MINUTE BY MAYOR

Ordinary Meeting, 27/1/98

ITEM NO: 1

SUBJECT: MESSAGE OF CONDOLENCE

FILE NO: C00227

Recommendation:

That the Council, on behalf of the people of the City of Blue Mountains, express sincere condolences to the family of Mr. David Quinlivan.

Minute by Mayor:

Council was saddened to hear that Mr. David John Quinlivan, Senior Deputy Captain, Wingello Rural Fire Brigade, lost his life while fighting the Wingello Fire. It is indeed a time of sorrow and he will be sadly missed.

We would like to extend, on behalf of all the residents of the City of Blue Mountains, our sincere sympathy and special thoughts to the family of this courageous fire-fighter.
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Ordinary Meeting, 27/1/98

ITEM NO: 2

SUBJECT: NEW SOUTH WALES LOCAL GOVERNMENT CONFERENCE HELD ON 26-29 OCTOBER 1997 AT PORT MACQUARIE RSL CLUB

FILE NO: C02226

Report by Councillor J Angel:

Conference Opening

The conference opened on the Sunday afternoon with a welcome by the Elders of the Birpai/Bunyah people.

The Premier Bob Carr then opened the conference with an announcement that local governments would be eligible for grants of up to $3 million to stop the fouling of waterways. The $19 million project will link local councils with private enterprise in developing new technologies stopping the flow of stormwater run-off into waterways.

Councils will be entitled to up to 50% of the cost of preparing stormwater management plans that is a requirement under the plan.

Mr Carr also reassured delegates that his government would not force councils to amalgamate. “We do not believe in forced amalgamation but resource sharing opens the way for councils to provide a greater range of services to the taxpayer” he said.

The LGA President, Peter Woods OAM then gave an address so as to set the scene for the remainder of the conference and a change from past Presidents of the LGA whom have used the platform to score cheap political points.

Day One

One of the first items of the conference was a motion where conference voted against discussing amendments to the LGA policy of support for Badgerys Creek airport but instead decided to refer the matter back to the LGA executive to discuss the issue and recommend a course of action after the environmental impact statement is handed down.

The roads and transport session had an address by the Minister for Roads, Carl Scully. This was followed by a vigorous question time.

Guest speaker was Ms Irene Moss AO, the NSW Ombudsman who gave an informative talk on her recent report into local government.

Environmental Policy Session was conducted with Mr Jack Mundey for the Historic Houses Trust who addressed the conference on “heritage and the environment”.

At the conclusion of the session the conference passed a motion that the NSW LGA prepare a submission and endorse the Order of Australia Medal for Mr Mundey for services to the community.

**Remuneration for Councillors and Mayors** session was conducted by Mr David Gibson who is the Director of Industrial Relations/Employment of the LGSA in regard to the submission to the Remuneration Tribunal and the flaws in the recent Remuneration Tribunal report.

**Announcements of the Bluett Award Winners** were made to the conference by Mr Richard Connolly AM, Chairman of Trustees AR Bluett Memorial Trust.

**Financial and Regional Economic Development Policy Session** was conducted by Mr Michael Cullen, Director of the Department of State and Regional Development on the State Government’s views on regional development and the partnership with Local Government.

**National and International Relations** session was conducted by Cr John Campbell, President of the Australian Local Government Association.

**Community Planning and Services Policy Session** was termed “the trialing of multi functional service centres and was led by Mr Robert McGregor, Deputy Director General of Operations NSW Dept. of Health.

Motions put forward by individual councils were debated during the day between sessions.

**Day Two**

**Industrial Relations and Employment Policy Session** was led by the ACTU President Ms Jennie George on the theme of “the current industrial climate from the union movements perspective.”

Ms George also outlined the ACTU’s “Living Wage” campaign and outlined the damage the Howard Government is doing to the fabric of Australian society through its outdated and draconian industrial policies.

**Future Directions of Local Government** session was conducted as a plenary session on the issue of voluntary structural reform within local government.

**Local Government Superannuation Scheme** session was conducted by Mr Michael Riordan CEO Secretariat Services Company. An update was given on the super scheme and information on its future direction.

**Energy Efficiency Awards** were presented by the LGA President Peter Woods OAM.
**Guest Speaker** Ms Linda Burney, Member, Council for Aboriginal Reconciliation gave an informative talk on High Court’s Wik decision and the attempts by the Howard Government to undermine the decision.
COUNCILLORS’ REPORTS  

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Partnerships with Local Government for the Centenary of Federation Celebrations session was conducted by the Hon Barrie Unsworth, Chairman, NSW Centenary of Federation Committee.

Ministerial Address was conducted by the Hon Ernie Page, Minister for Local Government.

Motions put forward by individual councils were debated during the day between sessions.

Day Three

Planning Policy session was conducted with consideration of motions, Association matters and late motions.

Conference Closed at 12.30 pm.
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ITEM NO: 3

SUBJECT: NSW LOCAL GOVERNMENT CONFERENCE - 26-29 OCTOBER 1997 HELD AT PORT MACQUARIE RSL CENTRE

FILE NO: C02226

Report by Councillor A Henson:

Theme

“Local Government Surfing the Waves of Change”, which means: Embracing the constant changes which have become part of life in local government and moving forward positively in partnership with the local community.

Introduction

Eight-seven councils participated, with over 700 delegates and observers were in attendance. Policy statements covering all areas of local government operations and more than 150 motions were considered by the Conference. The Conference attracted Statewide media attention (some not so good by the action of a few). Present were a number of senior Government Ministers, the President of the ACTU, Ms Jennie George, and the President of the NSW Centenary of Federation Committee, Mr Barry Unsworth.

Decisions of the Conference are available in electronic format on the World Wide Web. To obtain a listing of Conference decisions, point your browser to:


General

An important benefit of attending the Conference was the opportunity to meet other people, exchange ideas, network and collectively determine policy. Through this, councillors can identify common experiences and concerns and what approaches were taken by other councils and sharing of experiences. The Conference provided the opportunity to discuss the diversity between and within councils and to come away with a better understanding of process and new insight into resolving and solving problems in your own council.

