ITEM NO: 1

SUBJECT: REDEVELOPMENT OF THE NATIONAL MEMORIAL TO THE ROYAL AUSTRALIAN AIR FORCE

FILE NO: C00085

Recommendation:

That Council support the redevelopment of the National Memorial to the Royal Australian Air Force with a donation of $2,000 to be funded from the Mayoral Contingency Fund.

Minute by Mayor:

Council has received a request from Air Marshall D J S Riding, chairman of the RAAF Memorial Redevelopment Committee requesting Council make a contribution towards the RAAF National Memorial.

The memorial to be constructed in Canberra is intended to symbolise not only the spirit of the RAAF, but also service to Australia and the sacrifice made by tens of thousands of Air Force men and women since the formation of the RAAF in March 1921.

On 26/8/1997, Council conferred the right of Freedom of Entry to the City to the RAAF Base, Glenbrook, recognising their substantial contribution to the City area.

Having regard to the long and close association between the RAAF and the Council, it is recommended that Council make a donation of $2,000 towards the memorial to be funded from the Mayoral Contingency vote.
ITEM NO: 2

SUBJECT: FLYING OF ABORIGINAL AND TORRES STRAIT ISLANDER FLAGS AT COUNCIL HEADQUARTERS, KATOOMBA ON SPECIAL EVENT DAYS

FILE NO: C01801

Recommendation:

That the Aboriginal and Torres Strait Islander Flags be flown at Council Headquarters, Katoomba on all special occasions.

Minute by Mayor:

Last year during NAIDOC Week I was presented with a petition and this was signed by a number of citizens from New South Wales and also by a large number of residents from the Blue Mountains (approximately 480 signatories).

The petition states:

“This petition of citizens of New South Wales and, in particular, residents of the Blue Mountains, brings to the attention of the Blue Mountains City Council their request for the Aboriginal and Torres Strait Islander flags to be flown outside the Blue Mountains City Council premises on every working day of the year.

The petitioners therefore ask the Blue Mountains City Council to take every possible action to instate the Aboriginal and Torres Strait Islander flags outside the Council premises on every working day of the year.”

During the Centenary of Federation last year a project by the Leura Village Association was completed whereby the Australian Flag and all the State Flags, along with the Aboriginal and Torres Strait Islander Flags were flown every day on the Great Western Highway at Leura. These flags will continue to be flown in the future.

As Council does not raise the Australian Flag every day on the ground level flagpole outside Council Headquarters and leaves this only to Special Event days, it would seem that the request, as outlined in the petition, should be left to a time when we raise the Australian Flag at these special events only.

It is therefore recommended that the Aboriginal and Torres Strait Islander flags be raised, as well as the Australian Flag, on the flagpoles at Council Headquarters on all such special occasions.
PLANNING FOR A SUSTAINABLE FUTURE

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ITEM NO: 3

SUBJECT: KATOOMBA GOODS YARD SITE MASTERPLAN

FILE NO: C03200

Recommendations:

1. That Council endorse Option B, as developed by Wendy Morris of Ecologically Sustainable Design Pty Ltd as the basis for the master plan for the Katoomba Goods Yard site.

2. That Council advise the State Government, through the local member, Mr Bob Debus, that the DPWS be requested to finalise the Katoomba Goods Yard Master Plan following closely Option B above.

3. That the final revised Masterplan for the Katoomba Goods Yard site be based on a thorough and adequate Conservation Management Plan (CMP) with precise and usable Statement of Significance and Conservation and Management Policies and introduces expert architectural treatment for the built form.

Report by Group Manager, Strategy:

Council considered a report on this matter on the 18 September 2001. As a result of that report, Council resolved:

1. That Council places the concept proposal for the Katoomba Goods Yard site Masterplan on public exhibition for a period of one month.

2. That Council seeks comments on the concept proposal from State Rail Authority and the Department of Public Works and Services.

3. That the matter be reported back to Council after all submissions on the proposal are reviewed.

The proposal was placed on public exhibition from the 10 October 2001 to the 9 November 2001 and comments were also sought from State Rail and the Department of Public Works and Services in accordance with the above resolutions.

Council engaged Wendy Morris, from the firm of Ecologically Sustainable Design Pty Ltd (ESD) who was the original Charrette team leader to review the concept proposal particularly in relation to its contribution to the revitalisation of Katoomba and to provide Council with a report.
Councillors will recall that the current four year funded revitalisation project plan calls for the master planning of the Katoomba Goods Yard site. The concept that was placed on exhibition was developed to maximise community use of the site with key objectives to address the provision of public space and facilities and the need for additional commercial parking at the top end of town. Council received 147 submissions in response to the exhibition.

Wendy Morris of ESD Pty Ltd in reviewing the proposal, revisited the site and charrette outcomes in the current context, discussed the proposal with the various interest groups, including the Katoomba and Echo Point Implementation Advisory Task Force and Council’s Heritage Advisor and reviewed the public submissions and presented Council with a report. The report titled, “Evaluation of Exhibited Concept Plans for the Development of a Plaza and Public Car Park” January 2002 informs this report and the final recommendations. A copy of the report has been placed separately in Councillors envelopes.

Public Submissions

Of the 147 submissions received following the public exhibition, 125 submissions objected to the exhibited proposal. Of the 125 submissions, 93 were form letters. 22 submissions supported the proposal with 14 of these being form letters.

The objections generally concentrated on two main issues. The concept of constructing a car park on the site in lieu of a public park and the visual impact of the proposal. A few submissions also raised heritage issues regarding the old goods yard precinct.

Those supporting the concept raised the issue of the desperate need for additional parking and public facilities. Issues were also raised with the visual appearance of the proposal and the need to consider heritage impacts of any proposal for this site.

Response

A number of issues have been raised in response to the concept that was displayed. There are also a number of issues that have been raised which are common to both those raising issue with the exhibited plan and those supporting it.

The concept of using the site solely for a public park was never a Charrette outcome. At best the Charrette suggested “…a small north-facing public open space…”

The concept that was placed on exhibition was underpinned by a proposal to maximise the area of public space and the need to develop a workable car park to support the commercial viability of the upper end of Katoomba. Although the current concept has achieved these objectives it should be acknowledged that the concept does have issues regarding the bulk and visual appearance of the proposal, when viewed from the station. This fact was acknowledged by the consultants who prepared the proposal. The large public plaza area is also not on a major pedestrian desire line and the degree of everyday use is questionable and therefore its public benefit.
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The site represents an opportunity to address some of the parking issues at the top end of town and the provision of the essential bus and taxi facilities for rail users in particular, as well as compensating for the parking that will be lost as a result of the proposed roundabout and relocated buses. The Charrette noted “The top end of town especially suffers from inter-related car parking problems.”

Since the Charrette a new public space is now being planned for the front of the Carrington Hotel. Providing parking at the top end of town is still problematic. The provision of parking will rely on limited opportunities on both private and public land. This site offers such an opportunity. It is considered that it is in the best long term interest of Katoomba’s vitality and commercial success, to provide some level of commercial parking on this site. All future commuter parking will be provided on the northern side of the station in Goldsmith Place and the SRA depot area. The depot site is also considered the best location for SRA staff parking. Previous concepts for commercial outcomes on the site did not specifically allow for SRA staff parking.

Wendy Morris’ report is based on a review of all of the available background information. It summarises the changed circumstances since the Charrette, evaluates the exhibited plans and provides two revised design concepts. In it’s conclusion that report stated in part:

“I consider that the changed circumstances do support the provision of some short term public parking on the site, provided the design outcome can provide for a high amenity public space consistent with the heritage values of the site.

I recognise that the SRA want to sell the site, and that if it does not go into public use it is likely to go to a substantial commercial/retail development facing onto Bathurst Road, probably with ground-level parking accessed using the existing site access. I consider that the combined use for a plaza, minor retail shops and public car park to be an appropriate alternative.

I do not consider that the exhibited concept plans provide an appropriate design outcome for the site for a wide range of reasons as outlined. However, I think that the site can accommodate both a plaza and car parking, along with some commercial uses. To demonstrate ways in which I believe that these uses may be more successfully provided, I prepared two indicative design options.

I consider, based on my current appreciation of the site and the requirements for revitalisation of the Katoomba Town Centre, that of the two alternatives options I have prepared, Option B is preferable. I believe that this option provides a sheltered yet active plaza close to the station, while at the same time provides sufficient short term parking to strengthen the top end of town businesses. It also provides a much better response to the heritage issues and potential of the site.”

Options A and B are included as attachment 1.
Option B provides a large ground level plaza of approximately 650 square metres with approximately 44 parking spaces on two levels. The proposal has a number of benefits over the exhibited concept:

- Better balance between car parking and effective public spaces.
- Reduced cost as there is no car park roof, no internal vehicle circulation, no lift and a significantly smaller structure.
- Lower scale, being 4 metres high rather than the 6 metres in the original concept.
- Smaller, better-located and more protected plaza.
- Retains most of the heritage buildings and structures on site, albeit relocated and re-used as a focal point.
- Revised façade treatment, more in keeping with Katoomba and rail precinct character.

**Comment from Heritage Advisor**

Council’s Heritage Advisor has also had the opportunity to review all of the available information including an earlier heritage assessment commissioned by the DPWS for the site. The DPWS heritage assessment was prepared to facilitate the subdivision and sale of the site and although providing good background information it is not considered as comprehensive supporting documentation for the subdivision or sale of the Goods Yard.

In terms of the exhibited concept the Heritage Advisor indicated that in her view the proposal “does not represent either an adequate or even reasonable attempt to conserve and interpret the site’s heritage significance.”

In terms of the Wendy Morris report she went on to say: “...only Option B provides an adequate response to the heritage issues of the site and a reasonable way forward, and even this needs further development re. features retained and overall site layout. (Some particular aspects of the proposal, however, I would not, at this stage necessarily support, including the “historicist” character of the enclosure to the car park structure. ... I would tend to explore a modern light-weight structure which is honest in its expression (as with the bus-shelters at Springwood station) but this is essentially a matter of detail for further discussion.)

Comment was also made regarding the relationship between the Goods Yard site and the proposed Carrington Place project. “the different characters and functions of the two areas are important and relevant concerns – one being hard paved, industrial, encouraging bustle and creative/messy activity (crafts, food stalls etc.) the other characterised by planted surrounds, attractive views, more spacious movement, ceremonial occasions, sitting, play areas for children, etc ie. The two public areas have the potential to complement each other by appropriately exploiting their quite different and specific characters.”

It was also suggested that any new/revised Masterplan be based on a thorough and adequate Conservation Management Plan, which takes as its starting point the material in the Christison “Heritage Assessment” but develops a more precise and usable Statement of Significance and Conservation and Management Policies.
Comment from SRA and DWPS

The DPWS responded to the proposal that was placed on exhibition and also to the proposal prepared by Wendy Morris, by letter dated 24 January 2002. The response was on behalf of State Rail.

The response noted that the exhibited plan was considered “somewhat too grand and expensive”

In conclusion the response noted ‘DPWS on behalf of State Rail endorse and promote the principles raised by Wendy Morris in her report and the two preliminary design options she has prepared in response to the Tanner and Associates scheme.

Also the masterplan does not mention any proposed planning controls such as height and floor space, nor does it address the proposed future zoning of the site (since the current zoning does not permit the uses and designs proposed). It would be of interest to State Rail to gain a greater understanding of these issues if and when they are developed or considered.”

The concept plan developed by Tanner and Associates was not intended as a masterplan. It was considered that because the site was difficult it would be better to develop the masterplan from an actual concept that was subject to community comment and expert urban design input. This work was to inform the master planning process that was commenced by the DPWS on behalf of the State Government to ensure it maximised community benefit rather than commercial return. It will be recommended to Council that the State Government be requested to finalise the master plan for the Goods Yard site based on the recommended outcomes of the current exhibition and the work of Wendy Morris and Council’s Heritage Advisor.

Conclusion

The master planning for the redevelopment of the Katoomba Goods yard site has evolved since the DPWS draft masterplan. The Tanner and Associates concept plans, the community comment and further comments from Wendy Morris, the Council Heritage Advisor and the DPWS on behalf of State Rail have informed the planning process.

The original draft masterplan prepared for the site by the DPWS in 1999 was an attempt to plan the site for future commercial sale and redevelopment. It was considered that this draft master plan did not adequately address the need for community facilities and allowed for the commercial overdevelopment of the site with potentially two storeys of parking below road level and two storeys of commercial floor space above with provision for additional attic space. This presented as four to five storeys from the railway station and two to three storeys from Bathurst Road.
The latest exhibited concept significantly reduced the bulk and commercial overdevelopment of the site with small single story buildings facing Bathurst Road and 1½ - 2 story of parking and small single story buildings viewed from the railway station. The Proposal was developed to address the imbalance in the provision of community facilities, the bulk of the commercial / parking structure and to address other Charrette outcomes. Some of these concerns include provision of commercial parking at the top end of town, shuttle bus facilities and transport linkages and public open space. The exhibited proposal although providing solutions to a number of community and commercial vitality issues, raised a number of new concerns, which have been discussed in this report.

Option B, prepared by Wendy Morris has been developed in response to the above issues, all of the currently available information and community input. This option provides a balanced outcome that addresses many of the community concerns and provides a balance in the provision of public space, public transport facilities, commercial parking and heritage issues.

This option includes a reduced level of commercial parking but still maintains some additional parking to contribute to the parking shortfall that needs to be addressed to revitalise the businesses in Bathurst Road and the top end of Katoomba Street.

Importantly the recommended option offers a number of benefits to contribute to the revitalisation of Katoomba
Attachment
Attachment
PLANNING FOR A SUSTAINABLE FUTURE

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ITEM NO: 4

SUBJECT: INVESTIGATION OF OPTIONS TO UPGRADE THE INTERSECTION OF THE GREAT WESTERN HIGHWAY AND HAWKESBURY ROAD, SPRINGWOOD

FILE NO: C00030

Recommendations:

1. That Council notes the report titled “Investigation of Options to Upgrade the Great Western Highway and Hawkesbury Road, Springwood Intersection, December 2001” and that the above report be placed on public exhibition for a period of one month.

2. That the matter be reported back to Council once the public submissions have been reviewed.

Report by Group Manager, Strategy:

Background

In March 2001 Councillor’s were advised of the successful application for dollar for dollar funding from the State Government, through the Roads and Traffic Authority (RTA), to fund an investigation into the Hawkesbury Road / Great Western Highway intersection.

A consultant’s brief was prepared and quotations were invited from three suitably qualified companies. After a joint assessment of the submissions with the RTA, the study was awarded to the firm of Cardno MBK.

Cardno MBK have now undertaken this study and submitted their final report in December 2001. A copy of the full report has been placed in the Councillors room for the information of Councillors. Councillors have also been provided with a briefing session on the consultants report.

Report

Council has been made increasingly aware of problems local residents and highway users are having getting on to and off Hawkesbury Road at Springwood. Average highway traffic in this location is approximately 30,000 vehicles per day while Hawkesbury road also carries approximately 20,000 vehicles per day.
In response to a notice of motion following the submission of a community petition, Council also unanimously resolved on the 1 May 2001 vide minute 195:

“1. That Council receives the petition with 340 signatures from local residents in the Springwood district requesting Council to continue to pursue traffic lights or full grade separation at the intersection of the Great Western Highway and George Street.

2. That Council forward this petition to the Hon Bob Debus, Member for the Blue Mountains, requesting him to obtain support from the RTA, and to the Hon Kerry Bartlett, Member for Macquarie, requesting him to obtain funding through the RONI program for traffic lights or partial grade separation.

3. That Council requests that full and urgent consideration to the request from residents expressed through the petition.”

The Study involved the investigation of options to upgrade the intersection of the Great Western Highway and Hawkesbury Road, Springwood. The main objective of the study was to propose options that would improve the performance of the intersection by investigating the following issues:

- The provision of safe access to and from the Great Western Highway.
- A reduction of the impact of Highway traffic on Macquarie Road.
- The development of a long-term solution, which does not adversely impact on Highway traffic flow.
- Review of any opportunities for a staged approach to the ultimate solution.

The investigation included carrying out existing peak period traffic turning movement counts at 5 intersections in the study area and a 24-hour, seven day traffic count at two separate locations.

In summary, the study delivered the following:

- A review of existing problems being experienced at the intersection, including a review of accident data.
- The development of options to improve the performance of the Great Western Highway / Hawkesbury Road intersection, including one full grade separation option and the full closure of the median break opposite George Street.
- A computer analysis of each option, including an explanation of the findings of the analysis, a long-term prediction of traffic growth and the impacts of that traffic growth on the developed options.
- The provision of information concerning the extent of delays being directly experienced in Macquarie Road and the percentage of traffic on the following movements over a typical week:
  - Through traffic from the Great Western Highway westbound onto Macquarie Road and directly onto the bridge and Hawkesbury Road, ie: traffic that would use a direct ramp access to Hawkesbury Road.
  - Similarly, traffic from Hawkesbury Road on to the Great Western Highway westbound.
- The development of dimensioned sketches of each option indicating the proposed extent of work.
- Indicative budget estimates.
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- A summary of the findings of the investigation giving a review of each of the developed options and an overview of the anticipated safety levels of each option.

The study has considered several road network and bridge options to improve traffic access between the Great Western Highway and Hawkesbury Road.

The options were prepared on the basis that the RTA would not agree to an at-grade signalised or unsignalised intersection of the Great Western Highway opposite George Street because of the high traffic speeds, poor sight distance and high rate of traffic accidents at this location.

Study Findings

The study recommended the following options:

1. The SHORT-TERM OPTION is to eliminate the right turn and left turn movements at George Street. These movements have the highest risk of serious or fatal injury. The central median would be closed and the left turn into George Street from the west would be permitted. George Street would be one-way between the Great Western Highway and Silva Road (refer Attachment A). Vehicles wishing to travel west from Hawkesbury Road (ie: turn right at the existing George Street intersection) would travel via the Hawkesbury Road bridge, down Macquarie Road and turn left on to the Great Western Highway via a new west bound acceleration lane. Budget cost approximately $350,000. (plus GST)

2. The MEDIUM-TERM OPTIONS are changes to the Hawkesbury Road / Macquarie Road intersection to improve traffic flow, improve pedestrian safety and increase capacity by installing traffic signals. Refer attachment B. Budget estimate $550,000 (plus land acquisition and GST)

3. The LONG-TERM OPTIONS are related to the reconstruction or adjustment of the Hawkesbury Road Bridge to accommodate ON and OFF ramps from the Great Western Highway. Budget estimate $5 to 10 million. While it is possible to widen the existing Hawkesbury Road bridge and add the ON and OFF ramps, further detailed analysis of the bridge is required to determine what remedial measures must be made to the bridge to accommodate these changes. There are also significant issues regarding the impacts of potentially renewing the bridge over the railway line in this location.

Conclusion

Clearly there are no easy solutions to the current problems at this site.

The above report is a technical assessment of the opportunities that are available to improve the performance and safety of vehicles entering and leaving the Highway at Hawkesbury Road.
The recommended short-term option of closing the George Street median on the Highway can be justified on safety grounds, but this option may receive community objection on the basis of the additional travel distance.

It is recommended that the report be placed on public exhibition for a period of one month and that after reviewing submissions the matter be reported back to Council.
Attachment
Attachment
ITEM NO: 5

SUBJECT: QUARTERLY MANAGEMENT PLAN AND BUDGET REPORT

FILE NO: C01900

Recommendations:


2. That the General Manager’s Report incorporating the separate documents titled:
   - Budget Review December 2001
   be noted.


Report by General Manager:

I am pleased to present the second quarterly report on this year’s performance targets” for Year 2 of Council’s revised 4 year Management Plan.

The document Management Plan 2001/2002 Second Quarter Report October – December 2001 (separately enclosed) has been designed to provide information about overall progress and performance in a concise and readable format. The 2001/2002 Performance Targets prepared by Group Managers contribute to the overall Performance Targets as stated in the four year Management Plan.

The concept of illustrating the performance status for Management Plan actions graphically has been continued. The status for each action that has commenced or is due to commence will therefore again be identified on a graded bar chart indicating whether each performance target is: On Target, Above Target, Below Target or Off Target. Explanations in respect to any actions in the later two categories are given later in this report.

A. Summary of Second Quarter Activities

This Performance Target Report is for Year 2 of the four year program. Key achievements and exceptions in the quarter listed below.
PROVIDE GOOD GOVERNMENT

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Key Achievements:

Planning for a Sustainable Future
- City Strategy Local stakeholder and community visioning workshops conducted
- DLEP 2000 to DUAP finalised
- Contracts for Echo Point let as part of Katoomba revitalisation

Quality Local Government
- Community Buildings Policy – revised, consultations complete and draft currently on Public Exhibition
- Adoption of Plan of Management for Springwood School of Arts Site
- Opening of Weroona Park Community Hall
- Sale of 18 Dora Street, Katoomba
- Successful negotiation with Winmalee Tennis Club regarding construction of new tennis courts
- Adoption of anti-vandalism strategies
- Introduction of Community Buildings Manual
- Financial Management Information System – investigations completed and systems selected
- Training and Development Calendar adopted and implemented
- Implementation of pre-employment medicals
- Funding received for Workplace English, Language and Literature
- Commenced pilot implementation of corporate purchase cards
- Website enhancements completed for quotations and tenders
- Customer Service Request System implemented in BM City Services and Health & Development
- Desktop Equipment replacement program completed for 2001
- Library System specification and quotation documents developed

Land Use Management
- Implemented a computerised lodgment system to improve tracking of customer requests.
- DCP31 Public Infrastructure in Works and Subdivisions draft amended and adopted by Council for exhibition.
- Vegetation Management Order adopted by Council for exhibition.

Health & Safety Management
- Completed a successful application for funding of Council’s ‘Woodsmoke Project’ commencing in February 2002. The aim of the project is to improve air quality and reduce smoke omissions from faulty fuel heaters. It includes a rebate to encourage replacement of fuel heaters with other forms of more efficient heating.
- Council Awards presented to automotive industry operators for improved environmental performance as a result of an inspection / audit programme undertaken in conjunction with the Environmental Protection Authority.
- Organised a ‘Companion Animals Day’ with exhibitions by animal training schools, information displays and educational materials as well as microchipping of animals.
Emergency Management

- Commenced review of Council’s role in Emergency Management, including disaster management and recovery operations for significant fires and storm damage.
- Established a business programme for the Local Emergency Management Committee.
- Provided support to a number of emergency events including three fire events (the latest extending across the Christmas and New Year period) and a sizeable storm in late November which resulted in a significant response to address fallen trees and building damage.

Facilitating Community Development

- Youth Strategy completed

Exceptions:

Quality Local Government

"Benchmark and Review the Human Resources Strategy". The tasks involved in achieving this action have been completed and include:

- Implement benchmark processes to gather Human Resource data to be benchmarked;
- Identify market partners to agree to store information;
- Develop mechanisms and systems to track, monitor and report data.

The remaining action to be completed is to report to the Executive Management Team and business units. This data and information will now need to change with the transitional arrangements of Future Directions involving changes to branch structures, staff movements and relocations and the implementation of the new Financial Management Information System for management reporting purposes etc.

Waste Management and Minimisation

“Commence implementation of industry based waste management strategy” Initial survey of all commercial and industrial promises delayed by Green Waste Processing Program. Survey deferred until 2002 / 2003

Transportation and Roads

“Develop stakeholder agreements to resolve transport and maintenance issues” - RTA have not responded to Councils’ proposal for maintenance of the Great Western Highway

The Management Plan 2001/2002 Second Quarter Report October – December 2001 has been enclosed separately for Councillors and copies have been made available for the public at the libraries and will be available at the Council Meeting.

B. Financial Position

Councillors are referred to the separately enclosed document titled Budget Review December Quarter 2001. The Budget Review is prepared by the Responsible Accounting Officer in accordance with the Local Government (Financial Management) Regulation and details budget variations that have now been identified and which have not been adopted by the Council.
As a result of the review the estimated effective level of Working Capital has decreased by $20,272 to an estimated balance at 30 June 2002 of $1,161,489. The reasons for the more significant variations are detailed in the Report by the Responsible Accounting Officer and were outlined at the recent Councillor’s Briefing on the Budget Review. The smaller variations are explained by notation throughout the Budget Review document.

Councillors may recall that as part of the 2001/2002 Budget preparation process the optimum level of Working Capital was reviewed. This has been calculated at between $1.1 and $1.3 million based on the local government industry standard of working capital being within a range to cover the amount of stores and hard core debtors. Further, under the Local Government (Financial Management) Regulation, the Council’s Responsible Accounting Officer is also required to formally report on whether the Council’s financial position is considered “satisfactory” and if not, what remedial action needs to be taken.

In the accompanying Budget Review document the Responsible Accounting Officer has reported that the Council’s financial position is considered “satisfactory”. However, it needs to be remembered that this is at a point in time and that the long term prognosis, if Council is to responsibly address asset management responsibilities, is not satisfactory. Further, with the Council’s estimated Working Capital balance at 30 June 2002 of $1,161,489 being at the lower end of the optimum range, there is little room to address significant budget impost that will arise from time to time in the management of a City as large and diverse as ours. It is also relevant to note at this point, as stressed later in this report, that it has been too early to factor into this December Quarter Review the full financial impact of the recent bushfires.

C. Capital Works Programme

Councillors are referred to the separately enclosed document titled 2001/2002 Capital Works Programme Quarterly Review December 2001. This document details each project in the Capital Works Programme together with recommended variations.

An analysis of Year To Date expenditure indicates that, after excluding Major Projects, 26% of the remaining $9,107,150 current revised budget for other projects has been expended or committed to the end of December. At this stage, capital works expenditure levels appear to be running at levels consistent with the same time last year, but less than in earlier years. Regrettably, program cancellations and deferrals for the first six months of the year are more than double the actual amount of capital works expenditure. This has re-enforced my earlier reported concerns that as it currently stands, our capital budgeting process does not enable realistic and accurate projections to be made that actually reflect our capacity to carry out works, nor to marshal our resources to actually complete them on time, and to realistic budgets. Until we complete the current change process, little improvement to this situation can be expected in the short term.

I would not wish my comments to be construed as criticism of the staff involved. It is our systems and processes that are at fault, and not our people. Group Managers are well aware of the need to complete planned works, and together with their staff, are working hard to that end. Unless otherwise indicated in the detailed report, they have assured me that the projects listed in the December Review on target for completion. Accordingly, the December Review of the Capital Works Programme has seen a number of revisions to projects with explanations given in the review document.
Of the 147 projects in the current Programme, a total of 41 were completed at the end of the December Quarter with a further 31 in progress. Another 16 were cancelled i.e. abandoned or deferred to a subsequent financial year.

D. Impact of Bushfires

This review is to the end of December 2001. As such it has not been possible to factor in the full financial impact of the recent bushfires. A separate report addresses the impact on Council’s work programs. As this point in time costs are still being collated and estimates for remediation sought. The extent to which funding from State and Federal Governments will assist with these expenses is also not clear at this point.
ITEM NO: 6

SUBJECT: COMPULSORY ACQUISITION – PART OF LOT 21 DP872254, 33-59 SHELTON AVENUE, WINMALEE FOR ACCESS AND SERVICES.

