternoon Tea</td>
<td>Hire of Lawson Community Centre</td>
<td>$18</td>
</tr>
<tr>
<td>Cr C Kime</td>
<td>Glenbrook Train Disaster Afternoon Tea</td>
<td>Refundable bond</td>
<td>$150</td>
</tr>
<tr>
<td>Cr C Van der Kley</td>
<td>Glenbrook Train Disaster Afternoon Tea</td>
<td>Hire of Lawson Community Centre</td>
<td>$18</td>
</tr>
<tr>
<td>Cr C Van der Kley</td>
<td>Glenbrook Train Disaster Afternoon Tea</td>
<td>Refundable bond</td>
<td>$150</td>
</tr>
<tr>
<td>Recommending Councillor</td>
<td>Organisation</td>
<td>Purpose</td>
<td>Amount</td>
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</tr>
<tr>
<td>Cr C Gaul</td>
<td>Linden Bushfire Brigade</td>
<td>Donation</td>
<td>$100</td>
</tr>
<tr>
<td>Cr C Gaul</td>
<td>Hazelbrook Public School P&amp;C Gardens Committee</td>
<td>Donation</td>
<td>$100</td>
</tr>
<tr>
<td>Cr C Gaul</td>
<td>Gloria Park Advisory Committee</td>
<td>Donation</td>
<td>$100</td>
</tr>
<tr>
<td>Cr C Kime</td>
<td>Springwood Hospital Auxiliary</td>
<td>Advertising for fete</td>
<td>$150</td>
</tr>
</tbody>
</table>
Recommendations:

1. That Council establish a Working Group to consider nominations received from the community for the award of the Australian Sports Medal.

2. That the Working Group comprise the Mayor, one Councillor from each ward, and the General Manager or his nominee.

3. That Council nominate a Councillor from each ward to serve on the Working Group.

Report by Acting General Manager:

In the Year 2000 the Commonwealth Government is producing a commemorative medal to celebrate Australia’s sporting achievements. The medal will be known as the Australian Sports Medal and will be issued only during the Year 2000.

The medal will provide recognition for current and former sports participants and those who have contributed to sport through the provision of support services. The award will be created by the Queen and made by the Governor-General and will be awarded at a single level.

The Australian Sports Medal is not intended to be restricted to athletes and others connected with the Sydney 2000 Olympic games, but rather to celebrate the nation’s wider sporting achievement.

The NSW Minister for Sport and Recreation has a number of processes in train to identify the New South Wales component of the 20,000 medals to be awarded nationally. He has asked Council to identify 14 appropriate nominees from the Blue Mountains for the Medal. Council is therefore currently seeking nominations from members of the public. Advertisements have been placed in the Blue Mountains Gazette and the closing date for receipt of nominations by Council is 3rd March, 2000.

It is recommended that a Working Group comprising the Mayor, the General Manager, and a Councillor from each ward be established to consider the nominations received and to recommend 14 nominations to NSW Sport and Recreation. The Department will then pass them onto the Governor-General for consideration. The closing date for the lodgement of Council’s 14 recommendations with NSW Sport and Recreation is 31 May, 2000.
Recommendations:

1. That the Acting General Manager’s Report incorporating the separate documents titled:
   - 1999/2000 Management Plan Actions
   - Budget Review, December, 1999
   - 1999/2000 Capital Works Program
   be noted.

2. That the variations of income and expenditure as identified in the document titled Budget Review, December 1999, be voted.

3. That progress on the Capital Works Program, including variations, be noted.

Report by Acting General Manager:

This report reviews Council’s performance for the December 1999 Quarter within the context of its adopted Management Plan.


Introduction

Council continues to progress its Three Year Management Plan in active pursuit of the goal of increasing Council’s effectiveness and efficiency by way of a strategic approach directed to the medium to long term future of the Blue Mountains community.

This report briefly provides some detail of the continuing work of Councillors and staff in the implementation of the second year of the current Three Year Management Plan. The December 1999 Quarter has again demonstrated sound progression towards the various Goals that the Council has set itself in what is essentially a very demanding program.

Greater detail is shown in the accompanying documentation.
1. City Planning Goal

The December Quarter saw considerable progress in the Management Plan objectives for this Goal particularly in relation to the review of Draft LEP 1997. The completion and review of the Draft Written Instrument and Development Control Plans during the Quarter have provided opportunities to develop a consolidated approach to the total package of land use controls. This will significantly strengthen and focus the LEP and will improve the certainty of land use outcomes within the City.

Notwithstanding this progress, external factors that impacted on the review of LEP 1997 have necessitated the rescheduling of a number of unrelated projects to enable an appropriate level of resources to be directed to the LEP review as Council’s main planning priority in 1999/2000.

2. Natural Systems Goal

The completion of the State of the Environment report was the major focus of action under the Natural Systems Goal for the December Quarter. Proposals for Council’s monitoring programs are continuing to be developed. The report to Council on environmental indicators is nearing finalisation. Associated development of the water quality monitoring program for recommendation to Council has also advanced significantly.

Mapping of the threatened vegetation community in the Lower Mountains, the Shale Sandstone Transition Forest is nearing completion, the weeds mapping project funded by URCP, and work on the preparation of NPWS Recovery Plan for the Leura Skink (Blue Mountains Skink) are improving the biodiversity conservation toolkit available to Council.

Four draft Bush Care site strategies have been completed for the purpose of supporting the Bush Care Groups on those sites.

The defence of the appeal against Draft Amendment No. 25 to LEP 1991 has resulted in some delay in the public lands rationalisation project.

3. Access to Opportunities Goal

Further work has been undertaken on the development of an Access and Equity Policy for Blue Mountains City Council, building upon and addressing needs identified in the Blue Mountains Falls Prevention Project. Particular effort has also been made to ensure access issues are taken into consideration and integrated into the preparation of Development Control Plans and the LEP. Formal input from the Blue Mountains Access Committee is being sought on these matters. A number of access and safety issues identified in town access audits previously implemented were actioned.

Extensive work was undertaken on the possible development of a Cultural Centre in Katoomba, with a feasibility study being completed and reported to Council in December 1999.
Stage 2 of the Cultural Strategy was presented to Council in late October 1999 and placed on exhibition. It will be presented to Council in the Third Quarter for final adoption. Children’s Week was successfully held in October 1999, with large numbers of children, families and service providers in attendance on the Gala Day held at Gloria Park. A significant highlight was the selection of Blue Mountains City Council as an Award Winner for the 1999 NSW Children’s Week Awards.

4. Managing for Sustainability Goal

Work is progressing on a draft report to Council including the outcomes of community workshops conducted in 1998/1999 concerning community participation and Managing for Sustainability.

5. Area Management Goal

Work on the Area 1 Community Planning process is now underway and is progressing well. A Working Group, including Ward Councillors, has been established to steer the process. Several meetings with community and business groups have been undertaken and a formal process of community consultation will be implemented in the Third Quarter. Existing services and facilities are being documented and assessed. A number of specific issues, such as skating, are being assessed and acted upon.

The Area Manager Program is continuing successfully with the Area 5 Plan having been adopted by Council. Work is underway by the Area Manager, Upper Mountains and Strategic Planning staff in developing the Area 1 Plan which is scheduled for reporting to Council in May/June 2000. Discretionary budgets for Area Managers are functioning effectively, as exemplified by the recent project on the painting of the bus shelter on the Great Western Highway opposite Queens Road, Lawson.

6. Transport Corridor Goal

Progress had been achieved in a number of areas associated with the railway corridor. The Springwood Commuter Car Park is now under construction and an additional $600,000 has been obtained. The Valley Heights pedestrian bridge is now open and the construction of the commuter car park is about to commence. A number of actions have been further progressed in regard to the Highway, particularly Shell Corner access, lobbying for improved local access for the proposed Medlow Bath Bridge, and work to maximise local access opportunities in the Katoomba/Leura Highway upgrade. Council is waiting on a response from the RTA concerning the Great Western Highway Management Plan review.

7. Tourism Goal

The review of the recommendations of the Tourism Strategy is now well advanced. Accreditation of Council’s Visitor Information Services has been achieved under the new National Visitor Information Network and will be subject to ongoing standards monitoring. Work to develop a strategy to improve the maintenance and quality of major tourist visitation points is well underway.
8. Emergency Management Goal

Work undertaken in the December quarter in respect of the Management Plan included the Y2K response planning, finalisation of the Bushfire Risk Management Plan for exhibition, introduction of further RFS software and limited hazard reduction work due to the unsuitable weather conditions.

9. Governance Goal

An internal working group is undertaking data collection work as a first step in Council’s review of its community consultation process. A structured meeting of Councillors to review Council’s performance was held in November and is being followed up by a meeting between Councillors and senior staff which is to take place on 12 February.

10. Land Use Management Goal

The December quarter saw a 30% increase in the number of applications received. Despite resources being diverted to applications, progress was made on the outstanding management plan activities.

11. Financial and Assets Goal

The Land Information System selection process has been completed and Key Module Owner training provided. The system is on target for implementation by the end of January 2000. In accordance with the IT Strategy and Business Plans, 74 original commissioned PCs were replaced under the scheduled equipment replacement program. Council’s Year 2000 project was completed producing a tested Business Continuity Plan. A new AS400 mainframe computer was commissioned and a very cost effective “cold” site backup facility established at a remote location. Laser scanning data was provided in November 1999 to assist with DLEP 1997 work.