It is beneficial to be able to access the networking that goes on behind the scenes. This happens between the different political factions and is no different than at the local Council meeting. There is a diverse range of opinion during debate between the councils and it is apparent that this is also the case within most councils.
COUNCILLORS’ REPORTS

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At the Conference, delegates have the right to vote as individuals on the items presented by various other councils in the business paper and delegates can debate the issue according to their own philosophy, or if they belong to a political party in some instances what has been decided beforehand. Amendments or addendums can be put by individual delegates. One such addendum was moved by myself on a motion from Goulburn. (see record of this at the end of this report).

Delegates and observers were provided with a whole range of valuable information through flyers, pamphlets, folders, newsletters and reports. This can be very useful resource material as they contain information on issues from Regional Co-operation to how local councils can better consult with young people.

An additional bonus and a valuable experience was the fact that we were located in the heart of Port Macquarie’s township. We were therefore just by our presence able to experience the magnificent natural beauty of the Hastings and the revitalised Town Centre of Port Macquarie.

As the Blue Mountains City Council is in the process of implementing the Springwood Town Centre Master Plan and is formulating the Katoomba and Lawson Town Plans, valuable information was able to be absorbed as we were able to see and experience first hand how beautification work carried out as part of the Port Macquarie Town Centre Masterplan has transformed the area into a visually attractive and viable town centre. The town centre now gives priority to pedestrians over vehicles, while at the same time providing for calmed vehicular access to this key commercial and community focal point.

The welcome reception on the first day was held out in the open on the Town Green which is conveniently located within the CBD (central business district), which overlooks the river, and rather than being indoors shut away from the community, residents and visitors witnessed the Mayors, and many councillors from around the State coming together on the Town Green.

The NSW Premier, Bob Carr, has given his congratulations to the Port Macquarie Council (Hastings) and stated “It is an example of co-ordinated local area planning at its best. The high priority given by the council to social justice and community issues is to be commended.”

Key Statements by Three Speakers “Food for Thought”

The Hon Ernie Page, MP, Minister for Local Government

(a) It is worthwhile to note that the actions of the new Labor government in Britain indicates just how discredited compulsory competitive tendering now is. One of their first actions was to remove compulsory competitive tendering from local governments. The government is keen to ensure that there are no negative social impacts resulting from competition policy.
(b) Assess the unintended impact of competition policy reform on the cost faced by non-government agencies particularly the rents charged for child care facilities and community facilities generally.
Research on the operation CCT in Britain indicates that no focus was given to the quality of services actually being delivered. The focus was on price. How any policy that does not attend to the quality of services delivered to the community could be labelled reform is beyond me. Reform for its own sake without regard to social outcomes is a dangerous ideological obsession that our community cannot afford.

(c) I am sure you share my view that cultural diversity is one of the great strengths of our nation and that is a strength we must build on.

(d) Improving the relationship between local councils and Aboriginal communities will lead to better services for those communities and avoid what have in the past been extremely costly disputes. Quite apart from that, as community leaders, councils have a duty to play a progressive role in advancing reconciliation.

(e) I believe that councillors make their own lives harder when they close their meetings to the public. Closing a meeting automatically raises a suspicion that you have something a hide. I am concerned that the Act places an overriding responsibility on councils to leave their meetings open in all but pressing appropriate circumstances.

(f) I am keen to ensure that councils get full value from the efforts they put into preparing SOE Reports. To produce reports for no other reason than meeting statutory requirements is a waste of time and resources. Amendments that have been put through the Parliament mean that councils will now be required to have regard to the principles of Ecologically Sustainable Development in the exercise of their management and planning functions - not just in relation to those areas nominated as environmental protection functions.

(g) I am concerned that public land is protected for the enjoyment of the community. I understand that in some cases leasing arrangements may be necessary over public land to ensure that it is properly managed and maintained. However such a requirement needs to be balanced with the need to ensure public access to and enjoyment of public land is not comprised.

(h) When assessing whether you have a pecuniary interest in any matter before the Council, I urge you to err on the side of caution. The community rightly has high expectations of propriety from its councillors.

(i) Any success in local government administration and policy only comes through the co-operation of all the players acting in the best interest of the community, local councils, the Associations, the Unions, the IMM and all the other groups.

Ms Jennie George, ACTU President

(a) The Government’s clear intention in making significant changes to industrial relations legislation was to weaken the position of unions and reduce the award safety net
applying to low-paid workers. The legislation is presented as the great opportunity for employers to wind back employment conditions for workers in key industries.
Nevertheless, there is no evidence that the business community or the general public is enamoured of a return to confrontational industrial relations, although the legislation makes this inevitable, to a certain extent.

The Union movement has had some considerable success in warding off the full effects of the Workplace Relations Act, both in relation to the right to strike and in relation to individual contracts.

(b) We are not just about defensive strategies. Far from being cowed and reactive, the ACTU and its affiliated unions, even in this environment, are making significant gains and taking some exciting initiatives:

* Enterprise bargaining continues to deliver real gains to union members in key industries.

* The ACTU is continuing to pursue a fair level of wages for those dependent on award wages.

* The Trade Union Training Australia, was established and the ACTU has entered into a joint venture with Deakin University in Victoria to deliver accredited training to union members in their workplaces.

* Applications have been lodged in the Commission for a Job Security Test Case to increase the federal award standard in relation to termination, change and redundancy. It is about time that we recognised the severe difficulties of retrenched workers, many of who will remain unemployed for a long time, assuming they ever find employment.

(c) The Victorian experience with CCT has shown that although costs can be cut through reducing staff numbers and worsening employment conditions for those who remain, either as direct employees or through use of contractors, this cannot be achieved without reductions in service. Just about any Victoria ratepayers would be able to tell you about unrepaired potholes, weed plantations in streets and lanes, and reductions in community services.

There must be real doubt as to whether these changes have served the interest of local government. A significant effect of CCT in Victoria has been to widen the gap between the highest and lowest paid workers - a result which is consistent with the market orientation of the government, but which represents a direct assault on the values of social equity which have traditionally underpinned our industrial relations system.

The position of the NSW Government that it will not impose CCT on local government should be welcomed and encouraged. It is good to see that NSW remains as a beacon to the nation, holding out against complete abdication to market forces, and retaining some concern about the lives of ordinary people.
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(d) There has been a decline in union membership, mainly due to structural changes in the labour market, together with more aggressively anti-union attitudes taken by employers and some governments. However, research by Dr David Peetz from Griffith University shows that public sympathy for unions is at its highest point since the 1970’s and there is anecdotal evidence of increases in union membership by workers feeling insecure and worrying out privatisation.