FILE NO: S97/0101 & C05655

Recommendations:

1. That Council accept compensation of $4,000 as determined by the Valuer General’s Office for the granting of an easement over the northern section of Lot 21 DP872254, 33-59 Shelton Avenue, Winmalee which immediately adjoins Stapylton Avenue, Winmalee.

2. That the Common Seal of Council be affixed to the appropriate documents.

Report by Group Manager, Assets & Corporate Services:

This report concerns the acceptance of compensation for an easement compulsorily acquired by Sydney Water for access, water supply, telecommunication and sewerage purposes.

A plan showing the location of the easement is attached to this report.

Background
Lot 21 Deposited Plan 872254, 33-59 Shelton Avenue, Winmalee was dedicated as a condition of subdivision consent to Council on 17 October 1997 as Public Reserve. In order to provide the local area with sufficient utilities and services, Sydney Water has compulsorily acquired an easement over a northern section of the Public Reserve (immediately adjoining Stapylton Avenue, Winmalee) for access, water supply, telecommunication and sewerage purposes.

Notice of the compulsory acquisition of the easement was published in Government Gazette dated 23 November 2001 in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991. Accordingly, the Valuer General’s Office has been engaged to assess the compensation for the easement and an inclusive amount of $4,000 has been determined to be fair and reasonable compensation for the subject easement. A copy of the valuation is attached to the file and is available for Councillors perusal on request.

Conclusion:
It is considered that compensation of $4,000 is fair and acceptable in the circumstances as the land is incapable of use for any purpose other than as a public reserve or for utilities and services as outlined above.
QUALITY LOCAL GOVERNMENT

ITEM NO: 7

SUBJECT: LAND EXCHANGE - ST.GEORGES CRESCENT FAULCONBRIDGE

FILE NO: R05/0132

Recommendations:

1. That the appropriate action be taken to obtain the Title of the drainage reserve in DP 8526, being known as 1A St Georges Crescent, Faulconbridge.

2. That Council support the proposed reclassification of 1A St Georges Crescent, Faulconbridge from “Community” to “Operational Land” and the owners of 1 and 3 St Georges Crescent, Faulconbridge meet all costs relating to this reclassification process.

3. That Council agree to the proposed land exchange as outlined in this report subject to successful reclassification of the existing drainage reserve and dedication of an alternative access way of similar dimensions along the eastern boundary of 1 St Georges Crescent, Faulconbridge.

4. That Council’s Common Seal be affixed to any documents relating to this matter.

Report by Group Manager, Assets & Corporate Services:

This report deals with a situation where a drainage reserve has not been used for its intended purposes, but used as an access pathway linking Russell Avenue and St Georges Crescent in Faulconbridge. The reserve is located in the middle of the two blocks of land owned by one person. The owner has approached Council and suggested a possible land exchange so that the relevant parcels of land could be consolidated and an alternative access way could be dedicated at no cost to Council.

Background
A drainage reserve at 1A St Georges Crescent, Faulconbridge was created in a subdivision of the land in 1915. The reserve has been classified as Community Land under the provisions of the Local Government Act, 1993. It is zoned Business General under the current LEP 4 and Village under Draft LEP 1997. The reserve is approximately 2 metres wide and 70 metres long.

Inspection of the site shows that the land is not used for drainage purposes as originally intended. Instead it is used as a pathway between Russell Avenue and St Georges Crescent. It has also been revealed that the Title of the land is still in the name of the original owner Faulconbridge Land Company. It is therefore necessary for Council to make arrangements to obtain this Title.
The land adjoining the reserve on both sides, which is also zoned Business General under the current LEP 4, was recently purchased by the same person with a view that the land be consolidated to allow development. The new owner has approached Council with the request that it consider the reclassification of the reserve to *Operational Land* to enable land exchange with him. In this proposal, the ownership of existing reserve would be transferred to the owner of 1 and 3 St Georges Crescent, Faulconbridge for consolidation purposes and a strip of land of similar dimensions along the eastern boundary of 1 St Georges Crescent, Faulconbridge would be dedicated to the public for access purposes. The conditions of such an agreement would be that:

- The owner of 1 and 3 St Georges Crescent, Faulconbridge meet all costs (legal, survey, valuation and public consultation) associated with the reclassification processes including the costs associated with the preparation of a Local Environmental Plan and the conduct of a public hearing.
- If the reclassification is successful, the existing reserved be exchanged for the dedication of a new pathway along the eastern boundary of 1 St George Crescent, Faulconbridge for a sum of $500.
- The owner of 1 and 3 St Georges Crescent, Faulconbridge pay Council an administrative fee of $1,000.

A valuation has been prepared by a registered valuer, a copy of which is attached to the file for Councillors’ perusal upon request.

**Conclusion**
This land is not required for drainage purposes however it does form an important pedestrian link between Russell Avenue and St Georges Crescent, Faulconbridge and the railway station. If this link is preserved within the same area then the status quo is maintained. This arrangement will be at no cost to Council. It will also facilitate better development for land zoned Business General in Faulconbridge.
SITE PLAN

[Site plan with various labeled areas such as 'Current Drainage Reserve', 'Proposed Pathway', 'Area zoned Business General', etc.]

Attachment
ITEM NO: 8

SUBJECT: IMPACT OF BUSHFIRES ON COUNCIL WORK PROGRAMS

FILE NO: C01900

Recommendation:

*That the report be noted.*

Report by Group Manager, Assets & Corporate Services:

**Background**

The bushfire crisis that occurred during the Christmas / New Year period has resulted in Council having to undertake a number of unplanned activities. The additional activities associated with the bushfires have taken priority over Council’s normal works programs. In some instances this has had an impact on existing budgets and the ability to complete all of the previously scheduled works and activities.

**Impacts**

The impact of the bushfires can be broken down into the following categories:

- The requirement to undertake additional works and activities as a direct result of the damage caused by the bushfires throughout the city.
- The inability to complete existing programmed works and activities as a result of the additional workload caused by the bushfires.
- Loss of normal income due to the utilisation of facilities for bushfire purposes and a reduction in tourists to the area during the crisis.

The various Groups within Council have been affected in different ways and the following information as provided by the respective Group Manager, provides details on how these impacts will be managed by the organisation.

**Assets & Corporate Services**

1. The most significant impact is in Area Management due to the involvement of staff at the Disaster Recovery Centre for approximately one month. Some minor subsequent assistance is envisaged in coming months that will have an adverse impact on the progress of some Capital Works Programme projects. The projects affected are:

   - CWP 2.5 Manners Park, Springwood;
   - CWP 2.12 Buckland Park, Springwood; and
   - CWP 4.5 Upgrading of Megalong Valley Reserves.
A Project Plan has been prepared that indicates that the above works will still be completed by 30 June 2002.

2. Capital Works Projects where Assets & Corporate Services is the "Project Owner" and BM City Services is the "Project Manager" may be delayed by up to three weeks due to the additional activities required to be undertaken by BM City Services.

3. The caravan parks reported many cancellations over the Christmas/New Year period resulting an estimated loss of income of $15,000 in total. However, it is envisaged that this estimated loss in income will not impact the adopted budget as the caravan parks have been performing ahead of budget for the first half of the year.

4. Council’s establishment of a Disaster Recover Centre in the lower hall of Springwood Civic Centre for use by DoCs and others has meant that a number of existing bookings have had to be cancelled and alternative accommodation found for existing hirers. The impact on Council’s budget is an estimated loss of income of $10,000 for the remainder of 2001/2002 which cannot be absorbed. This disruption may also have a flow-on effect in subsequent years if Council is unable to win back the regular hirers who are now settled at non-Council facilities.

Health and Development

In broad terms, every effort will be made to meet the Outcomes contained in the Council’s Management Plan and Group Business Plan. If there are no other contributing factors, the Group should be successful.

The two principal areas of impact are:

Emergency Management:

The following specific works have been impacted as a consequence of the fires:

1. Megalong Rural Fire Brigade Station (Capital Works Program) – Likely deferred to 2002/03. Following identified design issues, planned consultation with the Brigade membership has been delayed by over 2 months due to the series of fires. A revised design is yet to be identified. Final advice is awaited from the Fire Control Officer (Grant funded).

2. Faulconbridge Rural Fire Brigade Station (Capital Works Program) – Deferred to 2002/03. The RFS has requested this program be withdrawn so as to maximize the potential to raise additional funding to put toward these works (Grant funded).

3. Southern Strategic Line Project. Delayed by fires and will now require re-scoping before any further work goes ahead (Grant Funded).
4. Review of a number of Plans has been impacted including:
   - RFS Operations Plan that is deferred for 2-3 months,
   - Local Displan Review was un-programmed for this year, however must now be reviewed (under State arrangements) by April
   - EOC Standard Operating Procedures Review was not programmed for this year. Now must be reviewed (under State arrangements) by April.

5. Report on Bushfires (Emergency Operations Centre) Required under State Arrangements by end April.


7. BMCC Recovery Committee – ongoing to 1 May.

8. Revised Grant Applications with priority to be for a study and implementation of a Local Emergency Management Information System/Service.

9. Snow Plan Review – has been delayed but should be commenced in next 1-2 months.

10. Debriefs, Interviews etc. The number of debriefs, public meeting and functions where attendance is requested by the EMO on behalf of BMCC or the LEMC will continue for the next 6 months. While these are mainly procedural, they are proving to be an excellent series of forums to promote the amount of effort Council puts into Emergency Management in the Local Community. BMCC is also being seen as a model Council for the emergency response.

Land Use Management:

This Program is principally involved in addressing the recovery stage. The additional tasks required to be undertaken include:

- Provision of information (i.e. archival plans)
- Meeting / providing preliminary advice to applicants / owners
- Action on removal of damaged buildings
- Gathering information for future education / policy review
- Undertaking review of bushfire building policy (DCP).

The impacts which will be over several months are likely to be:

- Some delay in application assessment work and general inquiries
- Some impact on finalising parts of City Wide DCP.
BM City Services

The impact of the bushfire on the existing Works Programs can be summarised as follows:

1. Capital Works Programs have been delayed by three to four weeks due to a shortage of resources and manpower.

2. The kerb side chipping service had an original budget for chipping in December 2001 of $86,000. It is anticipated that the actual costing will be greater than $250,000.

3. A decrease in the level of action on customer service requests and replies to outstanding correspondence.

4. Increased usage of water and electricity (flood lighting) by the Rural Fire Service on ovals. The estimated cost is $30,000.

5. Resources will be needed to be allocated to project manage the recovery phase in repairing Council’s assets, i.e. fire damage to road reserves, natural areas, walking tracks, etc. The estimated time for this project is 6-12 months.

6. A Risk Assessment Strategy for dangerous trees in Council’s Reserves will need to be developed, implemented and funded. The schedule for re-opening bushland reserves to meet community demands for access and use will not be known until the strategy is completed.

7. External works have been deferred including RTA grass mowing on the Great Western Highway. The value of this work is estimated to be $110,000.

8. Planning for Bushland Reserves (Protection of Natural Environment) Projects, including Council Reports on the Dirt Bike Jump Strategy, North Lawson Park Track Closure and Knapsack Park Track Closure have been delayed. The Tree Preservation Policy and Katoomba Pool Update Reports have also been deferred.

9. Supervision of bushcare sites – Groups have been suspended or work locations or strategies altered on nine effected sites. The full impact of this upon the outputs of the program are not yet known.

10. The Fire Mitigation Program is behind schedule by 6 to 8 weeks.

11. Weeds Programs are 3 to 4 weeks behind and targets for the Weed Program will have to be entirely revised. A comprehensive assessment of weed planning is also required.

12. A total of 8 bush regeneration contracts are behind, five of these are URCP and three are BMCC. Some of these contracts have been suspended as there is a need to review the scope of works is required before the forward program can be settled.

Strategy

No impact.
Summary

Alternative funding sources remain uncertain. At this point Council is aware that claims for reimbursement for State disaster funding will close on 31 March 2002. Council is likely to face difficulties in that estimates for funding restoration will be available, but work will not be largely undertaken by that date. At this stage, it is estimated that approximately 12 months will be required to complete restoration works, dependent upon funding availability (This matter is addressed in a further Report in this Business Paper).
QUALITY LOCAL GOVERNMENT

ITEM NO:  9
SUBJECT:  SCHEDULE OF INVESTED MONIES
FILE NO:  C00694

Recommendation:

That the Schedules of Invested Monies as at 31 January 2002 be received.

Report by 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. The Schedules of Council’s Invested Monies as at 31 January 2002 are attached for information.

Due to continuing lower interest rates Council’s return has dropped below the expected year-to-date budget amount. A comprehensive review of the anticipated income from interest on investments is currently being undertaken.
BLUE MOUNTAINS CITY COUNCIL
SCHEDULE OF INVESTED MONIES

Report prepared to 31st January, 2002

<table>
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<tr>
<th>Institution and Fund</th>
<th>Return for Month</th>
<th>Return Year to Date</th>
<th>Current Fixed Rate</th>
<th>Investment Value</th>
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<tr>
<td>Commonwealth Bank of Australia *</td>
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<tr>
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<td>Variable</td>
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<td>Treasury Corporation</td>
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<td>5.02%</td>
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<tr>
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<td>4.77%</td>
<td>Total $20,802,973</td>
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* These investments are in a loan offset facility with a 0.15% p.a. differential. This equates to a net debt service cost of $1,500 per $1 million placed in this facility, or a total of $13,500 p.a. based on the current level of funds invested.

** Interest paid quarterly

Interest Income to date - Budget vs Actual

<table>
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<th>Financial Year to Date</th>
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<tr>
<td>Budgeted Return</td>
<td>$562,128</td>
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<tr>
<td>Council’s Actual Return</td>
<td>$504,914</td>
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</table>

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 Council advise the Department of Land and Water Conservation that it is prepared to increase the offer to A.&A. Preda, to a total of $5,287, being the amount outstanding as shown on the itemised list of costs, for the purchase of part former Essendene Road.

Report by Group Manager, BM City Services:

Background Information

In 1997, Council advised the DLWC that it did not object to the sale of a closed road adjoining Katoomba Falls Reserve, provided that the site was consolidated with other land owned by the applicant. Council also advised that it would accept trusteeship of the land if the DLWC preferred this course of action. It is understood that there was concern on the part of the Council officers that the Crown policy in this circumstance was likely to require Council to purchase the land if it was requested that it be added to the Reserve.

On 17 July 2001, Council considered a report on the proposed sale of a closed road formed by part of Essendene Road, Katoomba which concluded that the natural and visual values of the land were such that it should be added to the reserve.

The Council adopted the recommendation (Minute 311), which reads in part that the Department of Land and Water Conservation (DLWC) be advised that:

a. Council objects to the sale of the land;
b. Council is willing as Trust Manager, to accept the addition of the land into the adjoining Katoomba Falls Reserve;
c. Council is prepared to make a without prejudice offer to the adjacent landowner, to meet the costs incurred in the lodging of the application for the purchase of the land, up to a value of $3,000.

The original assessment and commentary on this proposal is contained at Attachment 1, to assist the Council in the consideration of this matter.

Request for Increased Amount to Cover Applicant’s Costs for Road Closure

The Department of Land and Water Conservation has replied to Council’s submission, seeking advice as to whether Council is prepared to offer more than the $3,000 which was specified in the resolution of 17 July 2001.
The applicants for the purchase of the land, A. & A. Preda, have submitted a schedule of costs incurred in the pursuit of the road closure. The itemised costs total $5827.20.

Comment

The itemised costs submitted by solicitors on behalf of the applicants comprise $2,827.20 in fees and charges by DLWC for Road Closing and Application fees, $3,000.00 Survey fees and $540.00 Road Closing fee paid to BMCC.

An officer of the Department of Land and Water Conservation has verified the accuracy of the items relating to the DLWC fees. A check of Council’s records reveals that the BMCC Road Closing fee was reimbursed to the applicants in February 1997.

Once the total is adjusted to account for this, Council is required to offer an additional $2,287.00 in order to meet the terms of the DLWC request. The funds will come from the budget for Community Lands but will reduce Council’s ability to find any additional on-ground resources for fencing, restoration or maintenance work.

Conclusion

After giving due consideration to the costs and benefits associated with the transfer of the land created by the closed roads in relation to former part of Essendene Road, Katoomba, it is considered that the land should remain in public ownership and that it is appropriate for the Council to agree to accept management responsibility for this land.

This recommendation is consistent with the more strategic assessment that was undertaken in relation to the site, as reflected in the Management Plan for the Upper Kedumba River Plan of Management.

The DLWC will give consideration to the advice from Council before determining the final outcome of this matter.
1. Evaluation of Proposed Sale of Land – Former Part Essendene Road, Katoomba, Lot 1 DP 1025687
Attachment

The Setting:

Attachment 1 is a map showing the land in relation to the Katoomba Falls Reserve and the residential land adjoining to the north. The land immediately to the west of the subject land was added to the Katoomba Falls Reserve Park in 1957. The land is not required for vehicular access and the road closure for the subject site has been completed by the Crown. There are no formal pedestrian access ways on this land or in the immediate vicinity. The applicant for the road closure and purchase of the land so created, owns the residential lots immediately to the north, adjoining the subject land.

Environmental Constraints:

Slopes: The land is heavily affected by steep slopes of 33% or over.

Watercourses: The land adjoins the main watercourse of Upper Kedumba Creek and receives some runoff from the end of Loftus Street. Stormwater generally finds its way overland and in part through a small rock-lined channel to Kedumba Creek at the foot of a steep slope.

Vegetation: The site is largely open forest with shrub understorey. Some clearing and weed disturbance affects the area on the boundary with the residentially zoned private land. The adjoining residential land is substantially impacted by weeds and clearing. Two vegetation communities occur on the subject site. The majority is *Eucalyptus piperita* – *E. sieberi*, but one quarter of the site is a significant vegetation community (*E. oreades*). Significant vegetation in the form of a hanging swamp also occurs downslope and slightly to the east of the subject land.

Zoning and Management Plans:

Blue Mountains LEP 4 is the relevant environmental planning instrument. The subject land is uncoloured. The land to the south is zoned ‘Recreation Existing 6(a)’ and the land to the north is zoned ‘Residential 2(a1)’. The planning instrument, by adoption of the Model Provisions 1980, permits use of the land with the consent of the Council, for purposes which are permissible in an adjoining zone. As the land is within LEP 4, it has not been assessed in a strategic way for road closure within an environmental planning study, and is thus not represented as a road closure on the zoning map.

However, the Upper Kedumba River Plan of Management (UKRPM) recommends the closure of this road and the adjoining sections of former Essendene Road and the lower end of Cascade Street, with the addition of that land to the Park. In October 1996 (Minute 521) Council adopted the recommended actions of the Management Plan in relation to Community Land within the Valley. The Council resolution only adopts the Action Plan in relation to Community Land as defined for the purposes of the Local Government Act 1993. The Upper Kedumba River Plan of Management mistakenly identifies Katoomba Falls Reserve as Community Land and whilst the recommendations in relation to this parcel do not formally and legally apply, the UKRPM nevertheless represents quite a comprehensive and appropriately catchment-based assessment of the public land management issues in particular.
PROTECTION OF THE NATURAL ENVIRONMENT

Item 10 - Ordinary Meeting, 19/02/02

Attachment

History of the Matter:

The applicants first received formal advice from Council in 1997 that Council did not oppose the sale of the closed road, on condition that the land would be consolidated into a single parcel with the applicants’ existing land. The applicants owned the 3 adjoining residential lots to the north of the subject land and indicated that they wished to purchase the land for the purpose of better protecting the vegetation on their own land.

Although the advice that Council subsequently provided to the DLWC in 1998 was somewhat ambiguous, it was clear that Council did not at that time seek to raise objection to the sale of the closed road, on the condition that the land would be consolidated with the adjoining residential lot ‘to ensure that there is no future development of the site’. The letter concluded with the advice that the addition of this parcel to the adjoining reserve would be recommended to Council, if that course of action was considered preferable by the DLWC.

The applicants and the DLWC have since proceeded on the basis that the land would be sold to the adjoining owner and the proposal is at the stage whereby the road has been closed and the land sale is being finalised.

In response to a recent notice of intent to report this matter to Council, correspondence from the DLWC was received as this report was being finalised. The correspondence briefly reviews the history of the Council’s advice in relation to this matter and advises that the applicants have incurred $2,300 to date in application fees and land valuation fees, and have also separately borne the costs of the survey of the land. The DLWC advise that it may uphold an objection to the sale of the land on the basis that Council agrees to compensate the applicants for all of their costs incurred in this matter.

Public Representations:

The Kedumba Creek Bushcare Group has lodged an objection to the notice of sale of the land, on the grounds of the environmental sensitivity of the land and the significance of such buffer sites, in terms of reserve management and catchment protection. The recent award of a $90,000 grant by the Sydney Catchment Authority (SCA) to the Council for the purposes of restoring, protecting and revegetating the creek and corridor immediately upstream of the subject land, is also cited as evidence of the need to maintain the site within the public reserve.

The Bushcare Group has also requested that Council support the objection to the sale of the land and seek the inclusion of the land into the Katoomba Falls Reserve.

As this report was being finalized, representation was also received from the Blue Mountains Conservation Society objecting to the sale of the land and seeking the Council’s support for the addition of the land to the public reserve. The reasons for the objection are generally consistent with those advanced within this report.
Attachment

Proposed Approach:

It is considered most desirable to retain the land in public ownership, thereby providing greater certainty regarding the management of the land in a way that is compatible with the environmental values of the locality and of the catchment. In addition to the environmental sensitivity of the land, the site forms part of the scenic, steep vegetated backdrop to Katoomba Falls Reserve. Any private boundary fencing across this slope would significantly detract from the quality of the landscape setting, and occasion disturbance that would lead to further degradation within what is currently healthy, high value bushland.

It is considered unlikely that Council will incur any increased costs as the result of the addition of this land to the public reserve. The principal site-specific costs arising from the addition of this land into the public reserve arise in relation to the weed control and bush regeneration costs. Transferring the boundaries of the private land to the very steep side slopes within what is now viewed as the Katoomba Reserve, is likely to generate new areas of disturbance with greater potential for impact.

The addition of this land to Katoomba Falls Reserve will provide a more practical configuration for management purposes, in addition to fulfilling an appropriate environmental protection role. The Bushcare Group has signalled its intention to assist Council to maintain the bushland reserves in this location, including the land in question.

Turning lastly to the question of whether Council should agree to compensate the applicants for costs incurred to date, it is considered that there are several aspects to this issue.

There is not considered to be any legal requirement for Council to compensate the applicants for costs incurred to date. There could be no certainty that a sale will be concluded until all objections have been duly considered. The context in which policy decisions are made is subject to continuous change and there is no provision that binds Council to its previous advice of 1998. There is also the matter that notwithstanding any objection lodged by Council, objections have been lodged by other parties.

However, it is accepted that the Council plays a key role in this instance in the process of determining appropriate tenure. The DLWC has advised that the application for the sale of the land and the attendant valuation of the land, would not have proceeded if the Council had provided advice at the time of the road closure application, that it objected to the sale of the land. The applicants may argue that they were entitled to rely on Council’s advice in 1997 when making their decision to proceed with the application.

It may therefore be seen as reasonable that Council offer to meet the direct costs of the application up to a maximum of $3,000. Such an offer would be made on a “without prejudice” basis, and would be subject to the submission of documentary evidence regarding costs. The recommendation is made on this basis. Funds are available from unexpended funds in the 2000/01 budget for community lands management planning, subject to these funds being revoted to the 2001/02 financial year.
PROTECTION OF THE NATURAL ENVIRONMENT

ITEM NO: 11

SUBJECT: BLUE MOUNTAINS STORMWATER MANAGEMENT PLAN

FILE NO: C02946

Recommendations:


2. That the actions listed in the Stormwater Management Plan be included within Council’s overall Management Plan and Capital Expenditure budgeting process.


Report by Group Manager, BM City Services:

Background
In May 1998, under Section 12 of the Protection of the Environment Administration Act, 1991, the Environmental Protection Authority (EPA) issued a directive to all Councils to prepare a Stormwater Management Plan (SMP). Blue Mountains City Council was required to prepare its Plan in association with Penrith City Council. The SMP was duly prepared with assistance from the NSW Government through its Stormwater Trust. Following a review of the Plan by the EPA and other stakeholders, Council was requested to amend and expand some parts of the document. This was completed in June 2001 and submitted to the EPA. The changes made to the SMP satisfy the requirements of the legal direction from the EPA.

Implementation of the Stormwater Plan
The SMP offers a starting platform for continuous improvement in the control and maintenance of the stormwater system. It will reduce damage to property and the environment during and following high runoff and will improve the quality of water entering the Sydney water supply catchment area.

The SMP includes a list of management strategies and actions to be undertaken by Council and other stakeholders and it includes an estimate of the costs likely to be incurred. These items have been extracted from Part 12 of the SMP and are listed in Attachment 1 of this Report. By adopting the Plan, Council will be committing to ongoing expenditure of management time in the preparation of policies, inter-agency co-ordination, community consultation, education, monitoring and reporting.
PROTECTION OF THE NATURAL ENVIRONMENT

Item 11 - Ordinary Meeting, 19/02/02

Budgeting for Stormwater Management
The construction and maintenance costs arising from the adoption of strategies in the SMP can only be calculated when the scope of the works to be carried out within a given program is defined and specified. Estimates would be prepared and budgets established using the normal processes within Council. It is recommended that this should be a specific item within Council’s annual Management Plan and Expenditure Budget to enable the ongoing implementation of the Plan and will ensure that its desired outcomes are progressively achieved.

Community consultation
The Stormwater Management Plan refers to previous community consultation and outcomes and it is recommended that this information should be made available to the public. The normal process for this is to provide a copy of the SMP – June 2001 at each of Council’s libraries.
Attachment
Attachment
Recommendation:

That Council adopt Attachment 1 as an amendment to DCP 31 – Public Infrastructure Works for Subdivisions and Development and that appropriate public notification of the adoption be undertaken.

Report by Group Manager, Health and Development:

Introduction

Council at its meeting of 11 December 2001 resolved to exhibit an amendment to its Development Control Plan No. 31 – Public Infrastructure Works in Subdivisions and Development to incorporate revised provisions regarding unformed Crown Roads. The proposed amendment seeks to provide increased flexibility in terms of construction standards if the road is to remain as a Crown Road. A copy of the Report considered by Council at its meeting on 11 December 2001 forms Attachment 2.

Exhibition

The draft amendment to the DCP was exhibited from 19 December 2001 to 25 January 2002. This included four advertisements in the Blue Mountains Gazette. No public submissions were received.

Amendments

The amendment to the DCP, as exhibited, reduces the construction requirements in certain circumstances for access to dwellings where the road is to remain as a Crown road and Council does not become responsible for the ongoing maintenance of the road. The standard proposed provides for suitable access that will be maintained during its life by the applicant/landowner.

Conclusion

The draft amendment to Council’s Development Control Plan No 31 – Public Infrastructure Works in Subdivisions and Developments has been exhibited in accordance with the provisions of the Environmental Planning and Assessment Act. It is recommended that Council adopt the exhibited draft amendment and that appropriate public notification of the adoption be undertaken.
Attachment 1

Amendment to Development Control Plan 31 – Public Infrastructure Works for Subdivisions and Developments

Development Control Plan 31 – Public Infrastructure Works for Subdivisions and Developments is amended by:

Adopting the revisions to the “Specification for Access to New Development” which have been exhibited and are outlined in bold and underlined as shown on the attached pages.
Specification for Access to New Development

The Aim of this Specification

The Specification for Access to New Development aims to outline Council’s requirements for vehicular access to a new development proposed to be constructed beyond the end of Council’s current maintained trafficable road system.

