ITEM NO:  1

SUBJECT:  MR KEVIN ROOKE

FILE NO:  C00227. P1766

This item will be circulated separately as a Supplementary Report.
ITEM NO:   2

SUBJECT:  MEETING OF MAJOR LOCAL ISSUES COMMITTEE – ALL YEAR ROUND SWIMMING FACILITIES

FILE NO:  H01081

Recommendation:

That Council adopt the recommendations of the Major Local Issues Committee concerning All Year Round Swimming Facilities for the Eastern Blue Mountains.

Report by General Manager:

At its meeting on 23 May 2000 Council resolved to convene a meeting of the Major Local Issues Committee to consider the matter of All Year Round Swimming Facilities for the Eastern Blue Mountains and for the General Manager to provide a report to the Committee on this issue.

Accordingly, a meeting of the Major Local Issues Committee was convened on 30 May 2000 at Springwood Civic Centre. At that meeting the Committee considered a report from the General Manager and resolved as follows:

“1. That Council proceed to construct an all year round swimming facility on the Crown Land currently occupied by the existing pool at Buttenshaw Park, Springwood subject to no objection being raised by the Department of Land and Water Conservation, and an adequate formal arrangement entered into with the Department for the maximum period of time allowed under State legislation to protect Council’s investment in this site in the long term.

2. That construction begin subject to Council securing its investment in the long term.

3. That the facilities to be constructed on this site include an all year 25 m x 19 m swimming pool and a leisure/program/turbo pool, and be in general accordance with the concept plan detailed at Attachment B to this report.”

It is recommended that the resolution of the Major Local Issues Committee be adopted by Council.

A copy of the General Manager’s report to the Committee is attached.
COMMUNITY & RECREATION PROGRAM

Attachment

MAJOR LOCAL ISSUES COMMITTEE

Extraordinary Meeting, 30/5/2000

ITEM NO: 1

SUBJECT: ALL YEAR SWIMMING FACILITIES FOR THE EASTERN BLUE MOUNTAINS

FILE NO: C03126. H01080. H01081

Recommendations:

1. That the Major Local Issues Committee recommends to Council that it adopt the following resolutions:
   
   (a) That the site for Council’s new all year swimming facilities be on Council-owned land set aside for this purpose at Peninsula Road and the Great Western Highway, Valley Heights.
   
   (b) That the facilities to be constructed on this site include an all year 25m x 19m swimming pool, and a leisure/program/turbo pool, and be in general accordance with the concept plan detailed at Attachment B to this report.

2. That alternatively, if the Committee is of the view that the all year round swimming facilities should be located at Buttenshaw Park:
   
   (a) Council proceed to construct an all year swimming facility on the Crown Land currently occupied by the existing pool at Buttenshaw Park, Springwood, subject to no objection being raised by the Department of Land and Water Conservation.
   
   (b) The facilities to be constructed on this site include an all year 25m x 19m swimming pool and a leisure/program/turbo pool, and be in general accordance with the concept plan detailed at Attachment B to this report.

Report by General Manager:

PREAMBLE

Provision of an appropriate level of all year swimming facilities for the Eastern Blue Mountains has been a Council priority for some time. The matter was considered in some detail by Council on 22 February 2000 and Council resolved as follows:

“1. That Council exhibit, for purposes of public comment, the separate concepts of:

   (i) the construction of an all year 25 m x 19 m swimming pool plus a leisure pool / program pool, spa and sauna on land set aside at Peninsula Road and the Great Western Highway, Valley Heights; and
(ii) a pool replacement and enclosure of the existing swimming pool at Buttenshaw Park, Springwood

as alternative options to provide all year swimming facilities for the Eastern Blue Mountains.

2. That the merits of a 50 m x 25 m pool option plus a gym at the Valley Heights site be acknowledged and there be continued pursuit of funding possibilities for this option.

3. That copies of this report be made available to interested persons without charge and this also apply to summaries of this report.

4. That members of the community be invited to make written submissions on this matter generally and particularly on the two exhibited options.

5. That the outcome of the four week public submissions process be reported to Council as soon as possible after its closure.

6. That Council commission an independent market survey, to be conducted during the four-week exhibition period, to ascertain the views of the Blue Mountains community concerning the appropriate level of facility to be provided and relevant sources of funding.”

(Minute No. 52 refers)

This report should be read in conjunction with the previous report to Council of 22 February 2000 (shown at Attachment E).

The results of the public exhibition process, which closed on 19 April 2000, are now to hand. Also available are the results of the independent market survey that was conducted during the public exhibition period. This report details the results of these two processes. It also seeks to progress these matters in the light of these findings and their relationship to the possible range of outcomes that are viable for Council.

PUBLIC EXHIBITION PROCESS

The broad results of the public exhibition process are as follows:

1. Items of Correspondence Received

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letters/submissions*</td>
<td>124</td>
</tr>
<tr>
<td>Letters within standard template</td>
<td>52</td>
</tr>
<tr>
<td>Petitions**</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>178</td>
</tr>
</tbody>
</table>

*Includes submissions from SPLASH, SSTOPP and the Valley Heights Progress Association.

**Petitions of 62 signatures and approximately 1,300 signatures supporting Buttenshaw Park option.
2. Major Theme of Submissions

Supporting Buttenshaw Park option*  155 (87%)
Supporting Valley Heights option**  17 (10%)
General/Extraneous               6 (3%)
Total                             178 (100%)

* Includes items that are exclusively anti-Valley Heights
** Includes items that are exclusively anti-Buttenshaw Park

3. Major Reasons in Support of Buttenshaw Park (in order of mention)

• 50 m pool for lap swimmers, school carnivals etc
• cost and/or income from sale of Valley Heights
• established and recognised swim centre location
• concerns re Valley Heights road access
• picturesque setting
• local road access
• walking distance to local schools
• safer for walking or cycling
• concerns young people will not use overhead footbridge
• other points included: carcinogenic fumes from Valley Heights Industrial Area; families could picnic in the Park; more land available for future expansion; better located for triathlons; more local access; water polo; highway access

4. Major Reasons in Support of Valley Heights (in order of mention)

• separate program pool for aquaerobics/learn to swim/rehabilitation
• leisure/family pool, interactive play equipment, child minding, café, plus future
• other points included: separate pool for lap swimming; all new facilities; higher income to Council; 25 m better for primary children; quicker commencement; Buttenshaw Park offers nothing but lap swimming; caters better for young children and older people

5. Variations Suggested for Buttenshaw Park Option (in order of mention)

A number of submissions suggested variations to the exhibited options. These included:

• placing some or all of the Valley Heights facilities at Buttenshaw Park
• summer opening option for Buttenshaw Park enclosure (this could well be a design feature for either option)
• use of the tennis court area for the additional 50 car parking spaces
• heating the outdoor pool (but not enclosing it) and construct indoor 25 m option on adjoining land, eg as done in Katoomba

A copy of all submissions received has been made available in the Councillors’ Room for perusal by interested Councillors.
It should be noted that members of families, on occasions, put in individual submissions and therefore the number of respondent households was probably somewhat lower than the figures would indicate.

Considering the publicity attendant upon this item, the 178 submissions received is somewhat less than expected.

PETITIONS

The wording of the two petitions received is as follows:

First Petition

“We the undersigned, being residents and rate payers of the Blue Mountains, are in favour of the ‘Buttenshaw Park Swimming Complex option’. The ‘Valley Heights option’ is inappropriately located; much more expensive to the Rate Payers; presents a greater risk to commuters and pedestrians; fails to meet the needs of the greater community and schools; is poorly suited to future expansion of the complex, will not raise sufficient revenue to repay the loan; and will impede the opportunity for Buttenshaw Park to expand as a family oriented facility by integrating the parkland, tennis courts and swimming venue.

The undersigned submit to council that ‘Buttenshaw Park’ is the only acceptable pool site.”

(approximately 1,300 signatories)

Second Petition

“We the undersigned wish to make known that our preference for a ‘swimming facility’ for the Eastern Blue Mountains is the site at BUTTENSHAW PARK SPRINGWOOD.”

(62 signatories)

MAJOR SUBMISSIONS

In summary, the submission received from SPLASH states:

Commitment to Buttenshaw Park

- Forms part of the beautiful Buttenshaw Park family leisure area
- The surrounding residents are used to having a pool in Buttenshaw Park - the current Springwood Pool has been there for approximately 35 years
- Traffic has the choice of three roads - Churchill, Grose and Moorecourt
- Buttenshaw Park is situated on the major thoroughfare of the Great Western Highway
- Is on an established bus route
MAJOR LOCAL ISSUES COMMITTEE

Attachment

Support for Option 1

- Pertains to the Buttenshaw Park site
- More cost effective
- The hole is already dug - further cost saving
- Sale of the Valley Heights land would be a further cost saving
- Provides a 50 metre x 8 lane pool
- Provides the greater water space - 1043 m$^2$ vs 855 m$^2$
- More suitable for school carnivals
- More suitable for other community water activities eg water polo
- Provides all year long course competitive swimming
- Sauna and spa included
- Has the greater community support

Recommends the Following Improvements

- The existing tots and wading pools be altered to become an interactive water play area. This could easily be done by changing the shape to an oval or kidney and the inclusion of small fountains and animal shapes.

- The side walls of the enclosure - facing Plateau Road and Buttenshaw Park, be designed with the option to open out and fold up. In times of hot, humid weather this would allow air flow ensuring swimmers’ comfort and decreasing health problems related to such conditions. We refer you to the Blacktown indoor pool which utilise such a design.

- The inclusion of a small café area with seating, could easily be placed adjacent to the current kiosk. This would make for a relaxed visit and an increase in the income from the pool centre.

The SSTOPP (Sensible Solutions to Our Pool Proposal) submission is some 15 pages in length. In greatly abbreviated form, the submission states:

1. Community Opinion - In our view, most residents living in the greater Springwood area hold the view that Buttenshaw is a better site and a better option than Valley Heights.

2. Setting - The parkland setting of the Buttenshaw site is superior by far to the Valley Heights site.
3. Open-air swimming atmosphere - The Buttenshaw plan and site would appear to offer the potential to offer an open-air experience and atmosphere more than the Valley Heights plan.

4. Road access - The Buttenshaw Park site offers better road access than Valley Heights.

5. Access for local residents including pedestrians and bike riders - The Buttenshaw site is more centrally located than Valley Heights for the greatest population areas of the Springwood region namely Faulconbridge, Springwood, Winmalee.

6. Serving local needs - Council and councillors have pointed out at various points that when choosing a site for this pool, the needs of swimmers all over the mountains must be considered. We strongly feel that the needs of local swimmers should be considered first.

7. Public transport - While we see the proximity to Valley Heights railway station as the only clear advantage of the Valley Heights site, we believe that the vast majority of the population will not use a train to get to the site.

8. Water space and the 50/25 metre issue - The Buttenshaw plan offers more water space (1043 m²) than the Valley Heights plan (855 m²) and also offers a 50 metre pool area. We see that this advantage of Buttenshaw is a critical one.

9. Project costs - The Buttenshaw Park option will be considerably less expensive than the Valley Heights option.

10. Expected revenue - The expected greater returns from the Valley Heights centre is frequently cited as an advantage, but we question the conclusions drawn about this.

11. Effect on residents - While there are more houses directly opposite and around the Buttenshaw site, it is the residents at Valley Heights who will experience a greater upheaval to their current lives.

12. Life expectancy - We believe that the ‘life expectancy’ issue has been overstated by council.

13. Timing issues - Council has identified the dual issues of project commencement time and availability of water space during construction as disadvantages of the Buttenshaw Park option. We believe that these two issues are of little importance.

14. Heritage matters - The community heritage value of the Buttenshaw site should be acknowledged, and the efforts of the community in building this pool be built upon.
The submission concludes with the following statement:

“We urge Council and councillors to consider the arguments in our submission carefully. We strongly believe that Buttenshaw Park is the better site by far for a new swimming centre in the Springwood area, and also that the plan for Buttenshaw is a better one for this community. We also believe that the majority share our view.

For the envisaged expenditure for the Buttenshaw option, we fully expect that, if this redevelopment is decided upon by council, it would be of very high quality and would meet the needs and expectations of the community. We trust in you to ensure this outcome.”

In addition the Valley Heights Progress Association has made the following submission:

“Thank you for the opportunity of making submission re the subject heading.

This Association met recently and would like to present to you some input to the proposal.

The general feeling towards this placement of the Centre at Valley Heights elicited the following:

(a) Most residents were concerned with the access from the Great Western Highway. This intersection is very dangerous for the passage of motor vehicles to and from the area. The location of the light industry brings large motor vehicles which park (many times unlawfully) within the area bounded by BBC Hardware and the service station. Residents feel that access to the proposed Centre would be by motor vehicle as many people are not happy allowing their children to travel on public transport unless supervised. Many couples work.

(b) Additionally, the speed of motorists on the GWH with rampant lane changing by some has caused accidents/collisions within the area of the intersection. It is known that the Roads and Traffic Authority are adamant that no traffic control lights are planned for the intersection.

The suggested idea (not from this Association) to link up The Valley Road (from the new parking lot opposite Valley Heights Railway Station) to The Chase and so give clear access to the Aquatic Centre had a mixed reaction. This still does not solve access safely to and from the general area. Seagull waiting lanes would need to have to be long and well sited.

Should the Aquatic Centre go ahead at Valley Heights, some thought could go to access via the present BBC site. It is understood that the lease finishes on the BBC site soon (next two years?) Maybe Pearce’s Bus Depot could share the access. It bears thinking about.
Whatever occurs, this Association trusts that those deciding will take into consideration the peace of mind of the occupants of dwellings that would be affected by an increase in traffic and noise.

We would ask that (as per previous correspondence) that the following be addressed:

- That the car park be secured after hours to prevent vandalism and entry by unauthorised persons eg underage drinking.
- That any external lighting be directed away from housing.

We have circulated a notice to local homes who may or may not be financial Members of VHPA to enable them to be aware of the Association’s input.”

A submission has been provided by the Springwood Amateur Swimming Club that includes the following:

- Springwood Pool built by the people for the people
- Buttenshaw Park neighbours used to the pool
- Valley Heights neighbours protesting ever since the Valley Heights proposal was put forward
- Faulconbridge Public and Springwood High close to the pool
- Danger that children would not use overhead walkway at Valley Heights
- Other schools in the area would mean that 25 metre pool would be insufficient to service the area
- Glenbrook Pool would not be able to cope with the number of school carnivals
- Local bus company would find it difficult to service Valley Heights
- Cost advantage of Buttenshaw Park proposal
- Parking area is not effectively part of Buttenshaw Park
- Estimate of greater returns for Valley Heights proposal may be misguided
- Earlier commencement date for Valley Heights is political

Other submissions were also received from various organisations. These are available on the file for perusal by Councillors.

MARKET RESEARCH

As mentioned earlier in this report, Council’s decision of 22 February 2000 included the following resolutions:

“...2. That the merits of a 50 m x 25 m pool option plus a gym at the Valley Heights site be acknowledged and there be continued pursuit of funding possibilities for this option.”
6. That Council commission an independent market survey, to be conducted during the four-week exhibition period, to ascertain the views of the Blue Mountains community concerning the appropriate level of facility to be provided and relevant sources of funding."

(Minute No. 52 refers)

In conformity with Resolution 6 quotations were sought from five independent market researchers with expertise in recreation facility surveys. Four market researchers provided quotations (the sole company that was unable to quote was the Hunter Valley Research Association).

After consideration of quotation prices and the experience and expertise of the market researchers, a decision was taken to commission the Illawarra Regional Information Service to undertake this research.

The Illawarra Regional Information Service is a non-profit research organisation, managed by a Board that includes representatives from the University of Wollongong and several adjoining councils. The Company has had extensive experience in surveys of this nature for local councils.

In brief, the researchers were asked to test community opinion in relation to the two preferred options and also in line with resolutions 2 and 6, to survey community opinion in relation to a 50 m x 25 m facility together with possible sources of funding.

The researchers then developed an information package that was sent in advance by Council to a randomly selected group of 1,787 households. Some days later telephone interviews were conducted with willing respondents from this group to a number exceeding that which would constitute a valid statistical sample.

All survey development and interview processes were developed and implemented independently by the researchers. Council’s involvement was simply to set a brief for the consultants and to mail an information pack out to potential respondents using address labels provided by the researchers. The information pack included a covering letter from Council to demonstrate that the survey process had Council’s imprimatur.

The researchers have provided the following Findings to Council:

"5. Findings

5.1 Preference for Aquatic Development Options

Respondents were asked to indicate their preferences for the development of aquatic facilities in the Eastern Blue Mountains. The two options under consideration were:

Option 1 consists of replacing the existing pool shell at Buttenshaw Park, Springwood enclosing the pool to provide a heated 50m pool, heated wading pool, sauna, spa and kiosk and continuing to use some of the existing buildings.
Option 2 is to construct a new facility at Peninsula Road, Valley Heights containing a heated 25 metre by 19 metres swimming pool, heated leisure pool and program pool, turbo pool, interactive play equipment, multi-purpose fitness and function rooms, sauna, child minding and kiosk.

Following presentation of each development option, respondents were asked to indicate their preference for that option. The results are presented in table 5.1 below. Combining the proportion of respondents that indicated 4 or 5 on the preference scale, indicates that 62.3% of households either favour or strongly favour option 1. By comparison, 39.6% of households either favour or strongly favour option 2.

Table 5.1 Community attitude towards aquatic development options (% of respondents)

<table>
<thead>
<tr>
<th>Aquatic Development Preference %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>1. Buttenshaw Park</td>
</tr>
<tr>
<td>2. Valley Heights</td>
</tr>
</tbody>
</table>

*Mean significant difference at the 95% confidence level.

The mean score on the five point scale was calculated for each option. Statistical testing indicated that the mean score for option 1 was significantly greater than for option 2. This supports the proposition that a stronger preference exists for option 1.

Note by General Manager:

The difference between this table and the following table is that the responses in Table 5.1 rate the options on a scale of 1-5 whereas the responses in table 5.2 are of a yes/no form.

5.2 Preferred Option

Respondents were asked to indicate which option they preferred between options 1 or 2. The information contained in table 5.2 confirms the results presented in table 5.1. Once again a significantly greater proportion of respondents favoured option 1 over option 2.
Table 5.2 Preferred option (% of respondents)

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Proportion (%)</th>
<th>Proportion (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n=513</td>
<td>n=464</td>
</tr>
<tr>
<td>Option 1</td>
<td>55.0*</td>
<td>60.8*</td>
</tr>
<tr>
<td>Option 2</td>
<td>35.5*</td>
<td>39.2*</td>
</tr>
<tr>
<td>Either option</td>
<td>5.7</td>
<td>-</td>
</tr>
<tr>
<td>Don’t know</td>
<td>3.9</td>
<td>-</td>
</tr>
</tbody>
</table>

*Significant difference at the 95% confidence level.

Analysis was conducted to see if having read the advance letter, which catchment area the household fell into, sex of the respondent, usage patterns of Council pools (at least once per week vs at least once a month) and ownership of backyard pool had any influence on the preferred option. No association was found with any of these variables.

5.3 Attractive Features of the Preferred Option

Table 5.3 shows the proportion of respondents identifying which attributes of their preferred option made it more attractive than its alternative. The project costs of option 1 were cited significantly more often compared to option 2. Conversely respondents indicated that option 2 better met the needs of older people and children.

Table 5.3 Attractive features of preferred option (% of respondents)

<table>
<thead>
<tr>
<th>Attractive Features</th>
<th>Option 1 (%)</th>
<th>Option 2 (%)</th>
<th>Total (%)</th>
<th>Significant difference between options 1 &amp; 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n=282</td>
<td>n=182</td>
<td>n=464</td>
<td></td>
</tr>
<tr>
<td>Access to swimming facility</td>
<td>70.2</td>
<td>64.8</td>
<td>68.1</td>
<td>No</td>
</tr>
<tr>
<td>Impact on adjoining property</td>
<td>34.4</td>
<td>31.3</td>
<td>33.2</td>
<td>No</td>
</tr>
<tr>
<td>Project costs</td>
<td>70.2</td>
<td>31.9</td>
<td>55.2</td>
<td>Yes</td>
</tr>
<tr>
<td>Needs of regular users</td>
<td>70.6</td>
<td>76.4</td>
<td>72.8</td>
<td>No</td>
</tr>
<tr>
<td>Needs of older people</td>
<td>55.0</td>
<td>68.7</td>
<td>60.3</td>
<td>Yes</td>
</tr>
<tr>
<td>Needs of children</td>
<td>74.1</td>
<td>82.4</td>
<td>77.4</td>
<td>Yes</td>
</tr>
<tr>
<td>Operating returns to Council</td>
<td>36.5</td>
<td>37.9</td>
<td>37.1</td>
<td>No</td>
</tr>
<tr>
<td>Blend in with surrounding environment</td>
<td>61.3</td>
<td>54.4</td>
<td>58.6</td>
<td>No</td>
</tr>
<tr>
<td>Don’t know</td>
<td>5.3</td>
<td>2.7</td>
<td>4.3</td>
<td>-</td>
</tr>
</tbody>
</table>
5.4 Preference for an Alternative Concept

Respondents were presented with an alternative concept and asked to rate their preference for this concept.

**Alternative concept**  A third but more expensive alternative consists of a heated swimming facility containing a L-shaped 50 metre by 25 metre combination swimming pool, a separate leisure and turbo pool, interactive play equipment, multipurpose fitness and function rooms, child minding, sauna and kiosk

Table 5.4 contains the results for this question. Combining the proportion of respondents selecting 1 or 2 on the scale indicates that 69.6% of households oppose or strongly oppose the alternative concept for the development of aquatic facilities. 12.7% of households were neutral and 17.7% either favoured or strongly favoured this concept. The average score was calculated as being 2.1 on a 5 point scale which is found on the oppose side of the preference scale.

<table>
<thead>
<tr>
<th>Alternative Concept</th>
<th>Aquatic Development Preference %</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1. Valley Heights</td>
<td>496</td>
</tr>
</tbody>
</table>

Note by General Manager:

The ‘alternative’ concept was market researched to satisfy resolutions 2 and 6 as previously cited.

5.5 Preferred Financing Options

Analysis was conducted to determine the financing options that are most preferred should Council pursue an aquatic development option that exceeded the allocated budget.

Table 5.5 ranks the financing options in decreasing order starting with the most favourable. A majority of households indicated that increased pool admission charges would be the preferred financial option (54.8%). Just under one in three households found additional borrowing acceptable (30%), a little over one in five (22%) indicated a minor increase in rates and approximately 17% found a reduction in other Council projects was acceptable to finance pool development options.
### Table 5.5

<table>
<thead>
<tr>
<th>Finance Option Preference</th>
<th>Agree (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased pool admission charges</td>
<td>54.8</td>
</tr>
<tr>
<td>Additional borrowings</td>
<td>30.0</td>
</tr>
<tr>
<td>Minor increase in rates</td>
<td>22.0</td>
</tr>
<tr>
<td>Reduction in other Council projects</td>
<td>17.2</td>
</tr>
<tr>
<td>None</td>
<td>16.6</td>
</tr>
<tr>
<td>Don’t know</td>
<td>1.2</td>
</tr>
</tbody>
</table>

6. Conclusion

In answer to the broad goal of this research, households in the Blue Mountains Local Government area clearly preferred aquatic development option 1. This option involves the replacement of the pool shell at Buttenshaw Park, Springwood by enclosing the pool to provide a heated 50m pool, heated wading pool, sauna, spa and kiosk and continuing to use some of the existing buildings. Developing facilities using option 1 will generate the most satisfaction overall. Preference for option 1 remained irrespective of gender of respondent, location of household (immediate v’s greater Blue Mountains area), ownership of backyard pool, usage pattern of Council pools (heavy v’s light) and reading v’s non reading of the advance letter and information package.

The most attractive feature of option 1 compared to option 2 were its project costs. The alternative concept (ie the L-shaped 50 x 25 alternative) was not generally favoured. A majority of households indicated that increased pool admission charges were the most appropriate source of funding aquatic facility development beyond the allocated budget.”

Reference copies of the report have been made available in Council Libraries for perusal.

THE CHOICE BEFORE COUNCIL

Council now has the updated information to enable it to bring this matter to finalisation. The choice is circumscribed by the following considerations:

(i) all the previous survey work, petitions, major submissions etc would seem to rule out the possibility of retaining the Buttenshaw Park pool as an outdoor pool (heated or otherwise); and

(ii) the market research also indicates very little support for an L-shaped 50 m x 25 m pool.
The choice before Council remains as the exhibited options 1 and 2 with the possible variations being alternative configurations at Buttenshaw Park. These might include substitution of the Valley Heights configuration at Buttenshaw Park (all or part) or delineating a modified arrangement that would include the replacement 50 metre pool together with some separate warmer water space to provide for the range of needs not being appropriately met by the exhibited Buttenshaw Park option.

**SELECTION FACTORS**

Updated relevant selection factors are now detailed for Council’s consideration. Limited bolding has been used where the factor has been emphasised in the community submissions, the market survey, in Council’s 1997 Swimming Pool Survey (which attracted nearly 3,500 responses) or as being the subject of further recent study.

A. **Market Survey Outcome**

Results previously detailed. Of the two options 60.8% of respondents preferred the Buttenshaw Park option compared to 39.2% who preferred the Valley Heights option. Of note is comment from the market researchers on how well informed the respondents were and on their willingness to participate.

B. **Public Exhibition Outcome**

Results previously detailed. 87% of respondents preferred Buttenshaw Park compared to 10% who expressed a preference for Valley Heights. There is some likelihood that members of interest groups were substantially represented in the responses. 51 of the 178 responses were within a standard “shell”. Substantial community submissions from SPLASH and SSTOPP supporting Buttenshaw Park were received.

C. **Petitions**

Two petitions received (signatures and signatures). Both petitions supported Buttenshaw Park.

D. **Likely Project Cost**

Buttenshaw Park option has a likely project cost of $6.240M assuming a July 2001 construction commencement date. Valley Heights has a likely project cost of $7.994M assuming construction commencement in December 2000. Cost was a significant influential factor in market survey respondents preferring Buttenshaw Park. The added revenue from the sale of the Valley Heights site is a further cost factor.

E. **Life Expectancy of Facility**

An all new Valley Heights configuration is likely to have a longer life expectancy, in terms of durability and public taste, than an older style Buttenshaw Park configuration which retains limited older infrastructure.
F. Operating Surplus

Greater patronage of a new, diversified Valley Heights facility is likely due to a number of factors. Notably, not a great deal of weight was placed on this factor by respondents to the market research.

G. Additional Revenue from Sale of Valley Heights Site

Available only if facility constructed at Buttenshaw Park.

H. Alienation of Parkland

Some concern as to the effect of an additional 50 space car park on the amenity of Buttenshaw Park.

I. Disturbance to Vegetation

The issue of managing vegetation at the Valley Heights site now appears to have been satisfactorily addressed. Vegetation removal at Buttenshaw Park to facilitate additional car parking is a concern to a number of residents.

J. Local Road Access and Egress

Viewed by many respondents to the public exhibition as a factor in favour of Buttenshaw Park.

K. Great Western Highway Access and Egress

Significant factor mentioned by respondents to public exhibition favouring Buttenshaw Park.

L. Residential Amenity

A factor mentioned by respondents from areas adjoining both Buttenshaw Park and Valley Heights. There are more adjoining residents to Buttenshaw Park than Valley Heights. Mixed reaction from both groups of adjoining residents. Several Valley Heights residents expressed concerns about aspects of the development with only one submission being totally in favour. A wider spectrum of views emerged at Buttenshaw Park but a number of residents immediately adjoining the proposed site expressed strong opposition to the proposal.

M. Access by Commuters and Users of Public Transport

An important factor in the 1997 Swimming Pool Survey. High proportion of submissions by respondents from Springwood and Faulconbridge did not lead to similar result from public exhibition process.
N. Travel Convenience and Transport Costs

An important factor in the 1997 Swimming Pool Survey. High proportion of submissions by respondents from Springwood and Faulconbridge emphasised local proximity and availability of bus service to Buttenshaw Park, although a similar level of bus service is available to the Valley Heights site.

O. Water Space

The 50 m option was a significant factor with pro-Buttenshaw Park respondents. These included a number of swimming club members/lan swimmers.

P. School Swimming Carnivals

Springwood High School and Faulconbridge Primary School have both expressed a strong preference for the Buttenshaw Park option.

Q. Long Course Competitive Swimming

This was a factor in the pro-Buttenshaw Park submissions probably reflecting responses from a number of swimming club members and lap swimmers.

R. Short Course Competitive Swimming

Only the Valley Heights configuration properly provides a true 8-lane competitive short course for the Blue Mountains. Survey results/submissions did not reflect the growing popularity of short course swimming throughout the world nor its likely future expansion.

S. Differentiated Water Space

This was the most important factor in the nearly 40% of market research respondents who favoured Valley Heights and in those public exhibition respondents who favoured Valley Heights. Respondents particularly referred to the needs of children and older people. Only Valley Heights configuration provides proper differentiated water space with its separate 380 m² Family Leisure/Program/Turbo Pool area. Differentiated water space was also a very important factor in the 1997 Swimming Pool Survey to meet a range of unmet needs.

T. Pool Setting

This factor was important in pro-Buttenshaw Park submissions.

U. Commencement Date

As far as can be ascertained, the factor that Buttenshaw Park would probably have a later commencement date (due to the need for approvals etc) and its unavailability for a season were not important factors to respondents to either the market survey or exhibition process.
PUBLIC POOL CONSTRUCTION TRENDS - GREATER SYDNEY AREA

During the last decade there has been a trend towards the construction of indoor 25 metre pools in the Greater Sydney area. The exceptions have generally been where 50 m x 25 m options have been feasible, or where pools have been constructed to meet specific demands (ie the Olympics).

Short course (25 metre) pools constructed for councils in the last decade include:

- Willoughby
- Hurstville
- Liverpool
- Windsor
- Camden (under construction); and
- Lane Cove (under construction)

Long course (50 metre) pools constructed for councils in the last decade include:

- Sutherland (L-shaped 50 m x 25 m)
- Penrith (St Marys - L-shaped 50 m x 25 m)
- Wyong (50 m joint venture with Mingara Leisure Club)
- Sydney (Cook and Phillip Park)
- Ryde (50 m to allow for Olympics Water Polo)

BOOM TO TEMPORARILY CONVERT 50 M POOL TO 25 M POOLS

It is possible to install a Pool Boom that would enable lap swimming and program usage at alternate ends of a replacement Buttenshaw Park pool. The disadvantages of such a strategy are that:

(i) the required temperature difference between lap swimming and program usages cannot be achieved; and

(ii) the boom takes between 20 to 30 minutes to set up or dismantle during which time patrons cannot use the pool.

Due to these factors, this concept has not been further pursued.

FUTURE REVENUE CONSIDERATIONS

Irrespective of location, it is clear that a multi-purpose/differential use water space would generate greater revenue than that of a single lap swimming pool, such as is currently proposed at Buttenshaw Park. The reason for this is the additional income generated by customers who attend programs in the program pool, families who would use the interactive play equipment and turbo pool, a probable increase in learn to swim usage and pool users who would use the child minding facilities.
The multi-purpose function room would also generate revenue. These advantages accrue irrespective of the location of the pool. At Valley Heights this advantage would be further enhanced with additional revenue due to its proximity to the major transport corridors and the “visibility” issues canvassed elsewhere in this report.

If the 25m facility were to be built at Buttenshaw Park, at an estimated cost of $8,100,125, then additional borrowing in the order of $1,068,000 would be required of which only $962,000 is affordable from the income projections. However, the Council would also have the option of selling the Valley Heights site to avoid or reduce the additional borrowing that would be required.

LAND MANAGEMENT ISSUES AT BUTTENSHAW PARK

Enquiries have been proceeding as to whether a Plan of Management would be required for the Buttenshaw Park site as it is mainly located on Crown Land. Detailed discussions with the Department of Land and Water Conservation, legal advice, and a review of case law now confirm that this is not the case. Notwithstanding, it is possible that a master plan may be required in order to be consistent with Council’s previous management strategies for Crown Reserves (eg Glenbrook Park and St Johns Oval). In view of this, and the land use consents necessary, it appears that construction of any redevelopment at Buttenshaw Park could be some months later than construction at the Valley Heights site.

BUDGET AND FUNDING ISSUES

The total adopted budget for the project is $6.485 Million from various funding sources as set out in the table below:

<table>
<thead>
<tr>
<th>Source</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants</td>
<td>$0</td>
</tr>
<tr>
<td>Loans</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>Restricted Assets</td>
<td>$300,000</td>
</tr>
<tr>
<td>Section 94</td>
<td>300,000</td>
</tr>
<tr>
<td>Loan Restructure</td>
<td>285,000</td>
</tr>
<tr>
<td>Interest on Loan Funds</td>
<td>200,000</td>
</tr>
<tr>
<td>Other (includes prior year Revenue &amp; Budget Savings)</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Property Sales (achieved and proposed)</td>
<td>1,500,000</td>
</tr>
<tr>
<td>CURRENT BUDGET</td>
<td>6,485,000</td>
</tr>
</tbody>
</table>
As reported to Council on 20 February 2000, a further $100,000 has been accumulated in Restricted Assets for this project and a further $447,000 could be made available for the project being the balance from the restructuring of loans. This can therefore result in a total budget at this time of $7.032 Million as illustrated in the table below.

<table>
<thead>
<tr>
<th>Amount</th>
<th>Cumulative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopted Budget per above table</td>
<td>6,485,000</td>
</tr>
<tr>
<td>Add Additional Restricted Assets funds</td>
<td>100,000</td>
</tr>
<tr>
<td>Add Balance of Cash from Loan Restructuring</td>
<td>447,000</td>
</tr>
</tbody>
</table>

As also reported on 20 February 2000, the total budget could be increased by additional borrowings serviced by Operational Profits from the new aquatic centre and losses avoided in the operation of the current Springwood Pool.

Based on the figures previously provided by Council’s Consultants in February 2000, the following estimated operational profit figures have been advised:

<table>
<thead>
<tr>
<th>Option</th>
<th>Total 10 Yrs</th>
<th>Average per Yr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valley Heights 25m (Current Option 2)</td>
<td>478,000</td>
<td>47,800</td>
</tr>
<tr>
<td>Buttenshaw Park 25m</td>
<td>259,000</td>
<td>25,900</td>
</tr>
<tr>
<td>Buttenshaw Park Upgrade (Current Option 1)</td>
<td>63,000</td>
<td>6,300</td>
</tr>
</tbody>
</table>

The estimated loss that will be avoided in the operation of the current Springwood Pool is, conservatively, $60,000 pa. Added to the average per annum operational profit figures above, the following table illustrates the magnitude of loans that could be financed over a 25 year repayment period at 7.50% pa interest and the magnitude of the total budget that could result.