The budget preparation process was reviewed and professional training provided to budget managers. Substantial work has been undertaken in modifying account structures for service unit accounting.

The Community Building Pricing Policy and Procedures Project was progressed to the point of the draft document being ready for a Councillor briefing in early December.

12. Organisation Goal

The Payroll Module of a new Human Resource Information System has been implemented. However, this was not without some difficulty which diverted staff resources away from progressing other planned Goal actions. Planning commenced on the implementation of the Human Resource Module of the new system including drafting the user manual. A new structure for the Human Resources Branch was adopted and action commenced on selecting staff for placement in the new positions. Difficulty was experienced in recruiting to the position of Senior Human Resources Officer. Performance reviews for all Council staff are being held to ensure the continued relevance of staff competencies and objectives to their performance.
Financial Position

Councillors are referred to the separately enclosed document titled Budget Review December Quarter 1999. The Budget Review is prepared by the Responsible Accounting Officer in accordance with the Local Government (Financial Management) Regulation and details budget variations that have now been identified and which have not been adopted by the Council in previous Budget Reviews.

As a result of the review the estimated effective level of Working Capital has decreased by $184,418 to an estimated balance at 30 June 1999 of $1,544,379. The more significant reasons for this relatively small decrease are highlighted and explained in the Budget Review document and were outlined at the recent Councillor’s briefing on the Budget Review. The decrease is not of major concern as the level of Working Capital is sufficient, one of the purposes of holding Working Capital is to fund budget downturns such as this and the reasons are identifiable.

As part of the 2000/2001 Budget preparation process the optimum level of Working Capital will be reviewed. Previously this had been calculated at between $1.6 and $1.8 million based on the local government industry standard of working capital being within a range to cover the amount of stores and hard core debtors. The amount held in such items is now lower than previously calculated prompting a possible lower level of optimum working capital based on the industry standard.

Under the Local Government (Financial Management) Regulation the Council’s Responsible Accounting Officer is also required to formally report on whether the Council’s financial position is considered “satisfactory” and if not, what remedial action needs to be taken. In the accompanying Budget Review document the Responsible Accounting Officer has reported that the Council’s financial position is considered “satisfactory”.

Capital Works Program

Of Council’s 170 projects a total of 80 have now been completed or commenced. This report notes that 9 projects have been transferred to restricted assets for various reasons which are outlined in the December review spreadsheet.

The most notable transfer at this stage is the funding that was allowed in the current budget for the Valley Heights Aquatic Centre. This project is subject to a report to come to Council shortly on the possible options for a Lower Mountains indoor pool and as a result these funds will not be required until at least the Year 2000/2001.

A number of projects have been subject to further community consultation. Council has resolved to proceed with the Murray Park development and further consultation is currently being undertaken for Peter Carroll Field, Leura and the Blaxland Skate Park. Subject to the outcome of the consultations and reports to Council the appropriate works will be scheduled as appropriate.

The Urban Runoff Control Program-Roadworks is now nearing completion with the final project being Mt Sion, Glenbrook.
A number of projects have been completed this Quarter particularly the Katoomba Sports and Aquatic Centre which officially opened on 30 January 2000. Other projects include:

- Installation of new play equipment at various locations
- The majority of the footpath replacement program
- Baths Road, Hazelbrook - seal rural road
- Highland Street, Leura - drainage
- Waratah Road Stage 1 with Stage 2 currently under construction

Conclusion

On balance, Council’s progress to the achievement of its goals in the December Quarter has been quite significant. The demands on the organisation are considerable and focus must be maintained on the prioritised actions to ensure that the current rate of progress is maintained. Council’s financial position remains satisfactory and it is anticipated that this will continue to be the case. Council’s Capital Works activities continue at significantly high levels, providing much needed community infrastructure and facilities.
ITEM NO:  9

SUBJECT:  SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20
          VEGETATION MANAGEMENT PROVISIONS

FILE NO:  C00995

Recommendations:

1. That the Council advise the Hawkesbury Nepean Catchment Management Trust that it generally supports the Recommendations made by the Trust to the Local Government Reference Group.

2. That the following more specific comments be provided in relation to several of the recommendations from the Trust:

   • The use of a threshold to better define the term and requirements for ‘clearing’ is agreed.
   • The recommendation for the 1,000 square metres threshold contained in the consultants report is not supported. A significantly smaller minimum area is considered applicable.
   • The concept of a threshold is not seen to be applicable to areas of environmental significance which are mapped at an accuracy suitable for use by owners, land managers and regulators at a lot specific level. In these areas all clearing should require consent, other than in relation to the agreed exemptions.
   • It is considered that a definition of ‘watercourse’ would be a useful inclusion in the SREP to aid identification of sensitive and significant environmental areas.
   • The control of cumulative impact of small areas of clearing should be addressed by the provisions which introduce a threshold.
   • The objectives of and potential relationship between the clearing definition in the SREP and other control mechanisms such as the Tree Preservation Order should be understood.

3. That the development of the more detailed response to these vegetation management issues be co-ordinated by the Trust in consultation with interested councils.

4. That the Trust be requested to assist councils to develop a case and subsequently advocate that case for State Government to resource the preparation of Vegetation Management Plans for local government.

Report by Group Manager, Strategic Planning:

This report relates to proposals by the Hawkesbury Nepean Catchment Management Trust (the ‘Trust’) to amend the Sydney Regional Environmental Plan No 20 - Hawkesbury Nepean River (SREP 20). This report is generally supportive of the proposals put by the Trust.
The Trust has referred a report and recommendations on the SREP 20 Vegetation Management provisions to the Council for comment. The Local Government Reference Group run by the Trust is to again consider this matter on 3 February. This report forms the basis of the comments made by Council representatives to the Reference Group. Those comments are made subject to the endorsement of the Council. If Council has a different view or seeks to make an amended submission that further submission will be put in the ongoing development of this matter through the Trust and or the Department of Urban Affairs and Planning.

A copy of the report and recommendations are provided in Attachment 1.

The report from the Trust addresses issues that have arisen in the course of Blue Mountains City Council’s consideration of the proposed content of the Tree Preservation Order and more recently in relation to the In-Principle support of the Council to the inclusion of the Middle Nepean sub-catchment in the definition of ‘conservation area sub-catchments’ in the SREP 20.

With regard to this latter issue, the Trust has recently responded to the Council’s In-principle support, and part of that response concerns the question of vegetation management and clearing controls. The wider issue of the expansion of the conservation area sub-catchments will be separately reported once responses from the other parties (Hawkesbury Council and Department of Urban Affairs and Planning) are received, but the Trust’s comments are discussed here where they are relevant to the vegetation management issues.

The relevant vegetation management issue for this Council principally surrounds the difficulty associated with implementing the otherwise desirable goal of controlling (not necessarily prohibiting), the removal of all native vegetation, not simply trees. The retention of shrub and herb layers is of great significance in minimising adverse impacts on water quality within our catchments and this type of vegetation is also often significant as habitat. Thus previous reports to Council relating to vegetation management have recognised the desirability of being much clearer about when and how significant removal of native vegetation can be controlled in a manner which is practical and implementable.

The Trust has also consulted with the Blue Mountains Conservation Society (BMCS) in relation to the SREP 20 vegetation management provisions. A copy of the submission from the Conservation Society is provided in Attachment 2. The proposed response to the Trust is generally in accordance with the position advocated by BMCS.

**Comment on the Recommendations of the Trust**

*Trust recommendations are in italics with Council comments inserted where relevant.*

*That DUAP be requested to:*

*Introduce a clearing threshold into SREP 20 and to encourage councils to prepare Vegetation Management Plans.*
The introduction of a minimum area for the control of clearing is consistent with the approach recommended by the Council. The report from the Trust recognises the need to better define ‘clearing’ in order to secure a workable solution. A background report to the Trust contains a recommendation that a clearing threshold of 1,000 square metres minimum apply. The Trust does not include a specific minimum area in its recommendation in the report to the Local Government Reference Group (LGRG), but in the subsequent response to Council in relation to the conservation area sub-catchment issue, the Trust has suggested that a minimum area threshold of 250 square metres may be appropriate in concert with other controls such as the Tree Preservation Order, but has offered to advance this and other issues through discussions.

It is considered that the threshold area should be as small as is practically possible because of the acknowledged importance of maintaining vegetation cover and habitat. For the sake of simplicity, a figure which is the same as a related standard is also desirable and may be achievable. A figure of 50 square metres of area of vegetation builds upon a standard contained in LEP 1991 as it relates to Principal Development areas and is probably as small as a threshold could go with any practicality. The implementation of such a concept would need to address such matters as cumulative clearing, and such a clearing threshold should not apply to areas of recognised environmental significance such as mapped significant vegetation or corridors along watercourses. No clearing should occur in these areas without consent. It is noted that SREP 20 does not contain a definition of ‘watercourse’ which is an area of clear environmental sensitivity. The existing definition of ‘tributary’ does not appear to be sufficient in this respect.

A means of expressing this should be developed by the Trust in association with councils.

Clearly these are matters that other councils will have a view upon and it is unlikely to be resolved in the LGRG meeting. A more in-depth assessment of the responses from different councils is suggested in order to achieve an appropriate outcome in relation to the matter of a threshold for clearing.