This Specification forms part of DCP 31 and should be read in conjunction with it.

There are two issues that this Specification seeks to address. These are the legal status of a road upon which access to a development is proposed, and secondly, the standard of construction required when that access extends beyond Council’s existing maintained trafficable road system.

Preliminary Considerations

Vehicular Access to development is considered a fundamental requirement for every development proposal. Issues such as, emergency access and egress in medical circumstances, for bush fire fighting, for structural property fire fighting and for the convenience of users and visitors to a site are important considerations.

However, any development proposal needs to recognise the potential environmental impacts of that proposed access arrangement.

Ownership of the Road Reserve

Existing roads within the Blue Mountains may currently be owned by either:-

- Council,
- the Crown – managed through the Department of Land and Water Conservation,
- private persons, and
- the Roads and Traffic Authority (RTA).

The details in this plan relate to roads owned by the first three of these.

It is desirable from a management and user perspective that all roads that are accessed by the public within the Mountains are “Council” owned. This approach will assist in a consistent approach to legality, traffic regulation, construction standards and maintenance.
“Private Roads”

Roads currently owned by private persons within the Mountains and which are being used for public purposes were generally created in subdivisions prior to 1920 and were not transferred to Council for care, control and management. It is Council’s intention to change the status of these roads to Council owned and managed public roads as Council becomes aware of them. A significant method by which Council becomes aware of “private roads” is through the development application process. The process by which this change of status occurs is through Section 16 of the Roads Act 1993. Commonly, the current legal owners of the roads are untraceable.

Council will generally initiate the change of the status of the road following the receipt of a development application for a property that fronts that road. Council may charge a fee to initiate this change of status. The amount of the fee will be listed in Council’s Annual Management Plan – Schedule of Fees and Charges.

Any approval that may be given for the development or any access to the development cannot be granted until the gazettal of the public notice declaring the road to be a “Council” public road.

“Crown Roads”

Similar to the requirements for “private roads”, Council will normally seek to change the status of the Crown roads to Council roads, but Council can only do so with the agreement of the Department of Land and Water Conservation.

Upon becoming aware of a Crown Road, Council will initiate the relevant processes (Section 151 of the Roads Act). Council may charge a fee to initiate this change of status. The amount of the fee will be listed in Council’s Annual Management Plan – Schedule of Fees and Charges.

This requirement, however, does not apply where:

- the number of dwellings or potential dwellings to be accessed along the road is no more than 3, and
- the land is zoned Rural Conservation or Bushland Conservation, and
- the road exceeds a total length of 150 metres per dwelling.

Generally where an approval is granted for a development with restricted access it will be subject to a deferred commencement provision in respect of the gazettal of the public notice declaring the road to be a “Council” public road. In some circumstances, the Department of Land and Water Conservation may give their expressed concurrence to the approval of the application and the commencement of works prior to the change of status of the road.

Council will not maintain or construct roads that remain as Crown roads.

Current Extent of Road Construction

Council’s trafficable road system currently exists in two forms, sealed and unsealed but formed.

Access along other roads may be along unformed roads where a track exists, and in some cases vehicular access to some properties may not be available. Properties and roads in these categories are not part of the trafficable road system (unformed roads).

Council has resolved that it will not maintain or construct roads in this category.

Council will provide guidance to intending purchasers of properties through certificates under Section 149(2) of the Environmental Planning and Assessment Act 1979 about the application of the construction requirements of this Specification.
Attachment 1

**Minimum Standard Required for Council Roads**

For a single dwelling house proposed to be constructed beyond the extent of Council’s trafficable road system:

- The road pavement must be at least 4 metres wide, with a further 1.0 metre shoulder on both sides.
- The road must incorporate adequate turning facilities for vehicles at the end of its construction. This should be sized to accommodate bush fire fighting vehicles and Council waste and effluent removal vehicles.
- The road construction must be sealed (two coat bitumen seal, asphaltic concrete or concrete) for any section where the grade exceeds 10% or for any section subject to water flows (creek crossings). Where more than 50% of the road is to be sealed because of this requirement, the entire road shall be sealed.
- The road pavement must meet the appropriate geo-technical standards identified in the Blue Mountains City Council Specification for Public Infrastructure - Design, and Blue Mountains City Council Specification for Public Infrastructure – Construction. As a minimum the pavement must consist of 150mm thick DGB 20.
- Passing bays should be provided at least every 100 metres.

For other forms of development a higher standard of construction will apply, depending upon the traffic generation expected for the development. Specifically, where a development includes more than one dwelling or where the development will bring about more than one dwelling utilising the access, the road construction will, at a minimum, need to be sealed for its full length.

Council will not contribute to the cost of the design or construction of road works beyond the extent of its trafficable road system where the works are proposed to provide access to development proposals. Once a road is designed and constructed in accordance with this Specification, Council will “re-classify” the road and undertake the appropriate maintenance in accordance with its maintenance schedules.

**Minimum Standard Required For Crown Roads**

Where roads are to remain as a Crown road the construction requirements outlined above shall not apply, but the construction shall comply with the following requirements:

- The access shall be graded to provide for a smooth driving surface at least 3.5 metres wide and maximum grade of 20%.
- Adequate provision shall be made for drainage of the access surface and table drains.
- Adequate provision shall be made for passing bays, and
- The access shall be free of overhanging branches and trees for a width of at least 5 metres.
- Approval for these works may be required from DLWC.

The applicant shall be responsible for the maintenance of the access to the property where the access remains along a Crown road. Council may require this aspect to be reinforced through a restriction or positive covenant registered on the title of the relevant property.

Council’s Waste Collection Services generally will not utilise the access along these roads and alternative arrangements will need to be made with Council regarding the collection location for the houses.
LAND USE MANAGEMENT

Attachment 1

**General Design and construction Issues**

The design for Council roads should comply with Blue Mountains City Council Specification for Public Infrastructure – Design.

The construction of the road should comply with Blue Mountains City Council Specification for Public Infrastructure – Construction.

Prior to construction of any roadwork, an application to undertake work in a public road under Section 138 of the Roads Act is required and the relevant fee must be paid.

All work constructed in the public road reserve must be undertaken by a competent and approved contractor with relevant experience in this type of construction. The contractor is required to provide proof of public liability insurance to Council prior to commencing any work in the road reserve. Council may direct work in the road reserve to be removed and/or reinstated if work is carried out without Council approval or Council supervision.

All works to access a new development that is beyond the extent of Councils current trafficable road system must be satisfactorily completed and approved before work commences on the construction of the development.

**Joint Construction Arrangements**

There may be some situations where it is likely that there are other landowners who might utilise the construction and formation of a road required by this Development Control Plan Specification, to access future developments.

In order to assist in the sharing of the costs of the road works, Council encourages the relevant landowners to arrange a joint funding and construction arrangement. This should only be undertaken in conjunction with a development application for land that will gain access along the proposed road works.
Report to Council Meeting 11 December 2001

ITEM NO: 21

SUBJECT: PROPOSED AMENDMENT TO DEVELOPMENT CONTROL PLAN 31 – PUBLIC INFRASTRUCTURE WORKS IN SUBDIVISIONS AND DEVELOPMENTS

FILE NO: R00/0003, C02853

Recommendation:

That Council exhibit Attachment 1 as a draft amendment to DCP 31 – Public Infrastructure Works in Subdivisions and Developments.

Report by Group Manager, Health and Development:

Introduction

Council at its meeting of 13 March 2001 adopted amendments to DCP 31 Public Infrastructure Works in Subdivisions and Developments. These amendments came into effect on 21 March 2001.

A particular circumstance has been drawn to Council’s attention, regarding this DCP that is considered by Council Officers to warrant a review and clarification to the wording of the DCP and its standards.

Issues raised

The principal issue raised involves the significant cost involved in constructing a road in the following circumstances:

- The road provides access to a limited number of dwellings or potential dwelling sites,
- the road is a “Crown” road, and
- the character of the area is substantially bushland or rural.

The issue involves a combination of factors within the DCP.

1. The DCP indicates that a “Crown” road should become a “Council” road in order to ensure a consistent management approach.
2. The DCP then requires the construction of the road to a standard that is suitable for Council’s long term management and maintenance.
3. In the case of limited dwellings and access, the cost of providing the road to this standard can be expensive, particularly if steep slopes are involved that require sealing of the road surface.
The arguments being put to Council are that:

- The upgrading/construction of a road to a high standard is due to Council’s maintenance responsibilities once the road becomes a Council road.
- There are low usage situations with only a small number of dwellings and long lengths of road to be constructed.
- It is unreasonable for Council to require that a particular Crown road becomes a Council road.
- The approach is generating unreasonable costs.

In certain circumstances the arguments are considered to have validity and as such it is proposed to clarify the circumstances when a “Crown” road should be transferred to a Council road, and the consequential reduction in construction standards, where the access remains via a “Crown” road.

There would however still be a requirement for the non-council road to meet an appropriate standard, but this could be more limited, because the maintenance responsibility for the road will not rest with Council. Due to the reduced construction requirements, it is expected that there will be a significant reduction in costs to property owners of providing the access in the majority of cases.

The amendment proposed is outlined on Attachment 1 and provides that:

- Where the land concerned is zoned Bushland Conservation or Rural Conservation, and
- The maximum number of dwellings or potential dwellings to be accessed along the road is no more than 3, and
- The length of the road exceeds 150 metres per dwelling (or dwelling potential), and
- The road is currently a “Crown” road.

then, the requirement that the road to be transferred to Council does not apply and the road would remain as a “Crown” road. The following access requirements would then apply:

- The access shall be graded to provide for a smooth driving surface at least 3.5 metres wide and a maximum grade of 20%,
- Adequate provision shall be made for drainage of the access surface and table drains,
- Adequate provision shall be made for passing bays, and
- The access shall be free of overhanging branched and trees for a width of at least 5 metres.

Responsibility for the ongoing maintenance of these roads would rest with the applicant / landowner.

**Conclusion**

An amendment to Development Control Plan No 31 – Public Infrastructure Works in Subdivisions and Developments has been drafted which clarifies the situation outlined.

It is considered appropriate to exhibit the draft amendment to DCP 31 in terms of the requirements contained in the Environmental Planning and Assessment Act.

A further report will be presented to Council at the conclusion of the exhibition period.

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(Land Use Management, 11/12/2001)
ITEM NO:  13


FILE NO:  S01/0030

Recommendation:

That Development Application No. S01/0030 for a 1 into 2 Lot subdivision of ‘Deloraine’ at Lot A DP 365790, 99-101 Railway Parade, Leura be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this report.

Report by Group Manager, Health and Development:

Reason for report  This application is referred to Council for determination at the request of two (2) Councillors.

Applicant      S Mark Bowler & Associates Surveyors Pty Ltd
                PO Box 1, Wentworth Falls

Owner      C & C Buesnell
             99 Railway Parade, Leura


Location

![Map of Subject Location]
LAND USE MANAGEMENT

Site description

The subject land is located approximately 350 metres east of Leura Mall on the corner of Railway Parade and Hartley Esplanade, Leura. The site, which has an area of 4299m², currently accommodates a substantial dwelling house and gardens, known as ‘Deloraine’, an identified item of environmental heritage.

This corner allotment has a frontage of 59.89 metres to Railway Parade and 70.29 metres to Hartley Esplanade and currently gains access from Railway Parade. The Main Western Railway line runs parallel to this section of Railway Parade. The site is bounded by existing residential development to the south and west and Railway Parade to the north. St Bonaventure’s Catholic Church is located on the opposite side of Hartley Esplanade to the east.

The dwelling ‘Deloraine’ is setback approximately 17.4 metres from Railway Parade and approximately 35 metres from Hartley Esplanade. The surrounds of ‘Deloraine’ incorporate a grassed tennis court, gazebo and is screened by mature exotic vegetation on both street frontages. The site slopes gently from the north-west to the south-east.

Proposal

The application seeks Development Consent to subdivide the subject site to create a frontage allotment to Railway Parade and a frontage allotment to Hartley Esplanade.

Proposed Lot 1 is 3191m² in area with a frontage of 59.89 metres to Railway Parade and 51.79 metres to Hartley Esplanade. Proposed Lot 1 will contain the existing dwelling house, tennis court and surrounding gardens. Proposed Lot 2 is 1109m² in area with a frontage of 18.5 metres to Hartley Esplanade. Access to Proposed Lot 1 will remain unaffected by the subdivision. Proposed Lot 2 will achieve access from a new crossing to Hartley Esplanade.

A copy of the plan showing the site area and the proposed subdivision is provided in Attachment 2.

LAND USE MANAGEMENT

Item 13 - Ordinary Meeting, 19/02/02

Development controls

Zoning:
- Local Environmental Plan No. 4 - Residential 2(a1).
- Draft Local Environmental Plan 1997 – Living Conservation.

Other planning instruments and plans:
- State Environmental Planning Policy No. 58 – Protecting Sydney’s Water Supply
- Regional Environmental Planning Policy No. 20: Hawkesbury Nepean River.
- Development Control Plan No. 27: Subdivision.
- Development Control Plan No. 10: Blue Mountains Character Guidelines.
- The site is also within a Heritage Conservation Area LA29 – Streetscape and houses, under Local Environmental Plan 1991.

Notification

Written notification of the application was forwarded to owners of adjoining and nearby properties.

As a result of the community consultation process, one (1) submission was received. The matters raised in the submission can be summarised as follows and are discussed in the assessment of the proposal;

Concerns with the proposal;
- The subdivision will substantially and adversely alter the garden of ‘Deloraine’.
- The impact of the subdivision and future development on specimen trees and shrubs within the proposed new allotment.
- The impact on the character of Hartley Esplanade.
- The proposal will have an adverse impact on the amenity of the adjoining property.
- The proposed development will exacerbate existing drainage problems for the adjoining property.
- The impact of increased traffic movements in Hartley Esplanade.

Issues

Assessment issues –
- Statutory considerations.
- Heritage impact.
- The likely impacts of the development.
- Resident Issues.
LAND USE MANAGEMENT

Item 13 - Ordinary Meeting, 19/02/02

Discussion of Issues

1. Environmental Planning Instruments and Council Plans

(a) Local Environmental Plan 4

The site is zoned Residential 2(a1) under the provisions of Local Environmental Plan No. 4 and the proposed subdivision is permissible with consent within the subject zone.

The application has been assessed in accordance with the provisions of LEP 4 and complies with the development standards specified in Clause 33 and the provisions of the other relevant clauses of LEP 4, as detailed in the following Table:

<table>
<thead>
<tr>
<th>Clause</th>
<th>Standard</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>cl.33</td>
<td>Minimum area of 700m² for frontage allotments</td>
<td>Both allotments are in excess of the 700m² standard.</td>
<td>Yes</td>
</tr>
<tr>
<td>cl.33</td>
<td>Ratio of depth to frontage satisfactory to Council</td>
<td>Both allotments have satisfactory depth to frontage ratios to allow adequate opportunity for access and the provision of a suitable building envelope.</td>
<td>Yes</td>
</tr>
<tr>
<td>cl.33</td>
<td>A frontage of not less than 18.5m</td>
<td>Proposed Lot 1 exceeds the frontage width requirement and Proposed Lot 2 has a frontage width of 18.5 metres, therefore complying with the development standard.</td>
<td>Yes</td>
</tr>
<tr>
<td>cl.40</td>
<td>Adequate provision of utility services</td>
<td>The site is currently serviced by reticulated sewer, the existing sewer main traverses the site from the rear of the existing dwelling house and through to Hartley Esplanade. Any current encroachment onto Proposed Lot 2 will need to be removed and a new connection provided to ensure both allotments have separate services. Water, electricity and communications services are available to the site.</td>
<td>Yes</td>
</tr>
<tr>
<td>cl.42</td>
<td>Assessment of risk of fire</td>
<td>Adequate opportunity exists for any future building on Proposed Lot 2 to be designed and protected in the event of bushfire. The bushfire hazard is considered to be moderate and the proposal is considered to be satisfactory due to the developed nature of the site and immediate locality.</td>
<td>Yes</td>
</tr>
<tr>
<td>cl.42</td>
<td>Effect on any item of the environmental heritage</td>
<td>The subdivision has an impact on the existing heritage item of the dwelling and surrounds. The impact is considered to be acceptable as discussed below.</td>
<td>Yes</td>
</tr>
<tr>
<td>cl.42</td>
<td>Preservation of the visual amenity of the locality</td>
<td>The subdivision and recommended treatments and restrictions have been designed to minimise the impact on the visual amenity of the locality.</td>
<td>Yes</td>
</tr>
<tr>
<td>cl.42</td>
<td>Adequate provision of access to the land from a public road.</td>
<td>Access to Proposed Lot 1 remains unaffected by the proposed subdivision. Proposed Lot 2 is proposed to be accessed from Hartley Esplanade and the driveway has been located to minimise the impact on the streetscape.</td>
<td>Yes</td>
</tr>
<tr>
<td>cl.58</td>
<td>Heritage conservation</td>
<td>An assessment of the impact has been made and supported by a Statement of Heritage Impact and the level of impact is considered to be acceptable in the circumstances of this case.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
The subject site is located within the Heritage Conservation Area LA29 – described as streetscape and houses. A detail of Council’s Heritage Map showing the area known as LA29 is included as Attachment 3.

Under the provisions of Clause 58 of Local Environmental Plan No. 4 Council must not grant consent to any application within a Heritage Conservation Area without first assessing the impact of the development on the heritage significance of the Heritage Conservation Area.

The applicant has lodged the following information relating to heritage matters in support of the proposal;
- A Statement of Environmental Effects
- A Statement of Heritage Impact, prepared by Rose Deco Planning and Design Pty Ltd
- A supplementary document to the Statement of Heritage Impact including a landscaping specification.

The level of impact is discussed later in this report.

(b) Draft Local Environmental Plan 1997

The subject site is proposed to be zoned Living Conservation under the exhibited Draft Local Environmental Plan 1997. Subdivision is permissible with Council consent in this zone. Clause 14 has the effect of requiring a 1200m$^2$ allotment size in the Living Conservation zone in order to provide the maximum specified building space. Proposed Lot 2 has an area of 1109m$^2$. It is considered however that based on the established subdivision pattern within the Hartley Esplanade locality and the identification of an appropriate building envelope for Proposed Lot 2, the variation from the provisions of Draft LEP 1997 is considered to be warranted. The proposal is also considered to be consistent with the objectives of the Living Conservation zone in terms of conserving the character of the residential area and being sensitive to the environmental attributes of the site.

Clause 26 of Draft LEP 1997 relates to the protection of heritage items, heritage conservation area and relics. This clause does not restrict subdivision, however it does require Council to take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage conservation area. It is considered that the proposal is consistent with the intent of this clause, as discussed later in this report.

(c) Statement Environmental Planning Policy 58 – Sydney’s Water Supply

The site is located on the boundary of the Warragamba Water Catchment Area. The application has been assessed having regard to the matters for consideration of Clause 10 of SEPP 58 and was found to be consistent. There are no notification or concurrence requirements with the Sydney Catchment Authority in this instance.
(d) **Regional Environmental Plan No. 20 – Hawkesbury Nepean River.**

The proposed development is located within the Coxs River subcatchment under the provisions of SREP 20. In assessing this application, the general and specific planning considerations as set out in Clause 5 and 6 of SREP 20 have been addressed and the proposal is considered to be consistent with the aims and strategies of the SREP particularly given that:

- Future development will occur on an area of the site previously disturbed and developed as an exotic garden;
- Adequate opportunity exists for stormwater to be disposed to Council’s stormwater system with minimal envisaged impact on the environment or catchment;
- The site will be connected and serviced by the existing reticulated sewer system; and
- Adequate erosion and sedimentation controls are to be incorporated into the development to minimise downstream and off site impacts.

(e) **Development Control Plan No. 27: Subdivision**

The proposed subdivision is considered to comply with the relevant provisions of Council’s DCP 27.

No significant native flora or fauna has been identified on the site. The existing exotic garden does however contain significant vegetation in terms of environmental heritage, and the impact on this is discussed as part of the assessment of the heritage impact. No watercourse affects the site and the proposed additional allotment contains suitable unconstrained land to accommodate appropriately designed residential development. Appropriate access, drainage and services can be provided to a future residence.

(f) **Development Control Plan 10: Character Guidelines**

The proposed subdivision has been considered in accordance with the aims and principles of DCP 10 in terms of the site planning and design considerations.

2. **Impacts of the development on the Heritage Conservation Area**

The site is located within the Heritage Conservation Area LA29. LA29 is described in the following manner:

“The group of buildings from 97-107 Railway Parade is a fine intact group of houses and a church facing Railway Parade. Although ranging in dates over a period of thirty years, the houses display a common theme of substantial housing ranging from the smaller cottage Branksome to the large houses Deloraine and Edelweiss…..The group is enhanced by the attractive garden settings of the houses, particularly of Deloraine and Edelweiss.”
LAND USE MANAGEMENT

The dwelling house and gardens of the subject site are further described in the Draft Review of the Heritage Inventory exhibited in March 2000 as;

‘A fine, significant example of substantial housing encouraged by the creation of a railway station at Leura, Deloraine has additional significance as a private school. Deloraine is a fine, intact example of a substantial Federation bungalow in the Blue Mountains. The house has a strong features including the large shingle gabled, dormer windows, verandahs with turned timber posts and frieze, shingled spandrels and a sandstone base. The site includes a well established garden with a rhododendron boundary to the street, tennis court and its original brick and wrought steel fence’.

The applicant has addressed the issue of impact upon the Heritage Conservation Area by supporting the proposal with an historical account of the changes to the subdivision pattern in the area, a heritage assessment of the area and a further statement in support of the application which makes specific recommendations as to the restrictions and treatments which should be incorporated into the subdivision design and any future development of the site.

Concern was originally raised by Council’s Heritage Advisor as to the potential for alienation of aspects of the garden setting from the main building of ‘Deloraine’, which is a major feature of the Conservation Area. The proposed subdivision involves excising a portion of the site (1109m²), which will include several mature trees along the Hartley Esplanade frontage and the southern boundary of the site (including Cedrus deodara, Cupresses sp. and Liquidambar styraciflua), the gazebo and an area containing brick and stone walls in the south-western corner of Proposed Lot 2.

Council’s Heritage Advisor states that;

‘...the key heritage issue in the present application is the need to ensure as effectively as possible the retention of the early Deloraine residence on a sufficiently large site to display its significant “house in a traditional large garden setting” which is so significant a component of Leura’s historic character, particularly in Railway Parade area. At this stage there seem to be appropriate ways in which the visual and physical curtilage of Deloraine can be maintained and it is to this end that issues of fencing, the retention of site trees and the appropriate location of new buildings and driveways must be directed using appropriate means/controls.’

The applicant’s Heritage Advisor concludes that;

“There is no detrimental impact on the historical significance of the listings. The following aspects of the proposal could impact on the aesthetic significance by: partially interrupting the long garden view past the tennis court when viewed from Railway Parade with the erection of the boundary fencing for the new allotment; interrupting the continuous wooden fencing on the side street boundary along Hartley Esplanade with the creation of an opening for a driveway for vehicular and pedestrian access. These impacts can be minimised by selective development measures”.
In response to these concerns, the applicant submitted an amended subdivision plan which maintains the same subdivision layout as originally proposed, but also incorporates a defined building envelope, the identification of a driveway to service the building envelope, the identification of the significant trees on the site which define the property, particularly when viewed from the corner of Railway Parade and Hartley Esplanade, and makes recommendations for fencing, the retention of trees and landscaping of the site.

It is considered that the retention of the mature trees in the eastern and southern portions of Proposed Lot 2, identified as Trees 1 – 10 in Attachment 4, and the location of the driveway to service Proposed Lot 2 routed between Tree No. 2 and 3 (if constructed in accordance with the recommendations of Heritage Impact Statement), should be adequate to minimise the impact of the proposed excision of this portion of the site from the main garden of Deloraine.

Further, the location of a future building within the identified building envelope on Proposed Lot 2 will act to retain the current views of the garden particularly from the corner of Railway Parade and Hartley Esplanade, as any future building will be in a similar alignment to Deloraine. It is considered warranted to increase the size of the building envelope identified on the plan of subdivision to a point directly behind the current location of the gazebo and to limit the height of any future buildings to single storey. The resultant building envelope will then have an area of approximately 564m² which allows ample opportunity for the location and design of a building and associated ancillary structures and private open space on the subject allotment and minimises the impact on significant trees, the views of the gardens and is considerate of the location of adjoining dwellings.

It is acknowledged that any such future building will need to be appropriately designed to minimise any adverse impacts on the heritage item, however it is considered that the subject subdivision adequately minimises the potential impacts identified. Whilst several trees specimens will require removal within the identified building envelope, the loss of these trees is not deemed to be of such significance as to warrant refusal of the application. The most significant tree specimens in terms of heritage value and streetscape character are located outside of the proposed building envelope.

The identified features, including the rhododendron boundary along Railway Parade, the tennis court feature and the original brick and wrought steel fence remain unaffected by the proposed subdivision.

No objection is raised to the removal of the brick and stone walls in the south-western corner of Proposed Lot 2. A survey and recording of the works was prepared by the applicant’s heritage consultant and the record provided to Council as part of the subdivision documentation. This level of recording is considered to be acceptable as the heritage significance of the structures is considered to be low.

It is considered that the heritage impacts associated with the proposed subdivision have been adequately identified and addressed and, subject to compliance with the conditions of consent, the provisions of Clause 59 of LEP 4 and Clause 26 of Draft LEP 1997 have been satisfied.

A Condition is proposed to be included in any Consent, requiring a Restriction on the new Title to the effect that any future dwelling is to be designed with regard to the heritage significance of the existing house.
3. The likely impacts of the development.

The character of the site and locality can be described as a distinctive and predominantly residential precinct dominated by houses, which display a common character although ranging from small cottages to larger houses, that are enhanced by mature exotic gardens. The subject site is located within a Heritage Conservation Area, which is demonstrative of the character of Leura. The site’s location is particularly important, as Railway Parade is a significant corridor into the township of Leura.

The proposal has been designed to conserve the character of the locality by retaining significant trees, identifying a suitably located driveway to further reduce the impact of construction works on the Hartley Esplanade streetscape, and providing a building envelope which is located to maintain the visual significance of the garden setting and to minimise impacts on adjoining property.

It is acknowledged that the necessary drainage and sewer works will have an impact on the site. The design for the drainage and services for each allotment is therefore to be submitted to Council for consideration and approval as part of the Construction Certificate documentation. The anticipated impact of the works is considered to be acceptable.

4. Resident issues.

The majority of issues raised as a result of the community consultation process have been addressed in the preceding sections of this Report, however the following comments are made in respect of the remaining issues;

• The proposal will have an adverse impact on the amenity of the adjoining property.

Comment:
It is acknowledged that the proposal to create an additional allotment within the Hartley Esplanade streetscape and the potential for a future building to be erected upon that allotment will have an impact on the adjoining residences, particularly the property to the south at 1 Hartley Esplanade, as at present there is a separation distance of approximately 30-35 metres between the existing dwelling on Proposed Lot 1 and the existing dwelling at 1 Hartley Esplanade.