<table>
<thead>
<tr>
<th>Option</th>
<th>Total 10 Yrs</th>
<th>Average per Yr</th>
<th>Savings on Existing Pool</th>
<th>Total Additional Borrowing Possible</th>
<th>Total Possible Revised Budget for each Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valley Heights 25m (Current Option 2)</td>
<td>478,000</td>
<td>47,800</td>
<td>60,000</td>
<td>107,800</td>
<td>1,206,716</td>
</tr>
<tr>
<td>Buttenshaw Park 25m</td>
<td>259,000</td>
<td>25,900</td>
<td>60,000</td>
<td>85,900</td>
<td>961,567</td>
</tr>
</tbody>
</table>

The potential to utilise additional borrowing funded from the net income of the facility is consistent with the outcomes of the Market Research in relation to the Preferred Financing Options. In effect it would be the admission charges which would be servicing the additional borrowing. However, the degree to which admission charges could be increased would need to be very carefully considered as it could adversely effect patronage levels. The above projections are based on the existing level of charges proposed.
If Buttenshaw Park is selected as the location for the facility then additional funding should also be able to be derived from the sale of the Valley Heights site. The Valley Heights site comprises approximately 9,809m² and is currently zoned Residential 2(a1) under Local Environmental Plan (LEP) 4 subsequently amended by LEP 134 which permits a recreational facility. It is also classified as Operation Land under the Local Government Act, 1993. The site was acquired for a value of $425,000, involving a land swap of Council owned land used as a commuter car park with a value of $140,000 and the construction of a sealed 80 space car park with a value of $285,000.

As the Buttenshaw Park site is Crown Land there is no potential to sell that site to realise additional funding.

Therefore, in summary from a financial perspective, some $7,032,000 is available for the project. This sum incorporates proposed property sales. Option 1 at an estimated cost of $6,240,375, being the upgrade of the existing facility at Buttenshaw Park, is therefore possible without seeking additional funds. Option 2, being the 25m facility at Valley Heights at a total estimated cost of $7,994,480, would also be possible but would require additional borrowing in the order of $962,000. As indicated above, such additional borrowing would appear affordable from the income generated by the facility.

CONCLUSION

There are essentially two quite separate decisions that need to be taken by Council. Neither decision is straightforward and clearly, there are very definite views held by the community. The first issue requiring determination is the question of location of the proposed lower Mountains indoor pool facility. Undoubtedly there is a definite community preference for Buttenshaw Park. With due consideration to those members of the community who made submissions during the recent public exhibition, it is suggested to Council that the market survey process undertaken by IRIS Research should be taken as the more reliable guide to the view of the community. The approach taken by IRIS ensures there can be no bias in the results. This research established that, in round figures, 60% of the Blue Mountains community have a preference for the Buttenshaw Park site, whilst 40% would prefer the facility to be built at Valley Heights. Since the matter was last before Council on 22 February this is the single most significant piece of additional information to become available. Also of note are the major reasons given by survey respondents for adopting their respective positions. In the case of Buttenshaw Park supporters, it is clear that the issue of cost was a major factor in their minds, whilst supporters of Valley Heights were more attracted to the ability of that design to meet the varied needs of users, particularly older people and children.

The attached Council report of 22 February argued the pros and cons of the various options then under consideration. The major determining factors are not considered to have altered substantially since that time. Council has received expert advice from different sources on the question of ongoing financial viability of the proposed facility. In each case that advice has pointed to the Valley Heights site as the one likely to generate the greatest revenue. Obviously, at an absolute minimum, our aim should be to facilitate an operation that generates an annual income sufficient to cover operating expenses.
The major (site specific) reasons for Valley Heights generating greater revenue include the fact that the Great Western Highway location gives the facility a profile with passing traffic that is likely to motivate people to use the development. Additionally, the Valley Heights location is more conveniently situated for public transport. The 1997 survey of residents indicated this was an important issue although it has not featured as prominently in the more recent survey. Lastly, Valley Heights is more conveniently located to the major population centres of Blaxland and Glenbrook. It has been estimated by consultants that in overall terms the Valley Heights location could boost attendances and income by at least 10%. Again, respondents to the IRIS research do not appear to have placed as much emphasis on the issue of operating results as they have on other aspects of the proposal (refer Table 5.3 of IRIS report).

The other issue considered to be a determinant factor is that of the impact of the development on the amenity of surrounding residents. For obvious reasons this is not an issue that generally rated highly with the market research participants, and the feedback from the public exhibition process is considered to be more relevant in that regard. Submissions from residents in reasonable proximity to Buttenshaw Park were somewhat mixed. Whilst there was strong support for the proposal from some residents, there was also strong opposition from others. In addition, several objections were specifically related to the proposals for additional parking in areas where clearing of trees and vegetation would be involved. However, there were also a significant number who were opposed to the project in its entirety. The reasons put forward by these residents were varied, but in the main were related to the increased intensity of use of the site compared to the existing, relatively low intensive use. A reasonable number of these objectors reside close to, or adjoining, the proposed site for option 1. Only six residents in the Valley Heights area made submissions. One was clearly supportive of Valley Heights as the preferred location, whilst four were primarily concerned with access/traffic issues and one argued the merits of Buttenshaw Park over Valley Heights. However, the responses did demonstrate the relatively small number of residents who will be affected if the proposal goes ahead at Valley Heights.

Overall, it is considered that the impact on residents of a facility that will operate 364 days a year, for up to 16/17 hours a day, should be a major consideration for Council. In the case of Buttenshaw Park there will be a considerable number of residents impacted by the development, particularly if users do take advantage of the multiple traffic routes to the facility. At Valley Heights access is primarily via the industrial area and the impact on residents should be far less.

At the end of the day what is before Council in terms of location of the facility undoubtedly requires an “on balance” decision. However, the two issues canvassed above (ie ongoing financial viability and residential amenity) are considered sufficiently significant to weight the decision on location in favour of Valley Heights.

The other critical decision is the question of the type of facility that should be built. The market research clearly indicates that cost is a major issue for Blue Mountains residents and it was this factor, apparently more than any other, that respondents supporting the Buttenshaw Park option took into consideration. The cost of the Buttenshaw Park option that was exhibited was of the order of $6.24M, based on a July 2001 construction commencement date. This potentially could be further reduced by revenue from the sale of the land at Valley Heights.
This would provide a facility that has somewhat greater water space but one that does not have the flexibility of the design proposed for Valley Heights. This was clearly recognised by the market survey respondents who supported the Valley Heights option. It is considered that there is a significant equity issue involved here. Whilst the lower cost of the Buttenshaw Park option is certainly appreciated, the arguments in favour of the design option for Valley Heights are considered to be substantial.

The ability of the design exhibited for Valley Heights to cater for older people, asthmatics, arthritics and those in need of rehabilitative exercise, by a separately heated area of water should not be underestimated. There are very many residents in the Blue Mountains both elderly, and sufferers from afflictions such as arthritis who do not currently have access to water maintained at a higher temperature, and who would benefit from the “Valley Heights” design.

Similarly, that design would be well received by younger children and those who perhaps are not “water confident”. It should be noted that, with its separate pool arrangement the Valley Heights design is able to simultaneously accommodate all of these people as well as those who swim for fitness reasons (ie “lap” swimmers). This is not as readily accommodated with the single 50 metre pool design as exhibited for Buttenshaw Park. Again, on balance then, it is suggested to Council that the design for Valley Heights, despite its additional cost, is the one best suited to satisfy the competing demands of the Blue Mountains community, and justifies the additional cost involved.

In weighing up the various factors impacting on this decision regard should be had that the proposed facility is not simply a neighbourhood swimming pool being provided for the people of Springwood and Faulconbridge. Expenditure of approximately $6.4M-$8.0M would be difficult to justify for this purpose alone. What is involved is development of a multi purpose facility that will meet various community needs within a significantly larger catchment. For a population of around 75,000 the Blue Mountains is relatively well served for traditional swimming by the five outdoor Olympic style swimming pools currently being operated, three of which have been heated.

Development of a facility along the lines of that proposed for Valley Heights would introduce a quite different product that would supplement the traditional neighbourhood swimming pools. If Council were to decide on this type of approach the region would continue to be amply served by the four 50 metre pools that remain. Few other Local Government Areas would have the ratio of population to pools that exists in the Blue Mountains, even allowing for our unique geographic configuration.

Finally, it needs to be acknowledged that the community has taken a lively interest in this debate and has signalled its views most forcefully in the form of the market research response. If Council is of the view that this feedback carries such weight that Buttenshaw Park should be the site of this facility, and that the concerns of residents adjoining the site can be adequately addressed, it is strongly recommended that the design originally proposed for Valley Heights, in lieu, be utilised at Buttenshaw Park.
COMMUNITY & RECREATION PROGRAM

Item 2 - Ordinary Meeting, 13/6/00

Attachment

MAJOR LOCAL ISSUES COMMITTEE

Item 1 - Extraordinary Meeting, 30/5/2000

Attachment A

Option 1 - Buttenshaw Park Pool Replacement/Enclosure
Option 2 - New Aquatic Centre at Valley Heights
COMMUNITY & RECREATION PROGRAM

Item 2 - Ordinary Meeting, 13/6/00

Attachment

MAJOR LOCAL ISSUES COMMITTEE

Item 1 - Extraordinary Meeting, 30/5/2000

Attachment C

Indicative Design for 25 m Pool at Buttenshaw Park
COMMUNITY & RECREATION PROGRAM

Item 2 - Ordinary Meeting, 13/6/00

Attachment

MAJOR LOCAL ISSUES COMMITTEE

Item 1 - Extraordinary Meeting, 30/5/2000

Attachment D

Indicative Cost Figures for the Three Options
COMMUNITY & RECREATION PROGRAM

ITEM NO: 4
SUBJECT: ALL YEAR SWIMMING FACILITIES FOR THE EASTERN BLUE MOUNTAINS
FILE NO: C03126

Recommendations:

1. That Council exhibit, for purposes of public comment, the separate concepts of:

   (i) the construction of an all year 25 m x 19 m swimming pool plus a leisure pool / program pool, spa and sauna on land set aside at Peninsula Road and the Great Western Highway, Valley Heights; and

   (ii) a pool replacement and enclosure of the existing swimming pool at Buttenshaw Park, Springwood

as alternative options to provide all year swimming facilities for the eastern Blue Mountains.

2. That the merits of a 50 m x 25 m pool option at the Valley Heights site be acknowledged and there be continued pursuit of funding possibilities for this option.

3. That copies of this report be made available to interested persons without charge and this also apply to summaries of this report.

4. That members of the community be invited to make written submissions on this matter generally and particularly on the two exhibited options.

5. That the outcome of the four week public submissions process be reported to Council as soon as possible after its closure.

6. That Council commission an independent market survey, to be conducted during the four-week exhibition period, to ascertain the views of the Blue Mountains community concerning the appropriate level of facility to be provided and relevant sources of funding.
Report by General Manager:

Introduction

One of the first tasks of the incoming Council was to consider tenders for the proposed Valley Heights Aquatic Centre. Following its consideration of this matter, Council resolved as follows:

1. That Council, in accordance with Clause 19(1)(b) of the Local Government (Tendering) Regulation 1999, resolve to decline to accept any of the tenders for the construction of the proposed Valley Heights Aquatic Centre on the basis that the prices offered are substantially in excess of Council’s approved budget.

2. That Council, in accordance with Clause 19(3)(a) of the Local Government (Tendering) Regulation 1999, resolve to cancel the proposal for the contract.

3. That the appropriate information be provided at Councillors’ briefing sessions to review the alternative options for improved swimming facilities within the population catchment that was to be served by the Valley Heights Aquatic Centre.

4. That a report comes back to Council within three months and, subsequent upon Council’s determination of this matter, submissions from the public be considered by Council after a period of four weeks.

5. That Council approve and vote expenditure of $285,000 to construct the Valley Heights Commuter Car Park and that such expenditure be funded from Restricted Assets.

(Refer Minute No. 524, 12/10/99)

This report advises the Council of the outcome of the review of the options for improved swimming facilities “within the population catchment that was to be served by the Valley Heights Aquatic Centre” as required by Resolution 3 of Council’s decision.

Background to Council’s Resolution of 12 October 1999

Council operates outdoor swimming pools at Blackheath, Katoomba, Lawson, Springwood and Glenbrook. In addition, a recently constructed indoor heated swimming facility has been opened to complement the outdoor facilities operating at Katoomba.

In 1996 Council formally addressed the problem of inadequate levels of swimming pool service, together with the condition of its existing swimming pool infrastructure. Its first action was to commission an external consultant, Graf Consulting International, to report on the state and future of its swimming pools. Following the delivery of the report to Council, a committee of Councillors (known as the Swimming Facilities Working Group) was appointed with a brief that included preparation of “a report on the provision of at least one indoor all year swimming facility on the Mountains.”
The Swimming Facilities Working Group delivered an interim report to Council on 10 December 1996. Council authorised the Group to seek “necessary specialist assistance” to:

1. Advise Council on a preferred option for all year round swimming facilities in the Springwood/Faulconbridge area with particular reference to the choice between upgrading the existing facilities and constructing new facilities.

2. Advise Council on upgrading the existing Katoomba Swimming Centre to provide year round swimming facilities and improved amenities.”

The Swimming Facilities Working Group then undertook a comprehensive program of consultation with schools, interest groups and community groups. It conducted a community survey that brought responses from 3,377 households (a copy of the report has been provided separately for the information of Councillors). It also commissioned the specialist advice required by Council. This came forward by way of a report (known as the “Pontin Report”) in June 1997.

The Swimming Facilities Working Group reported to Council on 24 June 1997. Its (majority) recommendations to Council included “an indoor aquatic centre be constructed on (SRA) land in DP 801786, Great Western Highway and Peninsula Road, Valley Heights” and “the Springwood Aquatic Centre remain open until the Valley Heights Aquatic Centre is operational and it then be closed.”

In making these recommendations, the Swimming Facilities Working Group had particular regard to both the need for convenient public transport access, and the deteriorating condition of the existing Springwood Pool. This latter factor was noted in both the “Graf Report” and the “Pontin Report”. Both consultants had brought in specialist swimming pool engineers to inspect the Springwood Pool and, in each case, the opinion was given that it was not worth attempting to repair the Springwood Pool, it being the most deteriorated of Council’s five outdoor swimming pools.

The Graf Report noted that “… the existing Springwood Pool is in very poor condition, requiring major structural and services work, and major operating subsidies. It is recommended that the existing Springwood Pool should be replaced … on a site yet to be chosen in Springwood/Faulconbridge area. It should be either closed or handed back to the local communities to operate in a way which represents no cost to the Council…”

The Pontin Report noted that “the existing pool is not in a condition that would enable its enclosure without replacement”.

The recommendations of the Swimming Facilities Working Group were adopted by Council and provisional funding of $6.0M was allocated. Council then submitted a development application for the proposed Valley Heights Aquatic Centre and proposed an amendment to LEP No. 4 to permit a “recreation facility” on the SRA land. As part of negotiations with the SRA, Council was to acquire the SRA land in partial exchange for a commuter car park to be constructed on nearby Council land. The land swap has subsequently occurred and construction of the Valley Heights Commuter Car Park is nearing completion.
In view of its multiple role in these matters, Council commissioned a Public Hearing into the proposed Valley Heights Aquatic Centre and related Issues of Probity. This Public Hearing took place in May/June 1998 and the Chairperson, Mr Andrews, delivered a comprehensive report. This will be considered elsewhere in this report.

On 24 November 1998, Council resolved to submit the amendment to LEP 4 (known as DLEP 134) to the Department of Urban Affairs and Planning with a request for gazettal. Council also resolved that, upon this gazettal, the Development Application for the Valley Heights Aquatic Centre be granted Deferred Commencement subject to conditions.

Gazettal occurred in the early part of 1999 enabling the pre-tender processes to commence. On 8 June 1999, Council endorsed seven contractors as prequalified tenderers and endorsed a process to call selective tenders from these contractors.

The results of the tender process were reported to Council on 12 October 1999. No tenderer was able to provide a construction cost that would meet Council’s $6.0M budget for the total project.

Community Needs and Wants

Council made its decisions on swimming facilities for the Blue Mountains only after consideration of a large number of submissions from the community and a range of studies concerning community needs. These included:

(i) a petition of (approximately) 5,000 signatures from the Springwood based community group known as “SPLASH” (1996)
(ii) the Open Space Recreation Needs Study (1994)
(iii) the Hunter Valley Research Foundation Community Survey (1996)
(iv) the Centre for Local Government Research Community Survey (1998)
(v) the “Graf” Swimming Facilities Study (1996)
(vi) the “Pontin” Swimming Facilities Study (1997)
(vii) various local community planning research documents
(viii) submissions from swimming clubs to the Swimming Facilities Working Group (1997)
(ix) submissions from schools to the Swimming Facilities Working Group (1997)
(x) submissions from community organisations to the Swimming Facilities Working Group (1997)
(xi) the Swimming Pool Survey conducted by the Swimming Facilities Working Group (1997)
(xii) submissions to the “Andrews” Public Hearing

All surveys, submissions, etc, plus a wealth of anecdotal evidence, have pointed in the same direction viz the community’s wish for all year swimming facilities or at least improved swimming facilities in the Blue Mountains.

Reference will now be made to the Swimming Pools Survey and the “Andrews” Report.
The Swimming Pool Survey

This survey was conducted in 1997 by the Swimming Facilities Working Group and elicited written responses from 3,377 households. A feature of this survey was that it allowed space for free form responses thereby circumventing the narrow regime of so many surveys and allowing analysis of the survey responses to derive a wealth of qualitative information about what members of the community wanted (in their own words).

The major conclusions of the Swimming Pool Survey were as follows:

1. The facilities should offer the Blue Mountains community a range of enjoyable recreational activities that enable participation by people of all ages;

2. The facilities should enable the Blue Mountains community to broaden its opportunities for social activities;

3. The facilities should offer opportunities for the Blue Mountains community to improve its health and wellbeing;

4. The facilities should be conducive to making the Blue Mountains a “water safe” community; and

5. The facilities should have maximum cost effective accessibility to the Blue Mountains community.

The Survey also sought to test the acceptability of a 25 metre all year round swimming pool on the basis that such pools are less costly to construct and maintain than 50 metre pools. Generally, opinion was equally divided on this question. 1,457 respondents stated that a 25 metre pool was acceptable whilst 1,547 respondents opted for a 50 metre pool. However, the wording was designed to elicit what size facility was (minimally) acceptable to the community. Many respondents indicated that a 25 metre pool was acceptable but not preferable.

It is now three years since the Swimming Pool Survey was taken. The Survey was, in essence, preliminary work to provide Council with information concerning community needs and wants. It was taken, by necessity, before any sophisticated site selection process could be implemented.

Council is now in a position whereby it should go back to the community with quite definitive options that would enable the community to make an informed choice. There are very good reasons for such a survey to be taken at this juncture in order to provide the information that Council needs to establish the preferred option of the community, given the financial options before Council. For this reason, it is recommended that a professional survey be conducted by a specialist in this area and the results be provided to Council as quickly as possible.
Public Hearing - Proposed Valley Heights Aquatic Centre

Council entered into a Public Hearing process voluntarily, not through any statutory requirement, but because it was determined to ensure probity of process in its multiple roles of being responsible for property acquisition, land classification, rezoning and development assessment.

The Chairperson, Mr Graham Andrews, considered a wide range of issues and some 80 public submissions. His considerations included the reasons for Council’s selection of the Valley Heights site which was based on “a range of marketing, site management, public access, environmental and financial considerations.”

The public submissions he considered included a petition of 879 signatures lodged by the “S.S.T.O.P.P.” community group which drew attention to “concerns (which) include the unnecessary loss of the existing parkland site, the potentially hazardous traffic conditions at the new site, and the substantial capital outlay of buying the land and developing the complex.”

In this matter, the key recommendations (of the six recommendations made by Mr Andrews) were as follows:

"Recommendation No. 2

I recommend:

That the Council contemplate granting development consent (to the Valley Heights development) only after there has been a careful review of the issues of environmental impact on the site, provision of parking areas, sufficiency of site area, variability in attendance of visitors, traffic generation at the Highway intersection with Peninsula Road, and the public interest in both 50 m and 25 m all year round heated pools” (page 4)

and

"Recommendation No. 6

I recommend:

(i) that the proposed development of the Valley Heights Aquatic Centre should proceed only if the Council is satisfied about the Centre’s long-term financial feasibility and is prepared to grant development consent; and

(ii) that if the Council finds that development of the Valley Heights Aquatic Centre is inappropriate, the previous advice conveyed to the Council about alternative choices of sites in Buttenshaw Park, Springwood be reviewed, together with further comprehensive assessment.” (page 5)
Mr Andrews also stated that:

“I have carefully considered the sequence of the Council’s investigations, reports, and resolutions relating to the proposed Valley Heights Aquatic Centre. They demonstrate a diligent approach in seeking community opinion on the provision of swimming facilities, progressively selecting the most appropriate measures for meeting community needs and commissioning expert advice.” (page 80)

Outcomes of the Tender Process

In 1997, Council identified costs of $6.0M directly associated with the construction of the Valley Heights Aquatic Centre Project. Subsequently, $1.02M of ancillary costs were identified. The key components of these ancillary costs included $285,000 for the design and construction of the new Valley Heights Commuter Carpark, $170,000 for design and construction of improvements to the Peninsula Road and Great Western Highway intersection and an allowance of $250,000 for construction contingencies.

In relation to the $6.0M original project cost, advice was received from Council’s consultant Quantity Surveyor, shortly before inviting tenders, that construction tender prices could be anticipated to be in the range of $5.7M to $6.3M.

Six of the seven preselected contractors submitted conforming tenders for construction with the minimum tender coming in at $7.599M resulting in a total project cost of $9.22M. This was then reported to Council with advice that the tender prices received were substantially in excess of Council’s budget. Analysis of the prices received indicated the following pertinent factors:

a) a rise in general building prices of 18% during the last three years (including a pre GST factor in recent building prices);
b) the effect that Olympic projects have had on prices; and
c) the amount of work currently available to subcontractors located both within and outside the Blue Mountains.

Having considered this report (on 12 October 1999), Council resolved to decline to accept any of the Valley Heights Aquatic Centre tenders and sought to review alternative options.

The tenders that were originally sought for the Valley Heights project included three separate water space areas being a 25 metre 8-lane pool, a Family Leisure and Wave Pool, and a separate program pool, together with a gymnasium, spa and sauna. Because of the cost factors associated with this proposal, the review has been conducted on the basis of a revised format that incorporates a swimming pool (with two options), a Family Leisure Pool, and a spa and sauna. Also reviewed was the option of a pool replacement and enclosure of the existing facility at Buttenshaw Park.

The revised proposals deleted the wave pool concept also because this would no longer be the first wave pool in New South Wales (thereby diluting market advantage) and because of cost factors. A comparison of the original proposal, the pool replacement enclosure option, and the two new construction options follows:
Irrespective of whatever future option is chosen, it is quite clear that a proportion of the planning work that has been done will be of future use.

Review Process

At the time when the Swimming Facilities Working Group was completing its work (in 1997), a detailed evaluation was made of all potential sites within the Springwood/Faulconbridge population catchment. A number of potential sites were suggested and professionally evaluated. The outcome was that only two of these sites did not have major inherent disabilities. The two sites in question were the Buttenshaw Park site (because of the presence of existing infrastructure and development space) and the Valley Heights site (because of its development potential, accessibility and income potential). There is no evidence that there are any new viable sites that should be considered.

Accordingly, Mr Denis Pontin of RMP and Associates Pty Ltd was asked, in late 1999, to review swimming pool options for both of these sites. Mr Pontin then provided detailed advice to Council on five potential options, these being:

Option 1 enclosure and pool replacement at Buttenshaw Park;
Option 2 L-shaped 50 m x 25 m combination pool at Buttenshaw Park;
Option 3 25 m pool at Buttenshaw Park;
Option 4 L-shaped 50 m x 25 m combination pool at Valley Heights site; and
Option 5 25 m pool at Valley Heights site.

These options, and their relative advantages and disadvantages, will be outlined in more detail in the following section of this report. Draft indicative designs are provided as Attachments A-E. Two separate cost figures for each option are shown at Attachment F, being, firstly, the current cost and, secondly, the cost at the projected date of commencement. All costs detailed in the following option descriptions are total project costs, not just construction costs, and include expenditures already incurred.
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OPTION 1 - Enclosure and Pool Replacement at Buttenshaw Park

Shown at Attachment A.

Council has recently commissioned a structural engineer’s report concerning the condition of the existing Buttenshaw Park Pool. This report refers to a number of backwash, reticulation and water loss problems associated with the facility together with upgradings that are necessary as a consequence of recent changes to Health Regulations. Following from this a pool replacement and enclosure proposal has been developed.

In this option, the following changes would be made to the existing facility:

- pool replacement (50 metres and 8 lanes) with the proposed liner yielding a life of 25 years and possible Myrtha Renovation system with wet deck system as alternative to tiling
- upgraded filtration / treatment systems including new plant room
- amalgamation and reconstruction of backwash water holding tanks
- provision of additional pump capacity
- replacement of concrete cell sand filter system
- improvements to car park
- upgrades to the concourses, seating, changerooms and toilets

This would be complemented with a $2M steel frame structure, colorbond sheet roof with sisalation, heated ducted air conditioning, walls formed of a combination of colorbond sheet cladding / glazing / masonry. The predominant glazed walls could be designed to be a feature. The roof would have limited skylights. This enclosure would provide better thermal insulation than cheaper options and would blend in more effectively with the surrounding parkland environment.

On a total project cost basis, using the same methodology as the other options, the current total project cost would be $5.805M and $6.240M at time of commencement. Attachment F provides a breakdown of these costs. Please note that the extent of the enclosure proposed here covers only the immediate concourse areas and is limited to the extent shown on Attachment A. If the extent of the enclosure were to be extended to cover an area approximately bounded by the existing fences at the pool, then the costs would increase by approximately $1.6M. These costs are understandably high noting that most of this option is essentially new infrastructure. Most of the facilities at Buttenshaw Park Pool do require varying degrees of attention if use is to continue.

This option provides the following advantages and disadvantages:

Advantages

- capital input from sale of Valley Heights site (thus reducing the costs listed above)
- history of use of the site as a swimming centre
- more than one access and egress from the site by road
- lowest capital cost (project can be completed within already approved budget subject to possible development consent conditions)
Disadvantages

- environmental impact on the adjoining residential area of an indoor aquatic centre operating from as early as 5.00 am until up to 10.00 pm on 363 days per year
- impact of increased usage on Buttenshaw Park and the impact of the renovation and new capital works (carparking etc)
- delay during preparation of Management Plan for Buttenshaw Park
- difficulties with use of current exit and entry from the Great Western Highway (Traffic Study may result in similar intersection work as would be required at Valley Heights)
- lower revenue with the possibility of ongoing subsidies needed from Council
- reduced accessibility from road and rail corridor (compared to Valley Heights site)
- possible difficulty with revised lease conditions on Crown Land site because conditions cannot be known until formal application is made by Council
- some elements of old infrastructure retained
- aesthetic issues associated with the enclosure structure
- does not include a Family Leisure Pool
- Buttenshaw Park described in Heritage Inventory as “of social significance being a public park held in the high esteem by the local community as a recreational resource”
- unknown additional costs potentially associated with development approval conditions
- lack of comparative flexibility in water space usage (eg no separate facility for lap swimming, coaching etc)
- if this option is selected there would be no proper competition standard shortcourse pool in the Blue Mountains (Katoomba 25 m is only 6 lanes)

Retention of the Current Buttenshaw Park Pool

Of course, it remains possible to retain the existing Buttenshaw Park pool.

An option considering the use of sail structures to provide some cover to the facility was also examined. This included adjustment to the length, new lining, minor structural repairs, hearing, filtration, sauna, spa, improvements to changerooms and the carpark. This facility would still be for seasonal use only and have a life of approximately 15 years. The total estimated project cost at construction is $3.598M.

It should be noted that following advice given in the recently commissioned report, the total project cost to bring the current facility at Buttenshaw Park up to current acceptable standards (including heating) is estimated at the time of construction to be $3.106M. This excludes all structures and upgrades to structures, apart from the pool.
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OPTION 2 - L-shaped 50 m x 25 m Combination at Buttenshaw Park

Shown at Attachment B.

This option provides a 50 m x 25 m L-shaped pool at Buttenshaw Park. As well as the L-shaped pool, a separate Family Leisure Pool is included. The current Buttenshaw Park Pool and infrastructure would be demolished.

Total Project Cost at Current Rates $8,559,000

Total Project Cost - Project Start July 2001 $9,200,925

This option provides the following advantages and disadvantages:

Advantages

- capital input from sale of Valley Heights site (thus reducing the costs listed above)
- history of use of the site as a swimming centre
- more than one access and egress from the site by local roads
- 50 m x 25 m combination maximises water space
- permits a variety of concurrent water usages
- new infrastructure with a 40 year life span
- provides a competition standard shortcourse pool

Disadvantages

- environmental impact on the adjoining residential area of an indoor aquatic centre operating from as early as 5.00 am until up to 10.00 pm on 363 days per year
- impact on the Park
- delay during preparation of Management Plan for Buttenshaw Park
- difficulties with use of current exit and entry from the Great Western Highway (Traffic Study may result in similar intersection work as would be required at Valley Heights)
- lower revenue relative to Valley Heights option (50 m x 25 m)
- reduced accessibility from road and rail corridor (compared to Valley Heights site)
- possible difficulty with revised lease conditions on Crown Land site because conditions cannot be known until formal application is made by Council
- higher cost relative to Option 1, Option 3 and Option 5
- Buttenshaw Park described in Heritage Inventory as “of social significance being a public park held in the high esteem by the local community as a recreational resource”
- unknown additional costs potentially associated with development approval conditions
OPTION 3 - 25 m Pool at Buttenshaw Park

Shown at Attachment C.

The proposal envisages a 25 m x 19 m pool, plus a separate Family Leisure Pool and Program Pool. The current Buttenshaw Park Pool and infrastructure would be demolished.

**Total Project Cost at Current Rates**

$7,535,000

**Total Project Cost - Project Start July 2001**

$8,100,125

This option provides the following advantages and disadvantages:

**Advantages**

- capital input from sale of Valley Heights site (thus reducing the costs listed above)
- history of use of the site as a swimming centre
- more than one access and egress from the site by road
- lower capital cost than 50 m x 25 m (L-shaped) options
- new infrastructure with a 40 year life span
- provides a competition shortcourse pool

**Disadvantages**

- environmental impact on the adjoining residential area of an indoor aquatic centre operating from as early as 5.00 am until up to 10.00 pm on 363 days per year
- impact on the Park
- costs associated with further carparking
- delay during preparation of Management Plan for Buttenshaw Park
- difficulties with use of current exit and entry from the Great Western Highway (Traffic Study may result in similar intersection work as was required at Valley Heights)
- lower revenue than 50 x 25 m options
- reduced accessibility from road and rail corridor (compared to Valley Heights site)
- possible difficulty with revised lease conditions on Crown Land site because conditions cannot be known until formal application is made by Council
- higher cost than Buttenshaw Park enclosure
- Options 3 and 5 provide the lowest amount of water space
- Buttenshaw Park described in Heritage Inventory as “of social significance being a public park held in the high esteem by the local community as a recreational resource”
- unknown additional costs potentially associated with development approval conditions
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OPTION 4 - L-shaped 50 m x 25 m Combination at Valley Heights

Shown at Attachment D.

This option provides a 50 m x 25 m pool at Valley Heights. As well as the L-shaped pool, a separate Family Leisure Pool is included.

| Total Project Cost at Current Rates       | $8,849,000 |
| Total Project Cost - Project Start December 2000 | $9,202,960 |

This option provides the following advantages and disadvantages:

**Advantages**

- earlier commencement than Options 2 and 3
- this option maximises revenue
- superior road, rail and public transport access
- 50 m x 25 m combination maximises water space
- maximises concurrent water usages
- far less residential impact (than the Buttenshaw Park options)
- new infrastructure with a 40 year life span
- Operational land provides greater flexibility
- development approval conditions generally known
- provides a competition shortcourse pool

**Disadvantages**

- higher cost than 25 m x 19 m options for both sites and Buttenshaw Park enclosure option
- difficulties with current exit and entry from the Great Western Highway
- greater vegetation disturbance (than the Buttenshaw Park options)

OPTION 5 - 25 m Pool at Valley Heights

Shown at Attachment E.

The proposal envisages a 25 m x 19 m pool with a separate Family Leisure Pool and Program Pool.

| Total Project Cost at Current Rates       | $7,687,000 |
| Total Project Cost - Project Start December 2000 | $7,994,480 |
This option provides the following advantages and disadvantages:

**Advantages**

- greater revenue than equivalent Buttenshaw Park option
- lower capital cost than 50 m x 25 m combination pool
- superior road, rail and public transport access
- far less residential impact than Buttenshaw Park redevelopment
- new infrastructure with a 40 year life span
- Operational land provides greater flexibility
- provides a competition shortcourse pool

**Disadvantages**

- difficulties of current exit and entry from the Great Western Highway
- lower revenue than 50 m x 25 m options
- higher cost relative to Buttenshaw Park enclosure
- Options 3 and 5 provide the lowest amount of water space
- greater vegetation disturbance (than the Buttenshaw Park options)

Details of the cost components of the five Options are set out as Attachment F.

Relevant inter-option comparisons now follow:

**Summary of Investment, Accumulated Profit and Utilisation**

Council’s specialist consultant advises the following financial projections:

<table>
<thead>
<tr>
<th>Option</th>
<th>Estimated Total Project Cost at Current Rates</th>
<th>Estimated Total Project Cost at Commencement Time</th>
<th>Estimated Ten Year Surplus*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Buttenshaw Park**</td>
<td>$5.805M</td>
<td>$6.240M</td>
<td>$0.063M</td>
</tr>
<tr>
<td>Enclosure/Pool Replacement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Buttenshaw Park**</td>
<td>$8.559M</td>
<td>$9.201M</td>
<td>$0.588M</td>
</tr>
<tr>
<td>50 m x 25 m</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Buttenshaw Park 25 m**</td>
<td>$7.535M</td>
<td>$8.100M</td>
<td>$0.259M</td>
</tr>
<tr>
<td>4. Valley Heights</td>
<td>$8.849M</td>
<td>$9.203M</td>
<td>$0.861M</td>
</tr>
<tr>
<td>50 m x 25 m</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Valley Heights 25 m</td>
<td>$7.687M</td>
<td>$7.994M</td>
<td>$0.478M</td>
</tr>
</tbody>
</table>
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*10% greater use and revenue is assumed at Valley Heights due to reduced access and visibility. This variation may be very conservative. Such projections are always highly demand sensitive and (say) a 20% variation would have a quite marked effect on the Ten Year Surplus figures.

**Project Cost may be increased by conditions of Development Consent related to residential amenity and local traffic management.

A comparison of the options indicates that the 50 m x 25 m pool option, at either Buttenshaw Park or Valley Heights provides the most viable long term operational returns. At Valley Heights the 50 m x 25 m option is the most viable of all the options providing a ten year surplus of approximately $861,000. Over the expected lifetime of the pool (40 years), it is clear that sustained operating surpluses would outweigh initial differences in capital cost.