(e) The union movement is not disappearing, and we can continue to work co-operatively with those employers, including local government, who recognise that there must be benefits in change for all parties.

Clr Peter Woods, OAM, President - Local Government Association of NSW

(a) Local Government needs to equip itself adequately to face the many changes underway and to respond to them in a way which advances the interests of the local communities.

(b) Local communities have been under challenge - challenged by federal funding cutbacks, challenged by the actions of telecommunications carriers, challenged by the uncertain outcome of proposed changes to development control processes, challenged by the increased waste disposal costs with corresponding commitments on waste reduction.

It is clear that councils and Local Members must remain vigilant to ensure that local communities in NSW are not put at risk through funding cuts to councils in the future.

(c) A new telecommunications national code was introduced from July this year. The new code perpetuates a system under which the carriers are their own judge and jury, provides for little effective public scrutiny and allows community views to be ignored. It ignores the potential health impacts of telecommunications facilities and fails to provide adequate protection for sites of Aboriginal and Torres Strait Islander significance and for local heritage sites, and, in a move of stupendous arrogance, the new code pushes the cost of undergrounding onto councils and residents but at a price determined by the carriers.

(d) Local government continues to have concerns about the legislative framework and implementation approach to reforming development and building approval processes which is being proposed by the State Government of NSW. Councils must remain the decision makers on behalf of local communities - not private consultants.

(e) Local government remains totally opposed to commercialisation and privatisation of public infrastructure assets. Now that national competition policy has ensured that these operate competitively, let us leave local assets in local hands, and ensure that locally generated revenue is returned to local communities.
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(f) Resolution by the Executive

* That there should be no legislative subversion of the High Court decision on the Wik matter by the Federal Government, but rather there should be a genuine attempt by all parties to facilitate the High Court decision.

* If we seek genuine reconciliation with our indigenous people, we must not heed the demand of the self motivated rednecks in our society. All responsible citizens should ensure that pastoral leaseholders and aboriginal people are able to peacefully co-exist through sharing the land, rather than taking personal ownership of it.

* Politicians must butt out and let the due processes of negotiation take place without the threat of undemocratic legislation, and they should certainly desist from such disgraceful exercises as we saw recently, with the clamp down on the submission by the Law Reform Commission to the Senate Inquiry reviewing the Wik legislation.

(g) Local government’s approach to benchmarking is to focus on improving performance through co-operation, not competition. We must be intent on promoting change that gives us economies of scale but which does not destroy communities of interest, because to take away the sense of community is to take away a fundamental social imperative.

(h) While some groups are looking at proceeding with amalgamation discussions, others are looking at other possible initiatives. The simplistic prescription for reform offered by so many so-called experts - bigger is better - should be rejected once and for all.

(i) There are many challenges facing local communities. To meet these challenges strong leadership is essential.

There are three underlying principles to which we should adhere. These are:

* we must be ever-vigilant in pursuing the interest of council and the communities they represent;

* we must value our history but also redress past wrongs;

* we must seek continuous improvement in the way we do business and the structures through which we operate.

By adopting these principles, I believe that local government truly can surf the waves of change.
COUNCILLORS’ REPORTS

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Motion from Goulburn Item 57

1) That the Local Government Association support the right of councils to classify all public carparks as “operational” land in order that councils may sell and/or develop such land without the need for the preparation of a Local Environment Plan, provided it ensures that the provision of car parking is continued.

Note from Goulburn Council:

Recent court cases have caused confusion with respect to the classification of council carpark facilities. This needs clarification.

Addendum by Councillor Henson

2) However, that any carpark or part thereof which has had a trust deed or other instrument placed on it binding it for the use and enjoyment of community be exempt from point 1.

3) That this resolution be part of the consideration to the Green Paper that is seeking submissions to amend the Local Government Act to ensure that a proper balance is restored and maintained in public land management.

The Motion and Addendum was moved - CARRIED UNANIMOUSLY.

As stated at the Conference and in the Green Paper by the Minister of Local Government, the issue of public land management by local councils is one that has caused community concern in recent times. A number of issues have arisen which point to the need for reform. These involve:

* the extent to which community land may be alienated from general community use;
* requirement of transparent decision-making on the part of the council; and
* allow for a high degree of public participation in the decision making process.

While this was moved in general terms it was also directly related to local concerns in relation to the Old School of Arts land in Springwood. The community feels very strongly that community land which has been given in all good faith by the community for the community should not be viewed as an asset for council to sell.

I’d like to thank the Blue Mountains City Council for allowing me to attend this very worthwhile Conference.
Recommendations:

1. That Council resolve pursuant to section 54 of the Environmental Planning and Assessment Act, 1979 to prepare a draft Local Environmental Plan to facilitate the creation of a Village Focus within the existing public carpark: Lot A, DP 166727 Govetts Leap Road, Blackheath.

2. That the draft LEP amend LEP 4 by inserting at the end of Schedule 7 the following:

   Lot A DP 166727 Govetts Leap Road Blackheath, as shown edged heavy black on the map marked “Blue Mountains Local Environmental Plan No. -” - Recreation Area.

3. That the Draft LEP be exhibited in accordance with the Best Practice Guideline published by the Department of Urban Affairs and Planning in January 1997 titled “LEPs and Council Land - Guidelines for Council using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council”.

4. That the draft Local Environmental Plan be placed on public exhibition in accordance with the provisions of the Environmental Planning and Assessment Act, 1979.

Report by Group Manager, City & Corporate Strategic Planning:

Council, at its meeting of 9 December 1997, resolved to proceed with a rezoning application to facilitate the creation of a Village Focus at Blackheath. Pursuant to Section 54 of the Environmental Planning and Assessment Act it is first necessary to obtain a Council resolution to prepare a draft LEP for the subject site. The purpose of this report is to obtain such a resolution from Council.