The location of the building envelope on Proposed Lot 2 toward the rear of the allotment results in any future building being located away from the adjoining residence mentioned. There is some potential for overlooking of the rear open space area of 1 Hartley Esplanade due to the change in grade between the two properties, however the southern boundary is currently screened with vegetation and opportunity exists at any future development application stage for the development of Proposed Lot 2 for design and landscaping features to be incorporated to further minimise any adverse impact on the adjoining residence.

Further, the position of the building envelope to the rear of Proposed Lot 2 will reduce the likelihood of overshadowing of the adjoining dwelling house at 1 Hartley Esplanade, although some overshadowing would occur to the rear open space area due to the orientation of the allotments.
It is considered however that the proposed subdivision is appropriate in design and is consistent with the zoning of the subject land.

- **The proposed development will exacerbate existing drainage problems for the adjoining property.**

**Comment:**
Due to the change in grade between the subject site and the adjoining site to the south, some overland flow of stormwater occurs. In order to minimise any potential impact on the adjoining property, it is proposed as a requirement of this subdivision, to install an appropriate drainage system to capture all roof water from the existing dwelling on Proposed Lot 1 and pipe it to the Hartley Esplanade kerb. It is also proposed to require the installation of a drainage system from the building envelope of Proposed Lot 2 to Hartley Esplanade. As such, the drainage from all future structures on Proposed Lot 2 can be piped to the street.

- **The impact of increased traffic movements in Hartley Esplanade.**

**Comment:**
It is considered that the increase in traffic generated by one additional allotment within the Hartley Esplanade road system is negligible and refusal of the application on traffic grounds is not warranted.

**Conclusion**

Whilst it is acknowledged that the proposal to excise a portion of the existing large garden of ‘Deloraine’ does have an impact on the locality, it is considered that appropriate measures to minimise that impact have been explored and implemented by the applicant in the subdivision design. The designation of a building envelope, the identification and construction of a suitably located driveway to service the proposed additional allotment and the restrictions placed on the proposed allotment in terms of fencing and landscaping all act to minimise the impact of the proposal on the character of the area and the significance of the Heritage Conservation Area.

The proposal is consistent with the zoning of the site and the development standards specified in Council’s Local Environmental Plan. The Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979 have been considered in the assessment of the application, and the proposal was found to be satisfactory and therefore the application is recommended for approval subject to conditions.
Attachment 1 - Conditions of development consent

Development consent

1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by S Mark Bowler and Associates numbered 2001166/2 dated 22.10.2001 and stamped amended 5.11.2001 and plans prepared by S Mark Bowler and Associates labelled Tree ID by Roseanne Paskin numbered 2001166/2 dated 14.11.2001 (2 sheets) as amended in red and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.

Lapsing of consent

2. Pursuant to Section 95(2) of the EP&A Act 1979, this consent will lapse 2 years from (date of approval), unless works are physically commenced on the land to which the consent relates before the expiration of the 2 years.

Construction certificate (subdivision)

3. A construction certificate is required prior to the commencement of any site works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

Erosion and Sediment Controls

4. To preserve the unique environment of the Blue Mountains and to contain soil and sediment on the property, controls in accordance with Council’s Erosion and Sediment Control policy are to be implemented prior to the disturbance of any site vegetation and the commencement of site works. ‘Site works’ includes any service extension works or road and drainage works outside the property boundary.

   This is to include the installation of a sediment fence with returned ends across the low side of the works. These shall be maintained at no less than 70% capacity at all times. All drains, gutters, roadways etc. shall be kept clean of sediment. Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

   All disturbed areas are to be stabilised prior to the release of the Subdivision Certificate.

Site Management

5. To prevent site works and associated materials and activities causing a nuisance to the surrounding properties and the area generally, all site and construction works shall be carried out Monday to Friday 7am – 6pm and on Saturdays between 8am – 3pm and no work on Sunday or Public Holidays. Alteration to these hours may be possible for safety reasons but only on the written approval of Council.
6. To ensure satisfactory effluent disposal and utility services are provided to all lots on the subdivision, you are required to submit to Council Compliance Certificates from –

a) Sydney Water.

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained indicating all proposed lots are serviced by reticulated water and **gravity** sewer systems. Applications must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 132 092.

Following application a ‘Notice of Requirements’ will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision Certificate for the development.

b) Integral Energy indicating that satisfactory arrangements have been made for the provision of underground electricity supply to each lot in the subdivision.

c) An approved telecommunications service provider stating that satisfactory arrangements have been made for underground telephone services to each lot in the subdivision.

7. To minimise the impact on the heritage significance of the Heritage Conservation Area and the heritage significance of the subject site, an instrument setting out the Terms of Restriction on the use of land intended to be created, pursuant to Section 88B of the Conveyancing Act 1919 shall be submitted in a form acceptable to Council indicating that all habitable and storage structures on Proposed Lot 2 shall be located within the identified Building Envelope as shown on the approved plan and all such structures shall be single storey.

The 88B Instrument shall also contain a provision that it may not be released, varied or modified except by Blue Mountains City Council.

The identified building envelope shall be included on the final plan of subdivision.
Restriction as to user (88b) – Design of future buildings on Proposed Lot 2

8. To ensure any future building constructed on Proposed Lot 2 is of an appropriate design to complement the existing heritage item of ‘Deloraine’ on Proposed Lot 1, an instrument setting out the Terms of the Restriction on the use of the land intended to be created, pursuant to Section 88B of the Conveyancing Act 1919, shall be submitted in a form acceptable to Council indicating the following:

Any future buildings erected on Proposed Lot 2 shall be designed with due consideration to the heritage significance of the existing dwelling house on Proposed Lot 1, known as ‘Deloraine’ and shall be of an architectural style which is complementary and sympathetic to that of ‘Deloraine’.

The 88B Instrument shall also contain a provision that it may not be extinguished or altered except by Blue Mountains City Council.

Fencing on Proposed Lot 2

9. To minimise the level of impact on the Heritage Conservation Area, particularly the views of the site from the corner of Railway Parade and Hartley Esplanade, a 1 metre high black vertical steel wire and post or black mesh fence is to be erected along the northern boundary of Proposed Lot 2 from the alignment of the front boundary in Hartley Esplanade for a distance of 29 metres, as indicated in red of the approved plans. The remainder of the northern boundary of Proposed Lot 2 shall be fenced with a 1.5 metre lapped and capped treated pine timber fence or similar to Councils satisfaction.

Details of the fencing shall be submitted with the Construction Certificate.

Landscaping of Proposed Lot 1

10. To ensure the landscape treatment of the common boundary between Proposed Lot 1 and 2 is complimentary to the existing established gardens, landscaping is to be provided along the southern boundary of Proposed Lot 1 in accordance with the recommendations contained within the Landscape Specification, subsection titled ‘Species recommended for additional planting’ prepared by Rose Deco Planning and Design Pty Ltd, dated 14 December 2001.

Details are to be submitted with the Construction Certificate and all landscaping works are to be completed to Councils satisfaction prior to the release of the Subdivision Certificate.

Demolition for subdivision

11. To ensure appropriate integration of the site and the proposed subdivision you are required to demolish, remove or relocate all structures on Proposed Lot 2 prior to the issue of a Subdivision Certificate.
Attachment 1

**House Numbering**

12. To ensure appropriate definition of the allotments, the following house numbering shall apply to the proposed lots:

- Proposed Lot 1: 99-101 Railway Parade, Leura
- Proposed Lot 2: 1A Hartley Esplanade, Leura

**Development Contributions**

13. A following contribution shall be made to Council under s.94 of the *Environmental Planning & Assessment Act*:

<table>
<thead>
<tr>
<th>Levied for</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space</td>
<td>$693.35</td>
</tr>
<tr>
<td>Bushfire</td>
<td>$577.05</td>
</tr>
<tr>
<td>Administration</td>
<td>$45.80</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1316.20</strong></td>
</tr>
</tbody>
</table>

This contribution shall be made prior to the issue of the Subdivision Certificate.

The above amounts will remain fixed for a period of three months from the date of this consent. After this time, the amount will be indexed in accordance with Council’s *Development Contributions Plan*. A copy of the Plan is available from Council's Katoomba or Springwood office.

**Connection of dwelling to sewer**

14. To minimise impacts of service provision, the existing dwelling on Proposed Lot 1 is to be connected to the reticulated sewer system wholly within the boundaries of Proposed Lot 1. No sewer main extension is to be carried out from within Proposed Lot 2 to Proposed Lot 1.

Details of the location of the proposed sewer to service both Proposed Lot 1 and Proposed Lot 2 are to be submitted to Council with the Construction Certificate documentation.

**Driveway Construction**

15. To ensure suitable access is provided to the building area on Proposed Lot 2, and to minimise impacts upon the site, a 3 metre wide 150mm thick DGB 20 road base driveway is to be formed from the back of the Hartley Esplanade kerb to the proposed building envelope on Proposed Lot 2.

The route of the driveway is to minimise loss of vegetation and is to be generally in the alignment shown on the approved plan of subdivision.

This work is to include the installation of service conduits for the full length of the driveway suitable for the provision of water, electricity, telephone and gas services to future development on Proposed Lot 2.

The driveway materials shall be contained with a kerb constructed of a single line of bricks set on edge and laid in a recessed bed of mortar.
### Attachment 1

| Street trees | 16 | Any street trees which require removal due to the construction of the driveway shall be replaced with a similar, advanced specimen Ornamental Cherry Tree, the location of which is to be consistent with the spacing of the existing street trees. |
| Private Drainage Construction for Proposed Lot 1 | 17 | To minimise impacts of drainage on down hill properties, stormwater runoff from the dwelling on Proposed Lot 1 is to be captured and piped to the Hartley Esplanade kerb in accordance with engineering design. This work is to include the installation of a galvanised RHS outlet within the kerb. |
| Private Drainage Construction for Proposed Lot 2 | 18 | To minimise impacts on the site features, a piped stormwater drainage system is to be installed from the proposed building envelope on Proposed Lot 2 to the Hartley Esplanade kerb in accordance with engineering design. This work is to include the provision of a pit and stub pipe within the building envelope and the installation of a galvanised RHS outlet within the kerb. |
| Engineering Plans | 19 | All engineering works required by this development on the site and its curtilage (including sediment and erosion controls, access and drainage works) are to be in accordance with Council’s Specification for Engineering Works for Subdivisions and Developments – Part 1 Design and Part 2 Construction.  
- The design and construction is to include any additional works to make the construction effective.  
- Design plans and specifications are to be submitted with the Construction Certificate. |
| Inspections | 20 | To ensure all works are completed in accordance with the appropriate specifications and approved plans, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:  
a) Pre construction meeting  
b) Driveway  
   After setout (prior to any excavation)  
   Laying and compaction of subgrade  
   Compaction of roadbase  
   Final – all disturbed areas revegetated.  
c) Stormwater Drainage  
   After setout (prior to any excavation)  
   After installation of pits and pipes, prior to backfilling  
   Final – all disturbed areas revegetated.  
d) Final inspection of completed development |
| Subdivision certificate | 21 | All conditions of this consent must be completed prior to the issue of the Subdivision Certificate. |
Attachment 2 – Development Proposal
Attachment 3 – Boundary of Heritage Conservation Area LA29
ITEM NO: 14

SUBJECT: DEVELOPMENT APPLICATION NO. X01/1103 FOR ALTERATIONS AND ADDITIONS TO A DWELLING AT LOT 61, DP 8393, NO. 112 SUBLIME POINT ROAD, LEURA.

FILE NO: X01/1103

Recommendations:

1. That Development Application No. X01/1103 for alterations and additions to a dwelling on Lot 61, DP 8393, No. 112 Sublime Point Road, Leura be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by the granting of Consent subject to the conditions shown in Attachment 1 to this Report.

2. That Construction Certificate No. X01/1103 be issued.

Report by Group Manager, Health and Development:

Reason for report: This application is referred to Council as the proposed development is located partly on land zoned Environmental Protection under Local Environmental Plan 1991.

Applicant: Design and Draft Workshop - Lawson
              PO Box 221
              Lawson.

Owner: Mr Andrew Niemeyer.

Application lodged: 27 August 2001 (Council requested additional information to enable completion of the assessment. Part of the information was received by Council 23 October 2001 and the remaining information received 3 January 2002).

Property address: Lot 61, DP 8393, No. 112 Sublime Point Road, Leura.
Site description

The site is of an irregular shape with an overall depth ranging from 72.9 metres to 87.7 metres and an area of approximately 1563 m². The front portion of the property is zoned Residential Bushland Conservation (No Subdivision) while the rear is zoned Environmental Protection under LEP 1991. The entire property is also designated as a Protected Area – Escarpment Area under LEP 1991.

Erected on the land is a timber framed, weatherboard clad and metal roofed dwelling located toward the rear (eastern) boundary. This building stands approximately 5.1 metres from the boundary at its closest point and straddles the zone boundary between Residential Bushland Conservation and Environmental Protection zones.

The land rises gently from the street to the dwelling, which is located on the highest part of the property, before falling toward the rear boundary. The land further to the rear slopes steeply to the edge of the escarpment of the Jamison Valley. The property enjoys panoramic views of the Jamison Valley to the east, however views of the dwelling from Sublime Point Road to the west are essentially screened due to the large setback and existing vegetation.
LAND USE MANAGEMENT

Proposal

The proposed development comprises the construction of a bedroom and en-suite over an existing carport at the front of the dwelling and internal alterations to the existing building. The total floor area of the new bedroom and en-suite is 30 m². The development will not result in any clearing as all development will take place within the footprint of the existing building.

Reduced copies of the relevant plans form Attachment 2 to this report.

Development controls

Zoning – Local Environmental Plan 1991
Residential Bushland Conservation (No Subdivision) (approx. 73%)
Environmental Protection – (approx. 27%)
Protective Area - Escarpment Area – (100%)

Notification

The application was notified for fourteen (14) to adjoining property owners in accordance with Council’s DCP 35 - Community Consultation for Land Use Management.

No submissions were received.

Issues

Assessment issues:

- Statutory considerations
- Bushfire risk

Compliance Table:

<table>
<thead>
<tr>
<th>Clause</th>
<th>Standard</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>cl. 10.4(a)</td>
<td>Building to be located below the skyline.</td>
<td>Located below tree line.</td>
<td>Yes</td>
</tr>
<tr>
<td>cl. 10.4(b)</td>
<td>Building form, colours, siting and landscaping to be appropriate for the site.</td>
<td>Form and external colours are compatible with the existing dwelling and are appropriate for this site.</td>
<td>Yes</td>
</tr>
<tr>
<td>cl. 10.4(c)</td>
<td>Landscaping to be retained and/or provided to reduce visual impact.</td>
<td>The existing dwelling is well screened from the street. The proposed additions will not increase the visibility of the building.</td>
<td>Yes</td>
</tr>
<tr>
<td>cl. 10.5</td>
<td>Environmental impact.</td>
<td>Proposal satisfactory in relation to measures designed to mitigate/ameliorate any environmental impacts.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
LAND USE MANAGEMENT

Item 14 - Ordinary Meeting, 19/02/02

| cl.10.6(a) | Two storey height limit. | The existing dwelling is of two storey construction. The addition is located over an existing concrete roofed carport and will not exceed the existing ridge height. | Yes |
| cl. 10.8 | Adequate arrangements to be made for the provision of drainage and services. | The existing development is serviced by a septic tank connected to absorption trenches. The application proposes to relocate a bathroom and separate ensuite. There is no net increase in bathroom fixtures as a result of the alterations nor is there likely to be any significant increase in loadings on the system. It is anticipated that reticulated sewer will be available to the site in late April 2002. | Yes |
| cl. 10.9 | Maximum allowable site coverage of 314 m². | Development will have a total site coverage of 207 m². | Yes |

DCP No. 34 ENERGY EFFICIENT RESIDENTIAL DEVELOPMENT

| Minimum 3.5 star rating. | The proposed additions to the dwelling represent less than a 50% increase of the floor area of the dwelling and therefore the development is exempt from compliance. | Yes |

Discussion of Issues

1. Statutory Considerations

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 – Blue Mountains Character Guidelines (DCP 10), Development Control Plan 26 – Building in Bushfire Prone Areas (DCP 26) and Development Control Plan 30 – Smart Design (DCP 30). The application has also been assessed against the relevant provisions of the Building Code of Australia.

The proposed development was found to generally comply with the relevant planning instruments, however the zone boundary between the land zoned Environmental Protection and the land zoned Residential Bushland Conservation dissects the existing dwelling. The existing dwelling was in existence prior to LEP 1991 and encroaches by approximately 12 metres into the Environmental Protection zone. While the alterations to the dwelling are proposed to be located partially on that part of the site zoned Residential Bushland Conservation (16.5m²) and partially on land zoned Environmental Protection (13.5m²) they are confined to the existing building footprint.
Clause 20 of Local Environmental Plan 1991—Development in Adjoining Zones, permits development to extend onto land on which that development would, in the absence of clause 20, be prohibited provided that:

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   (a) the development is permissible on the land from which it is extended;
   (b) the development is carried out within 20m of the zone boundary; and
   (c) the Council is satisfied that the objectives of the zone within which the development would otherwise be prohibited are not prejudiced.
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In terms of assessing the encroachment, it needs to be acknowledged that the addition is proposed to be located on the existing footprint of the dwelling over the carport. The additions will not affect the remaining bushland on the site. The second storey addition is proposed to be erected at the front of the dwelling and will not be readily visible from the street due to the substantial setback and bushland screening which exists and will not be visible from the east of the property. It is considered that the alterations and additions will have minimal impact upon the scenic quality of the area or upon the neighboring properties.

Furthermore, in view of the existing location of the dwelling and the minor nature of the proposed development, it is considered that the proposed work will not prejudice the objectives of the Environmental Protection zone.

The property is also located within the outer catchment area of Warragamba Dam and is subject to the provisions of State Environmental Planning Policy No. 58. The existing development is serviced by a septic tank draining to absorption trenches. The applicant seeks to reposition the en-suite and bathroom however there is no net increase in fixtures. Furthermore, a recent inspection of the site indicates that the septic tank system is functioning adequately and there is no evidence of any apparent failure of the absorption trench. The most recent advice from Sydney Water indicates that the provision of reticulated sewer to the site is anticipated to be completed in late April 2002.

2. **Bushfire Risk**

The site has been assessed as having an extreme bushfire risk. While the proposed construction does not fully comply with the recommended construction requirements of DCP 26 – Building in Bushfire Prone Areas, it comprises a relatively modest addition built in similar material (timber framing and weatherboard) to the existing building. In particular, the walls are not of masonry construction, there is no independent water supply and no sprinkler system.

In support of the proposal, it is noted that the addition is not located on the most fire prone aspect of the site, and as the existing structure does not meet with current recommended standards, the proposed addition will not compromise the existing building in terms of risk from bushfire. Furthermore, DCP 26 permits the use of timber framed construction subject to certain criteria aimed at improving the performance of timber framed structures to achieve an acceptable standard of resistance against bushfire. Accordingly, subject to appropriate conditioning, it is considered that the additions will be provided with reasonable protection against bushfire.
Conclusion

The Development Application for alterations and additions to the existing dwelling has been assessed in accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979.

The proposed design is consistent with the bushland character of the area and the surrounding development. Given that the existing dwelling is located on land zoned Environmental Protection it is considered that the proposed additions would not have any significant environmental impacts and therefore it is recommended that the application be approved subject to the conditions shown in Attachment 1.
Attachment 1—Proposed Conditions of Consent

Development 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 the (…).

To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by The Design & Draft Workshop, - Lawson dated August 2001 and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.

Engineers certificate

2. A certificate from a registered Structural Engineer attesting to the adequacy of the existing car-port to support the anticipated loads is to be submitted to the Principal Certifying Authority prior to construction commencing.

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:
   a) The statement “Unauthorised access to the site is not permitted”.
   b) The name of the builder or another person responsible for the site along with an out of hours contact number.
   c) Lot or Street number.

Site management

4. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
   a) 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-3pm. Alteration to these hours may be possible for safety reasons but only on the approval of Council.
   b) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
c) Building operations, including washing tools, shall be undertaken on the building block. The pollutants from these building operations shall be contained on site.

d) Building or demolition waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.

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**Stormwater drainage**

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

The drainage system shall be operational as soon as the roof is clad.

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**Materials & colours**

6. To have regard of the amenity of the area, the materials and colours to be used are to match the existing building. Any variation to the above materials / colours will require the prior approval of Council.

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**Construction inspections**

7. 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) Framing when external wall and roof cladding is in place and prior to internal linings.

b) Wet area flashing prior to tiling or covering.

c) Completion of the development and sign off to all conditions of the consent prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

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**Openings**

8. Any opening including vents on walls etc., should be sealed with maximum 2mm wire mesh. The opening of any air handling equipment, including bathroom exhaust fans, can remain unprotected as long as ceiling access holes are large enough to provide fire fighting access to the roof cavity and command a clear view of the entire roof space.
**Roofing**

9. To minimise risk of loss of property from bushfire:
   a) the roof / wall junction should be constructed so that the eaves or the gaps between rafters are effectively sealed.
   b) ridge capping must be sealed.

**Skylights**

10. Skylights should be constructed of thermoplastic sheets in metal frames with a diffuser at ceiling level of 6mm thick wired or other safety glass, retained in a metal frame. The skylight shaft should be lined with fire-rated plasterboard, if it is not a vaulted or cathedral ceiling.

**Doors**

11. To eliminate the possibility of embers entering the building in a bushfire situation, all external doors are to be fitted with draught seals.

**Gutters**

12. To minimise risk of property loss from bushfire, leafless gutters, gutter guards or no gutters should be used as described in Council’s *Development Control Plan No. 26, Building in a Bushfire Prone Area*.

**Insulation**

13. Fire resistant mineral wool roofing insulation is necessary to reduce the impact of radiant heat on the building in bushfire situations. For non-masonry buildings, insulation should also be placed between wall studs in addition to breather type sarking on the outside of studs. This arrangement also increases the energy efficiency of the building.

**Windows / doors**

14. To improve the protection of the building in the event of a bushfire:
   a) The window to the new bedroom (western elevation), new ensuite (northern elevation), the new window to the bedroom on the eastern elevation and the glazed door on the southern elevation of the new bedroom must be protected by metal gauze screens or alternatively the use of fire resistant glazing such as glass bricks, tempered or wired glass.
   b) Window frames are to be of metal or wood (not plastic).
   c) External timber doors are to be of solid core timber and fitted with draught seals.
Smoke alarms

15. An automatic fire detection and alarm system is to be installed in accordance with:
   a) Australian Standard 1670; or
   b) Australian Standard 3786 or listed SSL Register of Accredited Product. The detector units are to be connected to the 240 volt power supply, have suitable battery backup and be located on or near the ceiling in the following locations:
      I. Between each area containing bedrooms and the remainder of the dwelling including any hallway associated with the bedrooms; or
      II. in each bedroom.
Prior to occupation or use, the owner / applicant must submit to the Principal Certifying Authority a copy of the smoke detector installation details and certificates (issued by the Electrician).
Attachment 2—Plan
ITEM NO: 15

SUBJECT: DEVELOPMENT APPLICATION NO. X01/0493 FOR THE REMOVAL OF 23 TREES FROM 'THE BRAES' LOTS 17, 18, 19, AND 34, DP 5936, LOT 13, DP 4565 AND LOTS 14–18, DP 4303, NO. 62–68 GROSE STREET, LEURA.

FILE NO: X01/0493

Recommendations:

1. That Development Application No. X01/0493 for the removal of 23 trees from 'The Braes' Lots 17, 18, 19, and 34, DP 5936, Lot 13, DP 4565 and Lots 14–18, DP 4303, 62–68 Grose Street, Leura be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by the granting of deferred development consent subject to the conditions shown in Attachment 1 to this Report.

2. That operational development consent be granted upon resolution of the deferred commencement matters generally in accordance with the draft conditions in Attachment 1.

Report by Group Manager, Health and Development:

Reason for report: The application is referred to Council for determination on the basis of the significant widespread community interest generated by the proposed development.

Applicant: Mr G Johnston,
98 Railway Parade,
Hazelbrook.

Owner: John V Egan Associates Pty Ltd,
P O Box 288,
Balgowlah.


Property address: Lots 17, 18, 19, and 34, DP 5936, Lot 13, DP 4565 and Lots 14–18, DP 4303, 'The Braes', 62-68 Grose Street, Leura.
Site description

The subject site is located on the eastern side and at the southern end of Grose Street, Leura. The site also has frontages to Isabel Street, an unmade portion of Tennyson Avenue and Beattie Street. The site adjoins Leura Oval and the Blue Mountains National Park to the south, and residential development to the north, west and east. The property has a total area of 18,950m² and contains an existing cottage, ancillary structures and gardens. The property is also traversed by two watercourses which converge toward the southern boundary.

Background

Approval was previously issued by Council on 26 February 1996 to demolish the cottage on the property. This consent was not acted upon and subsequently lapsed.

On 23 June 1997, an application was approved under Council’s Tree Preservation Order for the selected removal or thinning out of a significant number of Radiata pines and other trees on the site. The approval was subsequently renewed on 4 August 1998 and again on 13 August 1999. However, following renewal of this approval, a significantly greater number of trees were removed from the south-western portion of the site than approved. The owner was subsequently instructed on 23 May 2000 to cease further tree removal from the site pending obtaining development consent from Council. The possibility of legal action under Council’s Tree Preservation Order was considered at that time, however having regard to the circumstances of the case, it was not pursued.
A further tree removal application was lodged under Council’s Tree Preservation Order on 1 February 2001 to remove a number of additional trees from the site, however the applicant was again advised that a Development Application was required for this work. The owner has now submitted this Development Application seeking consent to remove the remaining Radiata pines from this portion of the site as well as two other trees damaged by the previous tree felling operations.

Council has received numerous complaints dating back to December 1997 concerning the noise generated by the alleged incessant use of chainsaws during the previous felling operations, and the milling on site of the felled pine trees.

**Proposal**

The application seeks consent for the removal of twenty one (21) Radiata pines (Pinus Radiata) and two (2) other trees being a Cryptomeria (Japanese Maple) and a Chamaecyparhis (Golden Cypress) from the south western portion of the site as indicated on the site plan at Attachment 2 to this Report. It is also proposed to chip or mulch the felled trees for re-use on the property.

The applicant advises the trees are in poor condition and past their prime. He also indicates that removal of the trees is required to enable the area to be re-planted with trees more in keeping with the character of the garden. It is proposed that the area will be re-planted with a total of 49 trees comprising a mix of the following:

- Acer Saccharinum (Sugar Maple)
- Acer October Glory (Red Maple)
- Fraximus Raywood (Claret Ash)
- Liviod Tulipfera Hastigiatum (Tulip Tree)
- Acer Japonicum (various) (Downy Maple)
- Prunus Tai Tiaku (Flowering Cherry)
- Cornus Florida Alba (Dogwood).

**Development controls**

Zoning –

Part Residential Bushland Conservation (Consolidation)—Local Environmental Plan 1991 (Lots 18, 19 and 34, DP 5936, Lot 13, DP 4565 and Lots 14–18, DP 4303); and

Part Residential 2(a1)—Local Environmental Plan No. 4 (Lot 17, DP 5936).
LAND USE MANAGEMENT

The south-western portion of the site is designated as a Protected Area-Environmental Constraint Area under LEP 1991.