None of the options currently before Council, include a gymnasium. The estimated capital cost of such an inclusion is $350,000 plus a further $200,000 for initial fit-out. Inclusion of a gymnasium would add to the operating surplus as from the five year mark. An alternative could be the lease of equipment by Council which would impact on the gymnasium operation return, or the gymnasium facility could be leased through a private operator which would reduce the initial capital outlay but would also significantly reduce the return to Council each year. Both sites could accommodate inclusion of such a facility as a staged development.

**Water Space Availability**

Water space availability is an important selection criterion, indicating total water area availability and also capacity to serve multiple needs concurrently. Relevant detail is as follows:

<table>
<thead>
<tr>
<th>Option</th>
<th>Available Area of Swimming Space (excluding Family Leisure Pool, etc)</th>
<th>Additional Available Area of Family Leisure Space</th>
<th>Total Water Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Buttenshaw Park Enclosure/Pool Replacement</td>
<td>950 m²</td>
<td>93 m² (including children’s area)</td>
<td>1043 m²</td>
</tr>
<tr>
<td>2. Buttenshaw Park 50 m x 25 m</td>
<td>1075 m²</td>
<td>180 m²</td>
<td>1255 m²</td>
</tr>
<tr>
<td>3. Buttenshaw Park 25 m</td>
<td>475 m²</td>
<td>380 m² (includes program pool)</td>
<td>855 m²</td>
</tr>
<tr>
<td>4. Valley Heights 50 m x 25 m</td>
<td>1075 m²</td>
<td>180 m²</td>
<td>1255 m²</td>
</tr>
<tr>
<td>5. Valley Heights 25 m</td>
<td>475 m²</td>
<td>380 m² (includes program pool)</td>
<td>855 m²</td>
</tr>
</tbody>
</table>
Effect on Residential Amenity

This is a most important factor, particularly as Council is the applicant for development. All five options will bring impact on the adjoining residential areas. This will be a factor of diversified water use availability, increased hours of operation (from 5.00 am to 10.00 pm on weekdays), and 363 days opening per year. Attachments G and H show the residential properties likely to be affected, either by proximity or increased traffic movement. It is clear that the Buttenshaw Park options impact far more residences than do the Valley Heights options where vehicular approach is primarily via the industrial area. In relation to Buttenshaw Park, the impact “envelope” would be, to some degree, dependent upon whether the Churchill Street access and egress were modified or not. This lesser impact option is shown. Notwithstanding, the likelihood is that there would be quite a wide effect from increased traffic movements in the Grose Road, Coomassie Avenue and Plateau Road environs.

Relative Merits of the Buttenshaw Park Site and the Valley Heights Site

It is now possible to make summarising comment concerning the relative merits of the Buttenshaw Park and Valley Heights sites:

Issue 1: Total Project Cost

Comment: When realistic construction commencement dates are taken into account, the capital outlay costs at both sites are approximately equivalent. However, the issue of costs associated with development consent conditions for any of the Buttenshaw Park options has not, as yet, been included in the potential project costs. It appears quite likely that the Buttenshaw Park options would attract conditions of consent relating to residential amenity and to local traffic management. There is also some likelihood that excavation costs would be greater at Buttenshaw Park (this is preliminary advice only).

Summary: The likelihood is that the Valley Heights options are at least marginally superior to the Buttenshaw Park options. The Buttenshaw Park refurbishment option provides a lower cost than the other options. This lesser facility will be considered later in this report.

Issue 2: Operating Surplus

Comment: The consultant’s Estimated Ten Year Surplus shows a slightly better outcome at Valley Heights compared to Buttenshaw Park. These calculations are based on a conservative 10% difference in patronage between the two sites considering the greatly superior access by road and rail to the Valley Heights location.

Summary: The Valley Heights options are superior, particularly when compared to the Buttenshaw Park pool replacement / enclosure.
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Issue 3: Recoupment of the Valley Heights Site Cost

Comment: Revenue can be derived from the sale of the Valley Heights site if a Buttenshaw Park option is selected.

Summary: The Buttenshaw Park options are superior.

Issue 4: Alienation of Parkland

Comment: All Buttenshaw Park options (including the enclosure) would require the alienation of some parkland for new works and/or car parking.

Summary: The Valley Heights options are superior.

Issue 5: Disturbance to Vegetation

Comment: More significant vegetation would need to be removed from the Valley Heights site although some trees and vegetation would need to be removed at Buttenshaw Park.

Summary: The Buttenshaw Park options are superior.

Issue 6: Visual Aesthetics

Comment: The impact on the parkland setting of Buttenshaw Park is far greater.

Summary: The Valley Heights options are superior.

Issue 7: Local Road Access

Comment: There are several entry points leading into Plateau Road.

Summary: The Buttenshaw Park options are superior for local access and egress.

Issue 8: Great Western Highway Access and Egress

Comment: The Great Western Highway intersection treatments for the Buttenshaw Park options at Churchill Street and for the Valley Heights option at Peninsula Road will be very similar as the traffic generation figures do not differ enough to warrant a different treatment. What is different is the likely turning movements. The intersection safety issue that is relevant here is the line of sight distances. The actual line of sight for right turning movements out of Churchill Street is only 110 m westward, however the safe entering sight distance is 160 m (60 kph zone). At Peninsula Road, the actual eastward sight distance is 180 metres however the safe entering sight distance requirement is 305 metres (80 kph zone) because of the higher speed limit. The Peninsula Road intersection has had preliminary work done on an intersection treatment that is feasible and should resolve this issue. No such work has been completed for Churchill Street.
There is much greater scope for redirecting traffic to alternative signalised intersections at the Buttenshaw Park site. It must be noted however that the impact of any possible redirection has not been examined. A traffic study will be required for the Buttenshaw Park options.

Summary: **Neither option is superior.** The probability is that both sites would require Great Western Highway access / egress treatment.

**Issue 9: Residential Amenity**

Comment: This important matter is considered elsewhere in this report. Readers are also referred to Attachments G and H.

Summary: **The Valley Heights options are markedly superior.**

**Issue 10: Access by Commuters and Users of Public Transport**

Comment: Access by the community, particularly those people who do not have access to a vehicle, or have only some access, or use public transport for other reasons, is a very important issue.

Summary: **The Valley Heights options are markedly superior.**

**Issue 11: Population Catchment**

Comment: Buttenshaw Park is closer to the eastern half of Ward 2 (the western half of Ward 2 is served by the Katoomba Sports and Aquatic Centre). By road access, Valley Heights better serves all areas running off Hawkesbury Road in Ward 3. Springwood is evenly balanced. Valley Heights is in closer proximity to the eastern portion of Ward 3 and the densely populated Ward 4.

Summary: **Valley Heights options are superior** as they offer shorter travel distances/times to a greater population catchment with consequent increased convenience and transport cost savings to a majority of residents.
Financial Considerations

The project costs for each option are now reproduced.

<table>
<thead>
<tr>
<th>Option</th>
<th>Estimated Total Project Cost at Current Rates</th>
<th>Estimated Total Project Cost at Commencement Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Buttenshaw Park* Enclosure/Pool Replacement</td>
<td>$5.805M</td>
<td>$6.240M</td>
</tr>
<tr>
<td>2. Buttenshaw Park* 50 m x 25 m</td>
<td>$8.559M</td>
<td>$9.201M</td>
</tr>
<tr>
<td>3. Buttenshaw Park 25 m*</td>
<td>$7.535M</td>
<td>$8.100M</td>
</tr>
<tr>
<td>4. Valley Heights 50 m x 25 m</td>
<td>$8.849M</td>
<td>$9.203M</td>
</tr>
<tr>
<td>5. Valley Heights 25 m</td>
<td>$7.687M</td>
<td>$7.994M</td>
</tr>
</tbody>
</table>

*Project Cost may be increased by conditions of Development Consent related to residential amenity and local traffic management.

Setting aside, for the moment, the Buttenshaw Park Enclosure/Pool Replacement option, it is clear that the cost of the 50 m x 25 m combination options are somewhat more than $1.0M more expensive than their 25 m counterparts.

Notwithstanding, the 50 m x 25 m options provide approximately 50% more available water space than do the 25 m options, and allow greater concurrent use of facilities. For example two schools could use an L-shaped pool concurrently for different purposes.

The issue of concern now becomes one of finance. In practical terms, it is one of whether Council could fund (and would be prepared to fund) the purchase of additional water space at cost of approximately $1.1M. The issues of borrowings, or reducing other areas of Council expenditure, become immediately relevant.

On this matter, Council’s Group Manager, Assets & Corporate Services provides the following comment:

Council’s original budget for this project was $6.0M, comprising $3.2M from loans (raised and set aside in Restricted Assets), $300,000 from Section 94 Contributions (being held in Restricted Assets), $1.5M from Property Sales (approximately $950,000 sold to date) and $1M from funds previously set aside in Restricted Assets.

By way of Minute No. 524 of 12 October 1999 a further $285,000 was voted to fund the construction of the Commuter Car Park, being a component of the land swap by which means the Valley Heights site was acquired. This was funded from funds freed up from the restructuring of loans in June 1999 to take advantage of then prevailing interest rates, interest offset arrangements and available repayment terms. These funds had also been placed in Restricted Assets.
On 8 February 2000, as part of consideration of the Budget Review for the December Quarter 1999, Council transferred a further $200,000 to Restricted Assets from interest on the investment of the loan funds already raised for the project but not yet spent.

The total adopted budget for the project is therefore now $6.485 Million as set out in the table below:

<table>
<thead>
<tr>
<th>Source</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants</td>
<td>$0</td>
</tr>
<tr>
<td>Loans</td>
<td>3,200,000</td>
</tr>
<tr>
<td>Restricted Assets</td>
<td></td>
</tr>
<tr>
<td>Section 94</td>
<td>300,000</td>
</tr>
<tr>
<td>Loan Restructure</td>
<td>285,000</td>
</tr>
<tr>
<td>Interest on Loan Funds</td>
<td>200,000</td>
</tr>
<tr>
<td>Other (includes prior year Revenue &amp; Budget Savings)</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Property Sales (achieved and proposed)</td>
<td></td>
</tr>
<tr>
<td>CURRENT BUDGET</td>
<td>6,485,000</td>
</tr>
</tbody>
</table>

In addition, a further $100,000 has been able to be accumulated in Restricted Assets for this project and a further $447,000 could be made available for the project being the balance from the restructuring of loans. This can therefore result in a total budget availability at this time of $7.032M as illustrated in the table below.

<table>
<thead>
<tr>
<th>Amount</th>
<th>Cumulative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopted Budget per above table</td>
<td>$6,485,000</td>
</tr>
<tr>
<td>Add Additional Restricted Assets funds</td>
<td>100,000</td>
</tr>
<tr>
<td>Add Balance of Cash from Loan Restructuring</td>
<td>447,000</td>
</tr>
</tbody>
</table>

Put another way, an amount of $7.0M can be made available for funding the total project without incurring further unnecessary borrowings beyond those already raised. The total budget could be increased by additional borrowings serviced by Operational Profits on the new Aquatic Centre and Losses Avoided in the operation of the current Springwood pool.

Estimated accumulated Profits for the first 10 years have been provided by RMP & Associates Pty Ltd from which an average has been taken to arrive at a per annum figure as shown in the following table:

<table>
<thead>
<tr>
<th>Option</th>
<th>Total 10 Yrs</th>
<th>Average per Yr</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – Buttenshaw Park Upgrade</td>
<td>63,000</td>
<td>6,300</td>
</tr>
<tr>
<td>2 – Buttenshaw Park 50m</td>
<td>588,000</td>
<td>58,800</td>
</tr>
<tr>
<td>3 – Buttenshaw Park 25m</td>
<td>259,000</td>
<td>25,900</td>
</tr>
<tr>
<td>4 – Valley Heights 50m</td>
<td>861,000</td>
<td>86,100</td>
</tr>
<tr>
<td>5 – Valley Heights 25m</td>
<td>478,000</td>
<td>47,800</td>
</tr>
</tbody>
</table>
The estimated loss that will be avoided in the operation of the current Springwood pool is, conservatively, $60,000 pa. Adding the Average pa operational profit figures above, as provided by RMP & Associates Pty Ltd, the following table illustrates the magnitude of loans that could be financed over a 25 year repayment period at 7.50% pa interest and the magnitude of the total budget that could result.

<table>
<thead>
<tr>
<th>Option</th>
<th>Total 10 Yrs</th>
<th>Average per Yr</th>
<th>Savings on Existing Pool (average)</th>
<th>Total Additional Borrowing Possible</th>
<th>Total Possible Revised Budget for each Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Buttenshaw Park 50m</td>
<td>588,000</td>
<td>58,800</td>
<td>60,000</td>
<td>118,800</td>
<td>1,329,851</td>
</tr>
<tr>
<td>3. Buttenshaw Park 25m</td>
<td>259,000</td>
<td>25,900</td>
<td>60,000</td>
<td>85,900</td>
<td>961,567</td>
</tr>
<tr>
<td>4. Valley Heights 50m</td>
<td>861,000</td>
<td>86,100</td>
<td>60,000</td>
<td>146,100</td>
<td>1,635,448</td>
</tr>
<tr>
<td>5. Valley Heights 25m</td>
<td>478,000</td>
<td>47,800</td>
<td>60,000</td>
<td>107,800</td>
<td>1,206,716</td>
</tr>
</tbody>
</table>

**Refinement of Site Selection Options**

Five options have been put forward. This report will now work towards making a definitive recommendation concerning the two options that should be put for community comment and should also be the subject of a professional market survey.

Two tests will now be applied in this process. These will be the test of affordability and the test of site suitability.

1. **Affordability:**

The following table is provided to enable Council to compare the costs of the various options with current and possible funding to determine what is affordable.
The two 50 m x 25 m options clearly provide the best facilities for the community. They present new constructions with a 40 year lifespan. Most importantly they maximise water space and the ability to provide diverse and concurrent water usages. They also enable the best operating returns for future residents and ratepayers. However, at this juncture, they do not appear to be affordable without some increase in Council’s borrowing and future repayments, or some reallocation of funding away from other Council projects, or funds directed to maintenance and normal operations.

Conversely, a Buttenshaw Pool replacement (Option 1) provides the lowest cost all-year swimming but at the price of retaining “old” swimming arrangements, less flexibility, and resulting in there being no proper shortcourse competition pool in the Blue Mountains for many years.

Notwithstanding, the two 50 m x 25 m proposals (Options 2 and 4) cannot be recommended and will be deleted from consideration, solely due to affordability criteria.

Furthermore, the Buttenshaw Park pool replacement / enclosure will be recommended as an option for purposes of public exhibition on the grounds that it is the lowest cost option and therefore best meets the test of shorter term affordability.

2. Site Suitability: This report has previously considered eleven issues related to the relative superiority of Buttenshaw Park as against the Valley Heights site. The conclusions from these considerations are summarised in the following tabulation are of use to compare the relative merits of the two 25 m x 19 m plus leisure / program pool proposals (Options 2 and 4):

<table>
<thead>
<tr>
<th>Option Description</th>
<th>Estimated Total Project Cost at Current Rates</th>
<th>Estimated Total Project Cost at Commencement Time</th>
<th>Current Adopted Budget for Project</th>
<th>Possible Budget at this Time Without Additional Borrowing</th>
<th>Total Possible Budget with Additional Borrowing Serviced from Additional Income and Existing Losses Avoided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Buttenshaw Park Upgrade</td>
<td>$5,085,000</td>
<td>$6,240,000</td>
<td>$6,485,000</td>
<td>Not Required</td>
<td>Not Required</td>
</tr>
<tr>
<td>2. Buttenshaw Park 50m + 25m</td>
<td>$8,559,000</td>
<td>$9,201,000</td>
<td>$6,485,000</td>
<td>$7,032,000</td>
<td>$8,361,851</td>
</tr>
<tr>
<td>3. Buttenshaw Park 25m</td>
<td>$7,535,000</td>
<td>$8,100,000</td>
<td>$6,485,000</td>
<td>$7,032,000</td>
<td>$7,993,567</td>
</tr>
<tr>
<td>4. Valley Heights 50m + 25m</td>
<td>$8,849,000</td>
<td>$9,203,000</td>
<td>$6,485,000</td>
<td>$7,032,000</td>
<td>$8,667,448</td>
</tr>
<tr>
<td>5. Valley Heights 25m</td>
<td>$7,687,000</td>
<td>$7,994,000</td>
<td>$6,485,000</td>
<td>$7,032,000</td>
<td>$8,238,716</td>
</tr>
</tbody>
</table>

Note: The budget for the Buttenshaw Park options may be able to be supplemented by the sale of the Valley Heights site.
The abovementioned tabulation provides evidence that, when the Buttenshaw Park and Valley Heights locations are compared, the Valley Heights options have more site suitability features than do similar constructions at Buttenshaw Park. Accordingly, Option 5 (25 m x 19 m pool plus program / leisure pool at Valley Heights) will be recommended as the other option for public exhibition.
COMMUNITY & RECREATION PROGRAM

Item 4 - Ordinary Meeting, 22/2/2000

Conclusion

If funding was not such a critical issue, I would have no hesitation in recommending a 50 m x 25 m combination pool option to Council, located at Valley Heights, as a stand alone preferred option. I would make this recommendation on the basis of site suitability, a completely new pool complex with a 40 year working life, operating returns, capacity to provide diversified water usage, total water space availability to meet population increases over the next four decades, and ensuring that the Blue Mountains would then possess a proper shortcourse competition pool.

Unfortunately, this recommendation cannot be made due to financial considerations.

Given the test of affordability and that of site suitability the options that deserve the greatest consideration for purposes of public exhibition are (i) a Buttenshaw Park pool replacement / enclosure or (ii) a 25 m x 19 m, 8-lane pool at Valley Heights with program / leisure pool, spa and sauna. Accordingly, these are the recommendations put to Council.

After the conclusion of the public exhibition period, at the end of March, the results of the community submissions and the market survey would be put to Council as quickly as possible to enable inclusion in the Draft 2000/2001 Management Plan.
COMMUNITY & RECREATION PROGRAM

Item 2 - Ordinary Meeting, 13/6/00

Attachment

MAJOR LOCAL ISSUES COMMITTEE

Item 1 - Extraordinary Meeting, 30/5/2000

Attachment E

COMMUNITY & RECREATION PROGRAM

Item 4 - Ordinary Meeting, 22/2/2000

Attachment A
Indicative Design for Enclosure and Replacement of Buttenshaw Park Facility
COMMUNITY & RECREATION PROGRAM

Item 2 - Ordinary Meeting, 13/6/00

Attachment

MAJOR LOCAL ISSUES COMMITTEE

Item 1 - Extraordinary Meeting, 30/5/2000

Attachment E

COMMUNITY & RECREATION PROGRAM

Item 4 - Ordinary Meeting, 22/2/2000

Attachment B

Indicative Design for L-Shaped 50 m x 25 m Combination Pool at Buttenshaw Park
COMMUNITY & RECREATION PROGRAM

Item 2 - Ordinary Meeting, 13/6/00

Attachment

MAJOR LOCAL ISSUES COMMITTEE

Item 1 - Extraordinary Meeting, 30/5/2000

Attachment E

COMMUNITY & RECREATION PROGRAM

Item 4 - Ordinary Meeting, 22/2/2000

Attachment C

Indicative Design for 25 m Pool at Buttenshaw Park
COMMUNITY & RECREATION PROGRAM  

Item 2 - Ordinary Meeting, 13/6/00

Attachment

MAJOR LOCAL ISSUES COMMITTEE  

Item 1 - Extraordinary Meeting, 30/5/2000

Attachment E

COMMUNITY & RECREATION PROGRAM  

Item 4 - Ordinary Meeting, 22/2/2000

Attachment D

Indicative Design for 50 m x 25 m Combination Pool at Valley Heights
ATTACHMENT E

Indicative Design for 25 m Pool at Valley Heights
COMMUNITY & RECREATION PROGRAM  
Item 2 - Ordinary Meeting, 13/6/00

Attachment

MAJOR LOCAL ISSUES COMMITTEE  
Item 1 - Extraordinary Meeting, 30/5/2000

Attachment E

COMMUNITY & RECREATION PROGRAM  
Item 4 - Ordinary Meeting, 22/2/2000

Attachment G
Residential Amenity - Buttenshaw Park Environs
COMMUNITY & RECREATION PROGRAM

Item 2 - Ordinary Meeting, 13/6/00

Attachment

MAJOR LOCAL ISSUES COMMITTEE

Item 1 - Extraordinary Meeting, 30/5/2000

Attachment E

COMMUNITY & RECREATION PROGRAM

Item 4 - Ordinary Meeting, 22/2/2000

Attachment H
Residential Amenity - Valley Heights Environments
Recommendation:

That Council approve the following donation from the Councillors’ Minor Local Projects
Vote:-

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mid Mountains Historical Society</td>
<td>$82</td>
</tr>
</tbody>
</table>

Report by General Manager:

On 1 November 1994 Council adopted a statement of broad principles for the provision of community assistance/donations. The following recommendation for donation, which appears to fall within the ambit of the broad principles, has been received and is submitted for approval.

**Minor Local Projects**

<table>
<thead>
<tr>
<th>Recommending Councillor</th>
<th>Organisation</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr C Van der Kley</td>
<td>Mid Mountains Historical Society</td>
<td>To help set up new Historical Society</td>
<td>$82</td>
</tr>
</tbody>
</table>
Recommendation:

*That the revised Code of Meeting Practice be adopted.*

Report by General Manager:

At the meeting held on 28 March 2000 Council resolved, in accordance with the requirements of Section 361 of the Local Government Act, 1993, to place on public exhibition the draft of a revised Code of Meeting Practice.

The draft Code was placed on public exhibition for 28 days and 42 days were allowed for receipt of submissions as required by the Act. There were no submissions received. It is therefore recommended that the revised Code of Meeting Practice be adopted.

Copies of the revised Code of Meeting Practice have been enclosed separately in Councillor’s envelopes.
Recommendations:

1. That Council endorse the proposal for the preparation of a Vegetation and Land Management Plan for the Megalong Valley in concert with the community of Megalong Valley and supported by the Dept of Land and Water Conservation.

2. That the draft Vegetation and Land Management Plan be reported for Council consideration prior to exhibition for general public comment.

3. That Council formally approach Lithgow City Council, inviting a joint review of opportunities to achieve some consistency in approach to the preparation of the Vegetation and Land Management Plan across the two local government areas in the Megalong Valley.

Report by Acting Group Manager, Strategic Planning

BACKGROUND

A report was considered by Council in August 1999, regarding the implications of exempting the Megalong Valley from Council’s Tree Preservation Order. This included the option of allowing all tree management in the valley to be governed by the Native Vegetation Conservation Act rather than the local planning instruments. Council had requested this at its meeting of 20 April 1999 (Minute No. 136).

Council further resolved at its meeting of 10 August 1999 (Minute No. 375):

1. That Council inform DUAP that it is our intention to have the Native Vegetation Conservation Act as the only control over clearing on properties in Megalong Valley with an area of over 50 hectares.

2. That the provision outlined in recommendation 1 above, also be applied to contiguous land holdings that are in the same ownership and total over 50 hectares in area.

Clearing control in the Megalong Valley is achieved under LEP 1991 by the Tree Preservation Order and by the requirement to consider clearing as part of development consent for the purpose of agriculture or other permissible uses. These controls were applied to the Valley in recognition of the environmental and scenic values of the area.
ENVIRONMENTAL PROTECTION PROGRAM

Item 5 - Ordinary Meeting, 13/6/00

Under certain circumstances, (particularly relative to the clearing of areas of vegetation in excess of 2 hectares, the clearing of steep slopes and the clearing of vegetation along watercourses) the Department of Land and Water Conservation (DLWC) is the relevant consent authority, rather than the Council. This power is provided by the Native Vegetation Conservation Act 1997. Therefore alteration of LEP 1991 to enable reliance only upon the Native Vegetation Conservation Act for the purpose of controlling clearing, would allow clearing up to 2 hectares in area, (other than along watercourses and very steep land,) without consent.

The Department of Urban Affairs and Planning (DUAP), were advised of Council’s August resolution and confirmed that any amendments to LEP 1991 to achieve the Council’s stated intention of relying only upon the Native Vegetation Conservation Act for the control of clearing, would require justification of the changes and a demonstration that the objectives of LEP 1991 would still be met.

COMMENT

A meeting was held between Ward Councillors, representatives of the Megalong Valley Landowners Association and Council staff in April 2000, to discuss the issues associated with the control of clearing in the Valley. A representative of the Department of Land and Water Conservation also attended that meeting.

At that meeting it was agreed that the way forward for this matter must serve two objectives:

1. To simplify the regulations as they apply to clearing by making some provision for minor clearing to be exempt from the need for consent for removal.
2. To provide adequate protection to the ecological and scenic values of the Valley.

The preparation of a Vegetation and Land Management Plan for the Megalong is proposed as the way to meet these objectives. The Vegetation and Land Management Plan would be based upon a survey and analysis of the vegetation communities in the Megalong Valley, an assessment of the significance of that vegetation and of any related measures required to secure appropriate soil conservation outcomes. This would be done in consultation with landowners. The Catchment Management Officer for DLWC will also be an active participant in this process, providing assistance with land owner liaison and the development of appropriate management responses.

The Plan would contain recommendations on clearing and would then be used to review and better target controls, allowing for exemptions to be framed for minor clearing for agricultural purposes on areas not identified as particularly sensitive and significant.

The Plan will also provide for other positive actions for the protection of sensitive areas such as water courses and significant vegetation. This information can be used by individual landowners to support funding applications through relevant programs such as Landcare and Rivercare. It will also be used to guide remedial action on public land.
The mapping of vegetation communities is taking place within the Megalong Valley as part of the City wide vegetation mapping which has commenced this financial year and is scheduled to continue through 2000/01. Landowner consultation is proposed as part of the survey work and in the subsequent preparation of the recommended approach to the simplification of clearing controls and the improved protection of significant areas. There would be further discussion with the Landowner Association to determine the best means to provide for this ongoing input.

The Coxs River Catchment Management Committee provides the formal coordinating mechanism to consult and achieve a wider catchment perspective for this work.

A review of LEP 1991 is scheduled for commencement by June 2001, with DLEP 2000 nearing completion at that time. That review will provide the vehicle for incorporating any LEP amendments to clearing controls that arise from the consideration of the Vegetation and Land Management Plan.

Council has previously expressed the intent to liaise with Lithgow City Council in pursuit of a more consistent, catchment-based approach to the management of the Megalong Valley. The community has also expressed support for such an approach. Some preliminary contact has been initiated with Lithgow City Council foreshadowing further dialogue for the purpose of reviewing opportunities for a more integrated approach to the Valley under each of the local government jurisdictions, but it is a matter that requires advancement. Whilst the review of LEP 1991 provides the most obvious policy vehicle around which consideration of the potential for consistency between the Local Government areas will arise, the Vegetation and Land Management Plan will have recommendations that feed into the LEP review and it would be desirable to have some assessment of common issues by or with Lithgow City Council. A recommendation is contained to this effect.

CONCLUSION

The preparation of a Vegetation Management Plan for the Megalong will provide the information and policy context to allow for a simplification of controls for minor clearing whilst protecting the significant and sensitive areas of the Valley. The Plan will also be available for use by individual landowners in the development of their properties and in support of grant applications that they may wish to make for remediation and protection works. The community of the Megalong will be involved through both the survey and assessment work to help frame the most appropriate responses for the area.

The review of LEP 1991 scheduled for commencement in 2001, will provide a vehicle for implementation of the outcomes of the analysis of vegetation management issues. It is therefore proposed that the elements of the Vegetation and Land Management Plan required for the LEP 1991 review, be completed by June 2001.
Recommendations:

1. That the Bushcare Program review report for June 2000 be noted.

2. That Council recognise the input of the community.

Report by Acting Group Manager, Strategic Planning

BACKGROUND

The purpose of this report is to review the effectiveness of the Bushcare Program. This is an action listed for the Natural Systems Goal in the 1999/2000 Management Plan. The effectiveness of the Bushcare Program has been reviewed in this report by reference to the aims and objectives of the Bushcare Program, which were developed by the Bushcare Unit in consultation with the Bushcare volunteers.

The aim of the Bushcare program is:

“To promote ecologically sound management of bushland within the City of Blue Mountains by fostering a sense of community responsibility for the natural environment and supporting the community to enable program objectives to be met” - (Draft Bushcare Policy, 1998).

HISTORY AND COUNCIL FUNDING FOR THE PROGRAM

The Bushcare Program in the Blue Mountains had its origins in the activities of the early landcare groups. In response to these early community activities Council, in 1992, decided to fund a position (Bushland Management Officer) to coordinate the activities of these groups. The number of groups steadily increased, reaching 22 groups by 1996.

During 1995, a second position (Bushcare Coordinator) from the Parks and Recreation Section was seconded to assist the development and resourcing of existing groups. This position was formally transferred to the Bushland Management Unit (now Environmental Management) during 1996, providing improved commitment to bushland management.

The program continued to expand, with 8 more groups seeking support by the end of 1997. During this time Council agreed to divert extra resources to Bushcare, which allowed the employment of two part-time Bushcare Officers. The objective of the Environmental Management Business Plan 1997/98 to establish 8 more groups, was achieved.
ENVIRONMENTAL PROTECTION PROGRAM

The budget for the program totalled between $112,000 and $120,000 over the 1997/98 and the 1998/99 financial years, being primarily for employment costs (1 full time and 2 part time positions, principally working weekends for the purpose of supervising groups), with a small supporting budget for materials and services. The program was funded with $130,000 over the 1999/00 financial year, the increase allowing expanded employment of existing part-time staff by the equivalent of 0.2 of a full time position.

There are currently 35 Bushcare Groups active in the Blue Mountains. Figure 1 shows the growth in the number of Bushcare Groups over time.

**Figure 1: The Increase in Numbers of Bushcare Groups Over Time**

<table>
<thead>
<tr>
<th>Year</th>
<th>No of Bushcare Groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>1989</td>
<td>5</td>
</tr>
<tr>
<td>1990</td>
<td>15</td>
</tr>
<tr>
<td>1991</td>
<td>20</td>
</tr>
<tr>
<td>1992</td>
<td>25</td>
</tr>
<tr>
<td>1993</td>
<td>30</td>
</tr>
<tr>
<td>1994</td>
<td>35</td>
</tr>
<tr>
<td>1995</td>
<td>40</td>
</tr>
<tr>
<td>1996</td>
<td></td>
</tr>
<tr>
<td>1997</td>
<td></td>
</tr>
<tr>
<td>1998</td>
<td></td>
</tr>
<tr>
<td>1999</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td></td>
</tr>
</tbody>
</table>

OBJECTIVES OF THE BUSHCARE PROGRAM

The following objectives have been adopted for Council’s Bushcare Program:

1. Ensure groups function on a regular monthly basis and produce positive environmental outcomes
2. Raise community awareness about environmental weeds and the impacts of living near the bush
3. Increase the community capacity to achieve environmental outcomes
4. Support for community development and the Bushcare Network
5. Obtain external funding and complete grant projects
6. Share resources between Council and other organisations
7. Development of a Bushcare site monitoring program
REVIEW OF THE OUTCOMES OF THE BUSHCARE PROGRAM

1. Ensure groups function on a regular monthly basis and produce positive environmental outcomes

The majority of the resources of the Bushcare program are targeted at this objective. An additional 5 Bushcare groups were formed during the 1999/2000 reporting period giving a total of 35 groups (Attachment 1). To accommodate the rise in group numbers the Bushcare staff have had to rationalise their supervision levels towards some groups. Groups with higher levels of experience and competency get a reduced amount of supervision and support from Council officers. This approach has been effective in maintaining high quality environmental outcomes and meeting new demands for group formation.

The Bushcare program also works in conjunction with the BMCC Environmental Weeds Team, whose target weeding program helps support a number of Bushcare group sites.

Development of Site Strategies

The Bushcare program has successfully obtained a grant from the Urban Runoff Control Program (URCP) to prepare site strategies for the majority of the sites where work is undertaken. These strategies identify the work required on the site and sets priorities and action plans for its completion. All strategies are prepared in consultation with the Bushcare groups involved with the particular sites. In addition, the plans are consistent with the requirements of the Local Government Act in relation to the Community Lands Plans of Management (CLPoM). This will enable, with only minor additions, plans to be upgraded into CLPoM if necessary.

Nine Bushcare site strategies will be completed by the end of this financial year with an additional 8 strategies scheduled for completion next financial year.

2. Raise community awareness about environmental weeds and the impacts of living near the bush

The Bushcare unit attempts to raise community awareness about environmental weeds and the impacts of living near the bush. It does this through a number of environmental education initiatives such as:

Weed of the Month Series

The Weed of the Month brochure series has now entered its third year of distribution. A classic environmental weed or “Garden Thug” is assigned to each month of the year. The brochures are aimed at the home gardener who may be inadvertently growing these plants in their garden, and encourages their removal. Approximately 30,000 brochures have been distributed since the project began. Initially the project was mainly focussed on weeds in the upper mountains. In 1999 the strategy was expanded and more brochures were developed to create a unique set tailored to the weeds of the lower mountains.
Distribution of the series occurs in the following ways:

- Through council offices
- Handouts at community open days
- Letter box drops
- Through permanent public displays at:
  - Katoomba Civic centre
  - Katoomba Library
  - Springwood Library
  - Blaxland Library

**Blue Mountains Weed Booklet Project**

In 1999 a project was launched in association with the National Parks and Wildlife Service to produce a full colour booklet that describes 30 of the mountains worst weeds, and extra information on bushland management and care of our reserves. The booklet is on target to reach the end of its production phase by July 2000.

**Bushcare at Community Events**

The Bushcare unit regularly attends and displays promotional material at environmentally focused community events. Attendance at these events gives the opportunity to promote the program as a whole, recruit more volunteers and raise awareness about environmental weeds in people’s gardens. During the 1999/2000 financial year 6 events were attended by Bushcare staff and volunteers for a total of 68 hours.

3. **Increase the community capacity to achieve environmental outcomes**

The Bushcare unit maintains a high level of supervision and support for Bushcare groups. Most groups receive full session supervision and training, tools and other materials, green waste management and grant administration. This high level of supervision provides for:

- consistent technical guidance;
- ensuring compliance with safe working practices and adherence to Management Plans;
- maintaining a positive working relationship between the Group and Council; and
- the ability to direct and prioritise work for the site to achieve optimum results.

**Bushcare Training**

The Bushcare training program is delivered on site and tailored to the needs of the groups and individuals. Volunteers are given guidance and instruction on topics that include herbicide use and safe working practices, weed removal techniques and basic principles of Bush Regeneration and ecology. At present approximately 300 community members have received this basic training through the Bushcare program.