The proposal to encourage councils to prepare Vegetation Management Plans is not opposed in principle. The advantages are that such plans co-ordinate the Council’s approach to vegetation and habitat management. As a major element of environmental protection such focus is warranted. The issue for councils will be the question of timing and resource demands in relation to competing priorities.

Vegetation management plans are defined in SREP 20. They contain matters such as measures to be taken to implement the conservation strategies of the SREP (these include matters such as protecting wetlands and significant habitats) and measures for ongoing monitoring and weed control. This Council has a number of significant measures and programs which address aspects of vegetation management and conservation.

Any proposals to encourage Vegetation Management Plans must take into consideration the scope of work to prepare and implement such plans and the increasing and unfunded burden on small local communities with very large, complex vegetated areas.
The major challenge comes in achieving systematic coverage of the issues based upon sufficiently comprehensive information on condition, threat and mitigation. This is becoming ever more important in order to more strategically and cost effectively address Threatened Species Conservation Act requirements.

Within Blue Mountains, the natural estate in public land outside the National Park is some 12,000 hectares. The natural estate within Environmental Protection zones is some 15,000 to 18,000 hectares. The mapping, assessment, monitoring and management of this natural resource is a major challenge for a council with a relatively small budget and very limited opportunities to expand the rate base.

This will be an issue common to many councils. It would be appropriate to request the Trust to co-ordinate a case and advocate on behalf of councils for substantial funding support by State and Federal Governments for biodiversity conservation for mapping, monitoring and implementation at the local level.

That DUAP be requested to:

- Promote the clearing provisions in SREP 20.

Agreed, once they are workable.

That DUAP be requested to:

- Review the clearing provisions as they relate to urban areas within conservation area sub-catchments with the aim of excluding minor clearing works in established residential areas.

The minimum threshold approach to the definition of clearing largely addresses the concerns raised by Blue Mountains Council, which is the only local government area where the urban area is largely located within conservation area sub-catchments.

That DUAP be requested to:

- Accept that if a Regional Vegetation Management Plan applies over a LGA it be considered a Vegetation Management Plan for the purpose of SREP 20.

Agreed.

That DUAP:

- Prepare a table showing the inter-relationships between integrated development provisions of the EP&A Act, SREP 20 and the Native Vegetation Conservation Act.

Agreed.

- Promote the clearing provisions in SREP 20 and remind councils that certain provisions of SREP 20 overlap with provisions of the Rivers and Foreshores Improvements Act and are therefore integrated development.
Agreed.

That the Local Government Reference Group:

- Note that the Trust has written to DUAP regarding the need to ensure consistency between SREP 20 and exempt and complying local environmental plans.

Agreed.

Conclusion

The recommendations from the Trust are generally agreed. There are significant issues to be resolved before a workable definition is determined. If the SREP is to be regarded as an instrument with significant statutory force, then the provisions which purport to exert control should be very clear about how and where discretion is to be exercised. For this reason it is considered to be very important that the detail of the application of clearing controls within the SREP is adequately resolved. Where appropriate, individual councils can tailor provisions for their own areas provided that those local provisions at least meet the minimum standards of the SREP. In setting those minimum standards the operating environment across the SREP area needs to be understood. In the case of Blue Mountains City Council area, the location of most of the urban area within the conservation area sub-catchments needs to be recognised.

This Council’s environmental management efforts have thus most practically and appropriately been directed towards minimising the impact of those urban areas on the surrounding natural bushland and catchments. The Council is very supportive of the protection of these natural areas and for this reason has sought the comment of the Trust and DUAP regarding the extension of the conservation area sub-catchments across the Middle Nepean sub-catchment. The request that the clearing controls be amended to be more practical and implementable, arises from the requirement to apply these controls across broad areas of the Blue Mountains which include major urban areas.

There is agreement that an integrated approach to Vegetation Management is an important issue worthy of a management focus. However, the resourcing of this plan and its systematic implementation requires much better funding support from other levels of government. The Trust is requested to advocate this position on behalf of local government.
Attachment 1
Attachment 1
Attachment 2
Attachment 2
Attachment 2
ITEM NO: 10

SUBJECT: DEVELOPMENT APPLICATION FOR A THREE (3) SUITE BED AND BREAKFAST ESTABLISHMENT IN CONJUNCTION WITH THE EXISTING DWELLING ON LOT 3, DP 3587, NO. 43 MURRAY STREET, LEURA

FILE NO: X99/1841

Recommendations:

1. That the Development Application No. X99/1841 for Conversion of the Dwelling to a Bed and Breakfast Establishment on Lot 3, DP 3587, 43 Murray Street, Leura, be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of a Deferred Commencement Consent subject to conditions shown in Attachment 1 to this report.

2. That the General Manager be given delegated authority to issue the Operational Development Consent upon resolution of the deferred matters.

Report by Group Manager, Health and Development:

Reason for report
Bed and breakfast establishments are proposed to be prohibited in the Living Conservation Zone under the exhibited Draft Local Environmental Plan 1997. In accordance with Council policy, this matter is submitted for determination.

Applicant
Mr H Jensen
43 Murray Street, Leura

Owner
Mr H K Jensen
12 The Sanctuary Drive, Leonay

Application lodged
1 December 1999

Property address
Lot 3, DP 3587
43 Murray Street, Leura
Site description

The subject land is located on the western side of Murray Street, Leura, midway between Megalong Street and Murray Street’s southern dead end at Leura Park.

The site is located in close proximity to many areas and points of interest such as the Leura Village and various display gardens.

The site falls quite steeply from the street towards a stream at the rear.

The site has a frontage of 22.75 metres and an area of approximately 1800m². A new double storey dwelling is currently under construction with cypress pine cladding.

The dwelling is serviced by a bitumen sealed road and all utilities including sewer.

Most of the native vegetation to the rear of the dwelling remains undisturbed and an unsealed parking and turning area exists amongst exotic trees and shrubs in the front yard.

Proposal

The dwelling under construction comprises six bedrooms, a study, a library and associated kitchen, 2 living and 2 dining areas. It is proposed to convert three bedrooms for bed and breakfast usage. A copy of the plans showing the site and extent of the dwelling proposed to be converted are provided in Attachment 2.

The applicant, who owns the premises intends to live in and run the Bed and Breakfast.
Development controls
Zoning –
LEP No.4 – Residential 2(a1)
Draft LEP 1997 – Living Conservation and Environmental
Constraint Area
Development Control Plan – No. 16 – Bed & Breakfast

Notification
The application was advertised for a period of 30 days from 22 December 1999 to 21 January 2000 in the Blue Mountains Gazette as well as written notification to adjoining and nearby properties.

No submissions were received.

Issues
Assessment Issues
- Provisions of planning instruments and draft instruments
- The impact of the development on the environment and the effect of the development on the scenic and landscape quality of the locality.
- Traffic generation and onsite car parking.

Discussion of Issues
Section 79C (1)(a) (i) (ii) (iii) & (iv):

1. Provisions of Planning Instruments, Draft Instruments, Development Control Plans and Environmental Planning and Assessment Act Regulations.

Local Environmental Plan No. 4:
The site is zoned Residential 2(a1) under LEP No. 4 and the proposed use is permissible with Council consent.

Clause 11A – Bed and Breakfasts
Complies with identified criteria ie:
- Operated by the owner who will be the permanent resident
- Short term accommodation only with a maximum of 6 visitors
- Connected to reticulated sewer
- Permissible with Council consent.

Draft Local Environmental Plan 1997 (previously exhibited document):

Does not comply with the definitions of Bed and Breakfast as 3 rooms are proposed for conversion into guest suites in lieu of two stated.
The site is proposed to be zoned Living Conservation under Draft LEP 1997 with the exhibited plan proposing that Bed and Breakfast establishments be prohibited. Much of the site is also proposed to be designated as Environmental Constraint Area (ECA). While the building is located within the ECA the structure is nearing completion having previously been approved as a dwelling.

The application is permissible under the current planning provisions.

**Compliance Table: Development Control Plan No. 16 - Bed & Breakfast**

<table>
<thead>
<tr>
<th>Clause</th>
<th>Standard</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>cl.3</td>
<td>Operated by the owner who is a permanent resident.</td>
<td>The applicant will be the permanent resident.</td>
<td>Yes</td>
</tr>
<tr>
<td>For short-term visitors only:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No more than six (6) guests, total twelve (12) residents:</td>
<td>3 bedrooms accommodating a maximum of 6 guests.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Availability of reticulated sewer</td>
<td>The dwelling is serviced by Sydney Water sewer.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>cl.4</td>
<td>1 car parking space per guest room</td>
<td>4 uncovered parking spaces will be made available (one for owner).</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimise vehicle noise:</td>
<td>The parking and manoeuvring areas will be sealed as the parking area is forward of the building line adjacent to neighbouring dwellings.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Vehicles to enter and leave in forward direction:</td>
<td>A turning area is provided to ensure guests leave and enter in a forward direction. Additional detail will be requested in this regard.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>No refreshment rooms:</td>
<td>The dining area is for guests and the host family only.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>cl.5</td>
<td>1 sign per property not exceeding 0.3m²</td>
<td>1 sign not exceeding 0.3 m² to be located adjacent to the driveway access. Design details have not been provided.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Building Code of Australia**

The fire safety of the existing building has been considered and it will be recommended that fire safety conditions be placed on any consent to achieve an appropriate level of fire safety. In this regard, as the building is still under construction Council has the opportunity to require internal walls and ceilings to achieve the appropriate Fire Resistance Levels and Sound Transmission classes required by the Building Code of Australia. This is reflected in the proposed Conditions of Consent.
Section 79C (1)(b) & (c)


The existing dwelling, whilst only recently approved, is of an older style. The established trees in the front yard other than one in poor condition are all proposed to be retained, dense native vegetation to the rear and general property size is considered a desirable feature and an attraction for a bed and breakfast establishment. It is well located in respect to many external points of interest.