Suitability of proposed site for a Village Focus

The subject site located at 15-17 Govetts Leap Road Blackheath has been identified as the most suitable for a Village Focus. This site is ideally located on a main public street, close to retail outlets, public transport and amenities. Its connection to a public carpark would ensure its vitality as it would serve as a link from the carpark to the main shopping area. The recent
installation of an extensive mural to one side of the Victory Theatre reinforces the cultural significance of site for the local community.
The site is also proposed to be zoned as ‘Village’ under the provisions of Draft Local Environmental Plan 1997. This zoning was established based on extensive land use assessment undertaken as part of EMP2. The development of a Village Focus is permissible under the Village zone. The Draft Village DCP has also identified the site as suitable for a Village Focus and includes preliminary design suggestions for future development of the area.

The only remaining outstanding planning issue is the displacement of 9 car parking spaces with the development of the Village Focus. Council previously resolved that this should be addressed as part of the rezoning process. Further analysis of options to replace the 9 displaced car parking spaces will continue to be examined and will be reported to Council as per the resolution of 9 December 1997.

Council delegation

As Council owns the subject land, in order that the Director’s Delegate, the General Manager, is able to issue a Section 65 certificate for the draft plan and facilitate its exhibition a further resolution is required from Council that the Draft plan be exhibited to comply with the Best Practice Guideline relating to LEPs and Council land. Compliance with the guidelines will ensure all of Council’s interests in regard to the draft plan are fully disclosed. Pursuant to these guidelines, the following information must be included in the material displayed during the Draft LEP exhibition:

1. Statement of Council’s Interest
   A written statement must be provided which describes Council’s interest in the land including:
   • the nature of Council’s interest in the land,
   • when Council first acquired the subject land, and
   • why and how Council acquired an interest in the land.

2. Purpose of the draft LEP
   A written statement must be provided explaining why Council is preparing the draft plan including:
   • reasons for the Draft LEP,
   • how the draft plan will affect existing planning controls, and
   • what prompted preparation of the draft LEP.

3. Anticipated development
   Including:
   • details of actual physical or operational changes which may result, and
   • details of the proposed development.

4. Financial implications
   • Details of the expected effect on the value of the land.

5. Guideline
   A copy of the best practice guideline must included with the exhibition.
Conclusion

It is recommended that Council resolve, pursuant to section 54 of the Environmental Planning and Assessment Act, 1979, to prepare a draft local environmental plan to permit the establishment of a Village Focus and that Council follow the Best Practice Guidelines of the Department of Urban Affairs and Planning, 1997.
Attachment
Recommendations:

1. That Council receive the report on the TeamWest Model.

2. That Council votes $2000 towards the secondment of an officer from TeamWest to the Ministry of Urban Infrastructure Management.

3. That the General Manager ensure that appropriate issues relevant to the Blue Mountains are conveyed to TeamWest to be addressed by the officer seconded to the Ministry.

Report by Group Manager, City and Corporate Strategic Planning:

Introduction

This report is to inform Council about TeamWest. TeamWest was developed from a funding project to develop a model that would improve regional implementation of the NSW Government’s Metropolitan Strategy. Western Sydney Organisation of Council (WSROC) administered the project which was funded by the Commonwealth Government (National Office of Local Government, Department of Environment, Sport and Territories) under the Integrated Local Area Planning (ILAP) program.

The report also requires consideration by Council of a contribution to funding a secondment to the Ministry of Urban Infrastructure and Management.

1. **What is Team West all about?**

   A summary of what TeamWest is about is extracted from the Final Project Report and is set out below.

   TeamWest is a process of collaboration designed to make Greater Western Sydney successful:

   * In its own right as a thriving region made up of places and people committed to its sustainable growth and development

   * As an integral and increasingly significant part of the Greater Sydney metropolitan region
* As a region responding to the demands and opportunities of a more complex, globalised economy.

Its purpose is to deliver better planning and better services to the people who live and work in Greater Western Sydney.

The TeamWest approach applies a simple underlying model that links planning, policy and performance within Greater Western Sydney. That model responds to three main influences - the Metropolitan Strategy itself, broader social, economic and environmental trends that impact on the region and local priorities at a sub-regional level.

The central idea on which TeamWest has been developed is that achieving regional social, economic and environmental outcomes depends not only on resources and skills but also on organisation. The region needs to become better at harnessing people, resources, expertise and information to pursue widely shared outcomes. The intention is to achieve more consistent, systematic and predictable processes for collaboration, communication and decision making.

**Integrating four elements into a single system**

TeamWest integrates four elements:

* Easier access to better research and information about the state of the region and the social, economic and environmental changes to which it has to respond

* A clearer, more practical definition of an agenda of priorities and goals shared widely across the region

* Improved delivery of services (including the provision of social and physical infrastructure), adopting increasingly a place management approach

* More demanding monitoring and evaluation of the match between what happens on the ground and the plans and priorities that are important to the region.

None of these four basic elements is important without reference to the others.

**Some basic principles**

1. TeamWest is cross-factional and relies on collaboration between government, business and the community sector. The focus of TeamWest is on the social, economic and environmental development of the region as well as on the specific challenges of urban planning and management.

2. TeamWest is not a new organisation or a separate bureaucracy. It works by drawing on the resources, skills and experience of key stakeholders in the region to set and achieve regional social, economic and environmental outcomes. What actually constitutes TeamWest at any given time and at any given level will be the people and organisations actually involved in a specific task or function.
(3) Making TeamWest work is like designing and sailing a boat at the same time. It will change as the people in the region keep improving their capacity to work together on specific projects, priorities and initiatives.

(4) TeamWest is about facilitation, not control. Individual organisations continue to have their own agendas that they plan for and pursue.

(5) TeamWest relies on the trust, confidence and goodwill of the organisations and interests in the region. Their collective commitment provides its only sustainable source of legitimacy and authority, both within the region and in the region's relationships with the State Government.

(6) TeamWest is unequivocally part of the broader movement away from traditional functional structures for planning and service delivery and towards a concern with outcomes and results in specific "places".

Managing the process

TeamWest requires a minimum of organisational infrastructure to achieve two important outcomes:

* One is to improve the way in which the region sets priorities and goals that reflect the needs, values and circumstances within the region and then advocates those priorities with the State and Federal Governments and with organisations and interests within the region. This outcome will be reflected in a Regional Agenda.

* The other is to improve the link between the region and the wider process of metropolitan urban planning and management. This outcome is about implementing the Regional Agenda, turning its priorities into infrastructure and services to improve the social, economic and environmental condition of the region.