A new program is being instigated for the 2000/2001 financial year to allow a higher level of training for volunteers. This program will offer competency based advanced training for those volunteers that show interest. This further level of training will assist in identifying those groups that require less structured supervision.
4. Support for community development and the Bushcare Network

The Bushcare program aims to help support the existing Bushcare network within the mountains. It is important to make volunteers feel appreciated for their efforts and also see the “bigger picture” of all Bushcare groups working together against weeds and bushland degradation.

The Newsletter

The Bushcare unit began the publishing of a regular newsletter - the “Gecko” - in 1998. It is published four times a year and is distributed to all Bushcare volunteers, other councils and Councillors. It serves to highlight the value of the program and individual groups, to distribute information and offers an opportunity for individuals to contribute.

Bushcare Network Special Events

Council Bushcare staff organise a series of special event evenings where a special guest speaker gives a talk on a topic of some interest to Bushcare volunteers. These evening have been very well attended and act as a good source of new recruitment of future volunteers. The topics covered during the 1999/2000 financial year have been the ecology of bats, feral animal control, and landuse by Aboriginals.

The Christmas Party

An annual Christmas party is held each year as a gesture of thanks from Council to the volunteers. The last year the Mayor presented special certificates of merit to long term Bushcare Groups.

5. Obtain external funding and complete grant projects

The focus for the past 12 months has been on grant completion. This follows on from a period of very successful funding applications in 1998. The administration of the successful grants proved to be challenging to both Council staff and the Groups due to the number of grants received. Table 1 describes the grants that have been completed as part of the Bushcare program. With the majority of grants now nearing completion, further grant applications will be submitted in the 2000/2001 financial year. The site strategies that have been prepared will greatly assist with this process.
Table 1: Grant Projects Completed

<table>
<thead>
<tr>
<th>Group name</th>
<th>Township</th>
<th>Project description</th>
<th>Funding source for 1997/98</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Else Mitchell Park Landcare Group</td>
<td>Springwood</td>
<td>Rehabilitation of degraded creekline.</td>
<td>NHT</td>
<td>$10,044</td>
</tr>
<tr>
<td>South Lawson Bushcare Group</td>
<td>Lawson</td>
<td>Small scale revegetation works</td>
<td>NHT</td>
<td>$2,090</td>
</tr>
<tr>
<td>Jamison Creek Bushcare Group</td>
<td>Wentworth Falls</td>
<td>Removal of mature Radiata Pines</td>
<td>NHT</td>
<td>$3,600</td>
</tr>
<tr>
<td>Gordon Falls Bushcare Group</td>
<td>Leura</td>
<td>Removal of mature Aspens</td>
<td>NHT</td>
<td>$1,800</td>
</tr>
<tr>
<td>Lindeman Rd Bushcare Group</td>
<td>Leura</td>
<td>Small scale revegetation works.</td>
<td>NHT</td>
<td>$2,000</td>
</tr>
<tr>
<td>Minnehaha Falls Landcare Group</td>
<td>Katoomba</td>
<td>Small scale revegetation works of degraded bushland.</td>
<td>NHT</td>
<td>$3,000</td>
</tr>
<tr>
<td>Harold Hodgson Reserve Bushcare Group</td>
<td>Katoomba</td>
<td>Small scale revegetation works and the implementation of stormwater management systems (Stage 1)</td>
<td>NHT</td>
<td>$20,500</td>
</tr>
<tr>
<td>Redgum Park Bushcare Group</td>
<td>Bullaburra</td>
<td>Small scale revegetation works of degraded bushland.</td>
<td>DUAP</td>
<td>$7,000</td>
</tr>
<tr>
<td>Sublime Point Bushcare Group</td>
<td>Leura</td>
<td>Restoration of remnant heath/woodland on Sublime Point Reserve</td>
<td>URCP</td>
<td>$1,920</td>
</tr>
<tr>
<td>North Lawson Bushcare Group</td>
<td>Lawson</td>
<td>Small scale revegetation works in Wilson Park</td>
<td>URCP</td>
<td>$2,449</td>
</tr>
<tr>
<td>Rolnor Park Bushcare Group</td>
<td>Blackheath</td>
<td>Restoration of open forest community in Rolnor Park</td>
<td>URCP</td>
<td>$1,953</td>
</tr>
<tr>
<td>Terrace Falls Bushcare Group</td>
<td>Hazelbrook</td>
<td>Rehabilitation of degraded bushland in Terrace Falls Reserve</td>
<td>URCP</td>
<td>$3,660</td>
</tr>
<tr>
<td>Redgum Park Bushcare Group</td>
<td>Bullaburra</td>
<td>Rehabilitation &amp; interpretation of degraded bushland in Redgum Park</td>
<td>URCP</td>
<td>$3,350</td>
</tr>
<tr>
<td>Friends of Katoomba Falls Creek Valley Bushcare Group</td>
<td>Katoomba</td>
<td>Rehabilitation along road edge bounding Frank Walford Park</td>
<td>URCP</td>
<td>$2,723</td>
</tr>
<tr>
<td>Glenbrook/Lapstone Bushcare Group</td>
<td>Glenbrook</td>
<td>Stormwater dissipation and site rehabilitation at the head of Tunnel Gully catchment</td>
<td>URCP</td>
<td>$3,468</td>
</tr>
</tbody>
</table>

**TOTAL**                         |             |                                                          |                           | **$69,557**|

Abbreviations: NHT (Natural Heritage Trust); URCP (Urban Run-off Control Program - small grants fund); DUAP (Department of Urban Affairs and Planning)

6. **Share resources between Council and other organisations**

It is an inherent aspect of the Bushcare program that it forms strong links with the community. The program also works very closely and effectively with other organisations - both locally and regionally. This includes the utilisation of skilled labour from TAFE colleges and the National Parks and Wildlife Service. There are numerous cross benefits and gains made from these relationships. For example TAFE classes will often work on Bushcare grant project sites, helping the group to project completion but also gaining the educational opportunity of working in a “real life” project. The program has also worked cooperatively with local schools and Westmount Co-operative Society. In addition, the work of Bushcare groups often complements work undertaken by Council’s Environmental Weeds Team and contractors working for the URCP. Bushcare projects undertaken with other Organisations over the 1998-2000 reporting period are listed in Table 2.
Table 2: Bushcare Projects with Other Organisations during the 1998-2000 reporting period

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Group Name</th>
<th>Project description</th>
<th>In kind Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ryde TAFE</td>
<td>Else Mitchell Park Bushcare Group</td>
<td>Construction of stormwater headwall and channel stabilisation</td>
<td>$750</td>
</tr>
<tr>
<td>Ryde TAFE</td>
<td>Centennial Glen Bushcare Group</td>
<td>Maintenance and improvement of degraded track system</td>
<td>$9,000</td>
</tr>
<tr>
<td>Blue Mountains TAFE</td>
<td>Else Mitchell Park Bushcare Group</td>
<td>Soil stabilisation and streambank revegetation</td>
<td>$1,625</td>
</tr>
<tr>
<td>Blue Mountains TAFE</td>
<td>Lindeman Road Bushcare Group</td>
<td>Revegetation works</td>
<td>$750</td>
</tr>
<tr>
<td>Blue Mountains TAFE</td>
<td>Wentworth Falls Lake Bushcare Group</td>
<td>Trackwork projects</td>
<td>$4,313</td>
</tr>
<tr>
<td>Blue Mountains TAFE</td>
<td>Terrace Falls Bushcare Group</td>
<td>Revegetation, brush matting and weed control</td>
<td>$1,800</td>
</tr>
<tr>
<td>Blue Mountains TAFE</td>
<td>Popes Glen Bushcare Group</td>
<td>Revegetation works</td>
<td>$1,125</td>
</tr>
<tr>
<td>Blue Mountains TAFE</td>
<td>North Lawson Bushcare Group</td>
<td>Revegetation works</td>
<td>$1,125</td>
</tr>
<tr>
<td>Blue Mountains TAFE</td>
<td>Bellata Court Bushcare Group</td>
<td>Bridge and walkway construction</td>
<td>$2,250</td>
</tr>
<tr>
<td>Blue Mountains TAFE</td>
<td>Sublime Point Bushcare Group</td>
<td>Step and walkway construction</td>
<td>$1,800</td>
</tr>
<tr>
<td>Blue Mountains TAFE</td>
<td>Minnehaha Falls Bushcare Group</td>
<td>Soil stabilisation and fencing</td>
<td>$1,613</td>
</tr>
<tr>
<td>Westmount Cooperative Society</td>
<td>Minnehaha Falls Bushcare Group</td>
<td>Bush regeneration works</td>
<td>$7,125</td>
</tr>
<tr>
<td>National Parks and Wildlife Service</td>
<td>Great Grose Gorse Walk</td>
<td>Council coordination of upper catchment gorse removal activities in Blackheath and Katoomba</td>
<td>$3,750</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$37,026</strong></td>
</tr>
</tbody>
</table>

In-kind value: each volunteer hour is valued at $12.50 and can be used in obtaining external funds

7. Development of a Bushcare site monitoring program

Over the past six months the Bushcare Unit has been developing a system to monitor progress made on Bushcare sites. A number of photo points are established on the site, and photos and other information are recorded over time. The photos have been logged onto a specially developed Bushcare Site Monitoring database that stores the images and data electronically. At this point, three sites have been monitored in this way - Pippas Pass, Wentworth Falls Lake and Centenary Reserve.

At present the community supervisors of the Bushcare groups keep records of hours worked by volunteers. A process is being developed for Bushcare staff to keep duplicate records and track progress in meeting objectives set out in the Bushcare Site Strategies. In addition, as the Strategies come on line, the Bushcare staff will monitor the achievement of time lines specified in the reports.
CONCLUSION AND EVALUATION SUMMARY

Blue Mountains City Council has 5,500 ha of native bush under its management. Bushcare groups assist Council in managing over 1,200 ha (22%) of this land, 33 ha of this area was added with the commencement of the 5 new groups during the 1999/2000 financial year.

Since 1997 the Bushcare Program has attracted $187,760 in grant funding. A total of $69,560 of this grant funding was expended in the 1999/00 financial year.

Volunteer hours undertaken by Bushcare groups have increased by 720 hour during this financial year. Volunteer hours undertaken by TAFE students have decreased by 1,310 hours during this financial year. The Richmond TAFE did not undertake any projects on Bushcare sites in this financial year as they did in other financial years. Table 3 lists the total volunteer hours worked during 1998/99 and 1999/00 financial years.

Table 3: Volunteer hours worked on Bushcare Site during 1998/99 and 1999/00

<table>
<thead>
<tr>
<th></th>
<th>Bushcare Volunteer Hours</th>
<th>TAFE Volunteer Hours</th>
<th>Total Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998/99</td>
<td>4,320</td>
<td>4,280</td>
<td>8,600</td>
</tr>
<tr>
<td>1999/00</td>
<td>5,040</td>
<td>2,970</td>
<td>8,010</td>
</tr>
<tr>
<td>Total Hours</td>
<td>9,360</td>
<td>7,250</td>
<td>16,610</td>
</tr>
</tbody>
</table>

In 1999, the Blue Mountains City Council Bushcare Program received a Highly Commended award in the Best Environmental Project category of the Hawkesbury-Nepean Local Government Awards.

At the current level of supervision the program can allow for no additional Bushcare groups. New groups are being catered for through two methods, the natural attrition of some existing Bushcare groups and the reduction of the level of supervision for those groups with significant experience and expertise to warrant it.

The Bushcare Program is developing as an efficient and effective means of natural systems management. It aims to form an effective defence against the spread of environmental weeds and maintenance of biodiversity through site remediation. The objectives of the program are being met.

The continuity of work is crucial to the long term success of a bush regeneration project. Bushcare groups, as opposed to regeneration contracts in isolation from community support, are the main way in which such continuity can be achieved. Continued support from Council is needed in order to help the volunteers maintain community interest and develop the greater potential that exists in the community for direct action.

There are a number intangible beneficial outcomes of the program. These include:

- an increased level of awareness of bushland management issues among participants of the program, which can be fed back into the wider community. This creates a stewardship approach to public bushland, sharing the responsibility between Council and the community.
• a pathway for community views to be effectively fed back into Council, reducing traditional adversarial approaches to the resolution of disputes and allowing for the development and implementation of management strategies which have strong community commitment and content.

• improved quality of community life through increased social interaction and sharing of information.

If the existing budget of $130,000 was utilised for the engagement of bush regeneration contractors rather than this program it would equate to around $3,700 per Bushcare site. This is equivalent to approximately 10 hours a month per site. At present volunteers and Council staff are working an average of 20 hours on the sites per month. The Bushcare officers undertake substantial preparation work for a site outside this time and the program draws substantial additional funds through grants. When the other benefits listed above are also considered, the program can be viewed as a significant success.
## Attachment 1: List of Bushcare/Landcare Groups

<table>
<thead>
<tr>
<th>Group name</th>
<th>Township</th>
<th>Date started</th>
<th>Project description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knapsack Gully Bushcare Group</td>
<td>Lapstone</td>
<td>1998</td>
<td>Bushland regeneration of Knapsack viaduct. Mgt plan for gully</td>
</tr>
<tr>
<td>Lapstone Gullies Bushcare Group</td>
<td>Lapstone</td>
<td>1998</td>
<td>Bushland regeneration in Darwin Drive / Governors Road vicinity</td>
</tr>
<tr>
<td>Glenbrook Lagoon Bushcare Group</td>
<td>Glenbrook</td>
<td>1993</td>
<td>Bushland regeneration around Glenbrook Lagoon</td>
</tr>
<tr>
<td>Glenbrook / Lapstone Bushcare Group</td>
<td>Glenbrook</td>
<td>1996</td>
<td>Bushland restoration in Tunnel Gully tributary, Brooklands Rd</td>
</tr>
<tr>
<td>Bruce Road Bushcare Group</td>
<td>Glenbrook</td>
<td>1998</td>
<td>Bushland regeneration and stormwater control along Bruce Road Glenbrook</td>
</tr>
<tr>
<td>Summerhayes Park Bushcare Group</td>
<td>Winmalee</td>
<td>1998</td>
<td>Restoration of bushland and parkland of Summerhayes Park &amp; Winmalee Community Hall</td>
</tr>
<tr>
<td>Deanei Forest Landcare Group</td>
<td>Springwood</td>
<td>1994</td>
<td>Bushland regeneration of Deanei Reserve</td>
</tr>
<tr>
<td>Birdwood Gully Bushcare Group</td>
<td>Springwood</td>
<td>1994</td>
<td>Bush regeneration, revegetation, community education</td>
</tr>
<tr>
<td>Lomatia Park Bushcare Group</td>
<td>Springwood</td>
<td>1995</td>
<td>Restoration of Bushland surrounding Lomatia Park</td>
</tr>
<tr>
<td>Else Mitchell Park Bushcare Group</td>
<td>Springwood</td>
<td>1993</td>
<td>Restoration of a <em>Eucalyptus deanei</em> ridgetop remnant</td>
</tr>
<tr>
<td>Fairy Dell Restoration Committee</td>
<td>Springwood</td>
<td>1989</td>
<td>Restoration of a bushland corridor in Magdala Creek catchment</td>
</tr>
<tr>
<td>Jackson Park Bushcare Group</td>
<td>Faulconbridge</td>
<td>1996</td>
<td>Restoration of a bushland corridor in the Sassafras Creek catchment</td>
</tr>
<tr>
<td>Terrace Falls Reserve Bushcare Group</td>
<td>Hazelbrook</td>
<td>1998</td>
<td>Site assessment, erosion control, revegetation and community education</td>
</tr>
<tr>
<td>South Lawson Bushcare Group</td>
<td>Lawson</td>
<td>1995</td>
<td>Restoration of bushland corridor in the Lawson Creek catchment.</td>
</tr>
<tr>
<td>North Lawson Bushcare Group</td>
<td>Lawson</td>
<td>1998</td>
<td>Restoration of bushland in Wilson Park near the cnr of Loftus &amp; St Bernards Dve.</td>
</tr>
<tr>
<td>Red Gum Park Bushcare Group</td>
<td>Bullaburra</td>
<td>1993</td>
<td>Bush regeneration &amp; track construction in Red Gum Park</td>
</tr>
<tr>
<td>Sublime Point Bushcare Group</td>
<td>Leura</td>
<td>1996</td>
<td>Restoration of Heathland /woodland remnant on Sublime Point.</td>
</tr>
<tr>
<td>Lindeman Road Bushcare Group</td>
<td>Leura</td>
<td>1995</td>
<td>Restoration of bushland corridor along Lindeman Road</td>
</tr>
<tr>
<td>Leura Park Bushcare Group</td>
<td>Leura</td>
<td>1998</td>
<td>Site assessment, community education and Bush Regeneration works</td>
</tr>
<tr>
<td>Jamison Creek Bushcare Group</td>
<td>Wentworth Falls</td>
<td>1995</td>
<td>Restoration of bushland corridor in the Jamison Creek catchment.</td>
</tr>
<tr>
<td>Wentworth Falls Lake Bushcare Group</td>
<td>Wentworth Falls</td>
<td>March 1998</td>
<td>Restoration of a bushland around Wentworth Falls Lake</td>
</tr>
</tbody>
</table>
## Attachment 1: List of Bushcare/Landcare Groups

<table>
<thead>
<tr>
<th>Group name</th>
<th>Township</th>
<th>Date started</th>
<th>Project description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Katoomba Creek Valley :Landcare</td>
<td>Katoomba</td>
<td>1989</td>
<td>Restoration of bushland in Katoomba Falls Catchment</td>
</tr>
<tr>
<td>Group Blue Mountains Organic</td>
<td>Katoomba</td>
<td>1996</td>
<td>Bush regeneration, weed control, restoration of degraded drainage line</td>
</tr>
<tr>
<td>Community Gardens</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Centenary Reserve Bushcare Group</td>
<td>Blackheath</td>
<td>1994</td>
<td>Restoration of ridgetop remnant in Blackheath</td>
</tr>
<tr>
<td>Rolnor Park</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Centennial Glen Bushcare Group</td>
<td>Blackheath</td>
<td>1995</td>
<td>Restoration of heathland/woodland in Centennial Glen Reserve</td>
</tr>
<tr>
<td>Mt Wilson/Mt Irvine Bushcare Group</td>
<td>Mt Wilson /</td>
<td>1999</td>
<td>Bush regeneration works in Sloane Reserve and on council land within Mt Irvine</td>
</tr>
<tr>
<td></td>
<td>Mt Irvine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sutton Park Bushcare Group</td>
<td>Blackheath</td>
<td>1999</td>
<td>Bush regeneration works within Sutton Park, Blackheath</td>
</tr>
<tr>
<td>Mt Wilson/Mt Irvine</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wildlife Saving Association</td>
<td>Katoomba</td>
<td>1999</td>
<td>Bush regeneration on council land in upper Yosemite Ck catchment</td>
</tr>
<tr>
<td>Mt Victoria Bushcare Group</td>
<td>Mt Victoria</td>
<td>1999</td>
<td>Bush regeneration works within Fairy Bower reserve.</td>
</tr>
<tr>
<td>Blackheath Glen Bushcare Group</td>
<td>Blackheath</td>
<td>1999</td>
<td>Bush regeneration works around the vicinity of Paul Harris lookout</td>
</tr>
</tbody>
</table>
Recommendations:

1. That the information be noted.

2. That Council thank the State Government for the assistance provided to the community and environment of the Blue Mountains through the Urban Runoff Control Program.

Report by Acting Group Manager, Strategic Planning Group:

The purpose of this report is to provide an update to Council on the Blue Mountains Urban Runoff Control Program (URCP) in general, and to provide comment on progress made on a catchment basis in dealing with identified degrading influences.

The URCP is a State Government funded program targeting urban runoff impacts to natural bushland in twelve (12) urbanised catchments throughout the Blue Mountains.

The twelve catchments targeted were:
- Popes Glen Creek, Blackheath
- Lake Medlow, Medlow Bath
- Kedumba River, Katoomba
- Yosemite Creek, Katoomba
- Jamison Creek, Wentworth Falls
- Blue Mountain Creek, Wentworth Falls
- Lawson & Ridge Creeks, Lawson
- Springwood Creek, Springwood
- Fitzgerald Creek, Springwood
- Magdala Creek, Springwood
- Glenbrook Lagoon, Glenbrook
- Tunnel Gully, Glenbrook/Lapstone

These twelve catchments represent approximately one-third of the urbanised catchments within the Blue Mountains Local Government Area.
ENVIRONMENTAL PROTECTION PROGRAM

Item 7 - Ordinary Meeting, 13/6/00

Background

Degradation of natural systems across the Blue Mountains since the commencement of urban development has taken many forms including, erosion of surrounding lands, large scale sediment deposition, increased soil moisture levels, nutrient enrichment, sediment contamination, extensive weed invasion and the displacement of creekline vegetation.

Following determination by the NSW State Government to fund the URCP, a management Taskforce was established, which is chaired by the Hon. Bob Debus, Member for Blue Mountains, and has the Mayor of Blue Mountains City as Deputy Chair. The Taskforce is comprised of a number of Government agencies with the intent that a whole of Government approach to environmental rehabilitation can be adopted within the Blue Mountains. This whole of Government approach is seen as one of the crucial lessons to be learnt from the URCP, providing a model which is to be transferred throughout the state.

Taskforce membership is drawn from:
- Blue Mountains City Council
- National Parks and Wildlife Service
- Environmental Protection Authority
- Roads and Traffic Authority
- Sydney Catchment Authority
- Sydney Water
- Department of Land and Water Conservation
- Hawkesbury Nepean Catchment Management Trust

Phase 1 of the Program ran from 1996 to 1999, the detail of which is contained in the separate report.

Principal works in Phase 1 included road sealing, drainage, bush regeneration, degraded land rehabilitation, environmental monitoring and community assistance/education, funded at $15 million over the three years.

**TABLE 1: A summary of expenditure through URCP Phase 1**

<table>
<thead>
<tr>
<th>PROGRAM COMPONENT</th>
<th>PROJECT RESPONSIBILITY</th>
<th>COST ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Sealing</td>
<td>BMCC</td>
<td>5,935,200</td>
</tr>
<tr>
<td>Drainage</td>
<td>DPWS</td>
<td>3,495,000</td>
</tr>
<tr>
<td>Bush regeneration</td>
<td>BMCC URCP</td>
<td>3,377,472</td>
</tr>
<tr>
<td>Environmental Monitoring</td>
<td>DPWS</td>
<td>1,025,714</td>
</tr>
<tr>
<td>- stormwater monitoring</td>
<td>BMCC URCP team</td>
<td></td>
</tr>
<tr>
<td>- weed mapping</td>
<td>HNCMT/UWS</td>
<td></td>
</tr>
<tr>
<td>- rainfall simulation</td>
<td>NPWS</td>
<td></td>
</tr>
<tr>
<td>- BioIndicators</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Management</td>
<td>DPWS/URCP</td>
<td>805,269</td>
</tr>
<tr>
<td>Degraded Sites</td>
<td>BMCC URCP team</td>
<td>510,050</td>
</tr>
<tr>
<td>Community Education</td>
<td>URCP</td>
<td>127,596</td>
</tr>
</tbody>
</table>
Phase 2 of the program is funded at $1 million per year for four years to June 2003. Rather than expand the program into new catchments it has been determined by the Taskforce to focus on the current targeted catchments with a view to reinforcing gains already made.

While final funding determinations have yet to be made with the total four-year budget, funding for certain components of the program have been determined, these include:

<table>
<thead>
<tr>
<th>PROGRAM COMPONENT</th>
<th>PROJECT RESPONSIBILITY</th>
<th>COST ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bush Regeneration</td>
<td>BMCC URCP team</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Degraded Land Rehabilitation</td>
<td>BMCC URCP team</td>
<td>950,000</td>
</tr>
<tr>
<td>Drainage</td>
<td>BMCC</td>
<td>530,000</td>
</tr>
<tr>
<td>Program Management</td>
<td>EPA/URCP team</td>
<td>660,000</td>
</tr>
<tr>
<td>Weed Mapping</td>
<td>BMCC URCP team</td>
<td>150,000</td>
</tr>
</tbody>
</table>

It is important to note that works developed and implemented for the Urban Runoff Control Program have attempted to deal with all of the above impacts in an integrated sub-catchment based manner.

This integrated “Total Catchment Management” approach attempts to deal with both the causes of natural resource degradation, and their effects within the natural areas. Within the twelve target catchments public sources of degradation were targeted, and public natural areas were treated.

The URCP has focused on identifying and rectifying the most obvious causes of environmental degradation. Catchment maps contained in the separately provided report illustrate the works completed.

**TABLE 2: Summary of Activities Conducted under the Blue Mountains Urban Runoff Control Program**

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Minimise erosion by sealing gravel roads</td>
<td></td>
</tr>
<tr>
<td>• Bush regeneration programs within Council land modified by urban runoff</td>
<td></td>
</tr>
<tr>
<td>• Install drainage structures – mainly roadside /kerbside gross pollutant traps, energy dissipaters, modified gully pits and trash racks</td>
<td></td>
</tr>
<tr>
<td>• Conduct computer modelling (AQUALM and RAFTS) to design stormwater treatment structures to assist in nomination of control measures such as sediment capture structures and constructed wetlands</td>
<td></td>
</tr>
<tr>
<td>• Review available data prior to design of stormwater quality and quantity monitoring programs including the presence of contaminants in the first flush of stormwater</td>
<td></td>
</tr>
<tr>
<td>• Consultation with residents on road sealing programs, options for stormwater control and the implications of the “do-nothing” approach</td>
<td></td>
</tr>
<tr>
<td>• Develop assessment techniques for weed mapping and the use of biological indicators of catchment health within the Blue Mountains</td>
<td></td>
</tr>
<tr>
<td>• Develop appropriate maintenance procedures for a range of stormwater structures installed</td>
<td></td>
</tr>
<tr>
<td>• Ongoing community &amp; Council involvement to include: education, bushcare and water quality programs</td>
<td></td>
</tr>
<tr>
<td>• Degraded lands rehabilitation works</td>
<td></td>
</tr>
<tr>
<td>• Environmental monitoring including BioIndicators Project, Rainfall Simulation Project, Water Quality Monitoring and the Weed Mapping Project</td>
<td></td>
</tr>
</tbody>
</table>
Degradation of natural systems is widespread throughout the region, in particular at the urban interface in the Blue Mountains. This is the result of long term impacts, originating from the urban strip development across the Blue Mountains.

Work being undertaken as part of this integrated approach includes; road sealing, kerb and guttering, installation of gross pollutant traps and other sediment control structures, rehabilitation of degraded sites and bush regeneration to remediate environmental damage caused by weed infestations.

The catchments which were selected by the URCP Task Force, have on the whole been directly related to a history of community interest and activity. This community involvement will, in conjunction with Council’s own works program, assist in giving ongoing attention to follow up works where required. This is clearly demonstrated in the Pope’s Glen Creek Catchment, Blackheath, where four community groups are presently working in the catchment, with two of these working in the bush regeneration project area.

Outcomes for the program.

**Threats/Causes of Degradation Addressed**

Road sealing work carried out in all twelve (12) catchments has sealed a total of sixteen (16) km of gravel roads thereby reducing sedimentation of a number of streams through source control. Estimates developed through the URCP funded Rainfall Simulator Project have calculated the amount of sediment being lost from these roads prior to sealing at approximately 1800 tonnes annually. This sediment flows downslope into Council managed bushland, Crown Land and the National Park.

Approximately 1800 tonnes of sediment, if concentrated in one point, would cover the bed of a 2.5m wide stream with 2cm of sediment for 36 km. A very significant impact on natural ecosystems, annually.

The drainage program has established 132 small scale drainage and sediment control structures through the 12 catchments. These structures aim to capture sediment and gross pollutants prior to their entering natural systems. A large water quality control wetland is currently under construction in Springwood on Council land at Lot 2, Springwood Avenue. It is predicted that this large structure will significantly improve water quality entering the Magdala Creek system.

**Restoration/Rehabilitation of Degraded Areas**

The bush regeneration works undertaken within the twelve (12) catchments, have involved fifteen (15) major contracts operating for periods from just over two years through to three years. These contracts have worked to protect and enhance 216 hectares of urban bushland, the largest integrated bush regeneration program in Australia.
The first phase of these works will be completed by July 2000 and will clearly complement the initiatives taken by the Blue Mountains City Council as part of its Environmental Weed Control Program. An additional three (3) year maintenance regeneration program has been approved by the URCP Taskforce as part of URCP Phase 2.

Eleven sites were identified through the Program as the most “Degraded” (ie actively eroding) sites in the Blue Mountains. Rehabilitation works have taken place at three sites, Terrace Falls Reserve Hazelbrook, North Leura Quarry and Intelifile, Wentworth Falls. Plans have been developed for implementation at North Katoomba (where three of the eleven degraded sites are located), North Leura and Medlow Bath. All of these sites require planning steps external to the URCP and are awaiting outcomes favourable to the long term protection of any works prior to their implementation. Two sites, Blackheath and Mt Victoria Quarries, are to be rehabilitated by the appropriate agency, respectively BMCC and the RTA.

Environmental Monitoring Projects

Environmental monitoring projects under the URCP include water quality monitoring, modelling of catchment hydrology, researching biological indicators of catchment health (the BioIndicators project), weed mapping and rainfall simulation studies.

A small project grant scheme has funded 33 community projects through Phase 1 of the URCP. The URCP also funded the printing of the “Living Near the Bush” document prepared by the Blue Mountains Conservation Society and the Drain Stencilling Project, the subject of a separate report to Council.

Catchment Management Progress

Value to Council and the Community

A substantial proportion of the works carried out under the URCP would otherwise have been required of BMCC. Road sealing within the twelve catchments is substantially complete and the bulk of erosive vehicle tracks within bush regeneration contract areas have been consolidated for pedestrian access only. This has significantly advanced Councils road sealing backlog program.

Table 1 quantifies works carried out. Of these works the principal areas of involvement for Council are road sealing and drainage, at a combined value of approximately $9.4 million to the Blue Mountains community (a commensurate reduction in BMCC liability in road sealing responsibilities). Bush regeneration is an area in which the community is rapidly becoming more committed to a Council involvement. With $3.4 million committed by the URCP, substantial areas of land under Council responsibility have been rehabilitated to a point of ongoing sustainability with a minimum of maintenance required into the future.

With additional value to Council accruing through the weed mapping project and other areas, the direct value of the URCP to Council can be shown to be of the order of between $12 to $13 million dollars over the three years of Phase 1. Additional value will accrue through the upcoming four years of Phase 2.
Commitment from Council

Blue Mountains Council also has made substantial commitment to programs that target the same outcomes as the URCP, additional to URCP funding. $500,000 has been committed to the bush regeneration and weed control programs over each of the last two years. Council has also committed funds to the rehabilitation of its own quarry in Blackheath.

The preparation of the stormwater action plan for South Katoomba (Leura Cascades and Upper Kedumba River Valley) and bushland management plans for the public land within the same area is consolidating the outcomes from URCP catchment projects and delivering on actions within Council’s catchment plan, “The Upper Kedumba River Plan of Management”. These two projects are advancing Council planning and land management beyond the URCP.

Support by the Council for bush regeneration through the Bushcare program and through the work of the Environmental Weeds Team is ongoing. The proposed Weeds Management Strategy and bushland management provisions within the Community Lands Plan of Management will provide an increasingly more strategic approach to these programs.

Council is committed to the ongoing maintenance of works carried out as part of the URCP. A review of drainage structures installed under the URCP will assess the performance and provide recommendations in relation to rectification works and maintenance regimes. Degraded sites have been rehabilitated with minimal future maintenance requirements in mind. Environmental monitoring projects will have provided a core of useful base data for environmental assessment and monitoring into the future, as is required of BMCC and others.

Environmental Management guidelines were developed by BMCC as best management practice guidelines and implemented during the latter part of the road sealing program.

Conclusion

Overall it is evident that the URCP has made a major contribution to environmental management in the Blue Mountains. It has delivered significant outcomes in the areas of abating environmental degradation, restoring and rehabilitating catchment areas and providing value to Council and the community through the development of needed infrastructure.

It is recommended that the information in this report be noted and that Council formally acknowledge the State Government’s contribution to environmental management outcomes in the Blue Mountains.
ITEM NO: 8

SUBJECT: URBAN RUN-OFF CONTROL PROGRAM – DRAIN STENCILLING PROJECT DRAFT PROPOSAL

FILE NO: C02943

Recommendation:

That the Draft Urban Runoff Control Program (URCP) Drain Stencilling Proposal for the City of the Blue Mountains be adopted and implemented in the sub-catchment areas as specified.

Report by Acting Group Manager, Strategic Planning:

Background

Drain stencilling involves placing a message, in the form of a painted stencil or plaque, at stormwater drain inlets to emphasis the direct linkage between what goes down the stormwater drain and the pollution and degradation of local streams and aquatic systems. Raising community awareness of this linkage is achieved through both the actual message that is used and through community involvement in the planning and implementation of the project.

During 1999, an amount of $16,000 was allocated by the Urban Run-off Control Program (URCP) to conduct drain-stencilling within the Blue Mountains Council area. This amount covers the employment of a project officer to undertake the bulk of the work. This project was a result of a cooperative effort by Blue Mountains City Council and the Blue Mountains Catchment Management Committee some time ago, to establish the project and obtain funding.

Blue Mountains Catchment Management Committee was unable to manage the project due to legislative difficulties in administrating contracts. Therefore, as part of a cooperative approach to minimising the impacts of urban runoff Council agreed to manage the project and administer the $16,000 in funds. The project was split into two phases:

• to prepare a proposal for consideration by Council; and
• to implement the proposal following Council endorsement.

An amount of $2,000 was allocated to an external contractor to undertake the first phase of the project (as detailed in the attached project plan). Council, as the lead environmental management agency for the catchments, now needs to endorse the project to allow implementation to commence.
Drain Stencilling as an activity aims to reinforce responsible behaviour by the community in the use of stormwater drainage systems and to highlight the issues of stormwater management relative to the impact on the natural waterways. As Drain Stencilling is to be undertaken by the community, potential also exists to address other environmental issues.

Drain Stencilling as an activity and concept instigates, encourages and enables dialogue about environmental issues to occur between the community and the council. The Drain Stencilling project also fits well into the framework and objectives of Council’s Environmental Education Strategy.

**Stormwater Management Context**

Stormwater is recognised as a major contributor to the degradation of aquatic systems in the Blue Mountains. Due to the nature of development in Blue Mountains, with development spread along ridgeline potentially affecting large numbers of streams and catchments, source control techniques are favoured.

Drain Stencilling is used extensively by other councils and management groups as a stormwater management tool and is generally accepted as a positive means of changing behaviour and highlighting the problems.

The implementation of a Drain Stencilling project is identified as a specific action under the Blue Mountains Catchment Stormwater Management Plan, endorsed by Council in July 1999.

**Project Proposal**

The URCP Drain Stencilling Project proposal is an outline only. The detail is contained in the separate report. The principal components of the project are described below. After community feedback to establish the level of interest and input, the proposal may be modified if necessary to reflect the result of community comment.