The entire site, excluding Lot 17 DP 5936, is also identified as an individual heritage item (LA 25) under LEP 1991.

Draft Local Environmental Plan 1997—‘Living Conservation’ (Lot 17, DP 5936).

Development Control Plan No. 10—Blue Mountains Character Guidelines.

Notification

The application was advertised for a period of 14 days from 10 May 2001 by way of written notification to adjoining and nearby property owners.

A total of thirty-six (36) submissions were received as a result of the notification process comprising 30 objections, including 19 pro-forma type letters, 3 in support, and 2 raising comments that were neither supporting or objecting to the proposed development. A submission was also received from the National Parks and Wildlife Service relating to developments generally adjacent the Park boundary.

The main issues raised in the submissions are discussed in the following sections of the report and can be summarised as follows:

1 Objections

The previous removal of trees from the site has lead to a loss of character of the area which will be exacerbated by further tree removal;
Removal of the trees will lead to a further loss of visual privacy for surrounding properties;
Removal of the trees will further reduce the visual amenity of the area;
The Braes is a heritage listed property and removal of the trees will have a detrimental impact on the significance of the property;
The noise associated with felling and mulching of the trees has previously and will continue to have a significant detrimental impact on surrounding properties;
Further removal of trees will result in a loss of habitat for fauna and biodiversity in the area;
Removal of the trees will cause erosion and sedimentation of the adjacent watercourse;
The use of public land to access the property should not be permitted.

2 Support

- Radiata pines are an environmental weed and are not appropriate for land adjacent the Blue Mountains National Park;
- The pines are unsightly and should be removed;
- Removal of the trees will facilitate the development of a more appropriate garden on the site.
**Issues**

Assessment issues –
1. Environmental Planning Instruments.
2. Environmental Impacts.
3. Resident Submissions.

**Discussion of Issues**

The application has been assessed in accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979, in particular Section 79C matters for consideration. The following discussion is considered relevant in respect to the identified planning issues.

1. **Environmental Planning Instruments**

   **Local Environmental Plans**

   The property is zoned part Residential Bushland Conservation (consolidation) under LEP 1991 and part Residential 2(a1) under LEP 4. The use of the property as a dwelling is permissible in both zones. The proposed removal of the trees is considered as an ancillary use to that of a dwelling and is therefore permissible with Council consent.

   That portion of the property zoned Residential Bushland Conservation is also subject to a consolidation provision under LEP 1991. Clause 29.2 of LEP 1991 states:

   "Where a Consolidation Requirement is shown on the Map, development (other than an existing use or for the purpose of bushfire hazard reduction) is prohibited unless all adjoining lots with the subscript which are shown edged with a heavy black line on the Map have been consolidated into one lot."

   The subject property is presently used as a single dwelling and the proposed tree removal does not alter this use. Accordingly, the proposed development can be consented to without the need to consolidate all parcels of land.

   The south western portion of the site is also designated as a Protected Area-Environmental Constraint Area (ECA) under LEP 1991. The ECA tends to correspond with the location of the creek in this portion of the site. The majority of the trees proposed to be removed are located on land within the ECA. Under the provisions of Clause 11.3 of LEP 1991 Council shall not grant consent to development in a Protected Area-Environmental Constraint Area unless it is satisfied that the development complies with the objectives of the Protected Area and the relevant development criteria in Clause 10.

   The objectives of the ECA are:

   1. To protect environmentally sensitive land and areas of high scenic value;
   2. To provide a buffer around areas of ecological significance; and
   3. To restrict development on land that is inappropriate by reason of its physical characteristics or bushfire risk.
LAND USE MANAGEMENT

The subject property is essentially a large residential block that has been highly modified through the construction of extensive European type gardens. The trees proposed to be removed are not native species with the significant majority being Radiata pines. While not classified as noxious weeds, Radiata pines are considered to be environmental weeds due to their disposition to invade and colonise native vegetation. Providing appropriate erosion and sedimentation controls are installed and maintained for the duration of soil disturbance, it is considered that removal of the trees will not impact on the ecological significance of the Protected Area. Furthermore, in relation to scenic quality, the subject trees are not considered to play a major role in contributing to the scenic value of the area. These matters are discussed in greater detail in the following sections of the report.

Heritage

The proposal has been submitted as a Development Application rather than a tree removal application under Council’s Tree Preservation Order as the site is a listed Heritage Item under Local Environmental Plan (LEP) 1991. Under Clause 25.1 of LEP 1991 a person shall not damage or remove any tree or horticultural feature on a heritage listed property without the consent of Council.

Furthermore, Clause 10.7 of LEP 1991 states:

“The Council shall not grant consent to any development unless it has made an assessment of the impact of the proposed development on:

a) The heritage significance of the site; and

b) The heritage significance of any site in the immediate locality which, in the opinion of the Council, may be affected.”

The current proposal was forwarded to Council’s Heritage Adviser who advises that the trees proposed to be removed are generally visually and physically poor specimens with little in their appearance or scattered location to justify retention on visual grounds. Furthermore, with the loss of their earlier visual and functional context, i.e. a densely planted windbreak, they contribute little to the visual or heritage values of the site, other than providing remnant evidence of previous planting.

In this context it was considered that there are no heritage reasons for retention of the trees. It was also considered that their removal would enable the replanting of the area with appropriate massed tree planting to improve the site’s visual qualities.

It was noted however, that the replanting of the site needs to be based on a detailed understanding of the heritage values of the property as a whole, and should relate to a wider conservation policy framework. Accordingly, it is recommended by the Heritage Advisor that Council require the applicant to submit a Landscape Plan for the replanting of the area based on a detailed Conservation Management Plan for the property. It is considered that this would be best addressed by way of a condition in any deferred consent.
LAND USE MANAGEMENT

Department of Land and Water Conservation

The application was referred to the Department of Land and Water Conservation (DLWC) for comment on two (2) separate occasions. Whilst a formal reply has not been received, they have verbally advised that the proposed removal of the trees is not considered as ‘work’ or ‘development’ under the Rivers and Foreshores Improvements Act and therefore it is not integrated development. They did advise however that it would be appropriate for Council to ensure the issue of erosion and sedimentation control is addressed in any consent.

Access

The applicant originally sought to gain vehicular access to the work area off Balmoral Road over part of Leura Oval. Council’s Property Branch however has advised that Council is not legally able to grant access over the reserve. This issue has been the subject of lengthy negotiations with the applicant who has now amended the proposal to provide access off Grose Street. In this regard it is now proposed to provide a new temporary access at the end of Grose Street and construct a temporary causeway across the creek to the area on which the trees are located. The applicant also proposes to install appropriate sedimentation and erosion control measures to prevent pollution of the watercourse. It is considered that this is an acceptable means of providing access to the relevant portion of the site on a temporary basis in order for the tree removal to take place.

However, details of the causeway and the proposed erosion and sedimentation control measures have not been provided. In this regard, while the creek bed is on sandstone, submission of the above details is considered crucial in maintaining water quality of the creek. Accordingly, it is considered this matter should be included as a condition of a “Deferred Commencement” consent. Furthermore this will enable any requirements/comments the DLWC may have in respect to the construction of the temporary causeway over the creek to be addressed.

Environmental Impact

A significant number of resident submissions raised issues associated with the environmental impact of removal of the trees including loss of character and visual amenity, loss of privacy, loss of habitat and noise.

Loss of Character and Visual Amenity

The subject trees are the remnants of a much larger number of trees that effectively formed a wind break or a densely planted forest on this section of the site. As indicated in a previous section of the Report, the majority of these trees were removed a number of years ago. Those that remain are not good examples of individual specimens, being tall with little in the way of low to middle height foliage. In respect to the visual amenity provided by the remaining trees, Council’s Heritage Adviser indicates that they contribute little in the way of visual quality.
LAND USE MANAGEMENT

The condition of the trees has also been assessed by Council’s Tree Preservation Officer, as well as by Council’s Consulting Arborist. These assessments concluded that the trees are in a poor structural state and condition, and contribute very little to the landscape quality of the area.

Furthermore, the previous removal of other trees has left those remaining with, or likely to develop, structural faults.

Council’s Consulting Arborist however has recommended that in order to prevent damage occurring to other trees to be retained, all work associated with the felling process should be carried out by contractors with an advanced tree felling certificate. This can be included as a condition of any consent.

Loss Of Privacy

While the trees do offer some degree of screening to adjoining properties and their removal will open up views to and from the subject site to adjoining premises, it is not considered that this will result in unacceptable privacy impacts.

Loss of Habitat/Biodiversity

As indicated in a previous section of the Report, while Radiata pines are not classified as noxious weeds, they are considered to be environmental weeds due to their impacts associated with colonising native bushland, including the Blue Mountains National Park. While they do provide a food source for some native animals, including cockatoos, their retention on this basis is not considered warranted. Furthermore, they are not considered to contribute to the biodiversity of native bushland.

Noise

The impact of noise associated with the felling and mulching of the trees has in the past resulted in significant community concern, and if not adequately controlled, will continue to cause a nuisance for surrounding residents.

The applicant indicates that trees will be felled and cut into sections using chainsaws prior to chipping or mulching on site. The applicant further advises that the felling of the trees is anticipated to take between 5 and 8 days with chipping and stump grinding expected to take 2 days. The proposed hours of work are between 7.30 am and 5.00 pm.

The concerns expressed by residents in relation to the potential noise nuisances have been raised with the applicant who advises that he is able to operate the equipment for a fewer number of hours per day, however this will require the work to be undertaken over a longer period of time.
The concerns raised in relation to excessive and continual noise associated with the operation of machinery on the site are considered warranted. Accordingly, should the development be supported, it is considered appropriate to impose restrictions on the hours of operation of such equipment, including a delayed commencement time and restrictions on the continuous number of hours of operation. In this regard suggested hours of operation could be 9.00 am to 12.00 pm and 2.00 pm to 5.00 pm only, Monday to Friday with no operations to occur on Saturday, Sunday or Public Holidays. These times will provide residents with respite from such noise during the early morning and late afternoons as well as relief in the middle of the day. The times however, will still enable the applicant a reasonable amount of time in which contractors may carry out the work. Furthermore, it is also considered appropriate to impose restrictions limiting the length of time in which tree felling, and chipping/mulching works may be carried out. This will ensure local residents are not subjected to these noise generating activities over a prolonged period of time.

Resident Issues

The issues raised in the resident submissions following the community consultation process have essentially been addressed in the preceding sections of this report.

Conclusion

The previous removal of the majority of Radiata pines from the site in past years has left a number of trees remaining on the periphery of the south western portion of the subject site. These trees are generally in poor condition and contain a number of structural faults. The application seeks consent to remove these remaining trees and to replant the area with more appropriate species. Council’s Heritage Adviser, Tree Preservation Officer, and Consulting Arborist consider that the remaining trees contribute little to the character and visual quality of the area and support their removal.

The applicant has indicated that a limitation on the hours of operation for the chainsaws and other machinery would be acceptable in an effort to minimise noise impacts on the surrounding area.

Access to the portion of the site on which the trees are located is proposed off Grose Street and over a temporary crossing of one of the watercourses traversing the site. However, at this stage details of the crossing and the method proposed to prevent erosion and sedimentation from entering the watercourse have not been provided. Accordingly, it is recommended that “Deferred Commencement” consent be granted pending submission of such information.
Deferred Commencement Conditions.

The Deferred Commencement Consent is subject to the applicant, within a period of one (1) year from the date of the endorsement of the Deferred Commencement Consent, satisfactorily submitting plans and/or documentation that address the following:

1. Duplicate copies of plans and specifications detailing the proposed temporary causeway/crossing over the watercourse. Such plans and/or details shall include but not be limited to the following:

   • Detailed construction drawings and specifications.
     
     These plans shall include scaled drawings and detailed specifications that can be readily understood and applied on site by supervisory staff. Details to be shown on the plan shall include:
     a) Site and construction plans;
     b) Details of existing vegetation;
     c) Details of existing and proposed drainage;
     d) Limit of clearing, grading and filling (location of all earthworks including roads, areas of cut and fill and regrading);
     e) Locations and design criteria for erosion and sediment control structures;
     f) Proposed location of vehicular and pedestrian access paths;
     g) Proposed vegetative buffer strips;
     h) Location of critical areas (drainage lines, water bodies etc.);
     i) Proposed techniques for stabilisation of disturbed ground;
     j) Procedures for maintenance of erosion controls;
     k) Details for staging works;
     l) Restoration/rehabilitation works.

   • Scour protection of the creek bed, banks and edges.

   • The plan shall also address wet weather access provisions.

   NOTE: This Plan will also be referred to the Department of Land and Water Conservation for comment.

2. Duplicate copies of a Soil and Water Management Plan for the site prepared in accordance with Council’s *Erosion & Sediment Control Policy*.

   This plan is to include scaled drawings and detailed specifications that can be readily understood and applied on site by supervisory staff. Items to be shown on the plan are to include:
   a) locality;
   b) contours (existing and final);
   a) existing vegetation;
b) existing site drainage;
c) limit of clearing, grading and filling (location of all earthworks including roads, areas of cut and fill and regrading);
d) locations and design criteria of erosion and sediment control structures;
e) site access;
f) proposed vegetative buffer strips;
g) location of critical areas (drainage lines, water bodies etc.);
h) proposed techniques for stabilisation of disturbed ground;
i) procedures for maintenance of erosion controls;
j) details for staging works;
k) techniques for dust control.

3. A detailed Conservation Management Plan, prepared by a Heritage Architect or other suitably qualified person that outlines the conservation and management guidelines for future development of the site, including future landscaping.

Such plan shall include a detailed site analysis and heritage assessment of the property and shall be prepared in accordance with any relevant guidelines issued by the NSW Heritage Office.

NOTE: It is suggested that the previous Heritage Assessment prepared by John Armes & Associates dated 23 January 1996 in relation to a previous proposal to demolish the cottage on the property may form the basis of the Conservation Plan.

4. Duplicate copies of a Landscape Plan, prepared by a Landscape Architect or other suitably qualified person and detailing proposed landscaping for the site. Such Plan shall conform with the Conservation Management Plan for the property prepared in accordance with Condition 3 above, and shall include but not be limited to:

(i) The provision of plantings using appropriate trees, shrubs and under canopy vegetation suitable for the upper mountains environment.
(ii) A minimum of 49 trees being planted to replace those to be removed. Trees shall comprise the following species or similar:

<table>
<thead>
<tr>
<th>Tree Name</th>
<th>Variety</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer Saccharinum</td>
<td>Sugar Maple</td>
</tr>
<tr>
<td>Acer October Glory</td>
<td>Red Maple</td>
</tr>
<tr>
<td>Fraximus Raywood</td>
<td>Claret Ash</td>
</tr>
<tr>
<td>Liviod Tulipfera</td>
<td>Tulip Tree</td>
</tr>
<tr>
<td>Hastigiatum</td>
<td></td>
</tr>
<tr>
<td>Acer Japonicum (various)</td>
<td>Downy Maple</td>
</tr>
<tr>
<td>Prunus Tai Tiaku</td>
<td>Flowering</td>
</tr>
<tr>
<td></td>
<td>Cherry</td>
</tr>
<tr>
<td>Cornus Florida Alba</td>
<td>Dogwood</td>
</tr>
</tbody>
</table>
Proposed Operational Development Consent Conditions

The following operational conditions of consent are proposed to apply following satisfaction of the deferred commencement conditions. Minor amendments may be made to the conditions as a result of satisfying the deferred matters.

Proposed Operational Conditions of Consent

| Consent | 1. Blue Mountains City Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the Environmental Planning & Assessment Act 1979. Substantial physical commencement of construction is required within 2 years from the date the consent is issued. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by Geoff Johnson dated April 2001, all details accepted as satisfying the deferred commencement matters and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent. |
| Soil and Water Management | 2. All exposed earthworks and disturbed areas shall have suitable sediment control measures in place in accordance with the approved Soil and Water Management Plan submitted in compliance with Deferred Commencement Condition No 2. Such measures shall be installed prior to the commencement of works to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated. |
| Landscaping | 3. Landscaping is required to ensure that the development contributes to the character of the Blue Mountains and its environmental sustainability. i) All works shown on the Landscaping Plan submitted in compliance with Deferred Commencement Condition No. 4 shall be installed by suitably qualified and experienced landscaping consultants/contractors. |
Attachment 1

ii) All plants shown must be in an advanced stage of growth at the time of planting (25 litre container for shrubs). Trees planted must not be less than 2 metres in height.

iii) All plants and landscaping on the site are to be maintained. Any plants that die or are removed during the initial six (6) month maintenance period must immediately be replaced with plants of the same species and of similar stage of growth. The re-planting shall be completed within six (6) months of commencement of tree removal works.

Any trees that die or are otherwise damaged shall be replaced and maintained at all times. Species within the above planting list may be changed to another suitable specie only on application and approved by Council.

Tree felling activities

4. Tree felling activities shall be carried out only by contractors who hold an advanced tree felling certificate. Details of the names and qualifications of contractors shall be submitted to Council a minimum of seven (7) days prior to work commencing.

Timing of works

5. To minimise adverse impacts on adjoining residents, the tree removal and chipping/mulching works shall be carried out in accordance with the following:

   i) Written notice is to be provided to Council at least seven (7) days prior to such works commencing;

   ii) All works shall be completed within thirty (30) days of the nominated commencement date unless otherwise agreed by Council.

Permissible hours of work

6. Tree felling, milling and chipping (mulching) activities shall be confined to the following hours:

   9.00 am until 12.00 pm and 2.00 pm until 5.00 pm, Monday to Friday. No works shall be undertaken on Saturdays, Sundays or public holidays.

Creek crossing

7. The temporary creek crossing shall be constructed and maintained in accordance with the details submitted to Council in compliance with Deferred Commencement Condition No 1. The crossing shall be removed upon the completion of the tree removal component of the development.
### Signage
8. To ensure that the site is easily identifiable and provides information on the person responsible for the site, a sign displaying the following information is to be erected at the Grose Street entrance to the property:
   i) The statement “Unauthorised access to the site is not permitted”.
   ii) The names of the applicant or another person responsible for the site along with an out of hours contact number.
   iii) Lot or Street number.

### Site management
9. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, 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.

### Temporary Footpath Crossing and Maintenance bond
10. To protect public safety during and after completion of works, the temporary access at the southern end of Grose Street is to be subject to the following:
   
   (i) The access is to be constructed and maintained at all times so as not to pose a risk to the safety of pedestrians or vehicles using that section of road reserve.
   
   (ii) The temporary access shall be removed and the area restored, topsoiled and turfed immediately upon completion of the landscaping work.
   
   (iii) The payment to Council of a maintenance bond to the value of $5,000, to guarantee the safety of the public, environmental protection and maintenance works on the site and for (6) months after completion of the restoration works within the road reserve. The bond is to be paid prior to the commencement of works.
   
   (iv) The cost of any restoration or maintenance works associated with the construction of the temporary access required to be undertaken by Council during this time shall be deducted from the bond.
Attachment 2—Plan
ITEM NO: 16

SUBJECT: SECTION 96 APPLICATION TO MODIFY DEVELOPMENT APPLICATION NO. B98/0765 FOR A TWO STOREY DWELLING, ASSOCIATED TWO STOREY GARAGE AND INDOOR SWIMMING POOL/GYM AT LOT 42, DP 751645, NOS. 5-7 HILLCREST AVENUE MOUNT WILSON

FILE NO: B98/0765

Recommendation:

That Development Application No. B98/0765 for a two storey dwelling, associated two storey garage and indoor swimming pool/gym at Lot 42, DP 751645, Nos. 5-7 Hillcrest Avenue Mount Wilson be modified pursuant to S.96 of the Environmental Planning and Assessment Act 1979 by amending Condition No. 1 as follows:

“1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by Owen Haviland Architects numbered 205 99/1 issue A dated June 1999, 158 98/2 issue G, 158 98/3 issue G and 158 98/4 issue E dated April 1998 and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.”

Report by Group Manager, Health and Development:

Reason for report Development Application No. B98/0765 was originally determined by Council. In accordance with Council Policy, an application seeking to modify a Development Consent which was determined by Council must also be reported to Council for consideration and determination.

Applicant Owen Haviland Pty Ltd
267 High Street, Willoughby.

Owner Mr W P Ryan and Mrs M Ryan.


Property address Lot 42, DP 751645, Nos. 5-7 Hillcrest Avenue Mount Wilson.
Site description

The site is located on the southern corner of Hillcrest Avenue and Stephen Lane, Mount Wilson. The section of Hillcrest Avenue where the development is located was also known as Linden Lane. It has a frontage along the northern boundary to Hillcrest Avenue of 150.7 metres and a depth along the eastern boundary of 290.3 metres. The site has an area of 3.99 hectares.

The site slopes generally to the rear with gradients ranging from 1 in 6 to 1 in 18. The south western area of the site beyond 55 to 60 metres from the Hillcrest Avenue boundary is designated on Council’s zone maps under LEP 1991 as a Protected Area – Environmental Constraint Area.

The site and its surrounding properties are also located within the Mount Wilson Heritage Conservation Area but are not listed as individual Heritage Items. The closest listed Heritage Items to the property are to the west and include “Wynstay”, “Campanella”, “Merrygarth” and “Woodstock”. The dwellings on the properties immediately surrounding the site include a mix of small to medium cottages set in established gardens on large blocks.
LAND USE MANAGEMENT

Proposal

The applicant seeks to make the following modifications to Development Application No. B98/0765:

- Increase the front setback to the dwelling from Hillcrest Avenue by 2 metres to 48 metres.
- Raise the finished floor levels of the dwelling and garage by 750 mm and the indoor swimming pool by 1.05 metres.
- Remove the bay window and shorten the family room which results in a reduction in the overall length of the dwelling by 4.06 metres.
- Redesign the rear ground floor porch and the balcony above.
- Minor internal alterations to the buildings such as equipment rooms and increasing the length of the indoor swimming pool.
- The provision of a vehicle entrance from Stephen Lane.

A copy of the plans showing the proposed modifications form Attachment 1 to this Report.

Background

The applicant has also lodged an appeal against Council’s deemed refusal of the application with the Land and Environment Court. The initial call over is scheduled for 22 February 2002.

At its meeting of 27 October 1998, Council resolved to grant Consent to Development Application No. B98/0765 for the erection of a double storey dwelling and associated buildings. The dwelling contained 4 bedrooms, each with en-suites, on the upper level and kitchen, dining, family, lounge, study, billiard and associated halls and entry foyer on the ground floor level. To the rear of the dwelling and attached by enclosed walkways are located:

a) a two storey garage containing a three (3) car garage and laundry on the ground floor with a machinery area/workshop, studio and storage area on the lower or basement level, and

b) a single storey indoor pool, gym and craft room.

The application was reported to Council for determination due to the size and scale of the development, Councillor interest and the widespread community response that the proposal had generated. Thirty six (36) submissions had been received which included comments for and against the development.

It was also a condition of the above Consent that a separate application be submitted for the proposed tennis court.
A copy of the previous Report has been distributed separately to Councillors.

Development Application/Construction Certificate X98/1660 was subsequently submitted to Council on 17 December 1998 for the tennis court and associated structure. The application was notified to adjoining property owners in accordance with Council’s Community Consultation DCP and no submissions were received. The application was subsequently approved under delegated authority on 16 February 1999.

Construction works associated with the development approved by Council have commenced on site and include the clearing and excavations necessary for the dwelling, pool, water tanks and tennis court.

**Development controls**

  - Rural Conservation (Mount Wilson) (100%)
  - Protected Area - Environmental Constraint Area (approximately 49%).
  - Mount Wilson Heritage Conservation Area.

**Notification**

As indicated above, the notification process in 1998 associated with the original Development Application, resulted in widespread community interest with 36 submissions being received. Of these submissions, 21 were against the proposal, 11 were in support of the proposal, 1 was neutral and 1 other gave qualified support. Two (2) persons lodged more than one submission.

The subject application for the modification was notified to adjoining properties in accordance with Council’s DCP 35 - Community Consultation for Land Use Management. Additionally, all parties who had made a submission in relation to the original Development Application were also notified of the proposed modification, including the Mount Wilson Progress Association, Mount Wilson Historical Society and the National Trust.

The application was notified for a period of 17 days from 11 December 2001.
As a result of the notification process, three (3) submissions were received. The main issues raised in the submissions are summarised below:

- The scale of the development is out of character with the Mount Wilson area.
- The development will have an adverse impact on the surrounding streetscapes.
- Objections to the increase in height as the approved height already exceeds Council’s standard.
- Objection raised to increasing the setback from Hillcrest Avenue by 2 metres.

Concerns raised regarding the recent removal of trees and vegetation and the adverse impact that this is having on the property.

Issues

Assessment issues –

- Statutory considerations
- Resident submissions

Discussion of Issues

1. Statutory Considerations

In modifying a consent, Section 96(2) of the Environmental Planning and Assessment Act, 1979, requires that the Council must be satisfied that the development to which the consent, as modified, relates is substantially the same development.

In this regard the proposed modification is not anticipated to materially change the development but instead seeks minor changes to the design and location of the dwelling only. Accordingly the development, if modified, is still considered to be substantially the same as that which was approved.

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 application was 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 – Blue Mountains Character Guidelines (DCP 10) and Development Control Plan 30 – Smart Design (DCP 30).

In the context of the total development, the proposed modifications are relatively minor. None of the submissions received make any comment in relation to the proposed internal alterations, the reduction in building length or the redesign of the rear ground floor porch and balcony. The increased heights, setback and impacts on the streetscape are discussed further in this report. The proposed modifications are considered to be generally compliant with the relevant planning instruments, with the exception of the height of buildings provisions of Clause 10.6 of LEP 1991.
It should be noted that subsequent to the granting of consent, the site coverage provisions of Clause 10.9 of LEP 1991 have also changed as a consequence of gazettal of Amendment 25.

Building Height

The approved development can be best described as a substantial stately home set amongst existing vegetation. As part of the original determination of the Consent, Council approved an Objection to the building height provisions of Clause 10.6 of LEP 1991 pursuant to State Environmental Planning Policy No. 1 (SEPP 1). SEPP 1 enables an applicant to lodge an Objection with Council seeking to vary a development standard where it can be demonstrated that compliance with the standard is unreasonable or unnecessary in the particular circumstances.

The applicant has now lodged a fresh SEPP 1 Objection in relation to the proposed modifications seeking to again vary the maximum building height provisions of LEP 1991.

The approved floor level of the dwelling was RL 1046.35 with the height of the building from floor to the ridge being 10.85 metres. The modification before Council proposes a floor level of RL 1047.1. This is proposed to be achieved by reducing the extent of excavation by 750 mm. The overall height of the dwelling from floor to ridge will remain unchanged at 10.85 metres, however the height in relation to the natural ground level will increase by 750 mm (ie. a maximum height of 12.15 metres). It is also proposed to raise the floor levels of the garage and indoor swimming pool by similar amounts (ie. a maximum height of 9.9 metres for the garage and 7.5 metres for the indoor swimming pool). The following Table provides a numerical summary of the proposal:

<table>
<thead>
<tr>
<th></th>
<th>Maximum Height to Eaves</th>
<th>Maximum Height to Ridge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard:</td>
<td>LEP 1991</td>
<td>6.5 metres</td>
</tr>
<tr>
<td>As Approved:</td>
<td>Main Dwelling</td>
<td>7.0 metres</td>
</tr>
<tr>
<td></td>
<td>Garage Building</td>
<td>6.2 metres</td>
</tr>
<tr>
<td>As Sought:</td>
<td>Main Dwelling*</td>
<td>7.75 metres</td>
</tr>
<tr>
<td></td>
<td>Garage Building*</td>
<td>6.95 metres</td>
</tr>
</tbody>
</table>

* Increase due to higher floor level which seeks to better protect significant tree on site.