The TeamWest model will establish a Greater Western Sydney Regional Priorities Group of leaders from within key regional organisations in local government, business and the community sector. The Group, supported by a small secretariat, will provide the main focus for implementing the TeamWest process. The real work of TeamWest, though, will remain the responsibility of the agencies and individuals involved in specific issues and projects.

As well as the Priorities Group, there will be an Annual Regional Conference to (a) review performance and outcomes against the priorities of the Regional Agenda and (b) refine and change, where necessary, the Regional Agenda itself.

The other organisational element will be the current Regional Sub-Committee (RSC) of the Metropolitan Strategy Committee. The RSC provides a focus for managing the implementation of metropolitan urban planning and management strategies at the regional level.
Implementing the TeamWest model: an activity plan

Implementing the TeamWest model from this point involves a series of quite specific steps and activities at both the regional and metropolitan level.

These steps form a set of recommendations and an associated "activity plan" that identify what should be done to take Team West to the next stage of its development.

**Step 1** Undertake two necessary procedural tasks that involve:

(a) Endorsement by the Greater Western Sydney Regional Sub-Committee of the basic TeamWest model outlined in the TeamWest final report.

*Action: Project Steering Committee to seek formal endorsement by the Regional Sub-Committee by submitting this report to its next meeting.*

(b) Establish a Greater Western Sydney Regional Priorities Group (RPG) consisting of senior leaders from the key agencies and organisations within the region as proposed in this report.

*Action: WSROC to host an initial planning meeting involving senior representatives of all the proposed initial members of the Regional Priorities Group. That meeting to (a) endorse the concept of the Priorities Group, (b) identify organisations willing to participate as members.*

**Step 2** The Regional Priorities Group to secure the commitment of key regional agencies and organisations to the TeamWest process.

*Action: RPG to seek from all stakeholder agencies and organisations a formal commitment to the next stage of development for Team West, including specifically a commitment to the next regional conference, membership of either the Regional Priorities Group or the Regional Sub-Committee and an outline of steps to be taken to reflect GWS regional outcomes in their own strategic plans, budgets etc.*

**Step 3** Regional Priorities Group to start work on two key tasks - completing the first GWS Regional Agenda and preparing for a second regional conference at the end of 1997 or early in 1998.

*Action: Regional Priorities Group to take the current draft Regional Agenda to develop its directions and priorities and to refine specific objectives and priorities. RPG to organise a second regional conference either in November 1997 or February 1998 for which the Regional Agenda will provide the basic framework (confirming its structure, content and direction, and thinking through possible additional priorities and specific goals).*
Step 4 Prepare a budget to cover the development and organisational costs of TeamWest for the next 2 years, with a focus on funding from within the region for the advocacy role, supported by State Government contributions.
Action: RPG to identify resource implications of TeamWest of providing a "secretariat" and executive function to TeamWest to be responsible primarily for the regional advocacy activities over the next two years, but also to contribute to the steps involved in the implementation aspects of the model. The Department of Urban Affairs and Planning (DUAP) to coordinate State Government contributions.

**Step 5** The State Government adopt the TeamWest process as the basis for its links to, and activities in, the Greater Western Sydney region, including especially its annual budget process and the infrastructure planning process being developed through the Ministry for Urban Infrastructure Management.

Action: Regional Sub-Committee to seek a formal response to the TeamWest model from the Metropolitan Strategy Committee (MSC). At the same time, RPG to seek a response from the Minister for Urban Affairs and Planning including confirmation of the commitment of funding focusing on regional priorities as identified in the Regional Agenda.

**Step 6** The annual review of the Metropolitan Strategy by the State Government include and reflect emerging regional priorities from the Regional Agenda.

Action: RPG to confirm with the Minister for Urban Affairs and Planning that the priorities and action plans of the Metropolitan Strategy will be subject to constant review and change where necessary, to reflect the changing priorities and goals of the GWS Regional Agenda.

**Step 7** Review the membership and terms of reference of the Metropolitan Strategy Committee's Regional Sub-Committee (RSC) for Greater Western Sydney in the light of the outcome of this project.

Action: DUAP to reflect the findings from this project and the basic approach in the TeamWest model, in its review of MSC structures and processes relating to Greater Western Sydney.

**Step 8** The RSC prepare a work program for the next 12 months that includes the priorities of the GWS Regional Agenda.

Action: RSC, in consultation with the RSG, review the project report and draft Regional Agenda and identify specific priorities as the basis for a work program for the next 12 months.

**Step 9** The next phase of the TeamWest development focus on three priorities:

* Further development of the policy and issue-based networks within the region to improve the way in which key interests are involved in discussions about regional priorities and regional projects and to make that process more systematic and predictable.
CITY PLANNING PROGRAM

* Further development of the priority within the Regional Agenda that deals with integrating regional information and research to build, as quickly as possible, an improved regional capacity to provide easier access to good information about key aspects of the region’s social, economic and environmental performance.

* Identification of one or two key priorities from within the Regional Agenda which can be used as a focus for achieving some early success for the region in terms of on the ground results.

These priorities to be developed in a way that recognises the interconnections between social, economic and environmental issues and which does not treat these issues in isolation.

2. Proposed TeamWest Secondment to the Ministry of Urban Infrastructure Management

The Minister for the Environment, the Honorable Pam Allen MP announced at the launch of the TeamWest Final Report a proposal for a secondment from Western Sydney to the Ministry for Urban Infrastructure Management (MUIM). The offer was on the basis of full cost secondment, however WSROC are seeking to negotiate a dollar for dollar cost share basis between Council and the State Government. The secondment is for 12 months and is seen as an opportunity for Western Sydney to influence the development and implementation plan being developed by the Ministry, to ensure that the regions priorities are represented in the process.

TeamWest, through the administration by WSROC, is requesting Western Sydney Councils and members of TeamWest to contribute towards the cost of secondment. A request has been made for a contribution of $5,000 from Council.

An issue for Council will be to determine the benefit to be derived from the secondment for Blue Mountains. There is no argument that there needs to be regional strategies and planning and that that will be achieved through regional planning and representation at State and Commonwealth levels. Council certainly has strong interests in achieving outcomes in specific social, economic, human services and social infrastructure, investment and environmental quality. To what extent this can be achieved through TeamWest is yet to be determined.