There are a number of discrete steps or milestones for the project:

**Stage 1**
The first stage involves the consideration and endorsement of the proposal by the Council.

**Stages 2, 3 and 4**
These stages involve significant interaction with the community to establish a baseline of the community awareness regarding stormwater/catchment issues; and to raise community awareness by direct involvement in planning activities (including the development of appropriate messages for the stencils).

**Stages 5 and 6**
The actual drain stencilling and organisation of a project launch will be carried out as the final stages of the project.
The project will be implemented in three catchments; Magdala Creek, Lawson Ridge Creek and Kedumba River catchments. These catchments coincide with the URCP catchments where significant infrastructure work has already been undertaken towards minimising the impacts of urban runoff. The objective will be to minimise actual drains stencilled and to place stencils strategically where maximum coverage will be achieved.

Council’s contribution towards the implementation of this project involves maintaining an overview of the project management for the planning and implementation phases, along with small contributions towards advertising and materials. These contributions can be accommodated in the draft budget already considered by Council for 2000/01.

Consultation Mechanisms

Community consultation is proposed by means of meetings, workshops, field excursions and other activities with the communities in their catchments, as detailed in the separate report, in addition to information dissemination through advertising and displays. This consultation will focus on the preparation, style and location of the stencils within the three catchment areas that have been identified. The actual “installation” of stencils at key drain heads will also be undertaken by the community.

Comment and Conclusion

The effectiveness of the project lies both in the visual reminder of the stencil and also in the educational process to develop the stencil.

Many opportunities exist within the Drain Stencilling Project to seek effective partnerships with various community groups, businesses and agencies. These partnerships will be important to the overall success of this program. The consultation processes will provide a means for active communication designed to establish and ensure community ownership and involvement in the project and to provide an open line for community response.

This project is a good example of inter-agency cooperation and will further Council’s aims of encouraging community action in the protection and improvement of water quality. Individual awareness and action is a fundamental aspect of improving water quality across the mountains.
Recommendations:

1. *That in accordance with Clause 19 (1)(b) of the Local Government (Tendering) Regulation 1999, Council decline to accept any of the tenders for the provision of the kerbside recyclable materials collection service on the basis that the prices offered are substantially in excess of budget provisions.*

2. *That in accordance with Clause 19 (3)(e) of the Local Government (Tendering) Regulation 1999, Council enter into negotiations with the Blue Mountain Recycling Centre with a view to entering into a contract for a kerbside recyclable materials collection service at a more affordable cost.*

3. *That the outcome of the negotiations with the Blue Mountains Recycling Centre be reported to Council together with a recommendation to ensure the future provision of the service.*

Report by Acting Group Manager, Operations:

**Introduction:**

This report is presented to provide Council with information regarding the tender for the provision of a domestic kerbside recycling collection service to the City of Blue Mountains and to provide a recommendation based on the tenders received.

The following abbreviations and terminologies are used within this report:

- GST - Goods & Services Tax
- HDPE - High Density Polyethylene, symbol no.2 (eg: 2L milk bottles)
- MGB - Mobile Garbage Bin
- MRF - Materials Recovery Facility
- PET - Polyethylene Terephthalate, symbol no.1 (eg: beverage bottles)
- TEP - Tender Evaluation Panel

**Background:**

The current recycling service is based on a single 50 litre crate serviced weekly for the collection of glass containers, steel and aluminium cans, PET plastic bottles, liquid paperboard containers, paper and cardboard from all residential rated premises within the City. The current service also provides for the collection of recyclables from the six drop off centres / bottle banks located at Glenbrook, Springwood, Winmalee, Hazelbrook, Katoomba and Blackheath.
Council at its meeting of 28 September 1999 (Minute No. 483) resolved:

“1. That Council seek tenders for the provision of a weekly Kerbside Recycling Service utilising, as a minimum, 2 x 50 litre crates and collecting the current range of materials (glass containers, steel and aluminium cans, PET bottles, liquid paperboard containers, paper and cardboard) with the addition of HDPE bottles. The contract being for a period of three (3) years.

2. That tenderers also be invited to submit alternative tenders which may vary the range of materials collected, method of collection or term of contract.”

The report to Council on 28 September 1999 provided detailed background information on the kerbside recycling best practice review and included figures for participation rates and volumes of recyclable materials collected under Council’s current contract. It also provided summary information on Council’s adopted Total Waste Management Strategy. This information will not be reproduced here, however it is recommended that it be referred to as additional background information if required. A copy of the report has recently been made available to Councillors.

One of the objectives of Council’s adopted Total Waste Management Strategy and the subsequent implementation program adopted by Council on 11 August 1998, is the need for an integrated approach to waste management. In line with this, the report of 28 September 1999 recommended that Council take a short-term approach to the new recycling contract, ie: call tenders for a three (3) year period. This would enable the development of other critical programs currently being trialed, such as implementation of a range of bin sizes for garbage collection, greenwaste processing and kerbside bulky waste collection service programs.

Council’s current recycling contract with Blue Mountains Recycling Centre expired on the 1 April 2000. Blue Mountains Recycling Centre has been engaged on a month by month basis for a re-negotiated price to continue to provide the recycling service to residents until the new contract is finalised.

In order to encourage and demonstrate the competitiveness of Council’s Waste & Support Services Branch as a service provider, the Waste & Support Services Branch were invited to lodge a formal tender to compete side by side with the external tenderers. Council at its meeting of 14 March 2000 endorsed this approach and the preparation of a tender for this service from the Waste & Support Services Branch. The formal tender process provided a clear framework to handle the probity issues arising from this tender. This did however add to the lead-time before tenders could be called.

Council’s Senior Project Officer developed a set of guidelines entitled “Probity Arrangements for issue and assessment of BMCC Recycling Tender”. These guidelines outline the principles behind and the processes to be followed by all personnel involved in any way with the Recycling Tender. This included the ongoing management of the existing contract.
From 31 March 2000 the management of the existing contract with Blue Mountains Recycling Centre has been the responsibility of Council’s Manager, Client Services. The Manager, Waste & Support Services and his team ceased to have any involvement in the management of the contract and have had no access to any pricing data including the rates for the extension of the existing contract. A copy of these guidelines was included within the tender documentation and a separate copy is held on file for further reference if required. It is considered that the principles and procedures outlined in the Probity Arrangements were adhered to and that the tender assessment processes exceeded these guidelines.

The Tender:

In line with the probity arrangements, Council’s Group Manager, Operations appointed an external consultant, APrince Consulting, to prepare the specification and tender documents. These documents were developed in close collaboration with Council’s Group Manager, Operations and Manager, Client Services.

The documents provided all necessary information with respect to the services required and the tendering conditions to be adhered to, in accordance with Council’s Tendering Guidelines.

The Contract is for the provision of recycling collection services from domestic kerbside, the Drop off Centres/Bottle Banks and nominated Special Events in the City of Blue Mountains for a period of three (3) years.

This minimum level of service is as per the Council recommendation of 28 September 1999 and is defined within the tender document as:

- Purchase and delivery of a second 50L crate to every household. The second crate should be labelled so as to encourage separation by residents of paper and cardboard into the new crate and all other recyclables into the existing crate.
- The kerbside collection and recycling of glass containers, steel and aluminium cans, PET plastic containers, liquid paperboard containers, paper, cardboard and HDPE plastic containers from and beside the two 50L crates at domestic properties,
- The collection and recycling of glass containers, steel and aluminium cans, PET plastic containers from Council’s six existing Drop Off Centres/Bottle Banks. Council may add or delete collection points for this service and therefore require a rate per month per location.
- The collection and recycling of glass containers, aluminium cans, PET plastic containers from Special Events venues as directed by the superintendent.

The tender documents allowed for the tenderers to submit a tender to provide the minimum level of service as outlined above (referred to as Schedule A), and also for any alternative tenders for the service (referred to as Schedule B).

The tender documents also provided tenderers with the opportunity to submit proposals for the servicing of schools. No tenderers responded to this as part of their tender submissions. It is envisaged however that this issue will be further investigated once a new contract has been established.
The tender was advertised in the Sydney Morning Herald on the 28 March and 4 April 2000 and in the Blue Mountains Gazette on the 29 March and 5 April 2000.

A compulsory tender briefing was held in the Council Chambers on 6 April 2000 which was attended by 13 personnel representing 8 companies.

The meeting was chaired by Council’s Manager, Client Services. The consultant’s engaged to prepare and evaluate the tender were available to answer questions and provide clarification.

Minutes of this compulsory pre-tender meeting were prepared and distributed to all attendees by Council’s Manager, Client Services. A copy of these minutes is held on file for further reference if required.

A written request, for further information and clarification, was also received. This was responded to as part of an addendum, which was issued to all prospective tenderers on 11 April 2000. A copy of this addendum is held on file for further reference if required.

Tenders closed at 2.00pm, Friday 28 April 2000. Tenders were opened and registered in accordance with Council’s Tendering Guidelines.

Four companies submitted tenders. Three submitted prices are GST inclusive. BM CITY SERVICES submitted their price as GST exclusive.

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Schedule A</th>
<th>Schedule B</th>
<th>Other Options Submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lump Sum</td>
<td>Lump Sum</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Price</td>
<td>Price</td>
<td></td>
</tr>
<tr>
<td>Watts Waste</td>
<td>$4,255,346.00</td>
<td>$3,868,496.36</td>
<td>1. $1,325,919.10 p.a.</td>
</tr>
<tr>
<td></td>
<td>GST inclusive.</td>
<td>GST exclusive.</td>
<td>GST exclusive</td>
</tr>
<tr>
<td>BM CITY SERVICES</td>
<td>$4,648,655.00</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Watts Waste

1. Fortnightly recycling service using 240L MGB over a seven (7) year term. Annual cost to Council based on submitted price of $42.22 (plus GST) per household by 28,550 households.

2. Weekly combined garbage and recycling service using divided 240L MGB over a seven (7) year term. Annual cost to Council based on submitted price of $75.22 (plus GST) per household by 28,550 households. Does not include disposal costs.
<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Schedule A ¹ Lump Sum Price</th>
<th>Schedule B ² Lump Sum Price</th>
<th>Other Options Submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue Mountains Recycling Centre</td>
<td>$4,852,415.00 \nGST inclusive.</td>
<td>$3,926,052.00 \nGST inclusive.</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>$4,411,286.36 \nGST exclusive</td>
<td>$3,569,138.18 \nGST exclusive</td>
<td>Service as existing - one crate, no HDPE collected.</td>
</tr>
<tr>
<td>Rethmann</td>
<td>N/A</td>
<td>$5,868,394.00 \nGST inclusive.</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$5,334,903.64 \nGST exclusive</td>
<td>2 x 90L crates, Fortnightly</td>
</tr>
</tbody>
</table>

¹ Schedule A - tenders for the minimum level of service.
² Schedule B - alternative tenders for the service.

GST will apply to this contract if awarded to an external tenderer. However, Council would be able to claim a full input tax credit for any GST paid. GST would not be payable if awarded to BM CITY SERVICES being the internal bid. The net effect of the GST is therefore the same for each of the tenders. In view of the nil net effect of GST comparisons should be made on GST exclusive prices.

Copies of each of the four tender documents received were provided to APrince Consulting for review and evaluation prior to the first meeting of the Tender Evaluation Panel.

**Tender Evaluation:**

The Tender Evaluation Panel (TEP) consisted of:
- Anne Prince, Director, A Prince Consulting,
- Paul Coffey, Director, C4ES,
- Rachel Bentley, Client Contracts Officer, Blue Mountains City Council.

An independent legal counsel, Miss Paula Teague from The EM Group, was also appointed to oversee the tender evaluation process. This composition of the TEP provided a more independent evaluation than envisaged in the original Probity Arrangements.

The role of the TEP was to:
- Reach a collective judgement on the preferred tender based on an evaluation of the submission in accordance with the assessment criteria specified in the tender document
- To recommend, as the preferred tender, the tender ranked top as a result of the evaluation process.
- Develop a Tender Evaluation Report.
The TEP must develop a clear understanding of the tenderer’s proposals and claims. Where internal inconsistencies or lack of clarity arise from the tenderer’s submitted information and data, the TEP can obtain clarification from the tenderer and/or referee’s. The TEP requested additional information from three tenderers to clarify issues or provide further information and undertook referee checks for feedback on the tenderer’s performance on other contracts.

Tenders were assessed using the following assessment criteria and weightings:

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understanding the scope of work</td>
<td>5</td>
</tr>
<tr>
<td>Tenderer’s demonstrated understanding of the nature and extent of work.</td>
<td></td>
</tr>
<tr>
<td>Ability</td>
<td>5</td>
</tr>
<tr>
<td>To provide continuity of service.</td>
<td></td>
</tr>
<tr>
<td>Quality of Submission</td>
<td>3</td>
</tr>
<tr>
<td>Information supplied covering technical, commercial and financial aspects of the submission provided by the Tenderer.</td>
<td></td>
</tr>
<tr>
<td>Methodology and Project Management</td>
<td>20</td>
</tr>
<tr>
<td>The Tenderer’s intended approach to carrying out the work, including the availability and utilisation of technical and management skills and resources as set out in the Draft Operational Procedures Plan.</td>
<td></td>
</tr>
<tr>
<td>Technical Expertise</td>
<td>6</td>
</tr>
<tr>
<td>Tenderer’s demonstrated expertise in carrying out the work as set out in the Tender.</td>
<td></td>
</tr>
<tr>
<td>Staff Qualifications</td>
<td>6</td>
</tr>
<tr>
<td>Experience and ability of the nominated Tenderer’s staff to carry out the processes as nominated in the Tender.</td>
<td></td>
</tr>
<tr>
<td>Resources</td>
<td>8</td>
</tr>
<tr>
<td>Tenderer’s ability to provide adequate resources for the work to be done.</td>
<td></td>
</tr>
<tr>
<td>Quality Assurance System –</td>
<td>3</td>
</tr>
<tr>
<td>Tenderer’s quality assurance procedures and the ability to implement quality assurance systems.</td>
<td></td>
</tr>
<tr>
<td>Risk Assessment –</td>
<td>3</td>
</tr>
<tr>
<td>Tenderers demonstrated understanding and ability to manage the OH&amp;S issues associated with delivery of the services under the Contract.</td>
<td></td>
</tr>
<tr>
<td>Experience –</td>
<td>8</td>
</tr>
<tr>
<td>Tenderer’s past experience in similar work and performance in meeting the requirements of contracts.</td>
<td></td>
</tr>
<tr>
<td>Tender Price –</td>
<td>33</td>
</tr>
<tr>
<td>The total Tender price.</td>
<td></td>
</tr>
<tr>
<td>Total possible weighted score</td>
<td>100</td>
</tr>
</tbody>
</table>

The TEP also performed a sensitivity analysis on the preliminary rankings to confirm that the tenderers had been scored consistently and that the weighted scores adequately reflected the TEP’s assessment of the relative strengths and weaknesses of the tenders.

The full Tender Evaluation Report, as prepared by the TEP, is held on file for further reference if required.
Discussion:

The following table is a summary of the recommendations of the TEP based on the evaluation process in respect to weighted score of the assessment criteria and value for money.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Tenderer</th>
<th>Weighted Score</th>
<th>Total Tendered Price (GST inclusive)</th>
<th>Total Tendered Price (GST exclusive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Blue Mountains Recycling Centre</td>
<td>84.98</td>
<td>$4,852,415.00</td>
<td>$4,411,286.36</td>
</tr>
<tr>
<td>2</td>
<td>BM CITY SERVICES</td>
<td>78.62</td>
<td>$5,113,520.50</td>
<td>$4,648,655.00</td>
</tr>
<tr>
<td>3</td>
<td>Watts Waste</td>
<td>69.98</td>
<td>$4,255,346.00</td>
<td>$3,868,496.36</td>
</tr>
<tr>
<td>4</td>
<td>Rethmann</td>
<td>60.49</td>
<td>$5,868,328.00</td>
<td>$5,334,843.64</td>
</tr>
</tbody>
</table>

In summary, in the view of the TEP:

- Blue Mountains Recycling Centre has the proven experience and ability to meet the expectations of the contract. Their tender provides the best value for money based on the prices submitted and at the least risk. Blue Mountains Recycling Centre indicate they could commence service in approximately 60 days.

- BM CITY SERVICES would, in the view of the TEP, provide acceptable scope and quality of service, however it was considered there was some risk given the lack of previous experience in the provision of recycling services. The TEP also had concerns with their proposed methodology in delivering the contract as it involved, in particular, long trips and inflexibility associated with each truck delivering collected materials to the MRF at the end of their run each day. BM CITY SERVICES indicate they could commence service in approximately 100 working days.

- Watts Waste sought contract variations for changes in volumes and prices of commodities collected. Contaminated or non-recyclable materials would be disposed of at Council’s expense. They also allocated, in the view of the TEP, insufficient plant and equipment to undertake the contract together with a lack of human resources to administer the contract to the satisfaction of council. Their submission placed an unnecessary risk on council in relation to the provision of equipment, resources and price variations. Watts Waste indicate they could commence service in approximately 60 days.

- The Rethmann tender submission placed an unnecessary risk on council in relation to the provision of equipment, resources and price variations. Their submission indicates they could not commence service until March 2001.

The following cost comparison is provided between Council’s recycling service contract for the period of 1997 – 2000 and the prices received for the new tender. Information is also provided on costs for similar services at other Council’s.
ENVIRONMENTAL PROTECTION PROGRAM

Item 9 - Ordinary Meeting, 13/6/00

It is clear that the tendered prices are significantly higher than the contract price for the 1997 – 2000 service, which was based on a fixed price lump sum with no rise and fall variations provided. However, the tender prices received for the new contract are not inconsistent with those being paid by other Council’s although it is noted that they provide differing types of services. This is shown in the table below. Council’s proposed new contract provides for an expanded service, which includes the capital costs for purchase of a second crate for every household and the collection and marketing of increased volumes and an additional product.

<table>
<thead>
<tr>
<th>Recycling Contract 1997-2000</th>
<th>Price per household per year *</th>
<th>Price per household per pickup *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue Mountains Recycling Centre</td>
<td>$27.36</td>
<td>$0.53</td>
</tr>
</tbody>
</table>

* based on 28,888 services and GST exclusive lump sum price.

<table>
<thead>
<tr>
<th>New Contract 2000-2003 Based on Schedule A and B tenders</th>
<th>Price per household per year *</th>
<th>Price per household per pickup *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Watts Waste</td>
<td>$44.64</td>
<td>$0.86</td>
</tr>
<tr>
<td>Blue Mountains Recycling Centre</td>
<td>$50.90</td>
<td>$0.98</td>
</tr>
<tr>
<td>BM CITY SERVICES</td>
<td>$53.64</td>
<td>$1.03</td>
</tr>
<tr>
<td>Rethmann</td>
<td>$61.56</td>
<td>$1.18</td>
</tr>
</tbody>
</table>

* based on 28,888 services and GST exclusive lump sum prices received.

<table>
<thead>
<tr>
<th>New Contract 2000-2003 Based on submitted single crate option</th>
<th>Price per household per year *</th>
<th>Price per household per pickup *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue Mountains Recycling Centre</td>
<td>$41.18</td>
<td>$0.79</td>
</tr>
</tbody>
</table>

* based on 28,888 services and GST exclusive lump sum prices received.

Other Councils:

<table>
<thead>
<tr>
<th>Council</th>
<th>System</th>
<th>Frequency</th>
<th>Price per household per year#</th>
<th>Price per household per pickup#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wingicarribee</td>
<td>Single crate</td>
<td>Weekly</td>
<td>$62.40</td>
<td>$1.20</td>
</tr>
<tr>
<td>Hawkesbury</td>
<td>Fully commingled 240L MGB</td>
<td>Fortnightly</td>
<td>$37.96</td>
<td>$1.46</td>
</tr>
<tr>
<td>Wollondilly</td>
<td>Combined recycling &amp; garbage 240L split MGB</td>
<td>Weekly for MGB</td>
<td>$83.20</td>
<td>$1.60</td>
</tr>
<tr>
<td>Standard Metropolitan 1</td>
<td>Crate</td>
<td>Weekly</td>
<td>$50.00</td>
<td>$0.90 - $1.00</td>
</tr>
</tbody>
</table>

# based on GST exclusive prices.

Comment from Acting Group Manager, Assets & Corporate Services:

Council has included an amount of $1,056,000 in the Draft 2000/2001 Budget for the provision of Kerbside Recycling. All of the tenders submitted exceed this budget figure by varying amounts, however the lead-time in providing the tendered service will reduce the financial impact in the first year. It is understood that the existing contractor will be requested to continue providing the current level of service until such time as the new contract comes into effect.

Blue Mountains Recycling Centre has indicated a lead-time of approximately two months before the new service could commence. On this basis it is expected that the total cost of the recycling service to Council for the 2000/2001 financial year would be approximately $1,446,357. This would exceed Council’s draft budget figure by $390,357 unless Council resolved to either increase the Waste Management Charge or utilise some of the restricted assets currently being held for Waste Management purposes.

BM CITY SERVICES would be unable to commence the new service for another four to five months and based on their contract price from that time the total costs for the 2000/2001 financial year would be approximately $1,424,905. This figure would exceed the draft budget by $368,905 unless similar measures are taken as indicated above.

On a purely financial basis, the net cost of the BM CITY SERVICES tender to Council would be considerably less than the quoted price as the tender includes costs to comply with the requirements of competitive neutrality under the Competition Principles Agreement and guidelines issued by the Department of Local Government. The additional costs, which amount to $547,955 over the life of the contract, relate mainly to payroll tax, company tax, cost of overdraft facilities and a return on capital investment. These expenditures would not be payable by Council if this tender was accepted. Under this tender the cost of providing recycling services for the 2000/2001 financial year would reduce by $106,547 to $1,318,358 (i.e. seven months under the new contract and five months under the current arrangement). The draft budget would be exceeded by an amount of $262,358.

The removal of costs associated with competitive neutrality from the BM City Services tender would reduce the total cost of the contract from $4,648,655 to a net amount of $4,100,700. This compares with $4,411,286 as quoted by Blue Mountains Recycling Centre, a net difference of $310,586.

Council has made a provision to transfer $125,000 to the Domestic Waste restricted asset in 2000/2001 and these funds could be utilised on a one off basis to offset the additional costs under any of the proposed tenders. Additional funds are also available from the existing restricted asset and could be utilised to offset any remaining budget deficit for next financial year. The use of these funds would eliminate the need to increase and re-advertise the Waste Management charge for 2000/2001, however it would decrease the funds that have been accumulated over a number of years for future Waste Management infrastructure replacement.
The other available option would be to increase the Domestic Waste Management Charge for the 2000/2001 financial year by a further $9 to $13.50, over and above the figure that has been advertised, depending on whether the BM City Services or Blue Mountains Recycling tender was accepted. The proposed charge has already increased by $5 over 1999/2000 and a further $10 is proposed if a kerbside clean up service is introduced.

The option of increasing the charge is preferable from a financial perspective as the existing level of restricted assets could be maintained and the increase in the charge in future years could be minimised as the restricted asset would not need to be reimbursed. If this option was implemented, Council would need to immediately re-advertise the proposed Domestic Waste Management Charge for a period of 28 days and then adopt the new charge in July before the rate notices were printed for the 2000/2001 financial year.

**Comment from Tender Review Committee:**

The Tender Review Committee has reviewed the tender procedures and is satisfied as to the fairness of the process.

**Conclusion:**

Based on the assessment of the submissions received, which was carried out in line with the criteria provided within the tender documents, Blue Mountains Recycling Centre offer the best value for money service for the provision of a ‘two crate’ Recyclable Materials Collection Service. The weighted score for the Blue Mountains Recycling Centre tender was 84.98 compared to 78.92 for BM CITY SERVICES which had the next highest weighted score. If the additional costs included in the tender by BM CITY SERVICES, under the competitive neutrality provisions, are excluded then their weighted score will increase to 80.96. This is still below the score for the tender from Blue Mountains Recycling Centre.

Blue Mountains Recycling Centre was also the only tenderer to submit a formal alternative submission, which was based on a continuation of the existing level of service.

All ‘two crate system’ tender submissions received are substantially in excess of the amount allocated within Council’s 2000/2001 budget for the provision of this service and would involve a significant increase in the Domestic Waste Management Charge to residents in future years. There is therefore an affordability issue that must be considered in moving to the new service.

Consequently, it has been recommended that in accordance with Clause 19(1)(b) of the Local Government (Tendering) Regulations 1999, Council decline to accept any of the tenders received for the provision of the Recyclable Materials Collection Service, on the basis that the prices offered are substantially in excess of budget provisions.
It is further recommended, in accordance with Clause 19(3)(e) of the Local Government (Tendering) Regulations 1999, that Council enter into negotiations with Blue Mountains Recycling Centre, with a view of entering into a contract to provide the recycling service at a more affordable cost.

If Council adopts the recommendation, a further report will be presented to Council on completion of the negotiations with Blue Mountains Recycling Centre.
ITEM NO: 10

SUBJECT: REVIEW OF COMMUNITY ENVIRONMENTAL EDUCATION PROGRAM

FILE NO: C02789

Recommendations:

1. That the report be received and the general approach be endorsed by Council.

2. That community input be sought on the revised goal, objectives, actions and potential indicators for the Environmental Education Program as described in Attachment 2 & 3.

3. That the revised proposals for the Education Program be further considered by the Council for adoption once community comment is available.

Report by Acting Group Manager, Strategic Planning:

INTRODUCTION

The Environmental Education Policy and Program was adopted in June 1998 for a three year period and applies until the end of 2000/2001 financial year. The document as adopted by Council is provided as a separate enclosure to Councillors.

The purpose of this report is to consider the effectiveness of the Community Environmental Program and set directions for next 2 to 3 years.

The Environmental Education Program was driven by goal, objectives, strategies and actions, with performance indicators and a proposed timeframe specified for some actions. This review provides a report on the actions undertaken under each of the strategies and considers the extent to which program objectives have been met.

Key objectives for the Program were as follows:

1. To increase the participation and effectiveness of members of the community in improving the environment of the Blue Mountains.
2. To increase the knowledge and understanding in the Blue Mountains community of ecological systems and human impacts upon these systems.
3. To provide information allowing the Blue Mountains community to make informed decisions with respect to consumption patterns and lifestyle choice.
4. To foster a sense of place and civic pride in both the community and Council.
5. To develop and implement environmental education strategies [for specific issues].
6. To ensure Council lead by example in environmental protection and management.
7. To provide an opportunity for the community to acquire the skills needed to take individual action toward environmental protection and restoration.
ENVIRONMENTAL PROTECTION PROGRAM  

Item 10 - Ordinary Meeting, 13/6/00

REVIEW OF PROGRAM OUTCOMES

The Table at Attachment 1 summarises the actions and achievements of the program over the past 2 years. The following are highlights of the environmental education program over that time:

- The expansion of the environmental interest network into the business community, with the Business Focus Group provided valuable input and ongoing support for the Environmental Business Awards program
- Expansion of the Bushcare program and associated training and publications
- World Environment Day has received very positive feedback from the community and is seeking to be increasingly interactive with the community
- Clean Up Australia Day continues as a major effort by community groups and individuals, with good publicity flowing from the event
- Courses in schools and at TAFE sponsored by Council on waste minimisation and reuse
- Workshops on energy efficient housing, stormwater management, and ecologically sustainable development
- Environmental education within Council through the induction program, erosion and sediment control training, workshops on Ecologically Sustainable development, bush regeneration and stream bank control workshops
- The State of the Environment report continues to develop and to provide a major information source
- Recognition and promotion of good environmental practice through the Business Award and Schools programs

FUTURE PROGRAM DIRECTIONS

It is recommended that the environmental education program be modified in the following ways:

Update the Education Strategy to reflect the Management Plan 2000/04.

Since the Education Strategy was adopted by Council in June 1998 there have been new developments in the priorities as expressed in the Council’s 4 Year Management Plans.

In the current draft Management Plan for 2000/04 the Council has nominated 2 Strategic Objectives within the Principal Activity ‘Protection of the Natural Environment’ that relate to environmental education programs, namely:

- Participation of community in the protection, restoration and enhancement of the environment is increased.
- Individual and community responsibility and awareness of the natural environment are promoted.

It is considered that the goal and objectives within the Environmental Education Strategy should be reviewed to more directly reflect the Management Plan and to simplify the strategy document. The revised Goal, Objectives and potential indicators proposed for consideration by the Council and community are contained in Attachment 3.
The suggested Goal is written in plainer language and it appropriately reflects the central role that the community plays in achieving environmental outcomes. Some of the previous action statements have been removed from the recommended objectives and the two objectives nominated by Council in the draft Management Plan have been inserted.

**Targeting environmental educational issues - focusing the effort**

As summarised in Attachment 1, the actions and achievements of the first two years of the implementation of the strategy have been substantial.

The following principles are proposed as a guide to the formulation of the Environmental Education program for the next 2 years:

- Concentrate the education effort more specifically around a more limited and targeted set of issues and through several of the separate projects to which the Council is committed. In this way events will be delivered within an educational framework that can be more easily evaluated.
- Continue to develop the community network and the expansion of the program into non-traditional areas such as the Business Awards for environmental care. This needs to be followed through to attain more sustainable levels of action through the community.
- Seek community input on the development of major environmental initiatives such as the weeds education program.

The **key themes** proposed for the next few years, are weeds impacts and control, waste minimisation, energy efficiency and protection of water quality.

The **actions** proposed for the next several years are contained in the Table at Attachment 2.

The **key deliverables** will be:

- Weeds education strategy – linked to the Weeds Strategy to guide Council weed control programs.
- Community events and promotions on weeds, energy efficiency housing, stormwater, waste minimisation and green waste management.
- Business Awards and Schools Awards, with linked education promotion including ‘Keep the Soil on the Site’.
- World Environment Day and Clean Up Australia Day.
- Initiate and commence preparation of tools to assist in environmental management decision-making through the organisation, being a purchasing policy based on sustainability principles, and a checklist to identify environmental criteria associated with decisions for a range of functions through out the organisation.
- State of the Environment report that provides more concise information around key indicators, so facilitating informed decision making and participation by the community.

Within the Council these **programs are principally delivered** by:

- City Services Group.
- Health and Development Group.
The **key partnerships** externally are with:

- **Community networks**
  - Business Awards Task Force.
  - World Environment Day Focus Group.
  - Bushcare Network and Blue Mountains Conservation Society.
  - Scouting Association.
  - Blue Mountains Environment Centre.
  - Streamwatch.
- Hawkesbury Nepean Catchment Management Trust.
- Urban Runoff Control Program- NSW State Government.
- Sydney Catchment Authority.
- Integral Energy.
- Environmental Protection Authority.
- Dept of School Education and the Institute of TAFE.
- Intelife.
- SEDA.

It is proposed that Council not dedicate resources to the development of additional environmental events. The task focus reflects the intention to reduce the involvement in broad scale events in order to focus on more targeted education programs that are likely to give greater results for less resources.

**COMMUNITY CONSULTATION**

The amendments proposed will not significantly alter the education program, other than to more closely focus the activities for the next 2 years. Nevertheless, the original Education Strategy and Program was the subject of community consultation and comment prior to adoption by the Council.

It is therefore proposed that the community be invited to comment on the proposed amendments to the Goal, objectives and the potential indicators. Consultation would be sought by advertising, by direct notice to the groups that have provided comment previously and to community network organisations.

**CONCLUSION**

The ultimate object of the community education programs is to achieve behaviour change to support desirable, sustainable environmental outcomes by working in a collaborative relationship with our community.

These outcomes are difficult to measure. There are many reasons why people change their behaviour. It is agreed that cause and effect are difficult to identify and the research needed to establish cause and effect requires long term and rigorous application of resources beyond a level likely to be committed by a local council. Therefore surrogate indicators, which are activity or output based, are generally employed for local education programs.
As part of the development of improved evaluation for education programs it is proposed that the Council and community consider the number of indicators for inclusion in the Education Strategy and ultimately in the Management Plan. Those indicators are described in Attachment 3.

Notwithstanding the inability at this stage to measure the ultimate object of many community education programs, namely a shift in individual perception and behaviour to sustain improved environmental outcomes, it is recognised that the action statements need to be continuously improved to meet the ‘SMART’ criteria (simple, measurable, achievable, relevant and timely) to enable easier qualitative as well as quantitative evaluation. The recommended actions in the table in Attachment 2 reflect an improvement in this regard.

Overall, it can be concluded that Council’s Community Environmental Education Program has made a significant, if not easily measured, contribution to the challenging task of increasing community understanding and awareness of environmental matters.
Attachment 1
Attachment 1
Attachment 2
Attachment 2
Attachment 3
ITEM NO: 11

SUBJECT: DEVELOPMENT APPLICATION X00/0369 FOR CONSTRUCTION OF STORE/HOBBY SHED, LOT 15 DP 708436, NO. 57 MARAKET AVENUE, BLAXLAND

FILE NO: X00/0369

Recommendation:

That Development Application No. X00/0369 for a detached store/hobby shed at Lot 15, DP 708436, No. 57 Maraket Avenue, Blaxland be approved pursuant to Section 80A of the Environmental Planning and Assessment Act 1979, subject to the conditions included in Attachment 1 to this report and that a Construction Certificate be issued.

Report by Acting Group Manager, Health and Development:

Reason for report: In accordance with Council Policy, an application seeking consent for an amended structure that has been determined by Council by way of refusal of an earlier proposal, must be reported to Council for consideration and determination.

Applicant: Nepean Sheds and Garages Pty. Ltd.
Unit 2/3, 112 Russell Street
Emu Plains 2750

Owner: S & L Way
57 Maraket Avenue
Blaxland 2774

Date of Receipt: 15 March 2000

Zoning Controls: LEP 4 Res 2(a1) (Escarpment Area)
Draft LEP 1997 – Living Conservation

Property Address: Lot 15, DP 708436, 57 Maraket Avenue, Blaxland.

The site comprises a block of land within a residential subdivision. Presently erected on the site is a two level dwelling with a driveway and four car garage under, accessed from Maraket Avenue. The property backs onto Major Mitchell Reserve, although no legal access is available to the site via the reserve.
Introduction/Background:

Council has previously given consideration to two separate applications for this site, the first being a detached two storey workshop with storage above and the second being a single storey storage/workshop building. The respective applications B98/0139 and X99/1835 were refused by Council at meetings on 27 July 1998 and 25 January 2000 for reasons associated with bulk, scale, potential privacy impacts, potential access via the adjoining reserve, precedent and “circumstances of the case in question”.

The applicant has substantially amended the proposal in an effort to address the reasons for refusal of the earlier applications and issues raised as a result of neighbour notification.

The Proposal

The subject site is located on the northern side of Maraket Avenue, Blaxland. Adjoining land uses comprise larger style residential dwellings and associated structures (pools, garages, etc). Adjoining the rear boundary to these sites is a bushland reserve known as Major Mitchell Reserve owned by Blue Mountains City Council.