The proposal is a low key activity which does not include any new works outside the dwelling apart from the levelling, enlarging and sealing of an existing informal parking area. The manoeuvring area of the car park will be forward of the 8 metre building alignment however the existing dwelling and car park are well screened by exotic trees and shrubs from all directions. One tree, which is in poor health, is required to be removed to make way for parking. It is intended that additional screening be provided after all current and proposed site works are completed.

The only other Bed and Breakfast establishment in Murray Street is at No. 2 which is on the northern side of Megalong Street near Railway Parade.

Accordingly, the development should not impact adversely on the environment or the scenic quality of the area.

3. **Entrance and Exit and Provision of On-Site Car Parking/Traffic Generation.**

Adequate car parking can be provided on site with sufficient area to permit all vehicles to enter and leave in a forward direction. The size of the proposal is not one that is likely to generate unreasonable noise and the car park will be sealed thereby minimising vehicle noise.

The applicant has provided Council with a plan of the proposed car parking area. This is sufficient for Council’s Development Engineer to determine that a slight revision to the layout will provide for sufficient turning and entry and exit in a forward direction. However it is considered that further details such as retaining, sealing, draining and a fully dimensioned plan at 1:100 scale including landscaping and existing trees be provided to Council by way of a deferred commencement consent. This allows Council Officers to ensure that the impact on trees, landscaping and retaining structures is satisfactory. This information was not requested earlier as it was considered more appropriate to allow Council to determine the principle of converting the building to a Bed and Breakfast Establishment. The above matters should not prove difficult to resolve subject to some minor adjustments and details.

Murray Street, in this location, is a bitumen sealed, no through road servicing only 10 properties south of Megalong Street. The additional three cars that this proposal would generate, from time to time, are unlikely to cause a discernible impact and the road is considered of adequate width and construction to accept the small increase in traffic generation expected.
Conclusion

A bed and breakfast establishment is currently permissible on the site. The introduction of the landuse will not require any new building work or internal alteration other than fire safety upgrading in relation to the requirements of the Building Code of Australia. There should be no change to the character of the area and no loss of residential amenity. The residence and local area offers an interesting tourist attraction.

As such, and notwithstanding the possible prohibition within the Living Conservation Zone under draft LEP 1997 (should it proceed without amendment), the proposal is supported subject to the imposition of appropriate conditions.
Deferred commencement consent condition

The Deferred Commencement Consent is subject to the applicant, within a period of twelve months from the date of the endorsement of the Deferred Commencement Consent, satisfactorily submitting amended plans addressing the following:

1. Full details of the proposed parking area drawn at a scale of 1:100 and dimensioned, including accurate details of existing trees and proposed retaining, sealing and surface treatment are to be submitted for Council’s approval.

Proposed conditions of operational consent

It is proposed the following Conditions will become effective when the requirements of the Deferred Commencement Conditions have been satisfied. It should be noted that the proposed Operational Conditions may need to be modified as a result of satisfying the deferred matters.

Consent

1. Blue Mountains City Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the Environmental Planning & Assessment Act 1979. Substantial physical commencement of construction is required within 2 years from the date the consent is issued.

To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by ___ numbered ___ dated ______ and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.

Signage

2. Any advertising sign shall not exceed 0.3m² in area and shall be located within the property boundary. Only one sign is permitted on the property to indicate that the house is a ‘bed and breakfast’ establishment and the name of the proprietors.

Car parking

3. To ensure the preservation of the existing residential amenity, all car parking shall take place on site at all times, as shown on the approved plan. The car parking area is to be maintained and kept free of obstructions so as to be available for parking at all times.

Four (4) spaces shall be provided.
Attachment 1

Bed & Breakfast

4. The Bed & Breakfast Establishment shall at all times comply with the following:
   - No more than three bedrooms shall be made available to guests at any one time. At no time whilst guests are in residence should the total number of occupants of the building, including visitors, residents, friends or family members, exceed 12 people.
   - Refreshment rooms ie., a restaurant, cafe, tea room or the like are not permitted on the site.
   - The premises are to be operated by the owner who is a permanent resident on the site.
   - The guest accommodation shall be available for short term paid accommodation only.
   - No cooking facilities are to be provided to the guest rooms.
   - A separate "Bed and Breakfast" operating approval is to be obtained from Council prior to the commencement of the use.

(Note: For further information you are required to liaise with Council’s Health and Building Specialist)

Fire safety and health standards

5. To ensure adequate fire safety and health standards are provided and thereafter maintained the following works shall be completed:
   - All internal walls between or bounding sole-occupancy units (bedrooms) shall achieve a fire-resistance level of -/60/60. These walls must extend to the underside of a ceiling having a resistance to the incipient spread of fire of not less than 60 minutes.
   - The doorways to all sole-occupancy units shall be fitted with self closing and tight fitting 35mm solid core doors.
   - Suitable single station smoke detector units are to be installed within all habitable room (excluding kitchens) and all passageways, hallways and the like. The smoke detectors are to be interconnected; connected to a permanent 240 volt power supply; and provided with battery backup to activate the alarm units in the event of power failure. The smoke detector, upon activation, is required to activate hallway lighting to illuminate the path of travel from a bedroom to the exit door. Full details of the system are to be submitted to Council for approval prior to installation.
To provide a system of containing fire, an external fire hose reel is to be provided on the site. The fire hose reel is to comply with AS 2441 and be sufficiently long enough to reach all internal parts of the floor. The hose reel needs to be connected to the reticulated, metered town water supply.

A 3.5kg Carbon Dioxide Portable Fire Extinguisher is to be installed within the kitchen area of the building.

A 1.2m x 1.2m fire blanket is to be provided to the kitchen area in a readily accessible location to the satisfaction of Council.

The lock on the front and rear doors is to be replaced or altered so that it opens by single handed action on a single device without recourse to a key from the side facing the person seeking egress from the building.

All internal walls between or bounding sole-occupancy units shall achieve a sound transmission class of 45, except where the wall separates a bathroom in one unit from a habitable room outside that unit, in which case the wall shall achieve a sound transmission class of 50.

Provide any refrigerated appliance with an approved thermometer in accordance with Clause 80 (5) of the Food (General) Regulation, 1997 so as to enable the temperature of the food stored within to be continuously monitored.

A separate wash hand basin shall be provided in the kitchen or, alternatively, the existing kitchen sink may be used for hand washing purposes provided a dishwasher is installed within the kitchen.

An adequate supply of single use towels and liquid soap are to be provided and maintained adjacent to the wash hand basin in the kitchen at all times.

The refrigerator in the kitchen is to be supported on wheels or castors capable of easily moving a fully loaded fitting.

Any cavity bounded by the bottom of the cupboard, the wall, floor and kickboard is to be filled with an expanding foam so as to fully fill the space.
Final fire safety certificate
(Prior to occupation)

Current / proposed and required essential fire safety measures

6. The essential fire safety measures referred to above, excluding any existing measures, are to be installed within the building.

A final fire safety certificate, in or to the effect of Form 15 (copy attached) is to be furnished by the owner of the building to the Principal Certifying Authority (PCA) prior to the issue of a final occupation certificate, in respect of all essential fire safety measures specified above.

The certificate should state that each specified essential fire safety measure has been assessed by a properly qualified person (chosen by the owner), and was found to be capable of performing to a standard not less than that specified.

Advice
A person who carries out the assessment must inspect and verify the performance of each specified fire safety measure and must test the operation of each new item of equipment installed in accordance with the above.

Annual fire safety statement

Each essential fire safety measure in the building

7. Each year, within 12 months of the previous statement or after a certificate of installation has been issued for the building (whichever is applicable), the owner of the building must ensure the Council receives a fire safety statement. This is to be in the format of Form 15A (copy attached) and must deal with each essential fire safety measure in the building.

As soon as practicable after the statement is issued, a copy of the statement (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy is to be prominently displayed in the building.
Attachment 2
ITEM NO: 11

SUBJECT: DEVELOPMENT APPLICATION AND CONSTRUCTION CERTIFICATE APPLICATION NO. X99/1867 FOR THE ESTABLISHMENT OF A BED AND BREAKFAST ESTABLISHMENT WITHIN AN EXISTING DWELLING AND CONSTRUCTION OF A SUNROOM EXTENSION TO THE DWELLING ON LOT 16, DP 593854, 138 NARROW NECK ROAD, KATOOMBA

FILE NO: X99/1867

Recommendation:

That the Development Application and Construction Certificate Application No. X99/1867 for the establishment of a bed and breakfast establishment within an existing dwelling and construction of a sunroom on Lot 16, DP 593854, 138 Narrow Neck Road, Katoomba, be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this report.