The principal is a good one, providing Council’s views are well addressed and reasonable outcomes achieved. It is a decision for Council to decide what level of dollars contribution it makes. A recommendation is made that initially Council contribute $2,000 and that the performance and likely benefit of TeamWest be reported back to Council over the next 12 months.

The Group Manager Asset and Corporate Services advises that while the amount is relatively small, no provision has been made in the Adopted Budget for this contribution. If Council decides to vote the $2,000 towards the secondment there will be a corresponding reduction in Working Capital.
COMMUNITY & RECREATION PROGRAM

Ordinary Meeting, 27/1/98

ITEM NO: 6

SUBJECT: THE DEVELOPMENT OF SKATING FACILITIES WITHIN THE CITY

FILE NO: H00048

Recommendations:

1. That Council adopts a more strategic and comprehensive approach to the development of skating facilities including adoption of Skating Facility Development Criteria outlined in this report.

2. That skating facilities developed throughout the Mountains provide a network of varied skating experiences.

3. That a ‘Street Skate Set-Up’ skating facility be developed in Katoomba and an appropriate location be investigated.

4. That skating facilities be developed within existing recreational facilities or parks with a view to providing for the whole family.

5. That the potential user groups of any proposed skating facility are consulted with to assess site suitability and to ensure the most appropriate facility is constructed.

6. That Council applies to the NSW Department of Sport and Recreation - Capital Assistance Program or Regional Sports Facility Program, for a grant to assist in the development of Skating Facilities within the City.

Report by Group Manager, City & Corporate Strategic Planning:

City Wide Skating Facilities

The need to provide adequate recreation facilities for young people is one of long standing concern for many in the community and within Council. There exists a distinct gap in the types of recreational facilities available when it comes to the 12 to 18 age group. Most facilities within local parks, for example, are targeted at young children.

Both Skate Board and In-Line skating has for many years enjoyed great popularity amongst young people within our City and the enthusiasm continues to grow. There have been regular delegations of young people to Councils Katoomba office and letters from concerned residents requesting information about where young people are allowed to skate and to express dissatisfaction at the types of facilities available.
A review of skating facility planning documents, as well as informal discussions with local skaters, have raised the concern that the current way that skating facilities are being developed by Council is not in the best interests of local skaters and will not solve the concerns of skaters, who are currently skating in public spaces, and damaging street furniture and endangering pedestrian traffic.

Currently Council has constructed two skate board ramps, one in Buttenshaw Park – Springwood and one in Goldsmith Place – Katoomba. Both of these ramps are being well utilised by skaters, however, they provide for only a very limited portion of the skating community and are not suitable for the majority of skaters who prefer “street style” skating or are not yet skilled enough to utilise the ramps.

Available evidence would indicate that ideally a comprehensive skating facility in one location or a variety of skate facilities placed throughout the City should be developed that will cater for the diverse needs of skaters.

The unique geography of the Blue Mountains creates difficulties in centralising services and facilities and this is true also for skating facilities. The recommendation here is that a network of skating facilities be constructed at various sites throughout the Mountains providing a wide range of skating experiences for the varying skill levels, ages, styles of skating and types of skating equipment used. The two existing skating ramps may be seen as the first step towards the achievement of this.

This option has the added benefit of offering an attractive alternative to skaters who are currently using areas such as the Blaxland Village Mall. These alternatives would need to be close by and offer an appeal that would ensure that skaters are drawn away from the use of pedestrian areas and street furniture.

The experience of other Councils has been that the development of skating facilities has multiple benefits for the City, including:

* Meeting the needs of young people through the development of a popular recreational activity.
* The financial benefits to the business district that the facility is located closest to.
* The solving of on-going concerns around the mixing of skate riding with pedestrian traffic and damage to street furniture.
* The development of quality recreational assets for the City.

Many other Councils (Waverly, Fairfield, Wollongong, Sutherland, and Lismore) have successfully located skating facilities within existing recreation facilities or parks. This avoids locating youth facilities in ‘out of the way’ places and promotes facilities which can be enjoyed and used by the whole family.

The Katoomba Skating Ramp at the end of Goldsmith Smith Place has been criticised for its ‘out of the way’ location which some argue has further contributed towards the alienation of young people from our community and creates an unsafe environment for young people.
Also, locating skating facilities within existing recreation facilities negates the need to duplicate the provision of toilets, car parking and drinking fountains necessary for this type of development and adding considerably to the cost.

**Skating Facility Development Criteria**

The recent allocation of $35,000 by Council towards the development of a skating facility in the Blaxland area has directed the formation of an inter-divisional work group within Council to oversee the completion of this project.

Progress of the workgroup at this stage has been limited to researching potential sites for the skating facility in line with developed criteria:

* Locating within an existing recreation or park facility to take advantage of existing infrastructure facilities and encourage a whole of family facility.
* Not being in an ‘out of the way’ place that may create an unsafe environment for young people. To encourage young people to be visible in our community.
* An attractive alternative for those skaters currently skating in areas that conflicts with pedestrian traffic and damages street furniture.
* Close to public transport.
* Consultation with the potential user groups to ensure site appropriateness.
* Forms part of an integrated network of varied skate facilities provided throughout the Mountains.

Infrastructure considerations for the development of a site as a skating facility are as follows:

* Adequate parking facilities
* Access to public toilets
* Drinking fountain and rubbish bins

**Blaxland Skating Facility**

Sites have been investigated in line with the above criteria and are as follows:

1. Site Corner of Great Western Highway and Layton Avenue, Blaxland. Adjacent to the State Rail Authority electricity sub-station, opposite Blaxland McDonalds (see attachment A).

   This site is owned by the State Rail Authority. If it was determined to be satisfactory, it would be necessary to initiate discussion regarding the possibility of a lease arrangement. A lease arrangement would restrict the ability of Council developing a long term asset for the City. Also, because there are no existing facilities or infrastructure, development of this site would be expensive.
Initial discussion has raised some concern that the amount of funds allocated will not enable the development of the desired facility if existing infrastructure cannot be utilised. There are also some concerns about the suitability of the location.
2. Site of the existing Park located directly behind the Blaxland Shopping Area (see attachment B). Subject land includes two parcels described as Lot 5 DP 663756 10 Hope Street and Lot 62 DP 701380 5a Station Street.

This site is Council owned land, and meets all of the above suggested criteria. The availability of existing infrastructure would allow the available budget to complete a suitable facility.