The application provides for the erection of a freestanding colorbond metal shed to be located close to the rear of the site. The structure is proposed to have a width of 4.2 metres, a length of 6.0 metres and a height of 2.4 metres at the side rising to 2.7 metres at the ridge line. The building is therefore about the same size as a double garage and in order to further reduce any impacts on any neighbouring property, the applicant has amended plans to ‘cut’ the building 400mm into the ground at the northern end which has the effect of reducing the overall height by 400mm. The building, at its southern end, is to be sited 3.0 metres from the common side boundary with the adjoining property to the west and 1.5 metres from the same boundary at its northern end and 1.0 metre from the boundary to the reserve.
These dimensions represent significant improvements in terms of size reduction by comparison with the previous proposals where the width was 7 metres, the length 13.5 metres and the height 6.3 metres and 4.4 metres. It is also proposed to site the building much further away from the nearest side boundary where it was previously proposed to be 900mm. An extract from the plans forms attachment 2 to this report, including a comparison of the elevations and footprint of the previous and current proposals to portray the degree of size reduction intended.

The applicant has advised that the proposed use of the shed is for storage of motoring memorabilia, the collection of which is a hobby of the owner, that the shed may also be used for pottery which is a family interest and that no motor vehicles are to be stored in the shed.

**Notification**

The proposal was notified to affected property owners in accordance with Council’s Community Consultation Policy. One (1) submission was received from the owners of the adjoining site, stating that in their view the reasons for the previous refusals were still valid, although acknowledging that reason number one (bulk and scale) was now less relevant.

The submission also raised issue with the position of the structure and whether or not the site would be ‘cut’ to lower the height. Subsequent negotiation with the owner and applicant resulted in the proposal being moved a significant distance away from the relevant side boundary and being ‘cut’ 400mm at the highest point of the site to reduce further the overall height of the building which, as stated earlier in this report, has already been reduced significantly from the previous applications. Notwithstanding these amendments, the submission from the adjoining owner considers that the reasons for refusal remain valid although again conceding that bulk and scale are “to a lesser degree”.

**Identification of Issues**

1. Statutory requirements.
2. Consideration of previous reasons for refusal and submissions received.
3. Independent assessment of the proposal.

**Discussion of Issues**

1. **Statutory requirements**

The application has been assessed in accordance with the Environmental Planning and Assessment Act 1979 and the Building Code of Australia.

The subject land is regulated by the provisions of LEP 4 relating to the Residential 2 (a1) zone and the proposal is considered to be ancillary to the residential nature of the site. The site is also within an ‘Escarpment Preservation Area’ however the proposal is considered to comply with the special provisions of Clause 54 of the LEP.

No trees are to be removed from the site as a result of the proposal, and roof water drainage is able to be disposed of satisfactorily on the site.
As indicated in the body of the report, where there are matters that require reinforcement, the Council could deal with these by the imposition of suitable conditions.

2. **Consideration of Previous Reasons for Refusal**

**Bulk and Scale**
The bulk, scale and overshadowing of the proposed structure on the adjoining parcels of land.

**Comment:**

The initial application proposed a two storey structure, the second reducing that proposal to one storey but extending across the site to within 900mm of each side boundary. The current proposal reduces the footprint by approximately 60%, the height from 4.3 metres to 2.7 metres and the setback from the nearest boundary to between 3.0 metres and 1.5 metres. The side wall of the building will extend only 600mm above the side boundary fence at its southern end and because of the 400mm ‘cut’, only 200mm at its northern end.

The resultant building is modest in size, has negligible impacts on neighbouring properties and satisfactorily addresses concerns in respect of bulk, scale and overshadowing.

**Access through Major Mitchell Reserve**

The potential for access to be sought both during construction and for ongoing use would alienate public open space and adversely impact on the environmental quality of the reserve.

**Comment:**

The applicant, in support of his application, has tendered a written submission stating that:

“the shed will be used to store memorabilia collected by the owners, as well as pottery which is for hobby purposes. No vehicles are to be kept in the shed.”

This requirement, together with previous written assurances that construction of the building will be carried out without using the reserve at the rear for access, can be reinforced by way of an appropriately worded condition requiring adherence to the written undertaking and Council’s expressed requirements relating to no access over the reserve.

**Precedent**

The precedent would be set for similar developments in the area.
Comment:

It is understood that this concern particularly related to the fact that the original proposal was for a detached two storey structure that had the potential for residential occupation or an inappropriate use.

The major reduction in size and height to a modest single storey shed and the written statement from the applicant that:

“the shed will be used to store motoring memorabilia collected by the owners as well as pottery”

could well overcome this previous concern of Council.

Privacy

The potential for privacy impacts on the adjoining parcels of land.

Comment:

The significant reduction in size, the amended design with no openings facing the site to the west, the significant reduction in height and the proposed location 3 metres from the boundary at the corner closest to a neighbouring dwelling, with the potential for privacy screen planting, overcomes this particular reason for refusal.

Circumstances

The circumstances of the case in question.

Comment:

It is considered that the new proposal, together with the supporting statements by the applicant result in a significantly changed application and changed circumstances from the one previously refused by Council and, as such, this reason is no longer relevant.

Other Issues:

Landscaping between the building and adjoining neighbours

Comment:

The enhanced setback of the proposed building of between 3.0 metres and 1.5 metres from the western side boundary which is fenced with a 1.8 metre colorbond metal fence, will provide an opportunity for the planting of screen landscaping. This can be covered as a condition of consent.
Affect on Views to the Reserve to the North East

Comment:

This issue has not been raised as a submission against the latest proposal, possibly due to the major reduction in height proposed from the two previously refused applications. It is considered that the proposed structure would have minimal if any impact upon views to the vegetative canopy of Major Mitchell Reserve to the rear.

3. Independent Assessment of the Proposal

Councillors will recall that the previous application was referred to a local private planning consultancy for independent review and comment. The report concluded that:

“the erection of the storeroom/workshop is in keeping with the residential use of the area and is not likely to have any adverse impact on the residential character of the area or amenity of the locality.”

Given the much reduced scale of the current proposal, it was not considered necessary to seek a further independent report, as the impacts would be less.

Conclusion

The current application has been substantially amended by the applicant in comparison to the previously refused applications, through a significant reduction in size, height and increased setback from the side boundaries.

In so doing, together with written statements that support the application, the applicant has sought to address the reasons for refusal of the previous applications and the concerns of neighbouring property owners.

It is considered that the impacts on the adjoining property is not unreasonable and where appropriate, suitable conditions of consent have been recommended to protect the amenity as far as possible.

The application complies with the terms of the relevant planning instruments and is recommended for conditional approval.
Attachment 1 - 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 and Assessment Act 1979. Substantial physical commencement of construction is required within 2 years from To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by Nepean Sheds & Garages P/L numbered NSJ001034 and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.

Building Code of Australia

2. All building work is to be carried out in accordance with the provisions of the Building Code of Australia.

Signage

3. To ensure that the site is easily identifiable for deliveries and provides information on the person responsible for the site, a sign displaying the following information is to be erected:
   - The statement “Unauthorised access to the site is not permitted”.
   - The names of the builder or another person responsible for the site along with an out of hours contact number.
   - Lot or Street number.

Site management

4. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
   - Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am and 1pm.
   - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
   - Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site.
   - Builders waste must not be burnt or buried on site.
Attachment 1 - Conditions

**Stormwater drainage**

5. To control rainwater runoff, roof water shall be connected to stormwater drainage lines discharging to:
   
   (a) the existing stormwater system, or
   
   (b) stormwater pits (600 mm wide x 600 mm deep x 2 m long, for each downpipe. Pits shall be located at least 4 m from any building or property boundary). Note: A 100 m x 50 mm downpipe is considered capable of draining up to 45 m$^2$ of roof area.

**Compliance certificates (building)**

6. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
   
   a) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
   
   b) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
   
   c) Completion of the development and sign off to all conditions of the consent including landscaping, prior to use of the building.

**Cut and fill**

7. To ensure proper regard is given to the existing land form, cut shall be limited to no more than 500mm. No fill is to be used in the construction.

**Use**

8. The structure is not to be used for human habitation, industrial or commercial purposes or motor vehicle garaging or storage.

**Site Access**

9. To maintain and protect Council’s reserve the adjoining land to the north shall not be used during or subsequent to construction for deliveries or vehicle access to the site or building without the specific prior written consent of Council.
Attachment 1 - Conditions

<table>
<thead>
<tr>
<th>Landscaping and Privacy Screen Planting</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. To improve the visual amenity and privacy screening a landscape plan prepared by a suitably qualified person shall be submitted to Council and approved prior to the commencement of works. The plan shall nominate the placement of appropriate advanced species between the building at the western elevations and for a distance of 3 metres south of the south western corner of the building. The planting shall be installed prior to use of the building.</td>
</tr>
</tbody>
</table>
Attachment 2 - Comparison of Relative Footprint/Site Coverage
Attachment 2
ITEM NO:  12  

SUBJECT: DEVELOPMENT APPLICATION NO. X00/0264 FOR A PROPOSED DWELLING AT LOT 29 DP 1007065, NO. 37 KINGFISHER CRESCENT, BULLABURRA  

FILE NO:  X00/0264  

Recommendation:  

That Development Application No. X00/0264 for a proposed dwelling at Lot 29, DP 1007065, No. 37 Kingfisher Crescent Bullaburra be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by refusal of consent for the following reasons:-  

1. The application contains insufficient information to enable Council to properly assess compliance with the Development Criteria of LEP 1991 relating to building height, site coverage, site disturbance and access;  

2. The application does not demonstrate the proposed development is of an appropriate site responsive design having regard to its form, character, height and bulk, bushfire protection and energy efficiency;  

3. The proposed building does not comply with the provisions of Clause 10.5 of LEP 1991 with respect to the extent of site disturbance required for the development to proceed nor does it demonstrate compliance with the provisions of DCP No’s 26 and 34.  

4. The proposed development does not comply with the provisions or intent of the Section 88B Instrument applying to the land requiring all excavation and filling works associated with the building to be contained within the external walls of the building;  

Report by Acting Group Manager, Health and Development:  

Reason for report  
The application has been referred to Council for determination at the request of three Councillors.  

Applicant  
Mr T Engel  
c/-Development Services  
Suite 2, 286 High Street  
Penrith  

Owner  
Mr T Engel and Ms A Kocek  

Application lodged  
1 March 2000  

Property address  
Lot 29, DP 1007065, No. 37 Kingfisher Crescent Bullaburra
Site description

The subject premises has an area of 2218 square metres and is located in an elevated position at the end of a cul-de-sac. The site is presently vacant and is predominantly covered by native bushland vegetation.

Proposal

The applicant proposes to construct a two storey fibreglass reinforced shingle clad, dome shaped dwelling with an attached garage and associated driveway on the subject property. The design of the building consists of two geodesic domes, each of different size, having triangular shaped multi-sided panels forming the walls/roof. The two domes are linked by an enclosed entrance and passageway at ground level. A garage is attached to one side of the larger dome. An extensive driveway is proposed leading from the street, partway around the dwelling and terminating with a large turning and parking area adjacent to the garage.

Plans showing the proposed development form Attachment 1 to this report.

Development controls

Zoning
LEP 1991 - Residential Bushland Conservation (8/ha)

DCP No. 10 - Blue Mountains Character Guidelines
DCP No. 26 - Building in Bushfire Prone Areas
DCP No. 30 - Smart Design
DCP No. 34 - Energy Efficient Residential Development
Notification

The application was notified to adjoining property owners for a period of fourteen (14) days in accordance with Council’s Community Consultation Policy.

Three (3) individual written submissions were received as a result of the notification process. A petition containing 89 signatures and supporting the proposed development was also received.

Of the individual submissions, one (1) supported the proposed dwelling, while one (1) submission objected to the development on the basis of the design, character, visibility, bush fire risk and potential use as a dual occupancy.

The third submission referred to the petition above stating that the plans notified by Council differed significantly from the dwelling depicted in the photographs accompanying the petition, and requesting to have their name removed from it. A phone call was also received by Council from an adjoining owner who raised the same issue with the petition.

Issues

- Assessment issues –
- Environmental Planning Instruments
- Restriction on use of land pursuant to Section 88B of the Conveyancing Act
- Site Disturbance
- Bushfire
- Design And Character
- Potential Dual Occupancy use
- Energy Efficiency

Compliance Table:

<table>
<thead>
<tr>
<th>Clause</th>
<th>Standard</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>cl. 10.2</td>
<td>All weather access</td>
<td>Method of construction/type of finish not stated</td>
<td>Not Demonstrated</td>
</tr>
<tr>
<td>cl. 10.4(b)</td>
<td>Design and character appropriate for site characteristics</td>
<td>Application does not demonstrate how this standard is achieved. Design and character significantly different to surrounding</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td></td>
<td>External colours appropriate to locality</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cedar colour (mid/dark brown)</td>
<td></td>
</tr>
<tr>
<td>cl. 10.4(c)</td>
<td>Minimise visual impact when viewed from public place</td>
<td>Building bulky and high, located on elevated site</td>
<td>No</td>
</tr>
<tr>
<td>cl. 10.5</td>
<td>Minimal cut and fill that is contained within dwelling</td>
<td>Extensive cut and fill external to dwelling over 2.5 metre crossfall</td>
<td>No</td>
</tr>
</tbody>
</table>
LAND USE MANAGEMENT PROGRAM

Item 12 - Ordinary Meeting, 13/6/00

<table>
<thead>
<tr>
<th>Clause</th>
<th>Standard</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>cl. 10.6</td>
<td>Height restriction – maximum 2 storeys, 8 metres to ridge, 6.5 metres to eave</td>
<td>2 storeys. Height not shown on plans or stated in Statement of Effects. Scaled estimate 8 metres</td>
<td>Not demonstrated</td>
</tr>
<tr>
<td>cl. 10.8</td>
<td>Connection to services</td>
<td>Connect to sewer, town water, power and phone</td>
<td>Yes</td>
</tr>
<tr>
<td>cl. 10.9</td>
<td>Max 300 square metres building site coverage</td>
<td>Site coverage of buildings not shown, floor plan not dimensioned. Scaled estimate 300 square metres.</td>
<td>Not demonstrated</td>
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**DEVELOPMENT CONTROL PLAN NO. 26**

<table>
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<tr>
<th>Clause</th>
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<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>pages 4 &amp; 9</td>
<td>Non-combustible roofing, wall cladding not easily ignited</td>
<td>Fibreglass reinforced shingles. No details of combustibility submitted</td>
<td>Not demonstrated</td>
</tr>
<tr>
<td>page 4</td>
<td>Protection of openings</td>
<td>Not clear from plans, not stated in Statement of Effects</td>
<td>Not demonstrated</td>
</tr>
<tr>
<td>page 5</td>
<td>Enclose subfloor</td>
<td>Concrete slab floor</td>
<td>Yes</td>
</tr>
<tr>
<td>pages 5 &amp; 9</td>
<td>Protection of windows and doors</td>
<td>Metal framed wire screens</td>
<td>Yes</td>
</tr>
<tr>
<td>page 6</td>
<td>Best practice landscape/garden design</td>
<td>Insufficient detail submitted</td>
<td>Not demonstrated</td>
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**DEVELOPMENT CONTROL PLAN NO. 30**

<table>
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<tr>
<th>Clause</th>
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<th>Proposed</th>
<th>Compliance</th>
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</thead>
<tbody>
<tr>
<td>cl. 6.6</td>
<td>8 metre front building setback</td>
<td>Not shown on site plan, scales off at 12 metres</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**DEVELOPMENT CONTROL PLAN NO. 34**

<table>
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<th>Clause</th>
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<th>Proposed</th>
<th>Compliance</th>
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<tbody>
<tr>
<td>cl. 2</td>
<td>Achieve 3.5 star energy efficiency rating</td>
<td>No details submitted</td>
<td>Not demonstrated</td>
</tr>
</tbody>
</table>

**Discussion of Issues**

The application has been assessed against the relevant provisions of Section 79C of the Environmental Planning and Assessment Act 1979 and for compliance with Local Environmental Plan 1991 (LEP 1991), Development Control Plan 10 – Town Character Guidelines (DCP 10), Development Control Plan 26 – Building in Bushfire Prone Areas (DCP 26), Development Control Plan 30 – Smart Design (DCP 30) and Development Control Plan 34 – Energy Efficient Residential Development (DCP 34). The submissions from adjoining owners have also been considered. The application has not been assessed in detail for compliance with the Building Code of Australia – Housing Provisions, as the application is for Development Consent only, however a general assessment has been made.
Council officers have been involved in on-going negotiations with the applicant, since receipt of the application, in an attempt to resolve issues of non-compliance and concerns over design. Over this period of time amended plans have been submitted which address some of the issues. However a significant number of issues still remain outstanding, including the lack of a sufficiently comprehensive Statement of Environmental Effects, demonstrating compliance with Council’s planning instruments. These are discussed below:-

Access and Site Disturbance

The site plan proposes an extensive vehicular driveway extending from the front boundary, partly circling the dwelling, to a garage located on the far side of the dwelling. Construction of the drive would necessitate the removal of a significant amount of vegetation, extensive excavation and filling of ground, construction of retaining walls or batters and significant restoration works due to the extent of the driveway and the fall of the land. The application does not include details in relation to the finished level of the drive, relative to the existing ground levels, nor does it include accurate details showing the width, surface finish, associated manoeuvring areas, restoration works or driveway design between the property boundary and the street kerb. Using the contour levels shown on the site plan as a guide, potential excavation of up to 2 metres in depth may be required along the western side of the driveway. Given the extent of earthworks proposed the proposed driveway is not site responsive

The application does not demonstrate why such an extensive driveway is necessary. It is considered the garage could be sited in a more appropriate location, between the dwelling and the street, which would fulfil the functional requirement for access and on site parking with significantly less site disturbance.

Excavation and Filling of Land

The proposed dwelling does not comply with the provisions of Clause 10.5 of LEP 1991 which requires that cut and fill be minimised as far as practical, and contained within the external walls of the building where conditions allow. The proposed development requires extensive excavation and filling of the land for both construction of the dwelling and the driveway. The extent of excavation and filling is difficult to determine given the absence of driveway details however they appear to be in the order of up to approximately 2 metres.

Furthermore, the building does not comply with the terms of the Section 88B Restriction as to User placed on the land at the time of subdivision, which requires “Where cut and fill techniques are used in the construction of any building on the lot hereby burdened then all excavation and filling works shall be contained within the external walls of the building”.

The applicant contends that compliance is achieved as the excavation and filling works are designed to accommodate the driveway access and not the dwelling. This argument is not agreed with and appears to be an attempt to circumvent the requirements of Clause 10.5 of LEP 1991 and the 88B Restriction, particularly as the driveway is unnecessarily extensive and requires excavation for the full length of the dwelling.

The Statement of Effects submitted with the application does not demonstrate compliance with the provisions of Clause 10.5 of the LEP or justify the extent of earthworks proposed.
Design, Character and Height

The form and character of the building would be unique in the locality. The subject property is located in a recently developed subdivision where the character has been established by traditional brick veneer and tile roofed dwellings presently under construction or approved for construction. The proposed dwelling is significantly different in character due to its form, bulk and materials of construction.

The overall height of the building has not been shown on the plans however it would appear from scaling the drawings to be approximately eight (8) metres high at the highest point. While the building appears to comply with the provisions of Clause 10.6 of LEP 1991 its appearance is dominated by the roof construction which will exacerbate its height. Furthermore the site is in an elevated position and the building will be visually prominent within the subdivision.

The Statement of Environmental Effects does not demonstrate the design and character, as represented by the elevation plans, is appropriate for and respects the established character of surrounding development and the bushland.

Bushfire

The site is located in a high bush fire risk location. The Statement of Environmental Effects and the plans and specifications, whilst indicating the building’s design as being suitable for bushfire risk areas, do not demonstrate that the building has been designed to withstand a bushfire event. In particular the application does not demonstrate the suitability of the fibreglass reinforced shingles for a high bush fire risk area or how the bulk and form of the building would respond to the radiant heat of fire.

Site Coverage

The applicant states in correspondence dated 9 May 2000 that the proposed development complies with Clause 10.9 of LEP 1991, which limits site coverage to a maximum of 300 square metres. However evidence such as floor area calculations or a clear and accurate dimensioned floor plan have not been submitted to support this statement.

Energy Efficiency Rating

The application is not accompanied by an assessment of the energy efficiency of the building demonstrating the dwelling will achieve a minimum 3.5 star energy efficiency rating as required by Development Control Plan 34 “Energy Efficient Residential Development”.

Potential Dual Occupancy

The floor plan of the proposed building indicates each dome is readily capable of self contained accommodation. Each dome has a bathroom, living area, bedrooms and a bar or kitchen. The plan of the first floor of the smaller dome does not indicate a use. Dual occupancy development is not a permitted use in the Residential Bushland Conservation zone.
Conclusion

The proposed development is deficient in several key areas of compliance. It attempts to significantly modify the ground levels of the site to suit the form of the dwelling and driveway, rather than providing a design which responds to the existing natural site contours. The extent of ground reshaping will result in significant removal of vegetation, and will therefore have a significant negative impact on the bushland character of the land. The extent and depth of cut and fill is contrary to the intent of Clause 10.5 of LEP 1991 and the Section 88B Restriction applying to the land. The application fails to demonstrate the proposal meets the Objectives for the Residential Bushland Conservation Zone stated in Clause 6.3 of LEP 1991, which are to ensure residential development is environmentally sensitive and site responsive, and that the form and siting of buildings are appropriate for and harmonise with the bushland character of the area.

It is considered that the above matters are such that they are not be readily addressed through amendments to the design of the building but would require a complete redesign of the development.

While it is acknowledged that a geodesic dome design building may have advantages with regard to sustainable building practice, energy efficiency etc, it is also necessary to ensure the building is of an appropriate design and character for the locality and topography. Furthermore the advantages of the design need to be demonstrated.

The application is therefore recommended for refusal.
Attachment
Attachment
Attachment
Attachment
ITEM NO:  13

SUBJECT:  PROPOSED MODIFICATION OF DEVELOPMENT APPLICATION NO. D96/0966 FOR A PROPOSED ECO-TOURIST FACILITY (INCLUDING 10 CABINS) AT LOTS 28 AND 29 DP 751647, HEALEY ROAD, MEGALONG VALLEY

FILE NO:  D96/0966

Recommendation:

That Council agree to the Land and Environment Court making Consent Orders in respect of the application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 seeking to modify Development Consent No D96/0966 for a proposed eco-tourist facility (including 10 cabins) at Lots 28 and 29 DP 751647 Healey Road Megalong Valley generally as set out in Attachment 2.

Report by Acting Group Manager, Health and Development:

Reason for report  The original Development Application was referred to Council for determination and consequently the application to modify the terms of the Consent is also referred to Council to allow Council to determine the position it will adopt when the matter comes before the Court on 9 August 2000.

Applicant  Tier Consulting Group Pty Ltd
            Suite 1, 11 West Street North Sydney.

Owner  Cox’s River Rest Pty Ltd.

Application lodged  7 March 2000.

Property address  Lots 28 and 29 DP 751647 Healey Road Megalong Valley.
Background

Council at its meeting on 25 November 1997 resolved to refuse Development Application No D96/0966 for a proposed eco-tourist facility, including ten (10) holiday cabins on the subject land.

The grounds for refusal were principally centred around the following issues:

i) the correct characterisation of the development and the permissibility of the use in the Rural Conservation zone applying to the land;

ii) whether the development was consistent with the relevant objectives of Council’s LEP 1991 applying to the land;

iii) whether the SEPP 1 objection seeking to increase the cabin density permissible under Clause 26 of LEP 1991 was well founded;

iv) road, access and traffic issues; and

v) whether the development would be provided with an adequate supply of water.

Prior to Council’s decision, the applicant had commenced proceedings in the Land and Environment Court against Council’s deemed refusal of the application.

The matter was heard before Justice Sheahan and a decision handed down on 16 April 1998 upholding the appeal and determining that the development be approved by the granting of a “Deferred Commencement” Consent.

Council at its meeting on 23 February 1999 resolved to grant Operational Consent to the development subject to the Conditions imposed by the Court.

Proposal

A copy of an application lodged with the Land and Environment Court seeking to modify the terms of the Consent under Section 96 of the Environmental Planning and Assessment Act has now been served on Council.

The application seeks to modify Conditions 3, 4, 19, 22 and 36 of the Consent. These modifications essentially seek to amend the Consent as follows:

a) Enable the development to proceed and be occupied in stages;
b) Removal of the restriction preventing the occupation of the cabins otherwise than in association with the environmental education facility;

c) Use of additional tank water to augment the potable water supply for the development in lieu of constructing a proposed dam; and

d) Permit, with Council approval, minor variations to the design of the proposed effluent disposal system to enable progressive occupancy of the development.

A copy of the modifications proposed by the applicant forms Attachments 1 to this report.

The original Development Application was determined by the Land and Environment Court, and as such the proposed modification will also be determined by the Court.

The matter is listed for hearing before the Land and Environment Court on 9 and 10 August 2000. Council however needs to determine whether it wishes to support or oppose the proposed modifications.

Attachment 2 outlines the conditions recommended to be submitted to the Court for Consent Orders.

Development controls

Zoning – Rural Conservation (Megalong Valley) under LEP1991
A significant portion of the site is also designated as a Protected Area- Environmental Constraint Area under LEP 1991.

SREP 20 – Hawkesbury Nepean River.

Notification

The application was advertised for a period of 21 days from 19 April 2000 in the Blue Mountains Gazette as well as written notification to those persons who lodged submissions with respect to the original application.

As a result of this notification, thirteen (13) submissions have been received raising objection with the proposed modification. The major issues raised in the submissions are addressed in the assessment of the application and can be summarised as follows:
The use of the cabins for holiday purposes will alter the nature of the development and the basis of the original Consent from that of an education establishment to tourist accommodation;

- Holiday cabins are not consistent with the rural character of the Megalong Valley;

- Staging of the development will delay, perhaps indefinitely, compliance with other Conditions of Consent such as road upgrading works;

- The use of the cabins for holiday accommodation will increase traffic and amenity impacts for other residents in the Megalong Valley;

- Reliance on tank water as the only means of potable water supply will increase the need for water to be transported to the site by road tanker with corresponding impacts on traffic and damage to the local road system.;

- Removal of the restriction on the use of the cabins is a prelude to the possible future subdivision of the land;

- The use of the cabins for holiday accommodation will lead to degradation of the environment including water quality;

Application Assessment

Characterisation of the Development.

In modifying a consent, Section 96(2) of the Environmental Planning and Assessment Act requires that the Council must be satisfied that the development to which the consent, as modified relates, is substantially the same development.

The characterisation of the development was one of the major issues in Council’s original determination of the application and the subsequent Court proceedings. In the report to Council and in the subsequent proceedings, Council officers had contended that the totality of the development proposed was more correctly characterised as “tourist accommodation” rather than that of “education establishment” and “holiday cabins”. A significant number of submissions have objected to the proposed modifications on the grounds that the use of the cabins for holiday accommodation changes the character of the development.

“Education establishments” and “holiday cabins” are both permissible in the Rural Conservation zone, however “tourist accommodation” is not.
Within LEP 1991, these uses have the following definitions:

“Education establishment” means a building or place used for the purpose of giving and receiving tuition, and includes a school, college or other tertiary institution or environmental education facility.

“Holiday cabin” means a dwelling with a maximum site coverage of 80 m$^2$, a maximum height above natural ground level of 7 m, and that does not exceed two storeys (with any second storey contained within the roof void), used for the provision of temporary holiday accommodation only.

“Tourist accommodation” means a building or buildings containing no more than 80 units providing for visitor accommodation and recreation, which building or buildings may include a refreshment room and space capable of being used for functions such as receptions, conventions, or the like.

The Court ultimately found that the proposed development was permissible, with His Honour, Justice Sheahan, concluding in his judgement:

“The proposal before the Court comprises the uses “holiday cabin” and “education establishment” as defined in the LEP.”

Furthermore Condition 1 of the Consent, as determined by the Court, reads:

“Development consent is granted for an environmental education facility and holiday cabins. ...”

It is acknowledged however, that the Court, in recognising the two components of the development, also accepted that the cabins were an integral component of the overall environmental education facility and imposed conditions accordingly. These conditions, including conditions 4 and 36 which the applicant now seeks to have modified, in effect prevent the cabins being used for short term holiday accommodation otherwise than in association with the environmental education facility.

Advice from Council’s Legal Consultants raises a number of issues in relation to characterisation of the development. On balance however, the proposed modifications are not considered to materially alter the nature or character of the development, nor introduce any new use and as such, the development as modified, is considered to remain essentially the same development.

This matter will ultimately need to be determined by the Court and should the Court determine the development as modified is substantially the same, the merits of the proposed modification need to be assessed.

In determining an application to modify a Development Consent, Section 96(3) of the Act requires Council to take into consideration such of the matters referred to in Section 79C of the Act as are of relevance to the development the subject of the application.
The relevant matters for consideration under Section 79C of the Act involve:

Section 79C (a)(i), (ii) and (iii) – Planning Instruments
Section 79C (b) – Impact on the Environment
Section 79C (d) – Any Submissions Made in Accordance with the Act or Regulations.

1 Provision of Planning Instruments

The site is zoned Rural Conservation (Megalong Valley) under Local Environmental Plan 1991. Under the provisions of the LEP both “Education Establishments” and “Holiday Cabins” are permissible with Council Consent.


The Judgement handed down by Justice Sheahan makes a number of references to perceived benefits to the environment flowing from the proposed development including weed eradication and bush regeneration, erosion control measures, improvements to water quality and improvements to the local road network. The benefits to be gained through the above measures were reinforced by the Court through appropriate conditions of Consent.

Concern has been expressed by a number of persons who lodged submissions that the proposed staging of the development would delay, perhaps indefinitely, compliance with these conditions.

It is acknowledged that the impact of the proposed modifications on the timing of those works perceived as having environmental benefits, was not clear in the application as exhibited, however the application before Council does not propose to modify the relevant conditions or the timing of such works. This matter has been clarified with the applicant who has confirmed that all other conditions will remain unchanged and will be complied with prior to occupation of any part of the development, including the cabins. This includes works associated with upgrading of the local roads, weed eradication and bush regeneration, and soil and surface water management.

It has also been confirmed by the applicant that all other components of the development, such as the restrictions on vehicular parking arrangements, remain unchanged.

Condition 4 and Condition 36

The proposed use of the cabins for holiday accommodation is not considered likely to significantly increase other environmental impacts of the development. In this regard it is noted that the number or size of the cabins will not change, nor will the number of persons able to be accommodated on site. It is acknowledged that the use of the cabins for holiday accommodation may result in a higher occupancy rate than if the development was used solely as an environmental education facility, particularly on weekends, however this is dependent somewhat on the future operation and success of the education facility.
Whilst there may be a corresponding increase in the number of vehicles travelling to and from the site, the increased numbers, and their impact, are not likely to be significant given the number of cabins. Furthermore it is considered that persons occupying the cabins as holiday accommodation are not likely to have any greater impact on the natural environment, including the watercourse, than would those occupying the cabins as part of an environmental education facility.

The applicant has acknowledged that following construction of the environmental education facility, the use of the cabins would be limited to persons attending the environmental education facility.

Condition 19

The proposed modification to the method of augmenting the potable water supply for the development also has the potential to further increase traffic on the local road system and has been raised as a concern in a number of resident submissions together with the adequacy of such a supply.

It is proposed to augment the water supply by increasing the capacity of the rain water storage tanks to enable larger volumes of water to be stored whilst at the same time utilising the roofs of the tanks to provide a greater catchment area. During times of prolonged wet weather water will be transported to the site by road tanker.

A Report on the Adequacy of the Water Supply System prepared by the applicant’s Wastewater Management Consultant and dated 5 April 2000 has been submitted with the application. This report demonstrates that, assuming an occupancy rate of 80% weekends and 50% weekdays, the proposal to augment the potable water supply by the provision of additional collection and storage tanks is satisfactory. In this regard the applicant proposes to adopt a strategy whereby water will start to be transported to the site once the on-site storage tanks fall below a threshold level.

The Consultant’s Report indicates that using the rainfall figures for the site for the period 1978-1995, and setting an upper limit of one (1) tanker trip per day, the water supply tanks would not have run dry over the period of record, while the number of total months over that time during which cartage would have been necessary would be no more than fourteen (14).

Even had the fourteen (14) months referred to above been consecutive, the volume of water required to be transported to the site would still have been less than 50% of the maximum volume of water permitted to be transported to the site under Condition 19 as imposed by the Court.

In view of the above, it is considered the increased traffic associated with the proposed means of augmenting the water supply is not likely to be significant. Furthermore the Consultant’s Report indicates the water supply will be sufficient to service the development.
Condition 22

The proposed modification also seeks to amend the wording of Condition 22 of the Consent relating to the disposal of sewerage effluent on the property. It is proposed to amend the wording of the condition to enable alterations in the design of the on-site effluent treatment and disposal system subject to Council approval. The applicant has advise that the amendment is necessary to permit changes to the design to accommodate technological improvements in on-site effluent disposal systems and to ensure the system is consistent with the staging of the development.

It is considered that such modification is appropriate and will not detract from the intent of the condition or in itself lead to adverse environmental impacts.

3 Submissions

As indicated previously in this report a total thirteen (13) submissions were received following notification of the proposed modification. While the major issues raised in the submissions received have been discussed in the preceding sections the following specific comments are also made:

a) The use of the cabins for holiday accommodation will alter the nature of the development.

Comment: The development, as approved by the Land and Environment Court, comprised both an environmental education facility and holiday cabins. The proposed modification is not considered to alter the nature of this use.

b) Holiday Cabins are not consistent with the rural character of Megalong Valley.

Comment: Holiday cabins are permissible in the Rural Conservation zone with a number of such developments already operating in Megalong Valley.

c) Staging of the development will delay, perhaps indefinitely, compliance with other conditions of Consent such as road upgrading works.

Comment: All other conditions will remain unaltered with those requiring works such as upgrading of local roads, bush regeneration, soil and surface water management etc being complied with prior to occupation of the cabins.

d) The use of the cabins for holiday accommodation will increase the traffic and amenity impacts of the development.

Comment: The proposed use of the cabins for holiday accommodation will not change the number of cabins or the number of persons able to be accommodated on site. It is considered that their use for holiday accommodation is not likely to significantly increase the amount of traffic or other impacts of the development.
e) The reliance on tank water to augment the potable water for the development will increase the need for water to be transported to the site with a corresponding increase in traffic.

*Comment:* The use of additional on-site rain water collection and storage facilities will minimise the need to transport water to the site by road tanker. A report prepared by the applicant’s Wastewater Management Consultant demonstrates that water will only need to be transported to the site during prolonged periods of dry weather, and even in such times, the volume required to be transported to the site will be in the order of 50% of the volume presently permitted under Condition 19 of the Consent.

f) Removal of the Restriction as to User from the title of the land relating to the use of the cabins is a precursor to subdivision of the land.

*Comment:* The land is zoned Rural Conservation (Megalong Valley) under LEP 1991. Subdivision of the land is not permissible and would require an amendment to the LEP. Such amendment would necessitate a fresh application and the consent of Council.

g) The use of the cabins for holiday accommodation could lead to degradation of water quality of the Cox’s River.