Report by Group Manager, Health and Development:

Reason for report Bed and Breakfast establishments are proposed to be prohibited in the Living Conservation Zone under the exhibited draft Local Environmental Plan 1997. In accordance with Council policy, this matter is submitted for determination.

Applicant Ms C Killinger 138 Narrow Neck Road, Katoomba

Owner Ms C Killinger 138 Narrow Neck Road, Katoomba

Application lodged 3 December 1999

Property address ‘Edgelinks’ - Lot 16, DP 593854 No. 138 Narrow Neck Road, Katoomba
Site description
The subject land has an area of 4490m$^2$ and is located on the eastern side of Narrow Neck Road approximately 50m north of Glencoe Street.

The site occupies an elevated position and commands extensive views to the east and south east over Katoomba Golf Course, Jamieson Valley, Echo Point and South Katoomba in general.

The property accommodates a large (360m$^2$) 2 storey 1950s country style residence known as ‘Edgelinks’. The dwelling is set within extensively landscaped grounds that occupy the remainder of the property.

The property is serviced by a bitumen sealed road and is connected to all utility services including sewer. An attractive on site gravel driveway services an existing car port and parking area.

Proposal
To establish a 3 suite bed and breakfast to be operated by the owner of the premises (who lives on site) and to construct a single storey sunroom 3.8m x 4.4m (11.7m$^2$) adjacent to the existing kitchen. The sunroom has been proposed as a second stage once the land use is approved and operational.

Plans for the proposal are provided in Attachment 2 to this report.

Development controls
Zoning –
LEP No. 4 – Residential 2(a1)
Draft LEP 1997 – Living Conservation

Development Control Plan – 16 – Bed and Breakfast

Notification
The application was advertised for a period of 30 days from 22 December 1999 to 21 January 2000 in the Blue Mountains Gazette as well as written notification to adjoining and nearby properties.

No submissions were received.

Planning Issues
- Provisions of planning instruments and draft instruments
- The impact of the development on the environment and the effect of the development on the scenic and landscape quality of the locality.
Discussion of Issues:

Section 79C (1)(a) (i) (ii) (iii) & (iv):

1. **Provisions of Planning Instruments, Draft Instruments, Development Control Plans and Environmental Planning and Assessment Act Regulations.**

Local Environmental Plan No. 4:

The site is zoned Residential 2(a1) under LEP No. 4 and the proposed use is permissible with Council consent.

*Clause 11A – Bed and Breakfasts*
Complies with identified criteria ie:
- Operated by owner who is a permanent resident
- Short term accommodation only with a maximum of 6 visitors
- Connected to reticulated sewer
- Permissible with Council consent.

Draft Local Environmental Plan 1997 (previously exhibited document):

Does not comply with the definitions of Bed and Breakfast as 3 rooms are proposed for conversion into guest suites in lieu of two stated.

The site is proposed to be zoned Living Conservation under Draft LEP 1997 with the exhibited plan proposing that Bed and Breakfast establishments be prohibited.

The application is permissible under the current planning provisions. The proposal, notwithstanding it being for 3 suites may be satisfactorily located on site without causing a loss of residential amenity to adjoining and nearby areas.

**Compliance Table: Development Control Plan No. 16 - Bed & Breakfast**

<table>
<thead>
<tr>
<th>Clause</th>
<th>Standard</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>cl.3</td>
<td>Operated by the owner who is a permanent resident.</td>
<td>The applicant is the owner and permanent resident.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>For short-term visitors only:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No more than six (6) guests, total twelve (12) residents:</td>
<td>Three (3) separate suites accommodating a maximum of six (6) people. With one owner, the total will be 7 residents.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Availability of reticulated sewer</td>
<td>The dwelling is serviced by Sydney Water sewer.</td>
<td>Yes</td>
</tr>
<tr>
<td>cl.4</td>
<td>1 car parking space per guest room</td>
<td>Four (4) parking spaces provided.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimise vehicle noise:</td>
<td>The parking and manoeuvring areas are located in a screened location away from nearby residences with easy grade to Narrow Neck Road.</td>
<td>Yes</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>Recommendation</td>
<td></td>
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<tr>
<td>------</td>
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<td></td>
</tr>
<tr>
<td>Vehicles to enter and leave in forward direction:</td>
<td>A circular driveway enables vehicles to leave and enter the property in a forward direction. An existing carport may accommodate 2 cars in addition to the owner’s vehicle. Sufficient area exists in which a further car space may be located, as shown in the plans at Attachment No. 2 to this report.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>No refreshment rooms:</td>
<td>None proposed. Common living and dining rooms provided for permanent resident (host) and guests.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>cl.5 1 sign per property not exceeding 0.3m²</td>
<td>1 sign not exceeding 0.3 m² to be located adjacent to the driveway access. Signage details have been included on the plans at Attachment 2.</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

Section 79C (1)(b) and (c):

2. **The Impact of the Development on the Environmental, Site Suitability and the Effect of the Development on the Scenic and Landscape Quality of the Locality.**

The 4490m² site is almost entirely screened from surrounding areas by the presence of mature and attractive trees comprising both exotic and indigenous species. Photographs have been provided (on file), taken from within the site, clearly showing the large dwelling set within established landscaped grounds. No effluent or stormwater concerns exist and the substantial site area, driveway design and parking areas, will ensure visitors are not required to park in Narrow Neck Road.

The traffic generation from a bed and breakfast establishment is little different to that of a residence. The additional three cars that this proposal would generate, from time to time, would not cause any discernible impact to Narrow Neck Road / Cliff Drive which is a designated tourist route.

There are two existing bed and breakfast establishments in the immediate vicinity. One within 100m on the opposite side of Narrow Neck Road, the other, ‘Megalong Manor’, on the corner of Cliff Drive and Acacia Street some 300m to the south. Given the size of the site and dwelling and that the proposal is a low key activity it should not impact adversely on the environment or the scenic quality of the area.

Section 79C (1)(d) and (e):

No submissions were received. Plans and specifications have been submitted demonstrating compliance with all requirements of the Building Code of Australia, therefore allowing the granting of the Construction Certificate for the proposed sunroom. The fire safety of the existing building has been considered and it will be recommended that fire safety conditions be placed on the consent as part of the upgrading required for the building, however these requirements are independent of the work that is subject to the Construction Certificate application.
Conclusion

A bed and breakfast establishment is currently permissible on the site. Whilst minimal building work is proposed, there will be no change to the character of the area and no loss of residential amenity. The residence and local area offers an interesting tourist attraction. Adequate carparking has been provided, with all vehicles able to leave and enter the site in a forward direction. Parking in Narrow Neck Road would not be necessary and should not occur.

As such, and notwithstanding the possible prohibition within the Living Conservation Zone under draft LEP 1997 (should it proceed without amendment), the proposal is supported subject to the imposition of appropriate conditions.
## Conditions of development consent

| Consent | 1. Blue Mountains City Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the Environmental Planning & Assessment Act 1979. Substantial physical commencement of construction is required within 2 years from the date the consent is issued.  

To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by David Ryder numbered 99114 Sheets 1 & 2 dated 11/99 and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent. |
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<td>Signage</td>
<td>2. Only one sign (as shown on the approved plans) is permitted on the property to indicate that the premises are a bed and breakfast establishment and the name of the proprietors. The sign shall not exceed 0.3m² in area.</td>
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| Car parking | 3. To ensure the preservation of the existing residential amenity:

- Existing vehicle access arrangements are to be maintained; and
- The garage and driveway area are to be maintained and kept free of obstructions so as to be available for use as resident and guest parking at all times. |
| Bed & Breakfast | 4. The Bed and Breakfast shall at all times comply with the following:

- At no time whilst guests are in residence should the total number of occupants of the building(s), including visitors, residents, friends or family members, exceed 12 people.
- Refreshment rooms ie., a restaurant, cafe, tea room, eating room or the like, are not permitted on the site.
- The premises are to be operated by the owner who is a permanent resident on the site.
- The guest accommodation shall be available for short term paid accommodation only.
- No cooking facilities are to be provided to the rooms.
- A separate "Bed and Breakfast" operating approval is to be obtained from Council prior to the commencement of the use. |
Fire safety and health standards

5. To ensure adequate fire safety and health standards are provided and thereafter maintained the following works shall be completed:

- Suitable single station smoke detector units are to be installed within all habitable room (excluding kitchens) and all passageways, hallways and the like. The smoke detectors are to be interconnected; connected to a permanent 240 volt power supply; and provided with battery backup to activate the alarm units in the event of power failure. The smoke detector, upon activation, is required to activate hallway lighting to illuminate the path of travel from a bedroom to the exit door. Full details of the system are to be submitted to Council for approval prior to installation.

- To provide a system of containing fire, an external fire hose reel is to be provided on the site. The fire hose reel is to comply with AS 2441 and be sufficiently long enough to reach all internal parts of the floor. The hose reel needs to be connected to the reticulated, metered town water supply.

- A 3.5kg Carbon Dioxide Portable Fire Extinguisher is to be installed within the kitchen area of the building.

- A 1.2m x 1.2m fire blanket is to be provided to the kitchen area in a readily accessible location to the satisfaction of Council.

- The lock on the front door is to be replaced or altered so that it opens by single handed action on a single device without recourse to a key from the side facing the person seeking egress from the building.