The provision of skating facilities at this site should form an integral part of the recommendation that a variety of skate facilities be constructed at various sites throughout the Mountains that may provide a network of a wide range of skating experiences.

Limitations for the use of this site are as follows:
* The small area available allows for only a few skating structures.
* The close proximity to a children’s climbing/play structure and car parking area would necessitate the construction of low fencing to stop wayward boards entering these areas.
* Devotes a large piece of the existing Park for skating purposes only.
* A limited number of car parking spaces may be required to be utilised to ensure sufficient area and to make use of the existing sealed surface. This raises other issues regarding the availability of parking spaces which will need further investigation and may indicate this site is not feasible.

3. Other sites have been suggested, including one close to the ‘Blaxland Seniors and Community Centre’, Blaxland Park (opposite Blaxland Primary School) and Blaxland Oval in St Johns Road. All of these options do not meet the suggested criteria and are therefore not being considered.

Further site investigation will need to proceed in liaison with the Blaxland Chamber of Commerce, Blaxland Village Action Group and other relevant groups. The proposal for the upgrading of the Blaxland Shopping District is a factor in deciding upon a suitable site for the skating facility.

Further progress towards the planning of a skating facility in the Blaxland area will be dependent upon Councils decisions with regard to the recommendations contained in this report.

Work on the Blaxland facility is proceeding in line with the Council directive and will be subject to a further report.

**Katoomba Skating Facility**

On-going concerns continue to surface that groups of young people are regularly utilising the landscaped area at the front of Council’s Katoomba Office for skating activities.
Because of the nature of skateboarding there has been subsequent damage caused to the sandstone flagging which is a feature of this area. Concerns have been expressed for the safety of other users of this public space and for the young skaters. The report written to Council on the 26th of November, 1996 from the Acting Director, Community and Environmental Services discussed the planning and user group consultation process for the construction of the Katoomba Skate Board Ramp in Goldsmith Place, Katoomba.

Within this report it states that the skating group supported the adoption of the proposal “....on the condition that other skating activities could be provided in the area around the ramp once installation was complete. It was agreed to proceed with the ramp installation and construction of the turning circle as Stage 1 of the proposal as soon as possible. Stage 2 would include design of other minor ‘jumps’, ‘rides’ and ‘manoeuvres’ which could be constructed, in consultation with the users, once the ramp has been installed.”

In short, what has been completed at Goldsmith Place represents Stage 1 of the agreed skating complex for Upper Mountains young people. Stage 2 which has not been completed was to be what is known as a ‘street skate set-up’. This is essentially what the landscaped area at the front of Council’s Katoomba Office provides.

Although the majority of skaters are very pleased with the work completed as part of Stage 1, and it is a well-utilised resource, there remains some confusion and resentment amongst local skaters that Stage 2 is now seemingly not being completed despite the implied agreement.

Local young people remain very aware of the history surrounding the Ramps construction and are reticent to skate elsewhere, particularly as there continues to be no other option in the area for ‘street skating’.

This awareness of the history of Council’s attempts to develop a skating facility in Katoomba is evidenced by a recent delegation to Council by local skaters (supported by the Upper Mountains Youth Centre Inc) who presented a petition of over 700 signatures from local skaters requesting the completion of Stage 2 and the construction of a ‘Street Skate Set-Up’.

The difficulties for Council to complete Stage 2 are as follows:

1. To date there are no funds allocated for the completion of Stage 2.

2. The community response during the Building Application process for the construction of Stage 1 was very difficult with attitudes creating difficulties for site approval.

3. The site chosen went through the Building Application process only on the argument that it is a ‘temporary’ site. This was due to much opposition from the Hardware store adjacent to the site. This creates the difficulty of committing additional funds to this ‘temporary’ site.

4. The site has very limited space for other additions and has the added complication of the ramp sitting on State Rail Authority land, yet the available space for additions
being Road Traffic Authority land who have not, at this time, been approached to grant any approval for further development.
Ideally the completion of Stage 2 would solve the problem as another better ‘street skate set-up’ would be provided and young people who continue to use the area at the front of Council’s Katoomba Office would have no argument and could be moved on.

The recommendation here is that a ‘Street Skate Set-Up’ is constructed in Katoomba which would compliment the existing Ramp and adhere to the aforementioned proposed guidelines for developing Skating Facilities. This would include locating within an existing recreation or park facility to take advantage of existing infrastructure facilities and encourage a whole of family facility. One suggested site, which would require investigation, is near the Katoomba Recreation Centre which is currently being planned for upgrade. Any proposal will be subject to a further report.

As with the proposed Blaxland Skating Facility, any further development of skating facilities in Katoomba should form an integral part of the recommendation that a variety of skating facilities be constructed at various sites throughout the Mountains that may overall provide a network of a wide range of skating experiences.

**Funding for the Proposed Skating Facilities**

The NSW Department of Sport and Recreation provides Capital Assistance to Local Government Authorities to “develop community orientated local sporting and recreational facilities”. Through the ‘Regional Sports Facility Program’ and the ‘Capital Assistance Program’.

It is recommended that Council seeks funding from these programs to assist in the development of Skating Facilities throughout the Mountains.
Attachment A
Attachment B
COMMUNITY & RECREATION PROGRAM

Ordinary Meeting, 27/1/98

ITEM NO: 7

SUBJECT: PROPOSED MULTI-PURPOSE FAMILY CENTRE IN HAZELBROOK

FILE NO: C02724

Recommendations:

1. That Council support the proposed development of a Multi-Purpose Family Centre and contribute to the project via the donation of a portion (being 2,500 - 3,000m²) of Lot 22 DP579073 Oaklands Road, Hazelbrook and meet any associated subdivision costs.

2. That Council and proponents approach the State Government seeking additional funding to meet all of the developmental costs for the project, including project management and design.

3. That subject to funding being provided by the State Government, Council project manage the design and/or construction of the facility.

4. That Council agree to the land being vested in the Crown and the facility managed by a community based committee.

5. That Council agree to interim sponsorship of the project until such time as the Multi-Purpose Family Centre Steering Committee becomes an incorporated body.

6. That Council in recognition of its contribution requires that a tied agreement with the incorporated body be entered into to ensure the operation and use of this facility meets community needs now and in the future.