*Comment:* It is not considered the use of the cabins for holiday accommodation will significantly increase impacts on water quality.

h) The use of the cabins for holiday accommodation is contrary to the wishes of the majority of residents in the Megalong Valley as identified at a meeting of the Megalong Valley Landowners Association.

*Comment:* Holiday Cabins are a permissible use in the Rural Conservation zone and the proposal needs to be assessed on its merits. A prohibition or adoption of additional restrictions on the type of use or number of such establishments will require an amendment to the LEP.

i) The use of the cabins for holiday cabins is not appropriate given the bushfire risk posed to visitors.

*Comment:* The development incorporates adequate measures to protect it against bushfire attack including fuel protection zones, internal road access for tankers, a dedicated water supply for bushfire fighting purposes and appropriate standards of building construction.

**Conclusion**

The proposed modification essentially seeks to enable the cabins to be used for holiday accommodation prior to the completion of the environmental education facility and to enable the development to proceed and be occupied in stages. The proposed modifications are not considered to materially alter the nature of the development or introduce any new use to the site. Furthermore the use of the cabins for holiday accommodation, prior to completion of the environmental education facility, is not considered to result in any significant increase in the impact of the development.
It is therefore recommended that Council generally support the proposed modifications as outlined in Attachment 2. However it is also recommended that Council require the retention of adequate conditions, including a modified Condition 36, to ensure the development operates in accordance with the terms of Consent, ie holiday cabins and environmental education facility, and is not used as a resort, conference centre or the like.
Modification of Consent Conditions Requested

- Condition No. 3:
  Be modified (as it precludes progressive occupation of the cabins) to read as follows:

  “The use of each holiday cabin shall not commence until all conditions relative to that holiday cabin of this development consent have been complied with to Council’s satisfaction.”

- Condition No. 4(a)
  Be deleted altogether as it unreasonably restricts use which is already controlled by the balance of Condition 4’s clauses.

- Condition No. 4(f)
  Be modified (as it unreasonably restricts use) to read as follows:

  “The property is not to be used as a horse-riding, trail-bike riding or four wheel drive excursion establishment.”

- Condition No. 19(a)
  Be modified (to reduce impact and generally improve upon water supply augmentation) as follows:

  “The water supply to the subject site is to be augmented by the provision of water harvesting storage tanks to be constructed in accordance with size, location, specification, storage capacity, water service levels, and particulars contained in Augmentation of Water Supply and attached sketches No. WA1 and WA2 by Tier Consulting Group Pty Ltd dated 2nd March 2000 and as described in Adequacy of Modified Water Supply System by David Macpherson, dated 5/4/00.”

- Condition No. 19(b)
  Have the first line modified to read as follows:

  “The water from the tanks shall be etc…”

- Condition No. 19(c)
  Be deleted.
Attachment 1

- Condition No. 22
  Be modified (to allow for improvement or modification of design, authority discretion and progressive occupation) to read:

  “The sewerage effluent treatment and disposal system is to be constructed, operated and maintained generally in accordance with the design described in the Geotechnical and Water Balance Report prepared by David Macpherson, dated 1 April 1997, and amended 11 September 1997, or to the satisfaction of Blue Mountains City Council, except where amended as follows:”

- Condition No. 36
  Be deleted altogether. It is submitted that this condition is onerous beyond reasonableness. As referred to in the Land and Environment Court Judgement Matter No: 10589 of 1997 – **14.4 Section 88b Instrument** page 55 “Mediated discourages the use of such devices.” If there is a wish to see use restricted, we would respectfully suggest that there are already fairly onerous restrictions on use imposed by various conditions, among them, the six clauses of condition 4.
1. Condition 1 is modified to read:

“Development Consent is granted for an environmental education facility (the “education establishment”) and holiday cabins. The development is to be carried out in accordance with the approved stamped plans prepared by Mason Architects (issue B) numbered 01 to 04, 2.1 to 2.7, 3.1 to 3.9 and dated 11 April 1997 (DA amendment) submitted with Development Application No 966/96, the Section 96 Modification dated 6 April 2000 and correspondence from Tier Consulting Pty Ltd dated 17 May 2000 and 24 May 2000, except as otherwise provided or modified by the conditions of this consent.”

2. Condition 3 is modified to read:

“The use or occupation of either the holiday cabins (or any of them) or the environmental education facility, shall not commence until all conditions in relation to the development generally, and all conditions relating to the specific part of the development that has been completed and is proposed to be used, have been complied with to Council’s satisfaction. Without limiting the generality of this condition, the applicant must comply with conditions 5, 10, 11, 12, 13, 17, 20, 27, 28 and 29, to Council’s satisfaction, before any of the holiday cabins is or are occupied and before the environmental education facility is used or occupied.”

3. Condition 4 is modified to read:

“Use of the site

a) That the use shall be restricted to an environmental education facility and holiday cabins.

b) All persons enrolled in and/or attending the environmental education facility shall reside on-site in the holiday cabins. The environmental education facility shall not be used by day visitors to the site.

c) Once the education establishment is completed, no persons may occupy any one or more of the holiday cabins, whether on a short term or other basis, unless those persons are during the period of their presence on the property attending bonafide courses at the educational establishment.

d) The environmental education building shall not be used for weddings, receptions or parties or as a general recreation centre or for the purpose of providing accommodation.

e) The applicant is to maintain a register of all courses proposed and conducted at the facility. The register must include the following details:

i) the courses carried out at the facility;

ii) the names of the registered participants;

iii) the dates of expected and actual conduct of the courses for, the dates for attendance at the property of registrants at the facility.

f) The Council may inspect the register maintained pursuant to Condition 4(e) from time to time upon the giving of reasonable notice to the applicant.
g) The applicant is to provide to the Council four times a year its proposed seasonally adjusted educational programs. If speakers or educators are known at that time, details of the same will be provided to the Council and to the Ecotourism Association of Australia or its successor.

h) The property is not to be used as a horse riding, mountain or trail bike, or four wheel drive establishment.

i) The proposed development shall establish and maintain an advanced accreditation status with and as determined by the national ecotourism accreditation program of the Ecotourism Association of Australia or its successor from time to time. Details of such accreditation shall be provided to the Council within the first year after commencement of the operation of the education establishment and thereafter when renewed in accordance with the accreditation procedures of the Association. It shall be a prerequisite for continued operation of the education establishment that the applicant maintain such accreditation.”

4. Condition 10 is modified to read:

“To ensure parking necessary for the development is provided and kept clear and available, 26 off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, suitably signposted and maintained, as shown in the revised parking plan prepared by Tier Consulting dated 15 April 1997 and numbered 1, 2 and 3, as amended by the Statement of Evidence of Colston Budd and Twiney Pty Ltd Chapter 2, pars 2.15-2.19, a copy of which is attached to these Conditions as Annexure “A”.

Where one or more of the cabins is completed and occupied prior to completion of the remainder of the development, parking shall be provided to Council’s satisfaction at a rate of two (2) spaces for each cabin.”

5. Condition 19 is modified to read:

“Augmentation of Water Supply

a) The water supply to the subject site is to be augmented by the provision of water harvesting storage tanks to be constructed and utilised in accordance with the size, location, specification, storage capacity, water service levels, and particulars contained in the document titled Augmentation of Water Supply and attached sketches No WA1 and WA2 by Tier Consulting Group Pty Ltd dated 2 March 2000 and as described Report titled Adequacy of Modified Water Supply System prepared by David Macpherson dated 5/4/00.

b) The water from the storage tanks shall be capable of providing drinking water supply for the occupants of the property. The drinking water supply system shall comply with the recommendations of the Australian Drinking Water Guideline (NHMRC and ARMCANZ 1996).
c) The dam design is to be in accordance with the Soil Conservation Service NSW Design Manual for Soil Conservation Works Technical Handbook No. 5.

d) No works on site shall commence until:
   i) all necessary erosion, sediment control measures are in place;
   ii) Council has inspected and approved these measures;
   iii) measures for the protection of vegetation have been implemented to Council’s and a supervising consultant’s satisfaction.

e) If the applicant is to augment existing water supplies on site by road tanker, water cart, such vehicles are to be capable of carrying no more that 1500 litres. No more that 1.3 megalitres of water may be imported onto the site in any one year without prior approval of the Council having been obtained beforehand. Details of the amount of water cartage having taken place in any given year will be available for the inspection of Council upon request.”

6. Condition 22 is modified to read:

“Effluent disposal

The sewerage effluent treatment and disposal system is to be constructed, operated and maintained generally in accordance with the design described in the Geotechnical and Water Balance Report prepared by David Macpherson, dated 1 April 1997, and amended 11 September, 1997, or otherwise to the satisfaction of Blue Mountains City Council, except where amended as follows:

a) transpiration beds must be sown with suitable plant types capable of assimilating nutrients and suitable for harvesting for beneficial reuse elsewhere;

b) the system is to incorporate a minimum 10 day and desirably 20 day wet weather storage capacity, in lieu of the 8 day storage proposed;

c) the effluent disposal area is to incorporate moisture sensing devices that activate a warning alarm and divert inflows to storage tanks when the receiving soils reach 90% of their saturation point;

d) monitoring bores are to be provided at appropriate points within and beyond the downslope boundary of the evapotranspiration beds.”
7. Condition 36 is modified to read:

“Instrument under Conveyancing Act

Prior to the commencement of operation of the education establishment or the occupation of the cabins, a restriction as to use shall be registered against the title to the property, in accordance with Section 88B of the Conveyancing Act, in terms acceptable to the Council, specifying that:

a) No part of the property, including the cabins, is to be subdivided, transferred or sold without the prior written consent of Blue Mountains City Council;

b) Following the construction of the educational establishment building on the property, no part of the property, including any of the holiday cabins, is to be made available for separate or exclusive occupation, whether on a short term or other basis, other than by persons who during the period of their presence on the property, are attending bona fide environmental education courses at the education establishment; and

c) Pending the construction of the educational establishment building on the property, the holiday cabins are to be occupied for short term holiday accommodation only.”
ITEM NO:  14

SUBJECT: PROPOSED REZONING FROM SPECIAL USES 5(A) (ELECTRICITY DEPOT) TO SPECIAL BUSINESS 3(D) AT LOT 1 DP 773302, NO. 35-39 WHITTON STREET, KATOOMBA

FILE NO: Z08/047

Recommendations:

1. That pursuant to Section 54 of the Environmental Planning and Assessment Act, Council prepare and publicly exhibit draft Local Environmental Plan No. 142, as detailed in Attachment 1, to amend Local Environmental Plan No. 4 as follows:
   
   (a) rezone Lot 1 in DP 773302 Whitton Street, Katoomba to Business Special 3(d); and

   (b) insert an enabling clause at the end of Schedule 7 to permit the following additional land uses to be carried out on Lot 1 in Deposited Plan 773302 with the consent of Council:

   Bulk store, bulky goods showroom, child care centre, club, community building, educational establishment, medical centre, place of assembly, place of worship, professional practices, recreation areas, recreation facility, retail plant nursery, telecommunications facility, transport terminal, veterinary establishment.

2. That the Director of Urban Affairs and Planning be advised that in Council’s opinion a Local Environment Study is not required to be carried out in accordance with Section 57 of the Act.

Report by Acting Group Manager, Health and Development:

Background:

At its meeting of 11 April 2000, Council resolved to adopt the above recommendation. A copy of the report to that meeting has been distributed to Councillors separately.

The application proposes to rezone the site (Lot 1, DP773302, No 35–39 Whitton Street, Katoomba) by way of a Draft Local Environment Plan from its current Special Uses 5(a) (Electricity Depot) designation, to a Business Special 3(d) zone. The rezoning is sought to allow consideration of commercial and industrial uses on the premises independent of the existing Integral Energy operations.
Clause 6(1)(a) and (b) of the Environmental Planning & Assessment Regulation 1994 requires that the Director of the Department of Urban Affairs and Planning be advised of Council’s decision to prepare a draft local environmental plan in writing within 28 days of the decision being made.

Due to workloads with development applications over the Easter period, the information required to be sent to the Department of Urban Affairs and Planning, was not sent within the 28 day period. Therefore in order to follow due process and proceed with the rezoning, it is necessary that Council resolve, once again, its decision to prepare and publicly exhibit the draft Local Environmental Plan.

Conclusion

It is therefore recommended that Council resolve again to adopt its previous recommendation. The information required to be sent to the Department of Urban Affairs and Planning has been finalised and can be sent immediately.
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
BLUE MOUNTAINS LOCAL ENVIRONMENTAL PLAN NO. 142

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the Environmental Planning and Assessment Act 1979.

Minister for Urban Affairs and Planning
Sydney, 2000

1 Name of plan
This plan is Blue Mountains Local Environmental Plan No. 142.

2 Aim of plan
The aim of this plan is to allow the use of the land to which this plan applies for the purpose business and light industrial activities.

3 Land to which plan applies
This plan applies to Lot 1 in Deposited Plan 773302 having frontage to Whitton Street and Camp Street, Katoomba, as shown edged heavy black on the map marked "Blue Mountains Local Environmental Plan No. 142" deposited in the office of the Council of the City of Blue Mountains.

4 Relationship to other environmental planning instruments
This plan amends Blue Mountains Local Environmental Plan No. 4 as set out in clause 5.

5 Amendment of City of Blue Mountains Local Environmental Plan No. 4
(1) Blue Mountains Local Environmental Plan No. 4 is amended by inserting at the end of the definition of "the map" in clause 6(1) the following words:
Blue Mountains Local Environmental Plan No. 142

(2) Blue Mountains Local Environmental Plan No. 4 is amended by inserting at the end of Schedule 7 the following matter:
(a) In addition to those land uses permissible under the zoning of the land, the following additional land uses can also be carried out on Lot 1 in Deposited Plan 773302 with the consent of Council:
Bulk store, bulky goods showroom, child care centre, club, community building, educational establishment, medical centre, place of assembly, place of worship, professional practices, recreation areas, recreation facility, retail plant nursery, telecommunications facility, veterinary establishment.
Attachment 1

(b) A development application for a child care centre, club, community building, educational establishment, place of assembly, recreation areas, recreation facility or retail plant nursery shall be accompanied by a detailed site contamination investigation report, prepared by an accredited site auditor. The report shall be prepared in accordance with the Contaminated Land Planning Guidelines issued by the Department of Urban Affairs and Planning and the Environment Protection Authority.

(c) A development application for a transport terminal shall be accompanied by the following reports prepared by persons with appropriate qualifications in the relevant field of expertise:

(i) traffic impact report detailing proposed travel routes to and from the site, the impact on the Great Western Highway and the local road system and the capacity of the local road system to accommodate the proposed traffic movements; and

(ii) a noise (acoustic) report detailing the impact on properties along proposed travel routes and properties adjacent to and surrounding the site.
**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.**  
**BLUE MOUNTAINS**  
**LOCAL ENVIRONMENTAL PLAN NO. 142**

<table>
<thead>
<tr>
<th>DRAWN BY - C. KONIG</th>
<th>DATE - 31.04.2000</th>
<th>STATEMENT OF RELATIONSHIP WITH OTHER PLANS</th>
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<tbody>
<tr>
<td>SUPERVISING DRAFTSPERSON</td>
<td>DATE -</td>
<td>Amends City of Blue Mountains - LEP No. 4</td>
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<tr>
<td>PLANNING OFFICER - D. FITZGERALD</td>
<td>DATE - 31.04.2000</td>
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<td>DEPT. OF URBAN AFFAIRS &amp; PLANNING</td>
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</tr>
<tr>
<td>CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT</td>
<td>DATE -</td>
<td></td>
</tr>
</tbody>
</table>

SUBJECT LAND EDGED THUS Business Special 3(d)
Recommendations:

1. That the Mayor and General Manager be jointly appointed as Council’s attorneys to execute on Council’s behalf leases of Council owned commercial property, Council’s commercial/retail rental and leasing matters.

2. That the Mayor and General Manager’s joint appointment as Attorneys be registered at the Land Titles Office.

3. That authority be granted for the affixing of Council’s Seal to the Power of Attorney document relating to Council’s commercial/retail rental and leasing matters.

Report by Acting Group Manager, Assets & Corporate Services:

This report seeks Council’s approval to appoint the General Manager and the Mayor as Attorneys for the execution of Council’s commercial/retail leases in accordance with the provisions of the Local Government Act and Real Property Act. Currently, Commercial leases are considered by Council separately, on an individual basis, for each proposed commercial or retail lease. The proposed delegation is to streamline Council’s leasing processes, to enable Council to quickly respond to the property market opportunities and reduce potential vacancy periods in Council’s leased properties.

Background

The General Manager has previously been delegated the authority by Council to enter into rental and lease agreements, however, all leases covered by the New South Wales Retail Leases Act must be lodged for registration at the Land Titles Office. This requirement affects Council’s commercial leases which have a term in excess of three years. These leasing documents have the status of deeds, and therefore must be executed in a manner that is satisfactory to the LTO, who require the affixing of Council’s Seal and execution by Council’s duly appointed attorneys.

The appointment of attorneys is recommended as an alternative to the Council considering each lease separately, as there is the potential of loss of prospective tenants due to delays and possible loss of commercial opportunity in having prospective tenants’ business intentions publicly known through Council’s business paper.
Lease Portfolio

Council currently has a portfolio of 25 retail and commercial leased premises generating an income in excess of $300,000 to Council per annum. Council’s lease portfolio consists of 22 retail and 3 commercial leases as set out in the Attachment to this report.

Legal Position

Legal Advice has been sought on the way to delegate authority to execute commercial/retail leases. The following is a summary of the legal advice received and the recommended course of action:

“The way to deal with the issue would be for Council to resolve to appoint the General Manager, either alone or jointly with another senior officer or other senior officers of Council, to execute commercial/retail leases on its behalf. The appointment would be made by Council under common seal and the Power of Attorney would be registered at the LTO, to meet the requirements of S36 (2) of the Real Property Act. The Power of Attorney document would be drawn up in very specific terms to identify the documents that could be executed by the appointed Attorneys.”

Conclusion

Accordingly, it is recommended that Council appoint the General Manager and the Mayor to act on its behalf as joint attorneys in respect of commercial/retail leases as per the attached schedule and that authority be granted for the affixing of Council’s Seal to commercial/retail rental and leasing matters entered into by the joint attorneys.

The appointment of the General Manager and the Mayor to act on Council’s behalf as joint attorneys is considered to provide a greater level of probity and coupled with the existing delegation of the General Manager in relation to rental matters, would overcome the current issues in finalising commercial and retail leasing matters. It will also enable Council administration to respond quickly to leasing opportunities in a more effective and efficient manner.
### Attachment - Commercial/Retail Leases

<table>
<thead>
<tr>
<th>File No</th>
<th>Address</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>C00236</td>
<td>4 Station St, Katoomba</td>
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</tr>
<tr>
<td>C01070</td>
<td>Shop 1, Town Centre Arcade, Katoomba</td>
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</tr>
<tr>
<td>C02332</td>
<td>Shops 2-3 Town Centre Arcade, Katoomba</td>
<td>Retail</td>
</tr>
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<td>C01253</td>
<td>156B Megalong Street, Leura</td>
<td>Retail</td>
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<tr>
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<td>Retail</td>
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<td>C01083</td>
<td>Shop 2, 170-174 Leura Mall, Leura</td>
<td>Retail</td>
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<tr>
<td>C00946</td>
<td>90 Cliff Drive, Leura</td>
<td>Commercial</td>
</tr>
<tr>
<td>H00088</td>
<td>Katoomba Falls Reserve Kiosk, Cliff Drive, Katoomba</td>
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</table>
POWER OF ATTORNEY
(Conveyancing Act, 1919 as amended)
Schedule VII
PART 1

This Power of Attorney is made on the day of 2000 by BLUE MOUNTAINS CITY COUNCIL of 2 Civic Place, Katoomba, New South Wales (the "Council").

The Council hereby appoints JAMES ANGEL of 2 Civic Place, Katoomba, New South Wales, and EDWARD JOHN WITHERS of 2 Civic Place, Katoomba, New South Wales, jointly to be its attorney to exercise, subject to the conditions and limitations specified in Part 2 of this instrument, the authority conferred on them by Section 163B of the Conveyancing Act, 1919, to do on its behalf anything it may lawfully authorise an attorney to do.

PART 2
Conditions and Limitations

The attorneys are appointed only to execute leases in which the Council is lessor and which relate to the properties referred to in the Schedule to this power of attorney, including leases regulated by the New South Wales Retail Leases Act 1994

SCHEDULE

<table>
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IN WITNESS whereof the Council has executed this document under seal on the day and in the year first hereinbefore written,

'THE COMMON SEAL of THE COUNCIL OF THE CITY OF BLUE MOUNTAINS was hereto affixed in pursuance of a resolution passed at a duly convened meeting held on the day of 2000.

........................................
Councillor

........................................
Councillor
Recommendation:

That the Schedule of Invested Monies as at 31 May 2000 be received.

Report by Acting Group Manager, Assets & Corporate Services:

This report is submitted for the purposes of financial accountability and in satisfaction of the Financial Regulations under the Local Government Act, 1993.

A Schedule of Council’s Invested Monies as at 31 May 2000 is attached for information.
### BLUE MOUNTAINS CITY COUNCIL

**SCHEDULE OF INVESTED MONIES**

*Report prepared to 31st May, 2000*

<table>
<thead>
<tr>
<th>No</th>
<th>Institution</th>
<th>Invested Date</th>
<th>Maturity Date</th>
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<td>St George Bank</td>
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<td>18.12.00</td>
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<td>Metway Bank</td>
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<td>5.69%</td>
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<td>8.</td>
<td>Commonwealth Bank of Australia*</td>
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<td>At Call</td>
<td>Variable</td>
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<td>11.</td>
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<td>At Call</td>
<td>Variable</td>
<td>2,000,000.00</td>
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* This investment off-sets loans at a differential of 0.15%.

**Summary by Institution**

- Australian Mutual Provident Society: 1,996,651.16
- Colonial State Bank: 2,000,000.00
- Commonwealth Bank of Australia: 7,218,523.78
- Illawarra Mutual Building Society: 1,000,000.00
- Metway Bank: 1,000,000.00
- St George Bank: 1,000,000.00
- ANZ Bank: 1,515,042.46
- National Australia Bank (Call account): 2,000,000.00

**Total**: $17,730,217.40

I certify and report that the Schedule of Invested Monies listed above describes all Council’s funds invested by virtue of Section 625 of the Local Government Act, 1993. The monies referred to in this Schedule are invested in accordance with the Act, Regulation 19(3) to the Act and Council Policy.

Paul Bennett  
Responsible Accounting Officer
Recommendation:

That this report relating to Rural Residential Rating be considered in terms of the original report presented to Council on 9 May 2000, the subsequent submission by Sun Valley Residents and the Council officers’ report.

Report by Acting Group Manager, Assets & Corporate Services:

Background

Council at its meeting on 9 May 2000 considered a report (Item 11) relating to Rural Residential rating issues, and in particular the rating of Rural Residential properties located in Sun Valley. At that meeting Council resolved:

“1. That this item be deferred to enable the residents from Sun Valley to table a report in response to the staff report within two (2) weeks.

2. That the staff provide a response to the residents’ report within a further two (2) weeks.

3. That the residents’ and staff’s response be printed in the business paper for Council’s consideration.”

A copy of the previous report to Council forms Attachment 1. The submission from the residents of Sun Valley forms Attachment 2 and the staff report which addresses the issues raised in some detail forms Attachment 3.

Options

In considering all of the issues raised by the residents of Sun Valley, the reasoning behind Council’s existing rate structure, and the provisions of the Local Government Act, Council has four basic options with regard to the treatment of Rural Residential rating. The options can be summarised as follows:

1. Eliminate the Rural Residential sub-category from the existing rate structure and place all properties into the appropriate Residential sub-category according to the already determined centres of population.

2. Maintain the existing differential rate structure with one Rural Residential sub-category and also maintain the current proportion of total rates being levied from each sub-category.
3. Reduce the ad valorem rate in the dollar for the Rural Residential sub-category in order to reduce the total amount of rates levied on all Rural Residential properties.

4. Further sub-categorise the Rural Residential sub-category and place Sun Valley into its own sub-category with a lower ad valorem rate in the dollar in order to reduce the total rates levied only on those properties.

**Option 1**

The sub-categorisation of land as Rural Residential is not mandatory under the Local Government Act and Council can simply classify land according to the centre of population in which it resides. This approach would treat all residential land within each centre of population equally with all such properties paying the same ad valorem rate in the dollar. The land value as determined by the Valuer General is then used to calculate the rates on each property with highly valued land paying proportionately more than lower valued parcels.

Obviously this option would eliminate the current benefits enjoyed by properties that qualify as Rural Residential and pay a lower ad valorem rate than other Residential sub-categories.

**Option 2**

Council’s existing differential rate structure has been determined on the basis of spreading the rate burden across the City on an equitable basis. Major variations in land values within sub-categories can cause anomalies between individual properties, however, under the Local Government Act, rates are supposed to be determined predominantly on land value as demonstrated by the fact that a maximum of 50% of rates can be determined by way of base amounts under the Local Government Act. The existing differential rate structure has been widely accepted by the community and has been based on extensive legal advice regarding the sub-categorisation of residential properties on a centre of population basis.

**Option 3**

As mentioned under Option 2, the rating structure has been determined by spreading the rate burden across the City on the same proportional basis as that employed in previous years. Council can change the proportion of rates levied from each sub-category simply by decreasing the ad valorem rate in the dollar for that sub-category and then increasing the rates levied from any or all of the other sub-categories. This is a valid option if Council feels that the current distribution of the rate burden is not equitable.

**Option 4**

The original report to Council (see Attachment 1) provided extensive detail on discussions between Council officers, the residents of Sun Valley and the Department of Local Government, and also contained an excerpt from the legal advice received by Council regarding the further sub-categorisation of the Rural Residential sub-category. The conclusion in that legal advice stated:
“Whilst we understand the concerns of Council in relation to the impact of the present rating regime upon certain properties, Council could not be the subject of any adverse finding and/or litigation if it decided not to create any sub-categories of rural residential land. Ultimately, any decision of Council to create sub-categories of those lands will be based upon political and equity considerations.

Finally, it cannot be guaranteed that any decision of Council to adopt and create sub-categories of rural residential land would not be the subject of Class 4 proceedings and ultimate judicial consideration.”

Conclusion

Council needs to determine the proportion of the total rates being levied that should be recovered from the Rural Residential sub-category. The rate structure currently proposed is due for confirmation at Council’s next meeting and provides some relief to those properties that qualify for Rural Residential rating, which typically have higher than average land values as a result of their comparatively larger size. This relief is provided by way of a lower ad valorem rate in the dollar when compared to the majority of other properties across the City.

As stated in Section 5 (Principles in Relation to the Imposition of Local Taxation) of the Council Rating and Revenue Manual issued by the NSW Department of Local Government, Local Government rates are determined on the basis of two overriding principles: the “benefit principle” where those who receive the benefits of Council’s services also pay for those services; and the “ability to pay principle” where those who pay for Council’s services also are deemed to have the ability to pay for those services. It is in regard to the second principle that the unimproved capital land value as supplied by the Valuer General is seen to approximate the owners “ability to pay”.

A rate which is fair when judged by the benefit principle may not be fair according to the ability to pay principle, and vice versa. Ultimately, Council will need to determine what combination of ordinary rates, special rates, user charges and fees are appropriate for the City of Blue Mountains and its ratepayers.
Recommendations:

1. That the report be received and noted.

2. That Council request the Valuer General to review the correctness of the current valuations of properties in Sun Valley.

Report by Group Manager, Assets & Corporate Services:

Under the Local Government Act 1993 (LGA) ratable land falls into one of four categories for rating purposes – Residential, Business, Farmland or Mining. The LGA then gives Council’s the option to determine sub-categories for each of these categories.

Under the Residential Category a Council may determine a sub-category “according to whether the land is rural residential land or within a centre of population” (LGA Section 529(1)).

This report concerns the consideration of legal advice on whether a Council can have more than one Rural Residential Sub-category and, if so, how it might determine the boundaries for each Rural Residential Sub-category.

Background

In March this year Council became aware of advice provided by the Policy Adviser to the Minister for Local Government which had been forwarded to one of Council’s ratepayers. This advice was contrary to Council’s previous understanding that a Council could only have one Rural Residential Rating Sub-category.

Previously, Council had formed its opinion on the issue on the basis of the wording of Section 529(2)(b) of the LGA (quoted above) and the Department of Local Government’s Council Rating and Revenue Raising manual, particularly section 6.4 which states:

“If a Council sub-categorises an ordinary residential rate to apply to “rural residential land” that rate must be applied to all land throughout the area that qualifies under that definition. There is no authority for the Council to apply the sub-categorised rate to some parcels of rural residential land and not others”.

Council sought confirmation from the Department that it was now of the opinion that a Council could have more than one Rural Residential Sub-category and if so how it might determine the boundaries considering the LGAs prescriptive guidance on how to sub-categorise other rating categories. The Department subsequently confirmed the opinion by the Minister’s Policy Adviser but provided little guidance on how to determine the sub-category boundaries.
Legal Opinion
Having regard to the City’s litigious rating history Council Solicitors in this matter, McPhee Kelshaw, were asked to provide definitive advice on the Department’s opinion and provide guidance from a legal perspective as to how Council could determine boundaries of multiple rural residential sub-categories. While they gave an interim opinion they stressed that they were unable to provide the definitive advice requested and recommended that the opinion of Counsel be sought if there was any possibility of Council adopting multiple sub-categories in relation to rural residential land.

On 11 April 2000 Council resolved (Minute No. 157):

“that a report come to Council on the current legal position regarding the number of rural residential sub-categories a Council may have within the residential rating category”.

The opinion of Counsel has now been received. In summary, Counsel have expressed the view that in the absence of any specific prohibition in the LGA a council may have more than one rural residential rating sub-category. However, on the supplementary issue of how to determine the boundaries of rural residential rating sub-categorises they have commented “the lack of any specific prohibition in the creation of further sub-categorises of rural residential land is not helped by the failure to provide any positive assistance in relation to the determination of the boundaries of the sub-category of “rural residential land” ....”

The full advice of Counsel is on Council’s file for review by interested Councillors. Reproduced in full below is their Opinion and Conclusion.

“OPINION

In summary, in our opinion:

(a) whilst it is not a matter without difficulty, we are of the view that in the absence of any specific prohibition in the Act and given the proper construction of the relevant sections, Council is not prevented from creating more than one rural residential sub-category within the residential category of land within its area;

(b) the present material does not permit a conclusion in relation to the manner in which Council should differentiate between the various rural residential sub-categories. However, given the guidelines for identifying centres of population (as referred to in the correspondence from McPhee Kelshaw and in the Department’s manual), Council would be entitled to place emphasis upon issues of physical and geographical proximity or isolation commonality and on the existence of a community of interest within a defined area containing rural residential land or proximity to or isolation from public services and facilities. Rural residential land at the outer limit of Council’s area may be seen to attract a lower rate than rural residential land close to, but not within, urban areas. In addition, as emphasised by McPhee Kelshaw, a categorisation based upon objective rather than subjective considerations would be more appropriate.

CONCLUSION

Whilst we understand the concerns of Council in relation to the impact of the present rating regime upon certain properties, Council could not be the subject of any adverse finding and/or litigation if it decided not to create any sub-categories of rural residential land. Ultimately, any decision of Council to create sub-categories of those lands will be based upon political and equity considerations.

Finally, it cannot be guaranteed that any decision of Council to adopt and create sub-categories of rural residential land would not be the subject of Class 4 proceedings and ultimate judicial consideration.”
Attachment 1

Discussion
As Councillors will be aware, Council currently has one Rural Residential Rate which is the lowest residential rate levied by Council. By definition in the LGA, Rural Residential land means land that:

a) is the site of a dwelling; and
b) is not less than 2 hectares and not more than 40 hectares in area;
c) and is either:
   i) not zoned or otherwise designated for use under an environmental planning instrument; or
   ii) zoned or otherwise designated for use under such an instrument for non-urban purposes; and
d) does not have a substantial or significant commercial purpose or character.

Since late last year Council has received numerous representations from owners of properties in Sun Valley concerning the level of their 1999/2000 rates. As previously indicated, Sun Valley comprises almost totally Rural Residential properties. Sun Valley is officially part of the township of Valley Heights and is within the Residential Rating Sub-category “K” encompassing the townships of Faulconbridge, Springwood, Valley Heights, Yellow Rock, Winmalee and Hawkesbury Heights. The Residential Rating Sub-category is mentioned to enable comparisons to be given below of like properties in the general locality.

For the 1999/2000 rating year new valuations came into effect throughout the whole Blue Mountains City area. The new values resulted in properties in Sun Valley increasing in value by an average of 72% as against an average increase of 34% for rural residential properties across the whole city area and, for comparison purposes, an average of 42% for rural residential properties within the boundaries of Residential Rating Sub-category “K” (which includes Sun Valley). The increase in valuations of the rural residential properties in Sun Valley brought them to a similar value as other rural residential properties within the Residential Rating Sub-category “K” boundaries.

In terms of magnitude of rates levied, the average Rural Residential Rate within Sun Valley was $1,537 compared to an average Rural Residential Rate of $1,524 for all such properties within the Residential Rating Sub-category “K” boundaries. Nonetheless, despite the Rural Residential Rate being the lowest residential rate Council levies, in view of their significant increase in value compared to other rural residential properties across the City, the owners of properties in Sun Valley saw a significant increase in their rates.

Clearly, the significant increase in rates for Sun Valley properties in 1999/2000 was as a result of their increase in value compared to the values of other properties in the Rural Residential Sub-category. An option to lower rates on rural residential properties would be to set a lower ad valorem rate for the rural residential sub-category. This would apply to all properties in the sub-category and be funded from increases in all or some of Council’s other rates. Obviously, there is the potential for the 245 ratepayers in the rural residential sub-category to obtain a significant reduction while the impact of the corresponding increase on the other ratepayers would be minor in view of the number of ratepayers over which it would be spread. However, this would create equity issues which are discussed further below.

Therefore, taking on board the advice of Counsel in regard to the number of rural residential sub-categories, the issue now is to also consider whether it would be equitable to create a further sub-category or further sub-categories of rural residential properties with an ad-valorem rate lower than at present. Having regard to the level of rates paid by other properties with comparable valuations this is not considered equitable. The table below illustrates this potential inequity by showing the rates that would be paid on a property with a valuation of $202,000 in each of the various rating categories and sub-categories.
Attachment 1
The reason for making the comparison with a property with a valuation of $202,000 is that the average valuation of rural residential properties in Sun Valley is $202,000. It is considered that it is not possible to justify on equity grounds why the rates on such a property in Sun Valley should be any less than a similarly valued property in one of the ordinary residential sub-categories or elsewhere within the Rural Residential subcategory. Further it is worth noting that residents in Sun Valley would have no less access to Council provided facilities than many of Council’s residents in other localities.