- Provide any refrigerated appliance with an approved thermometer in accordance with Clause 80 (5) of the Food (General) Regulation, 1997 so as to enable the temperature of the food stored within to be continuously monitored.

- A separate wash hand basin shall be provided in the kitchen or, alternatively, the existing kitchen sink may be used for hand washing purposes provided a dishwasher is installed within the kitchen.

- An adequate supply of single use towels and liquid soap are to be provided and maintained adjacent to the wash hand basin at all times.

- The refrigerator is to be supported on wheels or castors capable of easily moving a fully loaded fitting.
Any cavity bounded by the bottom of the cupboard, the wall, floor and kickboard is to be filled with an expanding foam so as to fully fill the space.

6. The essential fire safety measures referred to above, excluding any existing measures, are to be installed within the building.

A final fire safety certificate, in or to the effect of Form 15 (copy attached) is to be furnished by the owner of the building to the Principal Certifying Authority (PCA) prior to the issue of a final occupation certificate, in respect of all essential fire safety measures specified above.

The certificate should state that each specified essential fire safety measure has been assessed by a properly qualified person (chosen by the owner), and was found to be capable of performing to a standard not less than that specified above.

Advice
A person who carries out the assessment must inspect and verify the performance of each specified fire safety measure and must test the operation of each new item of equipment installed in accordance with the above.

7. Each year, within 12 months of the previous statement or after a certificate of installation has been issued for the building (whichever is applicable), the owner of the building must ensure the Council receives a fire safety statement. This is to be in the format of Form 15A (copy attached) and must deal with each essential fire safety measure in the building.

As soon as practicable after the statement is issued, a copy of the statement (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy is to be prominently displayed in the building.
Attachment 2
ITEM NO: 12

SUBJECT: PRICING POLICY AND PROCEDURES FOR THE MANAGEMENT OF COMMUNITY BUILDINGS

FILE NO: C02907

Recommendations:

1. That the draft ‘Pricing Policy and Procedures for the Management of Community Buildings’ be placed on public exhibition for receipt of public comments and submissions.

2. That notification of the public exhibition period be widely advertised in local newspapers and direct notification be provided, as far as practical, to frequent users of Council’s Community Buildings.

3. That following the public exhibition period a further report be submitted to Council outlining the issues relating to the draft policy together with the recommended course of action for Council’s consideration.

4. That the new position of Community Facilities Coordinator be created within existing net budgets and have responsibility for the effective co-ordination and use of community buildings as outlined in the Report.

5. The ‘Pricing Policy and Procedures for the Management of Community Buildings’ be reviewed after one year or earlier if necessary.

Report by Group Manager, Assets & Corporate Services

Council’s Statement of Revenue Policy contained within the current Management Plan notes:

“During the year it is intended to introduce a new pricing policy framework for community facilities. The new policy and resulting fees and charges will first be placed on public exhibition in draft form. Interested persons and organisations will be able to make submissions which will be considered before adoption of the policy and resulting fees and charges in final form.”

Action 14.1.1 in the Management Plan also requires the implementation of a model to measure social and economic returns, community service obligations and subsidies and that this is to be completed during 1999/2000 and be available for the 2000/2001 budget preparation. The proposed policy will highlight community service obligations in respect to community buildings and lead to the identification of the level of subsidy Council is providing.
The purpose of this report to Council will be to seek Council’s approval to the placement of the recommended draft Pricing Policy and Procedures for the Management of Community Buildings on public exhibition to receive public comment and submissions.

Following the public exhibition period, consideration will be given to any submissions received and a final policy will be recommended to Council for adoption. The new policy will then guide the setting of rental and licence fees for long term users of Council buildings used for community purposes together with the setting of fees and charges for short term hirers. The fees and charges will be required to be placed on public exhibition as part of the draft Management Plan.

Background
Council is under increasing pressure to be accountable for the good professional management of community building assets. This includes minimising or avoiding the placing of any additional financial burden on its ratepayers from such management responsibilities. Due to a large number and diverse range of community buildings and community services/activities, it is extremely difficult to perfectly address every single issue relating to each building or each class of building at policy level.

Late in 1998 Ms Alison Ziller and Ms Sue Boaden of the Australia Street Company, in conjunction with Dr Peter Phibbs of Sydney University, were appointed as consultants to develop policy and procedures for the ongoing management of Council’s Community Buildings. Particular emphasis was to be on financial arrangements and the development of a Pricing Policy.

The project involved the holding of two rounds of consultative workshops with external stakeholder groups. The first round was in October/November 1998 and the second round was in February/March 1999. At the second round the stakeholders gave feedback on a draft Pricing Policy document developed for discussion purposes from the first round of consultations.

The Consultants submitted their final report to members of the previous Council at a briefing session in March 1999. While the final report generally reflected the wishes of those consulted and the opinion of the Consultants, it was apparent that some aspects of the report would require further consideration before staff could recommend comprehensive policy and procedures that could be readily applied across the City. Due to the complex nature of the issues, the level of community interest and the need to arrive at a practical outcome, it was not possible for this to occur prior to the Management Planning process for the current year.

A cross Group internal staff committee has worked through the Consultants’ report and, amongst other tasks, investigated the possibility of a comprehensive Rental Subsidisation Scheme (including discounted fees and charges) that fulfils both asset management objectives and social and cultural development objectives. The result is a final document, based on the Consultants’ report, which is recommended for placing on public exhibition for comment.
A briefing was also provided to current Councillors on 20 January 2000 at which the main aspects of the final document recommended for placing on public exhibition and the changes from the Consultants report were worked through. There have been only a few very minor and insignificant changes since the briefing.

Councillors have previously been supplied with a copy of the final report from the Consultants. At the briefing session a further document was provided identifying each of the changes from the Consultants’ report and the draft policy and procedures recommended.

Enclosed separately with this Business Paper is the final document now recommended for placing on public exhibition. Copies have been made available for the public with the Business Paper distribution and additional copies will be made available free of charge as required. Limited copies of the final report from the Consultants have also been made available to Business Paper distribution points for reference purposes by interested parties. Additional copies of this report can also be purchased at a cost of $10.00 to offset the expenses incurred in additional photocopying.

The underlying objective of the draft policy and procedures are to provide Council and the local community with a framework for the pricing and management of community building assets. They concern community buildings such as halls, community centres, neighbourhood centres, youth centres, childcare centres, preschools, senior citizen centres and like community buildings. Sporting fields and recreational facilities were beyond the scope of the project.

**Statement of Purpose**

The Statement of Purpose, as outlined in draft Policy and Procedures document, highlights the importance of community buildings in the development of social and cultural activities in the Blue Mountains Local Government Area. It also highlights Council’s roles and responsibilities in the process of managing community assets.

Reference should be made to the enclosed draft document for the full text of the Statement of Purpose.

Community buildings contribute to the social and physical health of the community by providing some of the spaces in which a network of services are available to the local community. Many of these services:

- help keep families, relationships and partnerships intact
- help individuals develop or maintain skills, independence and self esteem
- provide for the health, respite and support of individuals
- provide a safety zone for physical retreat
- attract money and funded services to the area
- provide a focal point at which people come together to discuss local issues and to develop responses which strengthen communities
• provide employment opportunities, skills development and training opportunities and support local small business
• reduce crime, vandalism, substance and other forms of abuse and generally foster the health of the community overall

Pricing Framework
At the outset, specific pricing policy considerations should be seen as collaborative effort between government agencies at all levels and the community sector in the Blue Mountains. Council building assets can be classified into three distinct categories:

Core: Buildings that accommodate functions, services and/or activities which must be supplied to the community as a whole without restriction such as emergency services, local roads and waste services.

Expected: Buildings that accommodate functions, services and/or activities which are not mandatory, but which communities believe should be provided by the public sector and are generally not provided by the private sector such as baby health centres and neighbourhood centres.

Commercial: Buildings that accommodate functions, services and/or activities mainly for the purpose of earning profit.

Core goods and services are those supplied to the community as a whole, whose benefits accrue to society as a whole, and generally cannot be divided into units which can be sold separately. In a local government context, good town planning is a core service – all benefit. Nonetheless, individual charges may be levied for building or planning permits in respect of particular proposals.

Expected goods and services are outputs which the private sector is generally not prepared to produce commercially, but which society considers meritorious. Provision of such services characteristically involve some degree of subsidy on equity grounds and their pricing usually involves a blend of user charges and equity based subsidies. Many of the expected services and activities are housed within community buildings such as neighbourhood centres, youth centres and senior citizen centres.

Commercial activities are purely for commercial or profit making purposes, the purchasers of which should be charged at least the full long-run economic cost of producing them, and to which equity based concessions are generally not applicable; for example, Council’s owned retail shops and residential properties.

Overall Pricing Policy
The role of the Pricing Policy is to implement Council’s Statement of Purpose for community buildings. This Statement of Purpose, as detailed in the draft Policy document, describes how these public facilities benefit everyone in the community. This community benefit is a public good and a shared responsibility to which all those who are able should make a contribution. The pricing structure is proposed as follows:
Cost Recovery: is adopted for use of council buildings for merit goods and services.

Market Pricing: is adopted for use of buildings for profit purposes by commercial organisations

Subsidised pricing: is adopted for non-commercial use of buildings by non-profit or government funded or other organisations which provide goods, services or activities where benefits accrue to the community at large.