The proposed building contains two storeys only, however it exceeds the maximum eight (8) metre building and 6.5 metre eaves height limits under Clause 10.6 of LEP 1991. The applicant has submitted that compliance with Clause 10.6 of LEP 1991 is unreasonable and unnecessary in relation to the modification for the following reasons:

"a) The bulk of the height breach has essentially resulted from the Edwardian style of the design which requires a pitch of 43 degrees and accordingly increases the height of the overall dwelling. The roof design is an integral part of the overall building design such that a reduction of pitch to achieve numerical compliance would detract from the integrity of the design of the development. …"
b) Revised plans increase the overall roof height of the middle portion of the residence by 750 mm to a maximum ridge height at RL 1057.95 and the adjacent garage building by 750 mm to a maximum ridge height at RL 1053.9. The building has also been relocated a further 2 metres away from the street to further diminish the increased building height. The amendment has been made in response to concerns by the applicant relating to the long term retention of a significant eucalypt tree situated near the north-western corner of the main building.

c) The site falls away from the road and as a consequence of this topography, the ground floor level of the building is positioned 2.9 metres below the level of Hillcrest Lane. This means that effectively only the upper storey of the residence will extend above the height of the road level therefore lessening the visual impact on the streetscape.

d) The main building is set back 45–50 metres from the road frontage well in excess of the required 30 metre setback in the locality. This provides ample opportunity for landscaping to screen the house when viewed from the road. Several mature trees of substantial height are to be retained within the street setback areas, notably the large eucalypt tree situated near the north western corner of the main building which is the basis on which the raised floor levels and consequent SEPP 1 for building height variation is based. This tree and other existing trees in the building setback, both existing and proposed, will provide immediate screening benefits and have the effect of reducing the appearance of bulk by virtue of their large scale.

e) The primary objective for the increased finished levels and subsequent height results from the primary intention to reduce excavation around the above mentioned eucalypt. The tree is situated approximately 3 metres from the excavated driveway. Raising the floor levels will reduce the cut to around 1 metre in the vicinity of the tree. Horticulturalist Fabrice Rolando has prepared a report which supports the reduced excavation to ensure the long term survival of this substantial tree.

f) The height variation to the main building when viewed from the north relates to the roof height only. ... The increased roof height will not be readily discernible from the approved building heights when viewed from the road. ... From the southern elevation, the building height variations relate to both the eave and ridge heights. This elevation is not visible from neighbouring properties or Hillcrest Lane. Accordingly, the slight increase in height (750mm) will have no impact and is considered reasonable.

g) The height breach with respect to the garage building mansion which has a maximum ridge height at RL 1053.9 relates to the uppermost portion of the roof apex and eave heights at the southern elevation where the building presents as two storeys. The height variation sought is a maximum of 400 mm above natural ground levels. The garage building is situated some 36 metres from the laneway and will be in part subterranean which will reduce appearance of bulk when viewed from the east. Given the minor increase in height, the generous setbacks, landscape screening and subterranean nature of part of the lower building level, the variation will not be discernible and will have no impacts.
LAND USE MANAGEMENT

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h) The retention of a large section of mature rainforest behind the dwelling will further diminish the scale and prominence of the dwelling which will be set below the skyline when viewed from a public place.

i) No overshadowing of neighbouring properties will result from the proposed dwelling.

j) The proposal will not detrimentally impact on neighbour privacy, having all living areas in the central portion of the building located on the ground floor, below the level of the road. Privacy is further enhanced by the extensive existing vegetation which will be complemented by a comprehensive landscaping scheme. ...

k) Compliance with height restrictions imposed by Clause 10.6 of the LEP is considered unnecessary and unreasonable in the particular circumstances of this case because the increased height will not be readily discernible from neighbouring properties or the road and the development is consistent with the objectives of the standard.”

As indicated above, the primary reason for reducing the excavation and increasing the setback by 2 metres is to protect a Eucalyptus Blaxlandii (commonly known as a Blaxland’s Stringybark) which is located to the north-western corner of the front of the dwelling. This is a significant tree which has a canopy substantially higher than the proposed ridge line of the dwelling and would therefore help screen the development from Hillcrest Avenue. The applicant has submitted a report from a Horticulturalist which recommends a reduction in the excavation to ensure the long term survival of the tree. The conclusions of the Report have been endorsed by Council Officers.

The reasons put forward by the applicant why the height limits are unnecessary in this particular case, are considered to have merit. The building will have a marginally increased setback and will make use of the slope down from the street. The ground floor level of the building is still below natural ground level on the front elevation, thereby reducing the perceived height of the building when viewed from Hillcrest Avenue. The impact of the building will also be ameliorated by the canopy height of the scattered mature trees within the building setback and those of the rainforest behind the buildings. The garage and pool portions will still appear single storey from the street frontage and the landscaping within the setback will screen and reduce the height impacts.

The proposed modifications do not create any overshadowing impacts or affect the privacy of adjoining properties. The overall building height is consistent with the scale of the building in relation to the size of the allotment and will not dominate the existing natural vegetation on the site. The zone objective to ensure that development is compatible with the rural and natural landscape and heritage of the locality is not considered to be compromised by the amended development in this instance.

Accordingly compliance with the provisions of Clause 10.6 of LEP 1991 is considered unreasonable in the circumstances and the SEPP 1 Objection seeking to increase the height of the development is supported.
LAND USE MANAGEMENT

Site Coverage

The application proposes a marginally smaller site coverage (16m²) compared to the current approval. This is due to a reduction of 4.06 metres in the length of the building at its eastern end.

While there have been consequential changes to LEP 1991 following the gazettal of Amendment 25 in terms of calculating site coverage, the modification is considered acceptable.

2. Resident Submissions

The majority of issues raised as a result of the community consultation process have been addressed in the preceding sections of this Report. However, the following comments are made in respect of the remaining issues:

- The scale of the development is out of character with the Mount Wilson area and would have an adverse impact on the surrounding streetscapes.

Comment:

These matters were considered in the Report to Council in respect to the original development. The proposed modification reduces the length of the dwelling by 4.06 metres, which will result in a small reduction in its scale.

- Objection raised to increasing the setback from Hillcrest Avenue by 2 metres.

Comment:

It is considered that an increased setback from Hillcrest Avenue by 2 metres to 48 metres would assist in achieving a minor reduction of the scale of the building when viewed from the street. The existing vegetation at the rear of the property will also screen the development from the south. Furthermore, in the circumstances, the increase is considered relatively minor and will not impact on the amenity of the adjoining properties.

- Concerns raised regarding the recent removal of trees and vegetation and the adverse impact that this is having on the property.

Vegetation and trees have been removed from the site in accordance with the approved plans to allow the earth works associated with the development to proceed. A separate Tree Preservation Order application has also been approved by Council for the removal of a number of additional trees which were considered dangerous or to obstruct the fence line.
Conclusion

The Section 96 application has been assessed under the relevant heads of consideration contained in Section 79C of the Environmental Planning and Assessment Act 1979.

The applicant has demonstrated that the increase in the height of the building, which is necessary to preserve a significant tree, will not compromise the objectives of the zone and the SEPP 1 Objection is therefore supported in the circumstances.

Accordingly, it is recommended that the application to modify the Consent be approved and the necessary consequential change be made to Condition No 1 of the Consent to reference the revised plans.
Recommendation:

1. Further to the Resolution of 29 January 2002, Council make further representations to the Hon. Bob Debus, Member for Blue Mountains, Minister for Emergency Services, requesting that the assistance for remedial work be available until end of June 2003.

2. That representations also be made to Kerry Bartlett, Federal Member for Macquarie, seeking similar financial assistance from the Commonwealth to implement critical remediation works on cleared areas created during the Christmas 2001 Bushfires, and that this assistance be available until the end of June 2003.

3. That Council Officers bring to the attention of the Rural Fire Service, trails that have been established for fire control purposes and request that the Rural Fire Service, where necessary, either block access to these fire trails or provide funding for Council to carry out this task on their behalf, to prevent unauthorised access to residential properties.

Report by Group Manager, Health and Development:

This report follows the receipt of resident submissions and the Notice of Motion at the Meeting held on 29 January 2002 (Minute No. ), seeking assistance for remedial work to stabilise land clearing which occurred in the recent bushfires.

Background

On 29 January 2002, Council resolved (Minute No. ):

“That Council makes urgent representations to the Hon. Bob Debus, Member for Blue Mountains, Minister for the Environment and Emergency Services, requesting financial and man power assistance to implement critical remedial work, to hold back the sediment that will threaten the water catchment, after the land clearing that has taken place to render safety in the recent fires.”

Correspondence on this matter has been sent however Ministerial advice has yet to be received. Council Officers have also been in direct contact with the relevant agencies through which funding is being sought. Advice has been received to the effect that funding will be available for stabilisation works up to the end of March 2002, (although the possibility of an extension to the end of May 2002 has been informally indicated) through the NSW Rural Fire Service on behalf of the State and Federal Government.
EMERGENCY MANAGEMENT

Managing the Remediation Process

During the bushfire period, the Rural Fire Service formed a multi-agency Remediation Team to look at the urgent stabilisation of all fire trails created during fire fighting operations. As part of this group, Blue Mountains City Council has taken a lead role in identifying measures by which cleared areas can be stabilised as soon as possible.

The initial implementation stage of this work is being carried out on behalf of the Remediation Team by Blue Mountains City Council through the use of three mulcher/chippers. These are traversing all cleared areas and turning all fallen timber and green waste into mulch to be spread on the ground to assist in stabilisation. In addition, where possible, the equipment is carrying out basic restorative works to soil and rock areas.

The second stage which involves assessing all cleared areas, is being carried out by the Soil Conservation Service, Council and the National Parks and Wildlife Service in conjunction with the Rural Fire Service. This process involves the assessing of all areas and providing recommendations to either “Improve and Maintain” or “Restore” the cleared areas where possible. On the completion of these investigations, a report will be provided (weather permitting) by the end of March. Following this report, a response with funding commitments will need to be made on a trail by trail basis.

As the majority of cleared areas were for trails to provide access to the bushland interface a number of these have been cut through or immediately adjacent to private property. Residents in some of the effected areas are reporting that these new trails are now being used as walking or riding tracks and are providing access by non-residents to the rear of residents properties. Council has received petitions from residents requesting that urgent action be taken to prevent access to these trails by unauthorised persons. These concerns are understandable in that persons accessing the trails may pose an unwanted risk to their properties.

It is considered, that as the Rural Fire Service is the authority under whose direction such trails were created, it is appropriate that the Rural Fire Service fund their closing to unauthorised users. In some instances, blockage can be achieved utilising fallen trees, however there are locations where more extensive fencing is required to stop trail bikes and walkers. Subject to funding, Council appears to be in an appropriate position to manage this process on behalf of the Rural Fire Service utilising established Council contractors.

In terms of timing, initial advice indicated that all claims for restoration works would need to be submitted to the Rural Fire Service by 31 March 2002. Following representations by Council Officers, this deadline has been extended to 31 May 2002. However, discussions between the relevant sections within Council, National Parks and Wildlife Service and Soil Conservation, have concluded that there is little chance of all works being completed by this time. The best estimates are for the work to continue for the remainder of 2002, with all invoices unlikely to have been collated until well into 2003.
EMERGENCY MANAGEMENT

Conclusion.

Due to the scale of the recent bush fires, the necessary recovery works are extensive. Some of these matters such as securing new fire trails and basic erosion control need immediate action, while other aspects such as longer term remediation, require significant pre-planning and implementation over an extended period.

There is a concern that while the initial stage of the work may be achieved by the current deadline date, a significant amount of restoration work will remain. As funds for the work will be coming from both the State and Federal Governments, representations to both the State and Federal member are recommended to maximise grant opportunities and their availability over a workable timeframe.

In addition, to respond to concerns of residents regarding the short term securing of fire trails, it is recommended that Council Officers take a led role to assist the RFS.
FACILITATING COMMUNITY DEVELOPMENT

Ordinary Meeting, 19/02/02

ITEM NO: 18

SUBJECT: BLUE MOUNTAINS CRIME PREVENTION AND COMMUNITY SAFETY PLAN

FILE NO: C00432

Recommendations:

1. That Council adopt the revised Blue Mountains Crime Prevention and Community Safety Plan with the proposed changes.


3. That a further report be prepared to allow Council to give detailed consideration to submission for funding support from the ‘Safer Communities Development Fund’ at the Attorney General’s Department

Report by Group Manager, Strategy:

Introduction

This report presents the outcomes from the Public Exhibition process of the Draft Blue Mountains Crime Prevention and Community Safety Plan. Council has prepared the draft plan in collaboration with the Blue Mountains Community Safety Council (BMCSC).

As the plan was prepared in accordance with the department’s guidelines, this report also considers informal comments on the draft plan from the Attorney General’s Department. It is proposed to submit the final plan for the Attorney General’s endorsement as a ‘Safer Community Compact’ and to seek associated funding under the ‘Safer Communities Development Fund’.

As identified in the draft plan, it is proposed to submit for funding of the ‘Rights of Passage’ project as a key initiative to support the implementation of the plan and to address priority crime and community safety issues across the Blue Mountains.

Outcomes of the Public Exhibition Process.

On 6 November 2001, Council resolved (Minute No 515):

1. That the Draft Blue Mountains Crime Prevention and Community Safety Plan be placed on public exhibition for a period of four weeks and then reported back to Council.

2. That the exhibition process be widely publicised.”
In accordance with this resolution the draft plan was exhibited at Council’s Katoomba and Springwood administrative offices as well as libraries and branch library offices between Wednesday 21 November and Tuesday 18 December, 2001. In addition to both extensive advertising and a separate article in the Gazette, a copy of the draft plan was available on Council’s web page.

**Results of Exhibition Process**

Council received one formal written submission during the public exhibition process. The respondent congratulated Council in putting together the draft plan and considered that the plan was a ‘great step forward’. A number of issues were raised in the submission and a summary of the details is provided in the following table:

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>COMMENT/PROPOSED RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enhanced promotion and distribution of public safety alarm units – suggestion that local Village/Town Safety Committees could be used for this purpose.</td>
<td>The Blue Mountains Community Safety Council has recently undertaken a review of safety alarm units and it was decided to incorporate information on their availability in the draft plan (Action Plan page 47). Additional details on availability will be included in the plan. The distribution by local Village/Town Safety Committees will be raised at the next Blue Mountains Community Safety Council meeting.</td>
</tr>
<tr>
<td>Proposal that skateboards and bike-riding be prohibited on footpaths in village/town centres.</td>
<td>Skateboards and riding of bikes is already prohibited on footpaths. Currently this issue is being considered in the context of the local Village/Town Safety Committees.</td>
</tr>
<tr>
<td>Safety implications of potholes, general poor condition of road surfaces and lack of footpaths.</td>
<td>These are general road maintenance and footpath provision issues. The respondent will be advised to direct any specific concerns to Council for action where appropriate.</td>
</tr>
</tbody>
</table>

Council will reply to the respondent in accordance with the above comments.

After the closure of the formal public exhibition period, Council received an additional written response to the draft plan. The respondent is not in favour of the plan on the basis that he/she doubts it ‘has any practical value’. The response deals primarily with the victims of crime and its financial impact. The respondent also suggests mandatory publication of details of offenders as a deterrent. These issues are considered to be criminal justice and police matters and as such are outside the scope of the draft plan, which has a prime focus on local crime prevention and community safety initiatives.

As the response does not directly address specific proposals in the draft plan it is proposed Council acknowledge the concerns of the respondent and direct future correspondence on the matter to the NSW Police and/or the Attorney General.
Attorney General’s Department

The Attorney General’s Department has provided preliminary feedback on the draft plan to assist in processing the final plan as a Safer Community Compact under the Children (Protection and Parental Responsibility) Act 1997.

The department has identified the following specific concerns with the draft plan:

- Additional detail about the consultation methodology
- Further details, including statistical data on Aboriginal/Indigenous communities and proposed strategies to address identified issues

The community consultation information included in the plan is from previous consultations undertaken in developing Area Community Plans, Community Surveys and Council’s citywide Community Plan. Further details about these consultation processes will be included in the final plan.

A meeting has been held with Jacinta Tobin, the recently appointed Community Development Coordinator at the Blue Mountains Aboriginal Culture and Resource Centre, in response to the concerns of the Attorney General’s Department about consultation with the Aboriginal community.

The Coordinator identified the following issues of concern in relation to Aboriginal people in the Mountains:

- domestic violence and child protection
- the treatment of sacred sites and the potential safety issues for both men and women if they are not respected
- safety issues associated with the use of parks including Kingsford Smith and Catalina Parks
- lack of facilities and services particularly for young people
- lack of cultural awareness and understanding about Aboriginal/Indigenous issues

Information about these issues will be incorporated in the final plan along with detailed statistics on Aboriginal and Torres Strait Islanders from the 1996 ABS Census. The Community Development Worker has also been invited to become a member of the Katoomba Safety Committee, which is currently being established under the auspice of the Blue Mountains Community Safety Council. The Aboriginal Cultural and Resource Centre will also be invited to become a partner in the development and implementation of the ‘Rights of Passage’ project.
Rights of Passage Project

Council, in collaboration with the BMCSC, has developed an innovative proposal to assist in the implementation of the plan. The project will address some of the key crime prevention and community safety priorities identified in the draft plan.

The concept of the Rights of Passage project incorporates the recognition that different target groups (children, young people, older people) have specific issues in relation to crime prevention and community safety.

Some of the key aspects the project would address include:

- safety issues for children
- perpetrators of domestic violence
- fear of crime issues for older people
- young people, drugs and media representation

The following organisations will be directly involved in delivering different aspects of the project:

- Police
- Wentworth Area Health Service
- City Rail
- Domestic Violence Network
- Western Sydney Drug and Alcohol Resource Centre

It is intended that proposed that Council will submit a proposal for funding of the project by the Attorney General’s Department. Any funding submission will require further development and detailed consideration in relation to the implementation of the project. These matters include:

- Funding requirements of Attorney General’s Department
- Administrative arrangements for project
- Any impact on Council resources
- Nature of BMCSC and community partnership support

A further report to Council will be prepared on the outcomes sought by the project and the resource implications prior to the lodgement of a submission to the Attorney General’s Department.

Conclusion

There were only two formal responses to the public exhibition of the draft Crime Prevention and Community Safety Plan. The Attorney General’s Department has provided additional informal comments on the draft plan.

Some minor additions and alterations will be made to the draft plan in response to the both the public submissions and information from the Aboriginal Cultural and Resource Centre.
As a partnership strategy with the Police, a range of government and non-government agencies and the community, the development of the first Blue Mountains Crime Prevention and Community Safety Plan is an important achievement for the Council. The implementation of the strategy through the auspice of the Blue Mountains Community Safety Council signals a collaborative approach in dealing with local crime and community safety issues and enhancing quality of life for Blue Mountains residents.
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>Springwood Country Club</td>
<td>$75</td>
</tr>
</tbody>
</table>

Report by General Manager:

On 11 July 2000 Council adopted a revised Policy for Councillors’ Minor Local Projects allocations for the provision of community assistance/donations. The following recommendations for donation, which appear to fall within the ambit of the Policy, have been received and are submitted for approval.

<table>
<thead>
<tr>
<th>Recommending Councillor</th>
<th>Organisation</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr C Kime</td>
<td>Springwood Country Club</td>
<td>Junior Open Golf Tournament</td>
<td>$75</td>
</tr>
</tbody>
</table>
ITEM NO:  20

SUBJECT: COMMUNITY BUILDINGS POLICY

FILE NO:  C02907

Recommendations:

1. That Council adopt the Community Buildings Policy in the form enclosed with this Business Paper.

2. That Council thank the Blue Mountains Community Interagency, Blackheath Area Neighbourhood Centre, Katoomba Neighbourhood Centre, Blue Mountains Family Support Service, and Scout Association of Australia for their input to the policy review process.

Report by Group Manager, Assets & Corporate Services:

Introduction
Following extensive stakeholder consultation including a six week public exhibition period Council adopted the ‘Pricing Policy and Procedures for the Management of Community Buildings’ at its meeting of 27th June 2000. The adopted Pricing Policy provides the framework by which community buildings are to be managed.

The progress of the implementation of the Policy was reported to Council on 10 October 2000. At that meeting, Council acknowledged various issues relating to community perception, commitment and input to the process by community organisations. Council requested that any difficulties arising during the implementation of the Policy be reported back to Council.

A report was submitted to Council on 22 May 2001 on the difficulties experienced with community service groups in implementing the policy. Council resolved that a meeting should be held between Councillors, Council staff, and community organisations to which senior representatives of funding bodies and local members of parliament be invited. This meeting was held on 17 September 2001. Subsequently, the policy was revised and amended to address issues experienced throughout the implementation process.

Council at its meeting of 11 December 2001 considered a report on a revised draft policy, now more appropriately titled “Community Buildings Policy” and resolved (Minute No.572):

1. That the Community Buildings Pricing Policy be renamed the Community Buildings Policy.

2. That the revised draft of the Policy be placed on public exhibition for 6 weeks for receipt of public comments and submissions.

3. That notification of the public exhibition period be widely advertised in local newspapers and direct notification, as far as practical, to frequent users of Council’s Community Buildings.
4. That following the public exhibition period a further report be submitted to Council outlining the issues relating to the revised draft policy together with the recommended course of action for Council’s consideration.”

Notice of the public exhibition of the revised draft policy had been given in the Blue Mountains Gazette on 19 December 2001 and 9 January 2002 and on Council’s website. All community service organisations using Council’s community buildings and the hall management committees were also notified directly by letter. Public submissions and comments regarding the renamed draft policy were invited until 30 January 2002.

Submissions
Up to 5 February, a total of five submissions had been received from the following organisations:

- Blue Mountains Community Interagency
- Blackheath Area Neighbourhood Centre
- Katoomba Neighbourhood Centre
- Blue Mountains Family Support Service
- The Scout Association of Australia

Four out of the above five submissions have expressed their support and strong agreement of the proposed changes to the policy. They have expressed their appreciation towards Councillors and staff on this matter. Amongst these appreciative expressions, issues and comments have also been received together with commendations from these community service groups. The Scout Association of Australia however has suggested that the revised draft policy was oversimplified together with extensive use of social science language. Details of the submissions and corresponding responses can be summarized as follows:

1. No community service organisations shall be financially disadvantaged by the policy.

   Council’s resolution of 10 October 2000, Minute No. 449, stated in part ‘that Council does not intend to financially disadvantage any community sector organisations or community groups through the implementation of the Policy.” The revised draft policy only provides broad principles, frameworks and processes. Should any groups be financially disadvantaged by the policy, the matter would be duly considered on its merits.

2. There may be groups experiencing difficulties in meeting the cost of all outgoings

   As responded in Issue 1 above, the matter would be considered on its merits. Groups who cannot afford outgoings (directly resulting from the revised draft policy) may apply for further subsidisation from Council. This has now been made specific in Clause 4.1.11 of the revised policy. In this instance, all financial arrangements would be documented, be transparent and be in accordance with legislative requirements. Appropriate arrangements would then be negotiated and put in place to reflect individual situations.
For example, the Katoomba Neighbourhood Centre and the Blue Mountains Family Support Services have expressed their difficulty in meeting all outgoing costs due to their current levels of funding. In such situations, specific details of funding will be examined and arrangements will be made with these groups for Council’s subsidisation pending additional funding from appropriate authorities/grants.


The Blue Mountains Community Interagency requests formal community representation on the Premises Review Panel. Clause 4.1.6 of the revised draft policy has been amended to include a community representative as requested.

4. *Clarification about the decision making process for organisations who occupy Council’s buildings but are no longer able to provide services to the community.*

Clauses 4.1.6 and 4.1.7 of the revised draft policy clearly outlines the decision making processes and the assessment criteria. In general, the Premises Review Panel after carrying out appropriate consultation with government funding bodies and/or associated community service groups and assessing the situation against the principles established within the policy, determines the matter. Should the affected group disagree with the decision an appeal can be lodged with Council for consideration.

5. *How would Council determine building maintenance standards*

Clauses 4.1.3 and 4.1.4 of the revised draft policy states that Council will resume responsibility for cyclic, major and conditioned based maintenance. Minor building maintenance will be the joint responsibility of the community service organisations and Council. Council has established a Condition Based Maintenance Program and committed to bring its buildings to acceptable standards, namely Condition Level 2. At this level, the building might have some superficial deterioration, but in general meets the required safety standards and is in habitable conditions.

6. *Separation of essential utility/services meters to ensure organisations can be metered independently.*

This issue is arisen where various groups are sharing a Council’s building. The installation of separate meters is an expensive exercise but may not be avoidable if alternatives cannot be agreed. In general, utility and energy usage could be measured and estimated in accordance with operation hours and activities. Most of the time agreements could be reached on the basis of apportioning to a percentage of floor areas.
7. **New application for lease of community buildings**

From the submissions received, there is an enquiry seeking Council’s support to move the Blue Mountains Family Support Service from 10 Station Street, Katoomba to larger Council’s premises. While this request is outside the scope of the policy review process it is worth commenting that as outlined in Clause 4.2 of the revised draft policy, the availability of exclusive use space in Council owned community buildings is limited and competition for exclusive use is steady. Council is concerned to develop an equitable assessment procedure to apply to community groups and others requesting the use of Council buildings on an exclusive occupation. In such cases, the groups will be required to develop a business plan in conjunction with Council staff to identify the source of funds for capital and on-going expenditure as well as the services and benefits provided to the community at large. A report will be prepared, based on this business plan, for determination of the issue by Council.

8. **Create a separate category of “Community Group Buildings on Council Land”**

The Scout Association of Australia suggests that a separate category of “Community Group Buildings on Council Land” should be created within the revised draft policy to recognise the situation where capital funding for the construction of community buildings on Council land was provided by entities other than Council. Clause 4.1.14 of the revised draft policy has been added to acknowledge that occupation of these buildings has been in accordance with the agreements executed at the time. Therefore the provisions of these agreements should be maintained until such times that new arrangements are required and a new agreement is negotiated.