There are 245 properties levied the Rural Residential Rate across the City. While most are on the “outskirts” of localities (eg. at the end of Lalor Drive Springwood, Paterson Road Springwood/Yellow Rock, and Chapman Parade Faulconbridge), some are located centrally within an otherwise ordinary residential locality (eg. Bednal Road in Springwood) and some comprise almost an entire locality (eg. Sun Valley). The following table gives an indication of the location by town of rural residential land throughout the City.

A map will be placed on the wall of the Council Chamber for the Council Meeting to illustrate the location of rural residential properties.

Putting aside the equity issues referred to above, consideration has been given as to whether Sun Valley should be a separate rural residential sub-category. An examination of the map will see that some rural residential properties in Sun Valley adjoin other rural residential properties and Paterson Road Springwood/Yellow Rock and that other rural residential properties in Yellow Rock, Springwood and Warrimoo are in close proximity. These properties have a comparable valuation to those in Sun Valley. Therefore, placing a boundary only around properties in Sun Valley to create a separate Rural Residential Sub-category with a possible lower rate could not be justified.

In view of the scattered location of rural residential properties across the City it also is very difficult to group them into numerous sub-categories. To try to do so and levy a different and possibly lower rate in some than that levied at present would be sure to create claims of inequity from other areas which at present are not indicating dissatisfaction with Council’s rating structure. However, if Council was of a mind create additional rural residential sub-categories then it would be proposed that these have the same boundaries as the existing residential sub-categories based on centres of population.

A further option would be to set a lower ad valorem rate for the rural residential sub-category. This would apply to all properties in the sub-category and be funded from increases in all or some of Council’s other rates. Obviously, there is the potential for the 245 ratepayers in the rural residential sub-category to obtain a significant reduction while the impact of the corresponding increase on the other ratepayers would be minor in view of the number of ratepayers over which it would be spread. Nonetheless, the equity issues referred to above still remain.
Attachment 1

It is considered that the most appropriate course of action on Council’s part would be to formally request the Valuer General to specifically review the current land values in Sun Valley to ensure that they are correct. Telephone discussions with senior staff in the Valuer General’s Office have indicated that while there is no legislative requirement that they review the valuations now that the time for objections is well past, they would be willing to do so if requested by Council.

Conclusion
Having regard to the above discussion it is not recommended that any change be made to the current rating structure which would reduce the predominant ad-valorem rate in Sun Valley relative to that applying to other areas across the City. Accordingly, it has been recommended that the report be received and noted and that representations be made to the Valuer General requesting that the current land value of properties in Sun Valley be reviewed to ensure that they are correct.
Attachment 2
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Attachment 3
Attachment 3
Attachment 3
ITEM NO: 18

SUBJECT: RENAMING OF PART OF BURRAWANG STREET, KATOOMBA

FILE NO: R00/0056

Recommendation:

That the section of Burrawang Road, Katoomba between Wellington Road and the northern end of the road within Frank Walford Park be known as Glen Wattle Close.

Report by Acting Group Manager, Operations:

Introduction:

A request has been received to rename a section of Burrawang Road Katoomba, between Wellington Road and the northern end of the road within Frank Walford Park. The request was received from a property owner who has recently obtained Council approval to carry out a subdivision over land fronting an unformed section of the road.

Discussion:

The road reserve know as Burrawang Road starts at Cliff Drive near the Katoomba Falls Caravan Park and ends within Frank Walford Park. Prior to the subdivision the road was totally unformed with the exception of a short section running north from Kamillaroi Road to Daphne Street. The road reserve has many physical constraints over various sections of its length and is unlikely ever to be able to be fully formed.

A section of the road running north from Wellington Road has now been fully formed and sealed, the work being undertaken as a condition of the Development Consent for the subdivision of lots 15-19 DP 8912 and lot 32 DP 806426. The subdivision of the land, part of which fronts a newly created road known as Lomandra Place, is accessed from Wellington Road over the subject section of the Burrawang Road reserve.

The attached diagram shows Burrawang Road and the section that is the subject of this report.

Council has been advised that the public are experiencing difficulties in locating the subdivision and Lomandra Place as street directories show Burrawang Road commencing at Cliff Drive to the south and ending in Frank Walford Park to the north. They do not indicate that there are several long sections of the road which are unformed. To overcome the difficulties caused by this problem now that the subdivision has been constructed, it is proposed that the newly formed and sealed section from Wellington Road and the remaining unformed sections of Burrawang Road to the north be renamed “Glen Wattle Close”.

The attached diagram shows Burrawang Road and the section that is the subject of this report.
There is only one dwelling affected by the renaming proposal. This dwelling is at the corner of Wellington Road and the newly sealed section. The property owner has indicated that he supports the proposed name change. There are three other private dwellings located on the section of Burrawang Road between Kamillaroi Road and Daphne Street which are not affected by the proposed name change.

The proposal has been advertised in accordance with the requirements contained in the Road Naming section of the Local Government Act, inviting public submissions. No objections were received. The subdivision developer has agreed to meet the cost of providing the new street signs.

Conclusion:

As the only directly affected resident supports the proposed renaming, as no objections have been received and as the renaming will overcome the current confusion in locating the new sub-division, it is recommended that the section of Burrawang Road from Wellington Road to the end of the road within Frank Walford Park be named Glen Wattle Close.
Attachment
ITEM NO:  19

SUBJECT:  LOCAL TRAFFIC COMMITTEE

FILE NO:  C00534

Recommendations:

1. That the recommendations as contained in the minutes of the Local Traffic Committee meeting held on the 19 May 2000 be ratified by Council.

2. That the Regional Director - Sydney Region, Roads and Traffic Authority, Blacktown and The Superintendent of Police Blue Mountains Area Command be advised in accordance with the above recommendations.

Report by Acting Group Manager, Operations.

Attached to this report are the minutes of the meeting of the Local Traffic Committee held on 19 May 2000. The Committee’s report and recommendations are now submitted to Council for consideration.
LOCAL TRAFFIC COMMITTEE

19 MAY 2000

PRESENT:

BLUE MOUNTAINS CITY COUNCIL.

Mr M. Bunch  Manager Technical Services (Chair)

Mr A. Fidler  Traffic & Administration Co-ordinator

TRAFFIC CO-ORDINATOR BLUE MOUNTAINS AREA COMMAND

Act. Sgt. A. Grey

ROADS AND TRAFFIC AUTHORITY

Mr D. Russell

FOR, THE HON. BOB DEBUS M.P.

Ms J. Anderson

COUNCILLORS.

Cr. S. Burridge Cr. M. Greenhill Item 2000-028

Cr T. Hamilton Item 2000-035

NOTE

Typical abbreviations used in this report are:

L.T.C. Local Traffic Committee
R.T.A. Roads & Traffic Authority
S.R.A. State Rail Authority
N.P.&W.S. National Parks & Wild Life Service
G.W.H. Great Western Highway
D.B. Double Barrier Centre Line

The next LTC Meeting will be held on 30 June 2000
2000-025

DESCRIPTION

LEVY STREET GLENBROOK ROAD GLENBROOK.
Replace Give Way restriction with a Stop restriction.

BACKGROUND INFORMATION SUGGESTED OPTIONS

A local resident is concerned over the lack of sight distance along Glenbrook Road to the north when leaving Levy Street, due to a curve and down hill approach to the intersection. Vehicles pick up speed and a number of accidents have taken place. Drivers are forced to come to a halt. Glenbrook Road carries a large number of vehicles from the Mount Sion estate to the highway. Changing the Give Way restriction to a Stop restriction will clarify which road is considered the major and minor and create a safer situation. The Committee supported the suggestion.

LTC RECOMMENDATIONS

That Council approve the replacement of the Give Way restriction with a Stop restriction in Levy Street at the intersection with Glenbrook Road Glenbrook.

2000-026

DESCRIPTION

MURPHY STREET, KIDMAN STREET BLAXLAND
Establish No Stopping restriction.

BACKGROUND INFORMATION SUGGESTED OPTIONS

Local residents are concerned over sight distance problems due to vehicles parking on the eastern side of Kidman Street opposite Murphy Street, between the entrance to the hotel car park and Railway Street. The Committee supported the suggestion to establish a 33 metre No Stopping Restriction at this location.

LTC RECOMMENDATIONS

That Council approve a 33 metre No Stopping Restriction on the eastern side of Kidman Street Blaxland, between the Railway Street and the entrance to the hotel car park.
2000-027

**DESCRIPTION**

OLD BATHURST ROAD EAST BLAXLAND
Increase Load Limit from 2.0 tonne to 2.5 tonne.

**BACKGROUND INFORMATION SUGGESTED OPTIONS**

A local resident suggests that due to the increase in the size of off road type vehicles, many owners are driving over the road illegally. The proposal has the support of Penrith Council Traffic Section as the remainder of the road to Emu Plains is outside the BMCC boundary. The Committee supported the suggestion and recommended that the work of changing the signs be undertaken in conjunction with Penrith City Council.

**LTC RECOMMENDATIONS**

That Council approve the proposal to increase the existing Load Limit to 2.5 tonne on Old Bathurst Road East Blaxland.

2000-028

**DESCRIPTION**

OLD BATHURST ROAD EAST BLAXLAND
Traffic and Pedestrian Safety

**BACKGROUND INFORMATION SUGGESTED OPTIONS**

Council adopted a report on 11 April 2000 recommending a number of proposed works and actions be implemented subject to the Committee’s agreement. The Committee met Cr. S Burridge, Cr. M Greenhill and representatives from East Blaxland Public School, Lower Mountains Neighbourhood Centre Inc, Local shopkeepers, and members of the public. A number of valuable comments were put forward by those present concerning pedestrian / student safety, shopper parking and speeding traffic. It was clear that there was little support from the public present at the site meeting for the current proposals for the intersections and they requested that further options including the provision of traffic signals should be examined and another report be prepared for Council detailing these options.

The Committee felt that the proposal forwarded to it from the Council had merit and was satisfactory from a traffic viewpoint provided the location of the pedestrian crossing near the service station was reviewed and possibly amalgamated with the one located in front of the public school. The committee also noted the community comment and the extensive history and investigation at this location and that there were a number of solutions possible at this location. However, the committee had only one option referred to it by Council to formally consider in the time frame allowed.
That the placement of the pedestrian crossing proposed in the vicinity of the service station be reviewed for placement at a more suitable location and possibly amalgamated with the crossing fronting the public school. The remaining measures adopted by Council were supported.

2000-029

DESCRIPTION
FERGUSON ROAD SPRINGWOOD
Two Hour parking restriction.

BACKGROUND INFORMATION SUGGESTED OPTIONS
The residents of the strata units at 5/6 Ferguson Road state that they are being disadvantaged by commuters parking all day and restricting access. They suggest a two hour parking restriction be established between the eastern and western boundary of the building similar to the restriction existing in front of the strata units at 10/11 Ferguson Road. Monday to Friday 8.30 am to 6.00 pm and Saturday 8.30 am to 12.30 pm. The Committee supported the proposal and recommended that the restriction be established after the completion of the works to the commuter car park in Jerseywold Avenue.

LTC RECOMMENDATIONS
That Council approve a 28.5 metre two hour parking restriction in front of 5/6 Ferguson Avenue Springwood, between the eastern and western boundary of the property. Monday to Friday 8.30 am to 6.00 pm and Saturday 8.30 am to 12.30 pm.

2000-030

DESCRIPTION
MACQUARIE ROAD SPRINGWOOD, SOUTHERN CAR PARK
Temporary closure Saturday 5 August 2000

BACKGROUND INFORMATION SUGGESTED OPTIONS
Request from the Springwood Neighbourhood Centre for approval to hold Wattle Day celebration between 8.30 am and 2.00 pm on the section of the car park between the shops. The Committee supported the application for the closure.

LTC RECOMMENDATIONS
That Council approve the closure of the section of the car park fronting Macquarie Road between 8.30 am and 2.00 pm on Saturday 5 August 2000.
2000-031

DESCRIPTION

SHELTON AVENUE KRISTINE STREET WINMALEE
Speeding Traffic.

BACKGROUND INFORMATION SUGGESTED OPTIONS

Residents are concerned over the increase and speed of traffic using the roads to avoid the traffic signals located at the intersection of White Cross and Hawkesbury Road. The police have been requested to patrol the area and the 60 kph signs have been replaced with 50 kph signs. The Committee felt the timing of the traffic signals should be changed to allow more time for vehicles leaving White Cross Road. The RTA representative agreed to look into this suggestion and report back to the Manager Technical Services.

LTC RECOMMENDATIONS

Matter listed for Council’s information.

2000-032

DESCRIPTION

ROSEDALE AVENUE HAZELBROOK
Extend the No Parking restriction.

BACKGROUND INFORMATION SUGGESTED OPTIONS

The residents point out that there is an increase in parking along the eastern side of the road to the north and across the T intersection leading into the shopping centre car park. A number of new businesses have been established in the street with some off street parking, however over flow parking in the street is creating sight distance problems and access to private properties is also affected. The extension of the existing restriction by 60 metres and the continuation of edge line was suggested by residents. The Committee supported the suggestion.

LTC RECOMMENDATIONS

That Council approve a 60 metre extension of the existing No Parking restriction and edge line marking on the eastern side of Rosedale Avenue Hazelbrook.
## LOFTUS STREET LAWSON

Request for the installation of a Pedestrian Refuge, Medians and Edge Line Marking and Traffic Calming.

### BACKGROUND INFORMATION SUGGESTED OPTIONS

The proposal to carry out this work is a Streets for Living project. Telephone contact had been made to seek agreement in order to enable the work to be programmed before the end of the financial year and such agreement was given.

### LTC RECOMMENDATIONS

The Committee ratified the previously reached agreement that Council install a pedestrian refuge in Loftus Street Lawson this financial year out of funds available from the Streets for Living Project.

## GWH, BORONIA ROAD, BULLABURRA.

Traffic Movements.

### BACKGROUND INFORMATION SUGGESTED OPTIONS

The residents have raised concerns over difficulties of egress/ingress to Boronia Road, due to the lack of turning lanes. Residents are also concerned over the pedestrian safety due to the location of a bus zone on the highway. As the concerns raised by the residents relate to the highway, the Committee agreed to refer the matters to the RTA for comment.

### LTC RECOMMENDATIONS

Matter listed for Council’s information.
2000-035

**DESCRIPTION**

WARATAH STREET KATOOMBA.
No Parking Restriction.

**BACKGROUND INFORMATION SUGGESTED OPTIONS**

A resident is concerned over the problem of the adjacent property owner parking on the footpath and blocking ambulance access in emergency situations. The footpath provides the only vehicle access onto the properties as it is approximately 1.5 metres below the level of the road and is separated by a timber handrail. The Manager Technical Services has the delegated authority to install advisory signs. The Committee suggested that two advisory yellow and black signs reading No Parking on the Footpath, should be installed as a reminder to residents. This was agreed to and will be implemented.

**LTC RECOMMENDATIONS**

Matter listed for Council’s information.

2000-036

**DESCRIPTION**

PECKMANS ROAD, FARNELLS ROAD KATOOMBA
Give Way Restriction.

**BACKGROUND INFORMATION SUGGESTED OPTIONS**

Request from a resident for the Committee to consider establishing a Give Way restriction in Peckmans Road at the intersection of Farnells Road. There is an increase in traffic movements from the Katoomba Sports & Recreational Centre. The majority of traffic is travelling along Farnells Road. Vehicles are confronted by cars approaching on the right when turning left into Peckmans Road. Whilst this is a clearly defined T intersection, advice from the RTA and the Police Traffic Section confirm that from a safety point of view, the establishment of a Give Way restriction on the south west corner of Peckmans Road would clearly define the priority and is warranted.

**LTC RECOMMENDATIONS**

That Council approve the establishment of a Give Way restriction at the south west and north east corner of Peckmans Road at the intersection of Farnells Road Katoomba.
### 2000-037

**DESCRIPTION**

CARLTON STREET KATOOMBA
No Parking Restriction.

<table>
<thead>
<tr>
<th>BACKGROUND INFORMATION SUGGESTED OPTIONS</th>
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<tbody>
<tr>
<td>A resident is concerned over the problem of tourists parking in the turning circle for long periods and restricting access. The section of road is a cul de sac of Wellington Road. The establishment of a No Parking restriction has been suggested. The Committee supported the suggestion.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>LTC RECOMMENDATIONS</th>
</tr>
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<tbody>
<tr>
<td>That Council approve the establishment of a No Parking restriction within the turning circle in the cul de sac end of Carlton Street off Wellington Road Katoomba.</td>
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</table>

### 2000-038

**DESCRIPTION**

PARKE STREET KATOOMBA
Parking space for disabled persons.

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<tr>
<th>BACKGROUND INFORMATION SUGGESTED OPTIONS</th>
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<tbody>
<tr>
<td>A request has been received from the Castlereagh Radiology Centre to provide a Parking space for disabled persons. The Centre has recently relocated into the old CES building on the corner of Waratah Street. Public access from the on-site parking area behind the building to the entrance is by a steep incline up Waratah Street and is outside the guidelines for wheelchair access. There is a suitable location in Parke Street at the northern boundary of the building. The Committee supported the proposal.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>LTC RECOMMENDATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Council approve the establishment of a Parking space for disabled persons in Parke Street Katoomba north of Waratah Street.</td>
</tr>
</tbody>
</table>
2000-039

CBD KATOOMBA
Bicycle, Skateboard, Rollerblades, Free Zone.

BACKGROUND INFORMATION SUGGESTED OPTIONS
Council adopted a notice of motion on 8 February 2000 to declare the footpaths of the CBD section of Katoomba Street, a Bicycle, Skateboard and a Rollerblade Free Zone and appropriate signage erected. The RTA confirmed that the LTC should comment on the proposal. The Committee supported the motion.

LTC RECOMMENDATIONS
Matter listed for Council’s information.

Note: The appropriate signage is scheduled for installation in July/August, 2000

2000-040

KATOOMBA STREET PRYOR PLACE KATOOMBA
Request for temporary road closures Winter Magic Festival.

BACKGROUND INFORMATION SUGGESTED OPTIONS
A request has been received from the Festival Committee for full and partial temporary road closures on Saturday 24 June 2000 between 6.00 am to 7.00 pm. The affected areas are Katoomba Street, between Gang Gang Street /Bathurst Road intersection and Waratah Street, Pryor Place between Katoomba Street and Pioneer Place. The streets will be partially closed between 6.00 am and 9.00 am and 4.30 pm to 7.00 pm to allow stall holders to set up and leave after the activities. The Roads will be fully closed between 9.00 am and 4.30 pm. The Traffic Management Plan submitted makes adequate arrangements for bus and taxi operators, emergency vehicle access and residential access. Street barricades will be manned by members of the Rural Fire Service. A street parade is planned to take place and will assemble in Waratah Street outside Katoomba Public School at 10.00 am. The parade will start at 10.45 am and proceed west along Waratah Street, north into Katoomba Street and finish at St Canices Church car park in Katoomba Street at 11.15 am. The Police Traffic Branch will manage the temporary cessation of traffic on Lurline and Waratah Streets.
That Council support the partial and full closures of Katoomba Street and Pryor Place on Saturday 24 June 2000 between 6.00 am and 7.00pm subject to the RTA approving the Traffic Management Plan.

2000-041

**DESCRIPTION**
GOVETTS LEAP ROAD BLACKHEATH CAR PARK ENTRANCE/EXIT
Traffic Islands/ Garden Beds.

**BACKGROUND INFORMATION SUGGESTED OPTIONS**
A request has been received from Council’s Area Manager for the Committee to support the installation of concrete islands on both sides of the entrance to the car park to improve sight distance and pedestrian safety. The proposal is part of the Streets for Living Project. The islands will be installed in the existing No Standing areas and will be D shaped and measure 5 metres x 1.8 metres and contain low shrubs. The Committee supported the proposal provided some provision is made for cyclists.

**LTC RECOMMENDATIONS**
That Council approve the installation of two Traffic Islands in Govetts Leap Road Blackheath.

2000-042

**DESCRIPTION**
CBD BLACKHEATH
Bicycle, Skateboard, Rollerblades, Free Zone.

**BACKGROUND INFORMATION SUGGESTED OPTIONS**
Council adopted a notice of motion on 22 February 2000 to declare the footpaths of the CBD section of Blackheath (Great Western Highway) between Leichhardt Street and Gardeners Crescent including Govetts Leap Road from the GWH to Clanwilliam Street, to be Bicycle, Skateboard and Rollerblade Free Zone and appropriate signage erected. The RTA confirmed that the LTC should comment on the proposal. The Committee supported the motion.
LATE ITEMS
2000-043

BOOKER ROAD, HAWKESBURY ROAD, HAWKESBURY HEIGHTS
Change Give Way restriction to Stop restriction install D.B. lines.

Local residents concerned over vehicles cutting the corner when turning right from Booker Road forcing vehicles travelling along Hawkesbury to move left of the edge of seal. A Stop restriction and 20 metre D.B.line in Booker Road would force vehicles to stop before making a right turn. The Committee supported the suggestion.

That Council support the Committee’s recommendation to change the Give Way restriction in Booker Road to a Stop restriction and to establish a 20 metre D.B. line from the intersection of Hawkesbury Road.

2000-044

HOPE STREET, SHORT STREET BLAXLAND
Request for a left in left out turn restriction.

The Lower Mountains Neighbourhood Centre put to the committee that making a right turn out of Short Street into Hope Street to gain access to the highway is dangerous due to increasing numbers of vehicle movements and suggested a left in/left out restriction be established. Both the Euroka Child Care Centre and the Community Centre are situated at the end of Short Street. The Committee expressed concern over diverting more traffic along Hope Street and View Street as sight distance and access at the View Street / GWH intersection was inferior to the traffic signal controlled Hope Street/ GWH intersection.
Attachment

The Committee felt that drivers emerging from Short Street and being forced to turn left would be tempted to cross the D.B. lines in Hope Street at the first opportunity to gain access to the traffic lights at Hope Street and the GWH. The Committee did not support the proposal.

**LTC RECOMMENDATIONS**

Matter listed for Council’s information.

### 2000-045

**DESCRIPTION**

**VALLEY ROAD, FITZGERALD STREET, BACKHOUSE STREET WENTWORTH FALLS**

Temporary Road Closure Valley Road

**BACKGROUND INFORMATION SUGGESTED OPTIONS**

The temporary closure will be between 7.00 am and 4.00 pm Monday to Friday to allow road reconstruction works. Under delegated authority from the RTA the Group Manager, Operations has the delegated authority to establish temporary road closures to carry out works. The work commenced on 1 May 2000 and will be completed by 26 June 2000.

**LTC RECOMMENDATIONS**

Matter listed for Council’s information.

### 2000-046

**DESCRIPTION**

**SERVICE ROAD GWH WARRIMOO**

Request for additional traffic control road marking.

**BACKGROUND INFORMATION SUGGESTED OPTIONS**

The RTA’s representative tabled a letter from the Parliament Secretary for Roads on behalf of local business owners expressing concern over the narrow width of the road as motorists are confused over whether the road is one way or two way. The road was narrowed with the local community agreement to provide additional landscaping works. The section of road is signposted as 40 kph speed limit with a chicane provided to create a desirable low speed environment and is mainly used by local residents.
That arrangements be made to clarify the allowable vehicle movements by painted pavement marking i.e. directional arrows.

### 2000-047

#### BACKGROUND INFORMATION SUGGESTED OPTIONS

Residents suggest the speed limit should be extended further east to improve access onto the highway. The Committee agreed that this request should be referred to the RTA for comment.

#### LTC RECOMMENDATIONS

Matter listed for Council’s information

### 2000-048

#### BACKGROUND INFORMATION SUGGESTED OPTIONS

Sydney Water’s contractor Diona P/L will undertake works in the streets during June, July, August and September 2000. The hours of work will be 7.00am to 5.00pm Monday to Friday and 7.00am to 3.00pm Saturday. The work will mean that one lane of the road will be progressively closed to install a new rising main. The work commenced on 8 June 2000. Discussions have taken place with the both the applicant and the RTA regarding the Traffic Management Plan required. The RTA has confirmed that the plan meets their guidelines and was approved. The Committee supported the application for the partial road closures.

#### LTC RECOMMENDATIONS

Matter is listed for Council’s information.
ITEM NO: 20

SUBJECT: PRECIS OF SELECTED CORRESPONDENCE, 13/6/2000

FILE NO: C00680

Recommendation:

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

1. 8/5/2000 - The Hon John Anderson MP, Minister for Transport and Regional Services

As requested by the Notice of Motion at the Council Meeting 28 March 2000, letters were sent to Mr Anderson and Mr Bartlett to extend the current Federally funded Medlow Bath Bridge Project up to Bellevue Crescent and that the project budget be increased, if this is deemed to be necessary. Mr Anderson’s reply to Mr Bartlett is summarised as follows:

From the action plan completed at the Value Management Study (VMS), the Roads and Traffic Authority (RTA) acknowledged that there was a need to further investigate access arrangements to Bellevue Street and the Hydro Majestic. Any improvements arising from these investigations will be considered by the RTA for inclusion in the State upgrading program.

Neither of these proposed extensions to the project scope readily comply with the Commonwealth’s objectives for its upgrading program and better fit within the State program of works, which contains provisions for solving local traffic issues. Additional time delays would also result from expanding the scope of the project.

Under the initial State upgrading program, the expected completion date for the replacement of the Medlow Bath Railway Bridge was 2007/2008. With direct Commonwealth funding of this project the completion date is now expected late 2003, delivering benefits to the community some three to four years ahead of the original proposal.

It is also important to consider that the Commonwealth is funding four projects, totalling $86 million, as part of its $100 million program. Every extension of scope seriously limits my ability to fund another major project which would deliver significant traffic improvements to another location in the corridor. As a consequence I am unable to agree to the Blue Mountains City Council’s request to extend the scope of the project.
2. **15/5/2000 - Secretary -Parents Committee, 2nd Springwood Scouts**

With regard to Council’s contribution to Vandalism Repairs:

“The Parents Committee would like to thank the council for helping us cover the continual costs of repairing the vandalism to 2nd Springwood Scout Hall at Fairy Dell.

This help is much appreciated.”

**Note by Acting Group Manager, Assets & Corporate Services:**

This contribution was requested by Councillor Henson on 10 January 2000 to the value of $75.00 from the Councillors’ Minor Local Projects fund.

3. **15/5/2000 - Valley Heights Residents**

Petition received from 45 residents of Russell Avenue, Valley Heights stating:

“As residents and ratepayers of Blue Mountains City Council we are writing to complain about the unfair treatment of approximately 16 homes in the loop section of Russell Avenue, Valley Heights. The top section of our road and the bottom section have recently had extensive work for drainage completed, however the loop section has been completely ignored and when you consider that we are on the down side of the ridge where logic tells you the rainwater will always run to and accumulate, the matter is of great urgency. After any rain, heavy or light, our front so called gutters have water which just lays for days. This creates a health hazard not only as the water becomes stagnant, but becomes a breeding ground for mosquitoes which carry diseases such as Ross River Fever, and there is nothing more tempting to a small child than splashing around in water, dirty or otherwise.

A number of residents were told 18 months ago that our section was to have the road widened and gutters fixed so that if we wanted to have concrete aprons done for our properties the Council would come out and check and ok them so that they would fit in with the proposed Council work. The residents went ahead and did this, paid extra for Council to come and check the work and give the go ahead, but to date nothing has been done by Council, and now we are told nothing is going to be done to our section of the street. We don’t pay any less rates than the residents in the main section of Russell Avenue but we are being discriminated against.”
4. **19/5/2000 - Denis McGuinn, Manly Council**

Regarding the Freedom of Information Amendment (Open and Accountable Government) Bill, reading in part as follows:

“… Manly Council at its meeting of 15 May 2000 resolved to:

‘That Council support the current attempts to reform the FOI legislation in NSW and that Council contact all other Councils in NSW suggesting they also consider supporting reforms to the FOI legislation that will encourage more accountable and transparent government. Further, that Council write to all Members of the Upper House Cross benches seeking referral of the matter to a Committee of Enquiry.’”

Note by General Manager:

The Bill was introduced to the NSW Legislative Assembly by the Leader of the Opposition, Mrs K A Chikarovski. Those objectives of the Bill relevant to Local Government are:

(i) to provide for the appointment and functions of a Freedom of Information Commissioner, and

(iii) To allow external review proceedings to commence without the need for internal review procedures to have been followed, and

(iv) to enable the Ombudsman to give access to an agency’s document to a person who has applied to the Ombudsman for a review of the agency’s conduct in relation to an application for access made by the person, and

(v) to make it clear that agencies have the burden of establishing that documents are exempt documents for the purposes of that Act, and

(vi) to provide that the fees and charges that may be charged under that Act are to be set by regulation rather than, as is presently the case, by the Minister administering that Act.

5. **23/5/2000 - Chris Williams, Director, Library and Information Service, State Library of New South Wales**

At its meeting on 28 March 2000 it was resolved that Council make a submission to the State Government to increase the subsidy for library services so that Blue Mountains City Council can implement Sunday opening for libraries. A response has been received from the State Library of New South Wales is summarised as follows:

“Thank you for your letter of 8 May 2000 asking about additional funding from the State Library to facilitate the opening of full time branch libraries on Sundays. I am pleased that the Blue Mountains City Council has undertaken extensive consultation with the community with regards to library services. The community’s demand for additional library opening hours on Sundays reflects a general trend across public library network."
As you know the State Library is responsible for the administration of State Government funding for public library services. In 1999/2000 the State funding allocated for public libraries is $17.92 million and these funds are distributed through the subsidies and grants program.

Under the current arrangements the City of Blue Mountains will receive for the financial years 2000/01 to 2002/03:

- a subsidy payment of approximately $149,587 per year for library public services generally - slight variations are to be expected as the formula is based on population and disability factors
- a Local Special Project payment of $4,594 for a nominated project
- a Collection Development payment of $1,420.

Council is also eligible to apply for funding under the Library Development Grants program, a competitive process with a current allocation of approximately $2 million, rising to $3.25m in 2002/03. However, as the Library Development Grants Program is project based and does not allow for funding of recurrent costs normally associated with the provision of the library service, including hours of opening, this competitive program would not be a suitable method of addressing Council’s recurrent funding needs.

The additional funding for the Library Development Grants program was secured as a result of a successful submission to Treasury by the State Library and the Library will continue to work closely with the Public Libraries Consultative Committee (PLCC) for increased funding of public library services. I will also table your letter at the next Committee meeting.”

6. **24/5/2000 - Mr S Haddad, Executive Director, Department of Urban Affairs and Planning**

Regarding the Lithgow Silicon Smelter proposal, reading as follows:

“Thank you for your letter of 7 April 2000 regarding the above proposal.

The Department’s Development and Infrastructure Assessment Branch is currently undertaking a comprehensive review of all aspects of the Glenella and Silicon Smelter Environmental Impact Statements, and will be submitting recommendations to the Minister as soon as a position has been developed.

It is also proposed to draw to the Minister’s attention the broad considerations of the charcoal plant and timber supply when he considers the Department’s recommendations on the two current proposals.

For your information, the CSIRO is in the process of finalising its independent analysis for the Department on alternative sources of carbon that may be suitable for the silicon smelting process. The Department is also undertaking an extensive analysis of the various options for the transport of raw materials and finished products.”
The issues you raise in your submission are being dealt with through the assessment process.

Thank you for your interest in this proposal.”

7. **26/5/2000 - Reba Meagher MP, Parliamentary Secretary for Roads**

Addressed to, and forwarded by, The Hon R Debus MP, reading as follows:

“I refer to your representations to the Hon Carl Scully MP, Minister for Roads, on behalf of Blue Mountains City Council (Mr T Withers, General Manager, PO Box 189, Katoomba NSW 2780) and Mrs P Golder, 44 Florey Crescent, Springwood, NSW 2777 expressing concern at traffic congestion occurring during peak periods. Council’s request that the Roads and Traffic Authority (RTA) review the Springwood Traffic Study has been noted. The Minister has asked me to reply on his behalf.

The RTA has advised that the traffic congestion occurring at the intersection of Macquarie and Hawkesbury Roads during peak periods is not uncommon when compared to numerous other locations in Sydney metropolitan areas where traffic demands are heavy.

I am informed that the traffic flow patterns at this site return to satisfactory levels outside of peak periods. Having regard to safety conditions and traffic flow generally there are not proposals at this stage to undertake reconstruction work at the intersection. However, the RTA will keep the site under review.

The RTA wrote to Council on 9 March last in response to its letter regarding a review of the Springwood Traffic Study. The RTA has furnished me with the attached copy of its reply and there is nothing further I can add to the information contained in that letter.”

8. **27/5/2000 - 258 Petitioners from Mid Mountains**

Submitted by Councillor C Van der Kley on behalf of Hazelbrook Soccer Club, reading in part:

“… Our plight is to have the land adjacent to Gloria Park utilised as a playing field for the Blue Mountains Community. The Mid Mountains will need more fields for outdoor recreational facilities in the near future.

We ask that Council start addressing the inadequate facilities that we in the Mid Mountains are faced with by planning for future development of playing fields.

We appreciate your support in these matters and we ask if you would table this petition at the next Blue Mountains City Council meeting for Hazelbrook Soccer Club.”
9. 29/5/2000 - Keith Harrington, Secretary, Blue Mountains Vietnam Veterans’ and Associated Forces Inc

Thanking Council for its donation of $450.00 as part of the Community Donations/Assistance Program.

The Committee of Management states that they “…will ensure that the disbursement of same is meticulously administered so that the members of the association get maximum benefit from it.”

10. 30/5/2000 - Faye Oldfield, Member, Blue Mountains Domestic Violence Committee

Thanking Council for their donation of $250 and their support for Stop Domestic Violence Day. The day was organised by the Local Domestic Violence Committee in conjunction with National Stop Domestic Violence Day. The day commemorates women and children who are survivors of domestic violence.

11. 31/5/2000 - Leonard G Ulrich, Secretary, The Blue Mountains Self Help for Hard of Hearing People (SHHH) Group

Reading as follows:

“The Blue Mountains SHHH Groups wish to thank the Blue Mountains City Council for the $300 we have received under the Community Donations Program. Please be assured that this money will be spent assisting the hearing impaired on the Blue Mountains.

We are indeed grateful.”

12. 31/5/2000 - Rowena Boyd, Director, Mountains Care Inc.

Reading as follows:

“We were very pleased to receive your letter and cheque for $450 donation towards the Unchained Café Project, under Council’s Community Donations Program 2000.

Please accept our sincere gratitude for your generous donation which will greatly help us in the refurbishment of our café trailer.”

13. 31/5/2000 - Management Committee of Winmalee Neighbourhood Centre

Thanking Council, and in particular Social and Cultural Planning, for the funds allocated to them under the Community Donations Program. The Committee also thanks Council for the $250.00 towards mail outs and newsletters for the ‘Working Together Better’ Network in Area 4.

   Wishing to thank Council for the financial support they received under the Community Donations Program. The group’s co-ordinator assures Council that the funds will be put to very good use.