As shown on the diagram above, price generally comprises two components – cost and profit. In the context of building/property valuation, cost includes all outgoings, overheads, maintenance and expenditure associated with the property. Profit is normally varied in accordance with the changing levels of supply and demand. Opportunity cost refers to a situation where a person has lost an opportunity to realise the possible return from a potential investment. **Capital cost recovery is not included in the Council’s community buildings pricing framework.** Components of the pricing concept can be described as follows:

**Market Pricing** = Market Rent = (Cost + Profit).

**Cost** = All outgoings including maintenance and associated expenditure.

**Profit** = Alternative investment return or opportunity cost.

**Cost Recovery Pricing** = Cost Recovery Rent = Cost only.

**Fee** = \( \frac{(Cost + Profit)}{(no. \ of \ user)} \times \frac{1}{(frequency \ of \ usage)} \).

**Subsidised Fee Level 1** = \( \frac{(75\% \ of \ Cost \ Recovery)}{(no. \ of \ user)} \times \frac{1}{(frequency \ of \ usage)} \).

**Full Subsidised Fee** = \( \frac{(50\% \ of \ Cost \ Recovery)}{(no. \ of \ user)} \times \frac{1}{(frequency \ of \ usage)} \).
The components of Council’s current schedule of fees and charges are in the nature of Subsidised Fees. The fee structures proposed are generalised as follows:

- For non-profit regular users: Subsidised Fee Level 2 (ie. 50% of full cost recovery) – limited peak time use where Market Renthirings available.
- For non-profit casual users: Subsidised Fee Level 1 (ie. 75% of full cost recovery) – limited peak time use where Market Renthirings available.
- For profit users & Private Functions: At least Cost Recovery Fee (ie. 100%) increasing to Market Rate at peak times (eg. Friday & Saturday nights).

Generally, a mixture of cost recovery and subsidised pricing structures will be employed where community buildings are occupied or used by non-profit groups or organisations for core and expected goods and services. The assessment will be based on the benefits derived from such services to the community at large and special consideration will be given to services identified within Council’s adopted Community Plans and Social and Cultural Plans. In general Council aims to provide needed facilities and seeks a commitment from the users to contribute to all maintenance costs in the long term other than costs relating to legislative requirements such as public place licensing, Building Code of Australia requirements and disabled access provisions.

Management Policies and Procedures

There are different ways to manage community buildings as outlined in the draft Policy and Procedures document. The success of these arrangements depends on clarity and support from Council in relation to policies and procedures. The guidelines and procedures have been developed within the draft policy to give effect to Council’s Statement of Purpose and to facilitate Council’s management partnerships for community buildings. They set out the mutual and reciprocal responsibilities of Council and management committees for community halls in particular. Some information requirements of lessees and other long term occupiers have been included to provide for a level of information consistency regarding the uses and benefits of community buildings.

As mentioned above, it is the mutual and reciprocal responsibilities of Council and community management committees to work in partnership in order to effectively manage community buildings. It is also prudent for Council to provide the support, training, monitoring, advice and assistance necessary for community management committees to fulfil their responsibilities.

Arrangements are in place to establish a position, from existing resources, whose duties will include regularly advising the management committees of their responsibilities, providing training and generally supporting them in fulfilling their role. There will also be the development and implementation of a comprehensive manual setting out systems and standard procedures for management, maintenance, bookings, administration and promotion of community buildings. Generally, the benefits of the Community Facilities Coordinator’s position arising from the implementation of the new policy and procedures will include:

- a single point of entry to the organisation which can directly respond to most issues and follow through on referrals to other Groups
• established procedures for administration including booking policies and systems, accounting practices, financial planning and monitoring, maintenance and repairs, legal requirements, community accountability, dealing with insurance and risk management issues, purchasing, holding Annual General Meetings, recruiting committee members, addressing conflict of interest, dealing with conflict between user groups, responding to requests for reduced fees, promoting the facility and other issues which regularly arise in managing community facilities.

• regular liaison and advice.
• assistance with problem solving when required.
• support for and recognition of volunteer contributions.
• a pro-active approach to improving the management, administration and use of community facilities
• a coordinated response to management by the community of community facilities
• improved accountability
• increased community satisfaction
• consistent decision making
• reduction in staff time addressing issues on a case by case basis through establishing systems and procedures
• review of management arrangements to ensure a range of effective management models is available to apply to varying circumstances
• improved effectiveness of community facilities in providing services to local residents

Conclusion
As the name suggests, this document provides the mechanism via which Community facilities should be managed to balance the various objectives and services that Council provides to the Blue Mountains community as a whole. However, it should be mentioned that this document is a first for Blue Mountains City Council and therefore should not be considered as the ultimate solution to Council’s asset management requirements, but rather it has been prepared with a degree of flexibility to meet wide ranging actual circumstances. This flexibility will allow it to be amended as deemed necessary. It is considered that the document should be under regular review to ensure that Council is proactive in the managing its community buildings addressing the changing needs of the community.

It is considered that the proposed Policy and Procedures document is now in a form that can be placed on public exhibition so that members of the public can make comments to Council for further consideration.
ORGANISATIONAL SUPPORT PROGRAM

Ordinary Meeting, 8/2/2000

ITEM NO: 13

SUBJECT: PROPOSED LEASE OF SPRINGWOOD TENNIS CENTRE

FILE NO: H00383. H01039

Recommendations:

1. That Council lease the Springwood Tennis Centre to the Springwood Tennis Club Incorporated for a period of 11 years with an option to lease for a further period of 10 years, the terms of the lease to include:
   
   (a) the Club being responsible for all maintenance, insurances, outgoings (such as all charges in relation to water usage, electricity, sewerage, waste and garbage removal) and pay Council an annual fee of $500;
   
   (b) the Club installing appropriate signage advising that patrons are to park vehicles in the designated parking area;
   
   (c) the Club installing an appropriate device that will cause the tennis court lights to remain on for an additional time until people leave the complex at night;
   
   (d) the proposed new court at the eastern section of the complex only being used during daytime and that no lights be permitted to be installed to illuminate that court.

2. That following identification of appropriate measures to address stormwater drainage issues in Spring Street, Council include these measures in its stormwater management program and the necessary works be scheduled accordingly.

3. That the Common Seal of Council be attached to the necessary documents.

Report by Group Manager, Assets & Corporate Services:

At its meeting on 10 August 1999, Council resolved vide Minute 386:

“1. That Council adopt the Plan of Management for Springwood Tennis Centre.

2. That having adopted the proposed Plan of Management Council now negotiate revised terms and conditions associated with the proposed 21 year lease of the Springwood Tennis Centre to the Springwood Tennis Club and that these, together with the processes necessary to now finalise the lease, be reported back to Council.

3. That Council implement measures that address the lack of lighting in the carpark, stormwater in Spring Street and the impact of parking in Spring Street.”
The Plan of Management adopted by Council for the Springwood Tennis Centre, amongst other things, allowed the leasing of Centre and the provision of additional courts.

Negotiations have concluded with the Springwood Tennis Club Inc. and it has been agreed that the Club will pay all maintenance, insurances, outgoings and an annual administration fee of $500. The Club has also agreed to conditions requiring it to seek Council’s permission if it wishes to increase hire charges above the CPI and that it shall permit the general public to hire the tennis courts at all times other than times when the tennis courts are being used by the Club for competitions, tournaments and other special tennis functions. These fundamental conditions are embodied in the draft lease document which is attached to Council’s file for the perusal of Councillors.

The proposal to lease the Springwood Tennis Centre to the Club has been advertised as required by Section 47 of the Local Government Act 1993. No objections were received although one submission, from an adjoining owner, was received as comment on the proposal. A copy of the submission has been supplied separately to Councillors. The submission asks Council to ensure that the management of the Centre is successful by overcoming a number of issues concerning noise affecting the privacy of nearby residences, the parking of cars on the street in lieu of parking in the designated car park and a leaking water meter. A copy of the adopted Plan of Management for the Centre, as also requested in the submission, has been made available.

The issues raised in the submission have been discussed with the Club which is willing to take them on board as best it can to minimise the impact of the Club’s activities on adjoining neighbours.

From Council’s perspective, the noise issue can be controlled by a lease condition allowing the proposed new court at the eastern section of the complex to be used during daytime only. While Council officers understand that night-time use of this Court it is not even a proposal, a further condition could be that no lights be permitted to be installed to illuminate this new court, therefore ensuring daytime use only.

The parking issue could also be addressed by a lease condition that requires installation of clear instructional signs together with adequate lighting arrangements for the designated parking area. This would also encourage people to park in the car park at night thereby having less potential noise impact from people leaving the facility at night. Council could also consider parking restrictions along the street if problems persist.

Lighting in the carpark is considered sufficient when the tennis courts are in use. Concern over the insufficiency of lighting appears to be mainly when people are leaving the complex and the courts’ lights are switched off. There is concern that any additional lights to the car park will potentially create illumination problems over the adjoining residential areas and those further down the gully to the west. To balance both issues, the Club is investigating the possibility of installing a timer that will maintain the tennis courts’ lights on for additional time (say, 10-20 minutes) until people leave the complex. In addition, the Club intends to install an appropriate sign that instructs patrons to use the designated parking area.
The issue relating to the leaking water main has been reported to the Springwood Tennis Club and the Club’s representative has forwarded a request to Sydney Water to get the matter fixed as soon as practicable.