**Commendations**

Amongst the above comments and issues, the aforementioned community service groups have also forwarded many commendations regarding the revised draft policy, which can be summarized as follows:

- The name change to “Community Buildings Policy”.
- Maintaining historical background within the policy.
- Addressing the issues of sustainability, partnership, transparency and clearer framework and processes.
- The separation of public buildings/halls from community buildings in which community services operate and have management of usage
- 100% rental subsidy for all community service organisations in Council’s buildings.
- The allocation of a minor maintenance fund to each building.
- Each group having responsibility for the hire of their own meetings space with encouragement to maximise its usage. Income derived from this to be directed to the operating costs of the building.
- The elimination of the annual 'Community Benefits" statements, while maintaining on-going community benefit as essential criteria.
Conclusion
The revisions of the Policy adopted by Council on 27 June 2000 have taken into account issues developed over the last eighteen months, especially after consideration of those arising from a number of workshops with the Community Interagency representatives. It is clear from the recent public exhibition that the revised draft policy is receiving support and agreement from the Blue Mountains community service organisations. However, it should be noted that the revised draft Policy will result in:

- Some loss of rental income to be offset by savings from outgoings;
- An increase in minor maintenance budget;
- Incentives for occupiers to look after the premises;
- Separation of issues relating to hall management committees, community service groups leases and tennis court leases;
- Improvement in partnership with and recognition of community service groups;
- Improvement in the effectiveness and efficiency in the management of community buildings
- Alignment with Council’s vision
- “working towards sustainability”
- High level of transparency relating to Council’s subsidy and the process for community groups to apply for the use of community buildings.

Some minor changes and additions have been made to the revised draft policy as outlined in this report. The changes and additions that have been made to the exhibited document are italicised and underlined in Arial font in the separately enclosed revised draft policy document.

The exhibited Community Buildings Policy, as amended by the changes and additions outlined in this report as a consequence of the exhibition process, is recommended for adoption by Council.
PROVISION OF RECREATIONAL & COMMUNITY SERVICES/FACILITIES

Ordinary Meeting, 19/02/02

ITEM NO: 21

SUBJECT: SPRINGWOOD TOWN SQUARE – COST ESTIMATES

FILE NO: H00996

Recommendations:

1. That a sum of $100,000 be allocated in the 2002-2003 Capital Works Program to supplement the existing budget for the construction of the Springwood Town Square as outlined in this report.

2. That written enquiries and/or applications be made with the appropriate State and Federal authorities seeking grants and funds suitably available for Stages 2 and 3 of the Springwood Town Square project.

Report by Group Manager, Assets & Corporate Services:

Council at its meeting of 11 December 2001 considered a report on this matter and resolved, Minute 570, to adopt the Plan of Management for the former Springwood School of Arts site together with the concept design for the Springwood Town Square. In the same resolution, Council had specifically requested:

“4. That Council receive a report early in 2002 on the estimated cost of constructing the Springwood Town Square, such report to also address funding, affordability and timing issues.”

The conceptual design of the Springwood Town Square is based on the following principles:

- Retain and enhance view to National Park
- Enhance connectivity of surrounding spaces and facilities
- Encourage commercial viability of Town Centre
- Design for comfortable use
- Design for use by all sections of the community subject to discouragement of anti-social behaviour
- Allow use of Town Square and car park sections for community purposes
- Maximise useability and sense of space in small area available
- Provide space for rest and recreation
- Incorporate public art
- Enhance connectivity of surrounding spaces and facilities
- Provide parking accessible to Town Centre
- Improve provision of parking for people with limited mobility
- Specify surface materials that can be easily traversed by wheelchairs and prams
- Design spaces, structures and lighting to discourage crime, vandalism and other anti-social behaviour
- Design and construct for continued good appearance
- Design and construct for low cost of maintenance
The design concept calls for quality materials such as stone paving for inherent qualities of durability and beauty.

Cost Estimates
The construction of the Springwood Town Square has been broken down into 3 stages:

- **Stage 1**: Construction of the town square platform and associated improvements
- **Stage 2**: Beautifying access ramp and car parking area immediately adjoining the southern edge of the town square
- **Stage 3**: Providing pedestrian linkage between the town square and the car park on the northern side of Macquarie Road, Springwood

The cost of constructing the Springwood Town Square could vary significantly depending on the quality and types of materials employed; however, the higher the quality of materials the higher the construction cost. Good detail design and specification of high-quality materials will cost less to maintain and produce an attractive Town Square that is valued by the community and less likely to be neglected or vandalised.

Stages 2 and 3 are estimated at approximately $60,000 and $128,000 respectively. Two Options of varying types of materials and improvements have been considered for Stage 1. The first option is considered meeting reasonable standards and expected outcomes and its total cost is closer to the current budget. The second option utilizes more costly higher quality materials and will produce a more attractive result. Details of cost estimates for each option are summarised as follows:

**Option 1:**
Option 1 provides standard improvements and materials such as stencil-concrete paving and painted brick wall. The deliverables include an established town square comprising seatings, artworks, disabled access ramp, lightings and some landscaping.
### PROVISION OF RECREATIONAL & COMMUNITY SERVICES/FACILITIES

Item 21 - Ordinary Meeting, 19/02/02

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
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</tr>
</thead>
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<td>1</td>
<td>DEMOLITION AND EARTHWORKS</td>
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<td>2</td>
<td>PLANTING</td>
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<td>3</td>
<td>ARTWORK</td>
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<td>4</td>
<td>LIGHTING/ELECTRICAL</td>
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<tr>
<td>5</td>
<td>DRAINAGE</td>
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<tr>
<td>6</td>
<td>PAVEMENT - SURFACING</td>
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<tr>
<td>7</td>
<td>WALL CONSTRUCTION</td>
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<tr>
<td>8</td>
<td>SEATING</td>
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<tr>
<td>9</td>
<td>WELL</td>
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<tr>
<td></td>
<td><strong>INTERIM SUB TOTAL</strong></td>
<td><strong>200,150.00</strong></td>
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</table>

**Contingent Items**
- 20,015.00

**Design Fees**
- 12,009.00

**Project Management Fees**
- 12,009.00

**TOTAL**
- 244,183.00

**Option 2:**
The deliverables for Option 2 include an established town square comprising sandstone paving, wall and pavement tiles sets seatings, artworks, disabled access ramp, lightings and some landscaping. Cost estimates are:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
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<tr>
<td>1</td>
<td>DEMOLITION AND EARTHWORKS</td>
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<td>PLANTING</td>
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<td>3</td>
<td>ARTWORK</td>
<td>25,000.00</td>
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<tr>
<td>4</td>
<td>LIGHTING/ELECTRICAL</td>
<td>6,200.00</td>
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<tr>
<td>5</td>
<td>DRAINAGE</td>
<td>5,520.00</td>
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<tr>
<td>6</td>
<td>PAVEMENT - SURFACING</td>
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<tr>
<td>7</td>
<td>WALL CONSTRUCTION</td>
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<td>8</td>
<td>SEATS</td>
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<tr>
<td></td>
<td><strong>INTERIM SUB TOTAL</strong></td>
<td><strong>282,950.00</strong></td>
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</tbody>
</table>

**Contingent Items**
- 20,015.00

**Design Fees**
- 12,009.00

**Project Management Fees**
- 12,009.00

**TOTAL**
- 345,199.00
Funding
Council has allocated the sum of $150,000 from its current capital works budget for design, development and construction of the Town Square. This budget allocation was based on a cost estimate conducted in 1997-1998 when the Sydney Building Cost Index was recorded at 105.71. As at 31 December 2001, the Cost Index was expected to be 136.97 showing an increase of about 29.58% over the last 5 years. In applying this rate of increase over the cost estimate in 1997-1998, the value is now equivalent to approximately $195,000 which is very close to the cost estimate for Option 1 above excluding design and project management fees and unforeseen costing for contingencies.

Obviously, the present budget is not sufficient even just to cover Option 2 of Stage 1. A supplementary fund of approximately $100,000 is required to be identified. There are a number of options available to make up a possible shortfall in the budget. These include:

- community involvement in projects such as mural painting.
- application for grant funding for art projects, cultural heritage projects, urban improvement programs from various bodies such as the Arts Council, NSW Ministry for the Arts and Heritage Office. However, available funding has not yet been identified to-date.
- proactive activities such as fund raising and seeking donations and reductions in materials costs in return for sponsorship.
- A budget increase to be voted by Council.
- Reduction in scope of works by not providing any planting, artworks, lighting, seating and well plaque/icon. This could potentially save approximately $50,000 for Option 2 or $30,000 for Option 1. However, the outcome would be very undesirable and the town square would not be as useful as expected.
- Management of the construction schedule for Stage 1 in a way that works will commence in the last quarter of this financial year and be completed in the 1st quarter of 2002-2003. This would enable completion of the Stage 1 as early as practicable and still minimise the impact of the project on Council’s current budget. However, a budget allocation of $100,000 in next year’s Capital Works Program will be required.

Timing
Under Option 1, envisaging consideration of the Development Application by the Council and Consent being obtained before the end of May 2002, the construction of Stage 1 of the Springwood Town Square is expected to be completed by the end of September 2002, subject also to the allocation of an additional $100,000 in the 2002-2003 Capital Work Program. Stages 2 and 3 have not been scheduled and cannot be commenced until the appropriate funds are voted. These stages will be recommended for funding in 2003-2004 and 2004-2005 respectively.

Conclusions
It is clear from the details outlined in this report that Council is now facing with a major challenge in identifying appropriate sources of supplementary funds for the project. Option 2 of Stage 1 offers higher quality finishes; whilst Option 1 appears to be more realistically achievable.
The detail design of the town square has commenced. However the construction of the Springwood Town Square is currently on-hold pending Council’s decision. The most logical and cost-effective way for the project to proceed is to manage its construction schedule in a way that works will commence in the last quarter of this financial year to the extent of the current budget and the remaining scope of works will be completed in the 1st quarter of 2002-2003.
ITEM NO: 22

SUBJECT: KATOOMBA SPORTS & AQUATIC CENTRE
RECONCILIATION OF ADDITIONAL EXPENDITURE AGAINST BUDGET

FILE NO: H01028

Recommendation:

That Council notes the report on reconciliation of expenditure against budget for the Katoomba Sports & Aquatic Centre Project.

Report by Group Manager, BM City Services

At the Ordinary Meeting on 20 November 2001, Item No. 5, Council requested a Report “showing reconciliation of expenditure for the Katoomba Aquatic Centre, showing the additional expenditure as against the revised budget.”

The project budget was set by Council at $4,650,000 at its meeting on 24 October 1998, comprising $4,050,000 for the building contract (new building, stadium, 25m Pool, amenities), and $600,000 for ancillary works (preliminary costs, fees, carpark, landscaping).

At the meeting on 24 October 1998, Council resolved under Minute 610 to decline to accept any of the tenders received and to negotiate a Building contract with D G Sundin & Co under Clause 18 (3) c of the Local Government (Tendering) Regulation 1993 (the lowest tender for the Building contract was $4,690,500 from D G Sundin & Co.).

The original specifications were modified to reduce the DG Sundin & Co bid by $485,800, and the contingency sum of $300,000 removed, giving a negotiated contract sum of $3,904,700.

<table>
<thead>
<tr>
<th>Budget</th>
<th>Ledger costs</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building contract</td>
<td>$4,050,000</td>
<td>$4,031,261</td>
</tr>
<tr>
<td>Ancillary works</td>
<td>$600,000</td>
<td>$765,303</td>
</tr>
<tr>
<td>Total project cost</td>
<td>$4,650,000</td>
<td>$4,796,564</td>
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</table>

Attachment 1 tables a detailed breakdown of actual expenditure against budget for accounts in the General Ledger. Attachment 2 shows the variations to the contract to achieve the ledger cost above.

The over expenditure for the Ancillary works was largely due to the over budget expenditure for the landscaping ($90,000), additional architectural fees ($28,000) and the contract variation covering the provision of gas heaters for the outdoor pool ($36,000).
PROVISION OF RECREATIONAL & COMMUNITY SERVICES/FACILITIES

Item 22 - Ordinary Meeting, 19/02/02

Attachment 1
SUMMARY OF CONTRACT VARIATIONS & PAYMENTS

A2.1 PAYMENTS

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Lump Sum in Letter of Intent to Building Contractor</td>
<td>$3,904,700</td>
</tr>
<tr>
<td>Add new value of approved variations, as listed (see A2.2 below)</td>
<td>$279,276</td>
</tr>
<tr>
<td>Deduct value of Provisional &amp; Prime Cost Items in Contract Sum</td>
<td>-$73,500</td>
</tr>
<tr>
<td>Add approved value of Provisional &amp; P C Items actually installed</td>
<td>$44,288</td>
</tr>
<tr>
<td><strong>Final valuation of Building works</strong></td>
<td><strong>$4,154,764</strong></td>
</tr>
<tr>
<td>Deduct value of minor civil works not completed by Builder</td>
<td>-$23,755</td>
</tr>
<tr>
<td><strong>Payment made to Building Contractor</strong></td>
<td><strong>$4,131,009</strong></td>
</tr>
<tr>
<td>Incorrect allocation of an unrelated cost to ledger W065-3006</td>
<td>$100</td>
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<tr>
<td>Ledger transfer – Backwash Treatment Facility for outdoor pool</td>
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</tr>
<tr>
<td>Ledger transfer – Amenities for the Disabled</td>
<td>-$19,848</td>
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<tr>
<td><strong>Ledger cost for construction of Building-Ledger No.W065-3006</strong></td>
<td><strong>$4,031,261</strong></td>
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</table>

A2.2 CONTRACT VARIATIONS

Note: these values are rounded

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Additions to Backwash tank</td>
<td>$38,000</td>
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<tr>
<td>Reversal of potential saving for changing the type of ceiling specified</td>
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</tr>
<tr>
<td>Extra Rock excavation</td>
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<tr>
<td>Electrical services adjustments</td>
<td>$17,000</td>
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<tr>
<td>Structural steel adjustments</td>
<td>$19,000</td>
</tr>
<tr>
<td>Retaining Walls</td>
<td>$28,000</td>
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<tr>
<td>Render and paint internal walls</td>
<td>$23,000</td>
</tr>
<tr>
<td>Fitout toilet for disabled</td>
<td>$10,000</td>
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<tr>
<td>Mechanical and Hydraulic services adjustments, plant room, sewers</td>
<td>$31,000</td>
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<tr>
<td>Internal lining adjustments</td>
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</tr>
<tr>
<td>Miscellaneous adjustments to building fittings and finishes</td>
<td>$60,000</td>
</tr>
<tr>
<td><strong>Total of Variations (actual total is $279,276)</strong></td>
<td><strong>$280,000</strong></td>
</tr>
</tbody>
</table>
Recommendations:

1. That the items 2002-01 to 2002-10 contained in the report of the Local Traffic Committee meeting held on 29 January 2002 be approved by Council.

2. That the Regional Director – Sydney Region, Roads and Traffic Authority Blacktown, and the Superintendent of Police, Blue Mountains Area Command and the Local Member’s Representative be notified of Council’s approval.

3. That items 2002-11 to 2002-13 be noted.

Report by Group Manager, BM City Services:

Attached to these recommendations is the Report of the meeting of the Local Traffic Committee held on 29 January 2002. The recommendations in this report are now submitted to Council for approval.
LOCAL TRAFFIC COMMITTEE MEETING

29 JANUARY 2002

Meeting opened 10.00am

Attendance:

Mr Dean Russell          RTA
Constable Marylou Keating  Replacing Sgt Adams, Highway Patrol
Ms Joy Anderson          Representative for Honorable Bob Debus
Mr Anthony Ogle          BMCC – Chair

Ms Terri Hamilton        BMCC - Councillor
Mr Graham Green          Traffic Section Head, BMCC
Ms Janina Olmos-New      Traffic and Investigations Officer, BMCC
Ms Kaye Brennan          Project Manager, Lower Mountains Aquatic Centre
Mr Glenn Sherlock         Road Safety Project Manager

Guests
Mr Anwar Yazbeck         Fyntray Constructions
Mr John Karikios          ACOR Consulting
Snr Sgt Jim Pendergast    Macquarie Regional Commander

Area 1       Nil

Area 2
2002-01        Katoomba Street, Katoomba
                Reinstatement of No Parking Zone

2002-02        Katoomba Street, Katoomba
                Provision of Loading Zone

2002-03        Gang Gang Street, Katoomba
                Provision of Disabled Parking Space

2002-04        Cook Road and Blaxland Road, Wentworth Falls
                Provision of Give Way Sign

2002-05        Parkes Street and Pritchard Street, Wentworth Falls
                Provision of Give Way Sign

Area 3       Nil
TRANSPORTATION & ROADS

Attachment

Area 4
2002-06  Macquarie Road and Short Street, Springwood
  Relocation of Bus Stop

2002-07  Lower Mountains Aquatic Centre Buttenshaw Park, Springwood
  Traffic Issues Associated with Development Application

2002-08  Temporary Road Event – Macquarie Road, Springwood
  Springwood Foundation Day, 6 April 2002

Area 5
2002-09  Temporary Road Closure – Leura and Glenbrook
  Drive Safely East Coast Rally, 14 March 2002

Late Items
2002-10  Temporary Car Park Closure & Road Closure
  Blackheath Food with Altitude - Wine and Food Festival, Saturday 4 May
  2002

General
2002-11  The Great Western Highway – Lapstone to Glenbrook Safety

2002-12  School Zone Enforcement – Lapstone

2002-13  Bridge Over Railway - Bullaburra

2002-01  Katoomba Street, Katoomba
  Reinstatement of Construction Zone to No Parking

Background
During construction works for the new shopping complex on the corner of Katoomba Street
and Merriwa Street, the existing No Parking restriction was temporarily changed to a
Construction Zone to accommodate the needs of contractors. The construction has been
completed and the construction zone signage should be returned to the previous No Parking
restriction between the hours of 8.00am and 6.00pm weekdays.

Recommendation:
That Council approves the reinstatement of the *No Parking (8.00am to 6.00pm weekdays)*
restriction in place of the Construction Zone on Katoomba Street, Katoomba near the
intersection of Merriwa Street.

2002-02  Katoomba Street, Katoomba
  Provision of Loading Zone in place of No Parking
Attachment

**Background**

At the Local Traffic Committee meeting of 24 July 2001, item 2001-43 for the extension of the Bus Zone outside The Carrington Hotel, Katoomba was recommended for adoption. Part of the recommendation was the introduction of a 12m No Parking (15 minutes) zone on the eastern side of Katoomba Street south of the pedestrian crossing (outside The Savoy Café). The legislative definition of No Parking allows the use of the zone for loading.

The new parking restriction signage was installed in December 2001. The No Parking restrictions on the eastern side of Katoomba Street have caused substantial confusion to motorists and delivery vehicles, with subsequent misuse and enforcement problems. Representations from various shopkeepers indicates the location of this zone for loading purposes is not desirable, and a dedicated loading zone outside the Church 5 car spaces to the south would be better. Refer to Attachment 1.

There is a single car length No Parking Zone at the north end of Katoomba St on the eastern side not far from the zone in question, which can be used for loading for the shops in this area. Swapping of the 1 Hour Parking outside the church with the No Parking zone outside The Savoy Café and conversion of the latter to a loading zone preserves the same number of on street parking. It moves the loading area further south better situated to the businesses with greater use of the zone. As this proposal has been developed by the committee, its implementation should be subject to consultation with business owners adjacent to the zones, and referred back to the April meeting of this Committee for review.

**Recommendation:**

1. That Council (a) create a 12m *Loading Zone 8.30am to 5.00pm Monday to Friday* outside St Hilda’s Anglican Church, and (b) re-instate *1 Hour Parking 8.30am to 6.00pm Mon-Fri 8.30am to 12.30pm Sat* in place of the No Parking zone outside The Savoy, both on the eastern side of Katoomba St, Katoomba

2. That item 1 be subject to consultation with business owners adjacent to the zones and referred back to the April meeting of this Committee for review.

3. That Council install a *No Parking* sign at the north end of Katoomba St on the eastern side to define the end of this zone.

---

**2002-03 Gang Gang Street, Katoomba**

**Provision of Disabled Parking Space**

**Background**

A request has been received from the proprietors of the Skin Cancer Clinic located at 2 Gang Gang Street, Katoomba for the provision of one Disabled Parking Space outside the premises. They have advised that a significant number of their patients are elderly and immobile and would greatly benefit if they could be dropped off or park outside the premises.
There is currently a 1 Hour parking restriction outside the Skin Cancer Clinic. The provision of 1 disabled parking space (7 metres) with the same time restriction as exists ie. between 8.00am to 6.00pm Monday to Saturday directly outside the clinic would not significantly impact on the parking availability in Katoomba.

Recommendation:
That Council approves the provision of one 1 Hr Disabled Parking space (7 metres long) 8.00am to 6.00pm Monday to Saturday outside the Skin Cancer Clinic on Gang Gang Street, Katoomba as shown on Attachment 2.

2002-04 Cook Road and Blaxland Road, Wentworth Falls
Provision of Give Way Sign

Background
A resident has requested Council to improve the priority of movements at the intersection of Cook Road and Blaxland Road, Wentworth Falls. The intersection forms a skewed ‘T’ with the traffic priority being to the traffic on Blaxland Road. The approach from Cook Road to the intersection is on a slight incline. In addition the intersection of Flora Street with Cook Road is very close to the approach of Blaxland Road. These factors combine to give the driver an impression that Cook Road continues straight ahead over the crest.

The provision of a Give Way sign and associated line marking would advise drivers that there is an intersection ahead. Refer to Attachment 3. The Roads and Traffic Authority agreed due to the exceptional configuration of the intersection.

Recommendation:
That Council approves the improvement of traffic priority through the provision of a Give Way sign and associated line marking at the intersection of Cook Road and Blaxland Road, Wentworth Falls as shown on Attachment 3.

2002-05 Parkes Street and Pritchard Street, Wentworth Falls
Provision of Give Way Signs

Background
A resident has requested Council to improve the priority of movements at the intersection of Parkes Street and Pritchard Street, Wentworth Falls. The intersection is four-way with the Parkes Street approach being on a slight incline, and then off centre after the intersection with Pritchard Street. The traffic priority is on Prichard Street.

The provision of Give Way signs and holding lines as shown on Attachment 4 would formalise the intersection indicating the priority of traffic.

Recommendation:
That Council approves the improvement of traffic priority through the provision of Give Way signs and associated holding lines at the intersection of Parkes Street and Pritchard Street, Wentworth Falls as shown on Attachment 4.
Background
A request has been received from a resident regarding the relocation of a bus stop at the intersection of Macquarie Road and Short Street, Springwood. The original location of the bus stop and seat were at the approach to Short Street from Macquarie Road. At this location, there is no parking shoulder. When the bus stops to pick up passengers it both impedes traffic heading west along Macquarie Road and blocks the sight distance to drivers waiting to turn right out of Short Street into Macquarie Road.

A better location for the bus to stop is further west along Macquarie Road after the intersection with Short Street. At this location there is a parking shoulder available for the bus to pull into thus allowing both traffic behind to pass and sufficient sight distance to vehicles waiting to turn right onto Macquarie Road. Pearce Buses have been requested to consider the relocation of the bus stop. They have not indicated any issues with stopping beyond the intersection.

Recommendation:
That Council approves the relocation of the bus stop and bus seat at the intersection of Macquarie Road and Short Street, Springwood as shown in Attachment 5.

2002-07 Lower Blue Mountains Aquatic Centre, Springwood
Traffic Issues Associated with Development Application

Background
As part of the development of the Lower Blue Mountains Aquatic Centre, the project manager on behalf of the applicant has requested consideration and comment of traffic related issues within the jurisdiction of this committee:

1. Relocation of existing Bus Stop

There is an existing bus shelter opposite Buttenshaw Park at the location directly east of the boundary at 5 Plateau Road. As the design for the Aquatic Centre incorporates this area into a bus drop off bay, the existing bus shelter would need to be relocated. The applicant proposes relocation to west of the boundary between No. 4 & 5 Plateau Road as shown on Attachment 6. As the unformed footpath in this area is well above kerb level, civil works will be required to ensure safe pedestrian access and satisfactory sight distances.

2. Pedestrian Crossing Warrants

The proposal includes the provision of a pedestrian crossing on Plateau Road as shown on Attachment 6. This pedestrian crossing does not meet the vehicle or pedestrian warrants and is not supported by this committee. The applicant discussed an option of providing a central pedestrian refuge adjacent to the relocated bus stop, in conjunction with relocating the bus stop on the north side of Plateau Rd to a corresponding position. This arrangement is considered acceptable.
However, crossings across the bus exit/entry parallel to Plateau Rd within the site are of concern to the committee due to potential confusion to pedestrians of preferred and safe movement routes, and should be referred to the applicant for re-consideration.

3. Angle Parking Plateau Road

An area along Plateau Road has been designated as 60° angle parking to the kerb. The design for the parking complies with the requirements set out in NAASRA 1988 Parking design.

Recommendations

1. The re-location of the route bus stop and shelter to west of the boundary between No. 4 & 5 Plateau Road as shown on Attachment 6 is acceptable subject to civil works to address safe pedestrian access and satisfactory sight distances

2. The applicant’s proposal for a central pedestrian refuge and relocation of the route bus stop on the north side of Plateau Road to correspond is acceptable subject to satisfactory plans and details being provided to Council’s Health & Development section.

3. The angled parking in Plateau Road is acceptable.

4. The provision of internal pedestrian crossings within the development’s carpark / bus area be referred to the applicant for reconsideration.

2002-08 Temporary Road Closure – Macquarie Road, Springwood Springwood Foundation Day

Background

An application has been received from the Springwood Foundation Day Committee of the Springwood Chamber of Commerce for the temporary closure of Macquarie Road on Saturday 6 April 2002 from 7.00am to 5.30pm. The event will include a street parade, stalls and community celebrations.

The application includes a Traffic Management Plan with parade details, stallholder regulation, traffic control, alternative traffic routes, coordination with emergency services and public transport organisations. The plan is attached for information. Refer to Attachment 7 (8 pages).

Recommendation

That in accordance with RTA approval as a category 5 event, Council endorses the temporary road closure of Macquarie Road, Springwood on Saturday 6 April 2002 between 7.00am and 5.30pm for Springwood Foundation Day.

2002-09 Temporary Road Closure – Leura and Glenbrook Drive Safely East Coast Rally

Background

A request has been received from the Director of the East Coast Classic Rally for the temporary closure of two sections of local roads on Thursday 14 March 2002. This event is sponsored by the Motor Accidents Authority of NSW. The rally caters for classic type sports cars up to 1978. Two locations have been nominated for closure:
TRANSPORTATION & ROADS

Attachment

Location One:
Mitchell's Pass Road between the Old Great Western Highway and Glenbrook Road, Glenbrook between 1.00pm and 5.00pm as shown in Attachment 8.

Location Two:
Cliff Drive (Leura Cascades link Road) from the intersection of Gordon Road to Warne Street, Katoomba from 1.30pm to 6.00pm as shown in Attachment 9.

The closures are to be barricaded and manned by qualified marshals at locations along the course. A detailed safety plan for the rally, along with a copy of the East Coast Rally Public Liability Insurance showing BMCC as an interested party will be provided to Council prior to the event.

A Community Liaison Officer for the organiser will advise affected residents along the routes personally of the event from November 2001.

The Roads and Traffic Authority have approved the closure of the local streets. A copy of their approval document is shown in Attachment 10. A copy of the approval letter from the Police Commissioner has also been provided.

Recommendation
That Council endorses the temporary road closures on 14 March 2002 of:
- Mitchell's Pass Road between the Old Great Western Highway and Glenbrook Road, Glenbrook between 1.00pm and 5.00pm as shown in Attachment 9.
- Cliff Drive (Leura Cascades link road) from the intersection of Gordon Road to Warne Street, Katoomba from 1.30pm to 6.00pm with the provision of additional marshals located on tourist walkways as shown in Attachment 10.