In regard to Part 3 of the Council’s resolution of 10 August 1999, Council’s Environmental Management and Property Units are investigating necessary measures to address stormwater drainage issues. These will be dealt with under the normal stormwater management program.

**Conclusion**

As there are no outstanding lease issues, with the opportunity for development related issues to be further addressed if necessary by way of the development consent process for the additional tennis courts, Council is now in a position to grant the lease to the Springwood Tennis Club Incorporated.
Recommendations:

1. That following the purchase of 25 Railway Avenue, Faulconbridge (Lot 1 in Deposited Plan 803108) from the Crown (Sydney Water), Council apply for a boundary adjustment approval of four lots (Lot 7 DP 8471, Lot 2 DP 803108, Lot 1DP 803108 and Lot 13 DP 8471 Railway Avenue) into three lots to enable consolidation of the front section of the subject land with the existing Faulconbridge Rural Fire Brigade Station and sell the residue land at rear to the adjoining landowners for the total sum of $50,000.

2. That the Common Seal of Council be attached to the necessary documents.

Report by Group Manager, Assets & Corporate Services:

As part of the forward planning to provide efficient and effective Emergency Services to the community of the Blue Mountains, provision has been made to enlarge the Faulconbridge Rural Fire Brigade Station which is currently surrounded by land owned by Sydney Water at 25 Railway Parade, Faulconbridge (being Lot 1 in Deposited Plan 803108).

In 1997 Council resolved to purchase the subject property from Sydney Water for $75,000 and to classify it as “Operational”. The front section of the subject land was to be consolidated with the Faulconbridge Rural Fire Brigade site (23A Railway Ave) which is owned by Council and would enable the extension of the building. The rear section would be surplus to Council’s needs.

Several matters that were to be resolved prior to Council obtaining the land have caused the delay in the acquisition. One of these matters was to identify acceptable options relating to the residue of the land not required by Council and to minimise the acquisition and on-going maintenance costs to Council.

A number of options were considered and costed. It is considered that the most appropriate use of the residue land would be for it to be sold to the adjoining owners. This would only require a boundary adjustment. The outcome of this option is that the front of the subject property would be consolidated with the Faulconbridge Rural Fire Brigade site at 23A Railway Avenue (Lot 2 DP 803108) and the rear of the subject property would be consolidated with 23 (Lot 7 DP 8471) and 31 (Lot 13 DP 8471) Railway Parade, Faulconbridge.
Negotiations have taken place with the adjoining owners. The owner of 31 Railway Avenue has offered $26,500 and the owner of 23 Railway Avenue has offered $23,500. The reason for the difference in that offered for the two halves of the residue is the fact that there is a 2.5 metre scour running down the boundary of the land which would be sold to the owner of 23 Railway Avenue. This will detrimentally affect any development potential and could only add to the yard area of the property.

Conclusion
The consolidation of the front section of the land with the Council owned Rural Fire Brigade Station site will enable the extension of the station, whilst the sale of the rear sections of the land to the adjoining landowners will recover the majority of costs associated with this matter. The total net cost to Council including land, legal and boundary adjustment application will be in the vicinity of $27,500 and will be met from existing budgets. The Faulconbridge Rural Fire Brigade have advised that they have arranged funding for the extension of the station building.
Attachment
By Councillor T Hamilton:

“That Council declares the CBD section of Katoomba Street, Katoomba, to be a ‘Bikes, Skateboards and Rollerblades Free Area’ and the appropriate signage be erected as a matter of urgency.”

Comments by Councillor Hamilton:

Since the introduction of the Australian Road Rules, I am receiving complaints from residents regarding bikes, skateboards and rollerblades being used in Katoomba Street. This is a safety issue and needs to be addressed before someone is seriously injured.

Under the Australian Road Rules, the riding of bicycles is prohibited on a length of road or footpath to which a ‘No Bicycles’ sign, or a ‘No Bicycles’ road marking, applies. The cost of erecting such signs for the area of Katoomba Street in which bicycles are conflicting with pedestrians would be minimal.
NOTICE OF MOTION

Ordinary Meeting, 8/2/2000

ITEM NO:  16

SUBJECT:  PROPOSED POLICY ON GRAFFITI REMOVAL AND PREVENTION

FILE NO:   C01962

By Councillor J Egan:

“That an urgent report come back to Council concerning the development of a policy and procedures for graffiti removal and prevention.”
ITEM NO:  17

SUBJECT:  PROVISION OF CHILDREN’S PLAY PARK - KATOOMBA

FILE NO:  H00701

By Councillor T Hamilton:

“That the community planning process for Area 2 give priority to the establishment of an accessible children’s play park, in or close to the Katoomba Town Centre, not excluding lands or properties owned by other tiers of government, and this be taken into account in Katoomba’s revitalisation.

Comments by Councillor Hamilton

Residents have pointed out to me the need for the above park for the ever increasing number of young children in Katoomba.

The few parks, scattered throughout the area, do not have adequate playground equipment and some are not easily accessible.

This matter was briefly touched on in the charrette process but I feel should now be given a higher priority.
ITEM NO: 18

SUBJECT: CRIME PREVENTION POLICY

FILE NO: C00432 Pt 3

By Councillor S Burridge:

“That a report comes back to Council on the development of a Crime Prevention Policy using models in use by other local councils, eg Hawkesbury Council.”

Note by Councillor Burridge

Representations have been made to me for the need of BMCC to have an overall Crime Prevention Policy. Other Councils, eg Hawkesbury Council have such a policy in place and as such enables the Council to apply for grants from the Safer Communities Development Fund of the Attorney General’s Office. It would be desirable to integrate this policy with other relevant policies, ie Youth Strategy Policy.
ITEM NO: 19
SUBJECT: WORKSHOPS - STATE AND FEDERAL GOVERNMENT GRANTS
FILE NO: C03099

By Councillors J Egan and M Greenhill:

“1. That Council write to the State Department of Sport & Recreation and Federal Department of Sport & Tourism requesting that they conduct workshops throughout the Blue Mountains to inform sporting organisations on how they can gain State and Federal Government Grants.

2. That a copy of these letters be sent to the relevant State and Federal Members of Parliament.”
Recommendation:

*That the Precis of Selected Correspondence be received and appropriate letters be forwarded where necessary.*

1. **12/1/2000 - Mr P Davey, Chief Executive Officer, Hawkesbury Nepean Catchment Management Trust**

Regarding the proposed Second Sydney Airport at Badgerys Creek, reading as follows:

“The Trust met on Wednesday 1st December 1999 to consider the Environmental Assessment Report and the recommendations made by the Minister for the Environment for the Second Sydney Airport at Badgerys Creek. The conclusion was that the general tenor of the Environmental Assessment Report is dissatisfaction with the EIS. There are very many unresolved issues and detailed studies required, with no anticipation the necessary protection measures are feasible or will work.

The Report’s assessment that “This does not mean that the EIS has failed” is not substantiated. The failure to judge “whether the need for a second major airport for Sydney, the lack of suitable alternative sites for a second airport within the Sydney basin and the economic benefits that the airport would bring to western Sydney are sufficient to warrant a decision that will have very significant and far-reaching effects on the environment and population of the western Sydney region” is not good enough.

As a result, the Trust decided that having regard for the Environmental Assessment Report and the Minister for the Environment’s recommendations, it would continue to maintain the position that its principal concerns have not been satisfactorily addressed and, as such, the proposed airport would further degrade the environmental values of the South Creek catchment and surrounds. In taking this position the Trust has had strong regard for the misgivings and concerns expressed in the Environmental Assessment Report …”
2. **17/1/2000 - Director Policy, Local Government and Shires Associations of NSW**

Reading as follows:

“I refer to my previous correspondence concerning the nomination of Local Government Trustees to the Hawkesbury-Nepean Catchment Management Trust.

I am pleased to advise that the Associations have accepted the nominations of Cr Michael Banasik from Wollondilly Council, Cr Robert Bell from Gosford Council, and Cr Danny Mackin from Blacktown Council. The Associations have written to the Department of Land and Water Conservation proposing that the nominees be submitted to the Minister for Land and Water Conservation for his consideration of appointment.”

3. **24/1/2000 - Mr B Hilzinger, Chairman, Integral Energy**

Advising Council of the appointment of Mr Richard Powis as the new Chief Executive Officer of Integral Energy.

4. **1/2/2000 - Blaxland Chamber of Commerce, enclosing Petition from 396 Signatories**

Tabled by Councillor Burridge and reading as follows:

“To the Mayor, General Manager and Councillors of Blue Mountains City Council. We the undersigned do hereby request that you facilitate the fast tracking of the Slip Road from the Great Western Highway into the Pilgrim Place Car Park.

The development is crucial for the safe access and the financial viability of the Blaxland Shopping Centre particularly in light of the construction work due to begin in the New Year 2000.

We the undersigned, as residents, friends of Blaxland and shopkeepers of the Blue Mountains, believe that such development is vital to our proper use and enjoyment of the Blaxland Shopping Village.”
Question by Councillor J Egan (8/2/99):

1. When will the new toilet block in Glenbrook Park be complete?
2. Why has it taken nearly twelve months to design and construct this facility?