2002-10 Temporary Car Park Closure and Road Closure
Blackheath Food with Altitude Fair, Saturday 4 May 2002

Background
An application has been received from the Blackheath and District Chamber of Commerce for the temporary closure of the Council car park located behind the Victory Theatre Antiques store between Sutton Lane and Govetts Leap Road, Blackheath. This is for the annual Food with Altitude Fair on Saturday 4 May 2002. The closure is requested between 7.00pm Friday 3 May to 9.00pm Saturday 4 May as shown in Attachment 11.

The Fair organisers also request the temporary closure of Sutton Lane between the Great Western Highway and Wentworth Street from 9.00am to 5.00pm on 4 May to allow for the fair to extend into the lane way from the car park. This request has been forwarded to the RTA Traffic Management Centre for approval.

Recommendation
1. That Council approves the temporary closure of the Council car park behind the Victory Theatre Antiques store between Sutton Lane and Govetts Leap Road from 7.00pm Friday 3 May to 9.00pm Saturday 4 May 2002 for the Blackheath Food with Altitude Fair.
2. That subject to RTA approval, Council endorses the temporary closure of Sutton Lane between the Great Western Highway and Wentworth Street from 9.00am to 5.00pm on Saturday 4 May 2002.

General

2002-11 The Great Western Highway – Lapstone to Glenbrook Safety

Senior Sgt Jim Pendergast addressed the LTC on concerns over the number of fatalities occurring on the Great Western Highway between Lapstone and Glenbrook. There have been 6 fatalities in the area since 1996.

Senior Sgt Pendergast has drafted a report on the accidents, primarily head on type collisions, with recommendations on the upgrading of sections of the road to prevent this type of collision from occurring. He is going to forward a copy of this report to the RTA for consideration.

Mr Ogle requested a copy of the report to be forwarded to Mr Rob Mifsud, Transport Corridor Manager.

2002-12 School Zone Enforcement – Lapstone

The RTA received representation from the Minister for Roads, Mr C Scully on behalf of Mr R Keating of 2 Emu Road, Glenbrook on motorists disregarding the 40km/hr school zone in the vicinity of Lapstone School. The RTA has responded to the minister stating that this is an enforcement issue for the Police.

The RTA representative Dean Russell requested this to be noted.

2002-13 Bridge Over Railway – Bullaburra

The RTA received representation from the Minister for Roads, Mr C Scully and Hon. Bob Debus on behalf of Mrs E King of Lawson regarding a proposal for a road bridge over the railway line near Kent Street to connect the Great Western Highway with Bullaburra. Mrs King has been advised that this proposal along with others will be considered at the time of community consultation on the proposed highway upgrade at Bullaburra.

The RTA representative Dean Russell requested this to be noted.

Meeting closed 11.40am.
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Attachment
TRANSPORTATION & ROADS

ITEM NO: 24

SUBJECT: LEE ROAD, WINMALEE

FILE NO: R25/0053

Recommendations:

1. That provision of path paving in Lee Road Winmalee, between Hawkesbury Road and Tall Timbers Road, be brought forward from the 2004/2005 projected Capital Works Program to current year’s Capital Works Program.

2. That road shoulder repairs and sealing along the southern side of Lee Road, from Lochinvar Street towards Glenelgin Road, Winmalee, be undertaken during the first half of the 2002/2003 financial year from the Shoulder Sealing Program.

3. That the construction of the missing sections of kerb & gutter along Lee Road, which is on Council’s long-term Capital Works Program listing, be considered for future Capital Works Programs on the basis of priority and available funds.

Report by Group Manager, Assets and Corporate Services:

Background

On 8 September 2001 Council resolved (Minute No. 439):

"1. That this Council receive a report on the timing for the provision of Kerb/Guttering, Footpath, Traffic calming and Bus Shelters to the Lee Road, Winmalee area.

2. That this report includes information on the possibility of advancing the time allocated for work to be done on this issue."

Discussion

The construction works under consideration in Lee Road, Winmalee and their relative assessed priorities are as follows:

1. Footpaths

   Construction of the 670 metres of concrete footpath along the southern footway from Hawkesbury Road to Tall Timbers Road is estimated to cost $50,000, and was listed in Council's projected Capital Works Program for 2004/2005. However, the cancellation of some works in the current program will make it possible to bring forward funding for this project. This is considered to be justified from a pedestrian safety perspective as it will clarify the separation between pedestrian and vehicular traffic.
TRANSPORTATION & ROADS

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2. Kerb & Gutter (with road shoulder) Construction

2.1 Lochinvar Street to house number 41.

Some 400 metres of kerb and gutter requires construction along the southern side from Lochinvar Street to house number 41. The work, estimated to cost $60,000, is ranked as medium to high priority.

This section has an existing cement stabilised road shoulder. It is deteriorating and does require road shoulder maintenance from routine maintenance funds.

2.2 Hawkesbury Road to Pentland Drive

This 620 metre section along the northern side has a sealed bitumen dish which is in good condition. Construction of kerb & gutter for an estimated cost of $93,000 is assessed as low priority having regard to the priority of other calls on Council’s limited funds.

2.3 Tall Timbers Road to existing kerb & gutter (house number 63)

This 120 metre section along the southern side has an existing grassed road shoulder in fair condition. Provision of kerb and gutter estimated to cost $18,000 and is currently assessed as low priority having regard to the priority of other calls on Council’s limited funds.

3. Traffic Calming

The implementation of any necessary traffic calming devices along Lee Road is still being investigated. However, construction of the footpath would assist with separating the pedestrians and motorists as some pedestrians use the edge of the existing roadway to walk along.

4. Bus Shelters

The request for bus shelters has been included on the Bus Shelters Request List. However, there is currently no funding for new bus shelters and in view of other capital works priorities and current funding constraints none is envisaged to be available for some years.

Conclusion

With limited funds available to Council not all projects can be undertaken when desired. In regards to Lee Road, Winmalee the assessed higher priority works are:

1. Footpath construction along the southern side from Hawkesbury Road to Tall Timbers Road – (estimated cost $50,000). It is considered that the actual construction of this footpath will go a long way in overcoming the conflict between some pedestrians walking on the road and the motorists using the road.
TRANSPORTATION & ROADS

2. Road Shoulder Restoration (southern side). This work, involving road pavement repairs and sealing has been scheduled to be undertaken during the first half of the 2002/2003 from the Shoulder Sealing Program.

3. Kerb & Gutter construction along the southern side from Lochinvar Street to house number 41 – (estimated cost $60,000). This work will be considered for future years’ Capital Works Programs on the basis of funding availability and priority.

The recommendations to the report address each of the above higher priority works having regard to the funding that can be made available.
TRANSPORTATION & ROADS

ITEM NO: 25

SUBJECT: DRAINAGE AND KERB AND GUTTER WORKS – PARK AVENUE, SPRINGWOOD

FILE NO: C05407

Recommendation:

That Council accepts the tender submitted by J.A Bradshaw Pty Ltd for the construction of Drainage and Kerb and Gutter works in Park Avenue, Springwood. (Contract No. TS 44/01), for the sum of $122,443.168, ($111,311.96 plus $11,131.20 GST)

Report by Group Manager, BM City Services:

Introduction

This report recommends acceptance of a tender for the construction of drainage and kerb & gutter works in Park Avenue, Springwood, under the Roads To Recovery section of the Capital Works Program.

Background

The proposed construction will minimise the quantity of sediment and silt currently running from the existing unsealed shoulder of the road and prevent flooding of some properties in Park Avenue.

The project consists of the reconstruction of the existing Pavement, Concrete Roll-top Gutter, Stormwater Drainage and Outlets, Minor Landscaping and Associated Works.

On completion of the reconstruction, a two coat sprayed bituminous surfacing seal on the shoulders of Park Road will be carried out by SAMI Pty Ltd, who are Council’s current “All Services – Sprayed Bituminous Surfacing” Contractor. This will cost Council an additional $2,530.00 ($2,300 plus $230 GST).

Discussion

Tenders, closing at 2:00 p.m. on Tuesday 5 February 2002, were invited for the construction of the above project. The following tenders were received and are ranked in order of price following a review of their schedule of rates to arrive at the lump sum price, with the lowest first and the highest last: -
All conforming tenders were assessed using a weighted attribute evaluation method relating to selection criteria specified in the brief and in accordance with Local Government Tendering Regulation 1999.

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<th>ITEM</th>
<th>ATTRIBUTE</th>
<th>WEIGHTING</th>
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<tbody>
<tr>
<td>1</td>
<td>Relevant experience with similar projects</td>
<td>10%</td>
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<tr>
<td>2</td>
<td>Performance on previous projects</td>
<td>5%</td>
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<tr>
<td>3</td>
<td>Environmental Management &amp; Traffic / Pedestrian Management Plans</td>
<td>15%</td>
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<tr>
<td>4</td>
<td>Risk Management System</td>
<td>10%</td>
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<tr>
<td>5</td>
<td>Price</td>
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<td><strong>TOTAL</strong></td>
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Assessment of each submission was based on the ability of the contractor to meet the requirements of the brief, selection attributes and in providing the essential documents requested in the brief.

A copy of individual Tender assessments, based on the evaluation criteria listed above, is available on file for Councillors' information. The resulting total weighted attributes are listed in order below (most favourable to least favourable):

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<tr>
<th>ITEM</th>
<th>TENDERER</th>
<th>TOTAL WEIGHTED ATTRIBUTE</th>
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<tr>
<td>1</td>
<td>J.A. BRADSHAW PTY LTD</td>
<td>4.45</td>
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<td>2</td>
<td>GRAHAM'S EXCAVATIONS</td>
<td>4.08</td>
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<td>3</td>
<td>J. K. WILLIAMS CONTRACTING PTY LTD</td>
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<td>4</td>
<td>KENCO CONSTRUCTIONS PTY LTD</td>
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<td>5</td>
<td>G.M. FOSTER CONSTRUCTIONS PTY LTD</td>
<td>3.18</td>
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<td>6</td>
<td>NORTH SHORE PAVING CO. PTY LTD</td>
<td>2.24</td>
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TRANSPORTATION & ROADS

The references for the recommended Contractor were checked by the selection panel and were found to be satisfactory. The Contractor’s financial status was also checked using Australian Securities & Investments Commission current extracts, and found satisfactory. This information is available on file.

The assessment confirmed that the tender from J. A. Bradshaw Pty Ltd had the highest weighted attribute of 4.45 out of 5.

Conclusion

The Tender submitted by J. A. Bradshaw Pty Ltd meets the requirements of the Tender Documents and Specification. J. A. Bradshaw Pty Ltd is an experienced civil and roadworks contractor with sufficient resources and appropriate management skills to complete this project.

The tender from J. A. Bradshaw Pty Ltd offers the highest benefits to Council’s ratepayers for the work involved.

Comment by Tender Review Committee

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

Comments by Group Manager, Corporate and Assets Services

The scope of work has been modified since the budget was set to accommodate appropriate stormwater drainage. The total project cost for comparison to the budget includes design and project management services (stated net of GST), and will be $128,500. Funding of $106,600.00 is available in the 2001 / 2002 Capital Works Program. The difference to cover the shortfall will come from offsets in the remainder of the Roads To Recovery Program, and will be incorporated in the third quarter budget review.
By Councillors A Henson and H Kozelj:

“1. That Council supports the concept of a joint venture with the Guides Association to enable the use of the burnt out Guides Hall at Yellow Rock to become a shared community use building in the future.

2. That Council writes to the local committee that has formed to advise that Council endorses such a project.”

Note by Councillor Henson:

Yellow Rock has absolutely no services or facilities except a Notice Board and a very small park. There is a Guides Hall which is currently not a facility for the general community, although I believe there have been occasions where the community has been allowed access.

This Yellow Rock Guides hall was burnt out in the recent fires.

At the public meeting on the 27th January which I attended I head that there was some discussion about the possibility of a joint venture with the Guides, a local service club, DoC’s and Council.

This community has suffered quite severely in the recent fires and the only facility while not a community facility was burnt out.

There now exist an opportunity for Council to work in partnership with local people, local organizations and the State Government to try to get a better outcome, if this is acceptable to the Guides Association.
NOTICE OF MOTION

Ordinary Meeting, 19/02/02

ITEM NO: 27

SUBJECT: SPRINGWOOD INDUSTRIAL ESTATE.

FILE NO: R20/0125

By Councillors A Henson and H Kozelj:

“That Council liaises with the relevant authority and the businesses in the Springwood Industrial Estate in an effort to establish a “To Springwood Industrial Estate” signs on Hawkesbury Rd, at the southern and northern approaches of Lawson Road, Springwood, similar as has been implemented on the Great Western Highway at Lawson.”

Note by Councillor Henson:

I have been requested to follow this matter up for the business community in the Lawson Road Industrial Estate, Springwood.

While Council unanimously supported a Motion on the 27/2/01 to include the name of the Industrial Estate on the entrance post on the corner of Macquarie Road, Springwood, it is a very small sign which sits nearly on the footpath. This is because it is the bottom bar of the notice board. It is not easily seen and is not in close vicinity to the turn off to the estate.

As advised to the Council in the previous motion there is also a Notice Board on Hawkesbury Road providing information, however this sign is located on the bend of the road and unless you take your eyes off the road you miss the sign. It is not providing the exposure that is needed.

The Springwood Industrial area needs a simple directional sign, that is in a clear and visible location as you approach the turn off to the estate it should simply stated something to the effect “To Springwood Industrial Estate”.

This type of sign has been provided on the Great Western Highway at Lawson and is very effective as it can be clearly seen as you pass the turnoff.
NOTICE OF MOTION

Ordinary Meeting, 19/02/02

ITEM NO: 28

SUBJECT: PROPOSED IMPROVEMENTS TO THE HAWKESBURY ROAD/GREAT WESTERN HIGHWAY INTERSECTION, SPRINGWOOD

FILE NO: C00030

By Councillors A Henson and H Kozelj:

“1. That the period of public exhibition and the provision of public input into the report, which seeks to find solutions to the problems on the corner of the Great Western Highway and George Street, Springwood, be extended to eight weeks.

2. That two public meetings, one in the day and one at night, widely advertised, be held in the Springwood Civic Centre during the exhibition period with the RTA and Council staff to fully explain the options and the possible implications to the community.”

Note by Councillor Henson:

This matter has been of great public interest to the community for a long time and the final measures which will be implemented will effect nearly every person in the district. A lot of taxpayers and ratepayers money has and will be spent on implementing short, medium and/or long term solutions. It is therefore imperative that all effected residents be given the opportunity to fully understand the various proposal and the costs involved which are understood to be in the vicinity of $1/2 million dollars to $5-10 million dollars depending whether a short, medium or long term strategy is implemented.

The technical report is very comprehensive and explanations are warranted by staff and the RTA to the community on such a complex matters. The ultimate solution will need to take into account all the other current related problems and possible new impacts in other locations depending on the solution adopted.

Before residents can provide input to solutions, forward town planning answers need to be provided, e.g.

- Is Council still considering the extension of David Road East which would eliminate traffic congestion on Macquarie Rd before entering the round about at Hawkesbury Rd and Macquarie Rd
- Can and would Council implement a 25 kilometer speed limit through the town centre e.g. from round about to round about in the event one of the solutions encourages traffic to short cut through the town centre
- Do all the proposals fit in with the possible future widening of Hawkesbury Road?

With the extensive public interest, a possible expenditure of up to $10 million dollars and in recognizing the complexity of the proposals residents need an extended exhibition and consultation period with a public meeting to explain the various options and to answer any questions.
ITEM NO: 29

SUBJECT: PRECIS OF SELECTED CORRESPONDENCE, 19/02/02

FILE NO: C00680

Recommendation:

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

1. 29/01/2002 - Department of Land and Water Conservation

This letter advised of notification of the naming of “Geebung Reserve”, for Public Recreation and Environmental Protection and the appointment of Council as the corporate manager of the Reserve Trust, as published in the Government Gazette of 18 January 2002.

[Note: At Council’s meeting of 20 November 2001, it was adopted that a recommendation for the naming of Reserve No R100290, bounded by Bass Road, Blaxland Road, Wentworth Falls Golf Club and Erica Road, Wentworth Falls, as “Geebung Reserve”, be forwarded to the Department of Land and Water Conservation for approval.]

2. 30/01/2002 - 3 Petitioners from Leura

Asking Council to urgently take action to reduce the potential impact of fire damage to properties at the end of Sublime Point Road, caused by residential blocks in an overgrown condition.

3. 4/02/2002 - 8 Petitioners from Woodford

Noting that, during the recent bushfires, the Fire Brigade cut a track on their properties in Old Bathurst Road, Woodford to give fire trucks access to the rear of their properties, and there is now nothing to stop the public from wandering down the track off the Oaks Trail and onto their properties.

Asking that public access be curtailed at 37 Old Bathurst Road, Woodford and at the Oaks Trail and that signs be erected indicating that it is private property.

[Note: A report on this matter is included elsewhere in this Business Paper.]

The Local Government Advisory Group (LGAG) recommends that member councils pay an annual contribution, which will be used mainly to support the Small Local Community Grants Programs. This Council’s proposed contribution would be $1,500. The total monies generated by member Councils will be matched dollar for dollar by the Department of Land & Water Conservation.

[Note: While this year’s budget has not allowed for this contribution, it will be funded from savings anticipated in Council’s Subscriptions or Civic Responsibilities budget areas.]

5. **13/02/2002 – Lower Mountains Neighbourhood Centre Inc**

Requesting Council establish a small recreational area for 0 – 12 year olds at the Cross Street Warrimoo Natural Reserve similar to those at Douglas Smith Memorial Park, Wright Street, Glenbrook.
RESPONSES TO QUESTIONS WITH NOTICE (29/1/02)

Ordinary Meeting, 19/02/02

ITEM NO: 30

SUBJECT: REQUEST FOR SHELTER AT SPRINGWOOD - SKATEBOARD AREA

FILE NO: H01000

Question by Councillor A Henson (29/1/02):

“What is happening to the request for a shade shelter for the young people who use the skateboard area at Springwood Station?”

Note by Councillor Henson:

Last year, via a Notice of Motion and personal representation, I requested that the old shade sheds from the old Springwood Pool complex be relocated to the skateboard area in Springwood.

In the Business Paper of 26/6/01, under the Management Plan, in response, we were advised of the following:

“Shade shelters had been allocated to be re-used at Lawson Pool and are therefore not available to meet this request. Staff will inspect the site to see what is possible within the conditions on which the site is made available.”

Since this time there has been further representation by members of the public for Council to assist in this matter.

A state of the art structure is not required and a simple solution would be acceptable.

Response by Group Manager, Assets & Corporate

The skating facility adjacent to Springwood Railway Station is on State Rail Land and the skating equipment is of a temporary nature. State Rail has the right to use the land at any time for commuter buses and the equipment is removed at those times to allow the free access of buses and passengers. It is therefore not possible to erect any form of permanent shade structure.

The matter of shade for the young people is an important one and to progress this issue Council’s Area 4 Manager, together with Council’s Youth Services Development Officer, have liaised with the Springwood Youth Project and arranged an on site consultation with the young people using the skating facility. The purpose of this meeting is to assess firstly the young peoples attitudes to shading and secondly the possibility of supplying them with some shade cloth for which they would take responsibility.

The outcomes of this consultation will determine how this matter is further progressed.
RESPONSES TO QUESTIONS WITH NOTICE (29/1/02)

Ordinary Meeting, 19/02/02

ITEM NO: 31

SUBJECT: SEWER CONNECTION – YELLOW ROCK AND HAWKESBURY HEIGHTS

FILE NO: C01700

Questions by Councillor A. Henson (29/1/02):

1. What is the proposed time frame for connection to the sewer for Yellow Rock and Hawkesbury Heights?

2. Will the connection include the unsewered northern side of Hawkesbury Road in Winmalee?

Response by Group Manager, Strategy:

1. Yellow Rock and Hawkesbury Heights are included in the next round of priority areas for connection to the sewer. The time frame for connections is sometime between 2005 and 2009. While no firm commitment has been given to the timing of these connections, Sydney Water suggests that the proximity of both these areas to the Winmalee STP provides an opportunity for them to be delivered early within this timeframe (pers. comm. Tim McKay, Sydney Water). There is no knowledge about, or intention of, delivering these connections outside the stated time frame.

2. The only properties which remain unsewered in Winmalee are on the northern side of Hawkesbury Road, (with the exception of a small number of properties for which sewer is available but not yet connected), are about 10 very large urban fringe properties. These properties are not proposed for sewer connection and are not part of the Sydney Water Backlog Sewer Programme. Similarly they are not included amongst the 1027 urban fringe properties currently being investigated by the Environment Protection Authority (EPA) for possible inclusion into the current backlog programme.

These large properties are not being considered for sewer connection, as they are very large in area (most greater than 10 hectares), resulting in very little environmental or public health benefit for a very high economic outlay. This reflects the criteria used by the EPA and in determining the environmental ranking of priority sewerage areas. Criteria included:

- The size of the unsewered area in terms of number of lots, population and areas;
- The land use in the unsewered area;
- The environmental impact and human health risks, including evidence of contamination pathways and records of odour complaints.

The vast majority of the 1027 urban fringe properties being investigated for inclusion in the backlog programme are within villages, and comprise less than 4000 square metres of developable area, making them unsuitable for conventional on-site disposal systems.
QUESTIONs WITH NOTICE

ITEM NO: 32
SUBJECT: POLLUTiON IN MOUNT STREET AND MOUNT HAY ROAD, LEURA
FILE NO: C01285

Question by Councillors A Henson and H Kozelj (19/2/02):

“1. What investigations is the EPA doing in regard to the pollution in North Leura, which is believed to be coming from the Sydney Water sewerage works in North Leura?

2. What is being done to clean up the waterway?”

Note by Councillors Henson and Kozelj:

This matter was brought to the attention of residents, ourselves and Council on 1 December 2001.

Residents became aware that the creek, which is always crystal clear, with a great variety of invertebrates as well as fish, had become brown with an extremely high sediment load. A resident with aquatic science qualifications quickly understood the serious implications, short and long term, for the health of the creek and commenced looking for the source of the problem.

The pollution emanated from major construction works on Mount Hay Road, where a bore hole had been drilled into the side of the hill. It appeared that the boring may have inadvertently struck a mineral spring which was gushing out of the hole and bringing all the sediment into the creek.

A sediment trap had been put in place to somehow reduce the problem. This measure had absolutely no effect whatsoever in reducing the amount of sediment entering the creek.

This is by no means a small pollution/sedimentation occurrence and the amount of sediment that has entered the creek is understood to have significantly damaged sections of the creek. Considering this creek flows into one of the major rivers in the Blue Mountains, namely the Grose River, there remains extreme concern about this occurrence.

Appropriate action is sought to guarantee this does not occur again and any damage from this incidence to the creek/river should be corrected as far as possible.
QUESTIONS WITH NOTICE

ITEM NO: 33

SUBJECT: POSSIBLE THREAT OF PUSSY WILLOW TO THE WORLD HERITAGE BLUE MOUNTAINS NATIONAL PARK AND LOCAL GOVERNMENT AREA

FILE NO: C02847

Question by Councillors A Henson and H Kozelj (19/2/02):

“1. Is Council aware of the serious threat that Pussy Willow (Salix cinerea) possibly poses to the World Heritage Blue Mountains National Park, our own Local Government Area and to the habitat of the already threatened Blue Mountains Skink?

2. If Council is aware of this emergency, then what is it and other agencies planning to do?”

Note by Councillors Henson and Kozelj:

Residents are very appreciative of the recent emergency measures taken to control the threat of the Mt Hall Bushfire. This entailed the cutting through of an emergency fire trail and subsequent burn-off measures.

There is concern in the community that the recent Mount Hall fires have created conditions for the near certain irretrievable escape of wild Pussy Willow into the inaccessible parts of the Blue Mountains. Information has come from valid sources which are strongly suggesting that as a result of the above fires, there is a threat of invasion of Pussy Willow in the Blue Mountains.

This could profoundly change the riparian habitats and moisture areas of the Blue Mountains National Park unless 95% of the present potential seed supply is eliminated before October 2002.

This plant is one of the two most invasive willows in Australia and there are some significant patches in the Blue Mountains.

Eradication is possible but it would take a dedicated effort by a wide range of parties et NPWS, DLWC, RTA, BMCC, NSW Agriculture, Landcare and landholders.

Advice is sought on this possible threat, how to protect the World Heritage National Park and who will help.
ITEM NO: 34
SUBJECT: RESIDENT COMPLAINTS
FILE NO: C02464

Question by Councillor A Henson (19/02/02):

“What are the top five major complaints that Council receives from the residents?”
QUESTIONS WITH NOTICE

Ordinary Meeting, 19/02/02

ITEM NO: 35

SUBJECT: POSSIBLE REZONING – 25 THE MALL, WARRIMOO IN LIGHT OF THE WITHDRAWAL OF THE APPEAL

FILE NO: A62174

Question by Councillor A Henson (19/2/02):

“When will the report come back to Council on a possible rezoning for 15 The Mall, Warrimoo, in order to maximize the amount of land kept for environmental protection?”

Note by Councillor Henson:

The question regarding when the report was to come to Council on a possible rezoning was put to Council at the meeting of the 1/5/2001. The request for help on the issue of a possible rezoning came to me from the Warrimoo Residents Action Group, (WRAG) on 6 December 2000. It was unanimously supported (Minute No 579).

Much information had come to light during the case of appeal before the Land and Environment Court. This information reflected the great environmental sensitivity of the land and how permanent and prescriptive protection of the said land from over-development was imperative.

The outcome of the appeal was that the appeal was dismissed (The Honorable Justice Dennis a Cowdroy OAM), as follows:

“Orders

64 Having taken into consideration all the relevant matters required by S79C(1) of the EP&A Act, it is the decision of the court that the present proposal is unacceptable and that the appeal should not be upheld.”

Council’s response was recorded at the meeting of the 22/5/01 stating:

“That report was originally planned to be presented after the decision of the Land and Environment Court was delivered to the Council, however as recently advised in a Councillor Information Bulletin, the applicant/landowner has appealed to the Court of Appeal regarding the decision of the Land and Environment Court.

Until the grounds of that appeal are documented, it is considered inappropriate to finalize a report on the question of rezoning. The matter is not due to be before the court until some time around the end of June, when the applicant is required to outline the grounds for the appeal. It is then expected that a report can be submitted to council.
Councillors were recently advised that the following:

Bulletin 1/2/02
Councillors will recall the Development Application for the proposed 72 Lot subdivision of 25, The Mall, Warrimoo. Council refused the application in June 1999 and this refusal was upheld by the Land and Environment Court in December 2000.

The applicant, Bendent Pty. Ltd, appealed the decision of the Land and Environment Court to the Court of Appeal, however the grounds for that appeal were considered by Council officers and legal advisors to be unsubstantiated. After significant delays by the applicant, Council lodged a Notice of Motion before the Court seeking to have the matter struck out. This was due to be heard on Monday 4th February 2002.

Council was advised on 30 January 2002, that the applicant has lodged a Notice of Discontinuance, effectively withdrawing from the appeal, Council will be entitled to recover its cost in defending the appeal from the applicant.

Residents congratulate Council on its efforts to date but are keen to hear how Council is intending to protect this sensitive valley before another inappropriate application is submitted.