Report by Group Manager, City & Corporate Strategic Planning:

Background

The purpose of this report is to seek Council’s endorsement for the development of a Multi-Purpose Family Centre in Hazelbrook and to request Council contributes to the project through interim sponsorship and the donation of a site for the facility.

In November 1997 the State Government announced the allocation of $650,000 for the purpose of constructing a Multi-Purpose Family Centre in Hazelbrook, through the NSW Government’s Children’s Services Initiative. The grant has been given to address the accommodation and service delivery problems of three Children’s Services - Kindergarten Union Mobile Pre-School, Possum Children’s Support Service and Mountains Outreach Community Service.
It is proposed that these services co-locate within the new facility and that it be located in Hazelbrook. The proposed Centre would entail the construction of office accommodation and facilities for:

- a 25 place pre-school for children aged 3-5 years to be run by the Kindergarten Union;
- the Possum Children’s Support Service - a city-wide service funded by the Department of Community Services which provides a mobile resource and toy library and a range of early intervention and child development programs for 0-12 year olds, including particular assistance to children with special needs and their parents;
- the Mountains Outreach Community Service - a city-wide service funded by the Department of Community Services which provides a range of mobile child care, educational and developmental services and programs to children and families who are disadvantaged socially, financially, culturally and/or geographically.

The Department of Community Services and the participant organisations are requesting Council’s participation in the project through agreeing to interim sponsorship of the project and the contribution of land.

The terms of the Ministerial grant are:

- allocation of $650,000 for capital construction only - on condition that the land is donated to the project “locally”; and
- a “significant” commitment to the project needs to be commenced by June 1998.

Council has in the past actively supported the development of Children’s Services in the Mountains. This support has involved Council providing land to site facilities and the State and Federal governments providing the funding to construct and run them. Seven pre-schools and four childcare centres have been established in this way. Council owns and undertakes major maintenance of these facilities.

Assessment of Need for this Multi-Purpose Family Centre Facility

The need for this proposed centre has been assessed in terms of the extent to which it will:

- address the service provision needs of the three services that will operate within it;
- address the needs of the community; and
- its impact on existing children’s services operating in the area.

a) Needs of Services that will Operate within Proposed Centre

Possum Children’s’ Support Service is currently located in an annex adjacent to the Mikayla Children’s Centre in Edward St. Katoomba. This service has expanded rapidly from 18 children to 55 children in the last 2 years (300% increase). Current premises are extremely crowded and inadequate. The proposed Family Centre at Hazelbrook will allow Possum to:

- expand its Early Intervention Service to offer more classes, playgroups and sessions;
- conduct workshops and support groups for parents, teachers and therapists;
COMMUNITY & RECREATION PROGRAM

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- house the resources /equipment of the service in one place, making them more accessible;
- provide an independent and more easily identified venue for service;
- free up space they are currently using to allow Mikayla Children’s Centre to expand the number of 0-3 child care places (an identified high priority need for the Mountains).

The Hazelbrook Mobile Pre School was established in 1992 and is presently licensed for 25 children on 3 days per week. At present the service shares a demountable venue with Mid Mountains Out of School Hours Care located in the grounds of Hazelbrook Public School. The service has found this venue extremely unsuitable. They are unable to offer extended hours care ie. care from 8am - 4.30pm, as the Out of School Hours Care Service requires the venue before and after school. The service is required to totally pack and unpack the pre school including tables and chairs from a mobile van every day. Indoor space is inadequate and there are no storage facilities either indoor or outdoor. The location of the service right on the highway is less than ideal. The proposed Family Centre would allow the pre school to:

- expand to at least 4 days per week;
- offer extended hours; and
- offer a centre-based pre school programme in a safe and educationally conducive environment.

MOCS are currently located in over crowded and inadequate premises in a property provided by Blue Mountains City Council, at New Street, Lawson. The space requirements of the service have increased significantly following the success of MOCS in gaining funding for needed children’s services (eg. the Blue Mountains Occasional Care Service now operating in five venues throughout the Mountains and the Mountains Mobile Minders service which provides mobile childcare for 0-12 year olds). The current MOCS premises would be demolished depending on decisions re the potential changes to the Lawson Shopping Centre. The organisation has a small rental component in their core funding, which results in limited choices in accommodation options. At the Ordinary Council Meeting on 29/7/97 Council resolved to investigate options for the re-location of MOCS. If MOCS was able to relocate to the proposed Family Centre, it would:

- resolve their current need for finding suitable long term premises; and
- provide needed office accommodation, service provision, meeting and equipment storage space.

b) Extent to which Proposed Facility Meets Assessed Community Needs

The proposed centre meets a range of identified needs for children and families in the Mountains and in particular in Area 3 (Linden - Bullaburra). The need to promote and encourage the provision of additional child care facilities in the Mid Mountains, particularly occasional care, venues for playgroups to meet, early intervention services and additional pre-school places was clearly identified in the Blue Mountains Community Plan (see Action Plan for Area 3, 1995:179). In particular, the Blue Mountains Community Plan Working Paper No. 4, Children and Families in the Blue Mountains (1994) identified:
- the lack of pre-school services in Hazelbrook, Woodford, Linden;
- poor access of children and parents to existing pre-schools; and
- the lack of funding for expansion of Early Intervention Services.

The proposed facility would:

- bring together a number of city-wide service providers into a more central and accessible location;
- through co-location create efficiencies in the delivery of services (administrative support, equipment and meeting space could be shared rather than duplicated);
- allow for the development of needed children’s services ie. playgroups and occasional care; and
- allow other Mountains-wide services ie. the Children’s Development Team based at Katoomba Hospital to readily access families in the Mid Mountains.

At a township level, Hazelbrook would benefit from:

- the creation of a local centre-based pre-school;
- additional local meeting space;
- provision of accessible toilets for people with disabilities and baby change facilities; and
- provision of a family friendly centre offering a range of support to a residential catchment currently lacking in services and facilities for children and families.

The proposed centre based Pre-School is willing to offer “extended hours” of service ie 8.00am-4.30pm to cater for working families. This would ease child care demand created following the abrupt closure of Adelaide Cottage, a privately operated Long Day Child Care Centre located in Lawson in 1994 (approximately 80 families were affected).

Area 3 currently has a population of 9,868. Ultimate population in the area is estimated to be between 12,600 (low estimate) to 18,177 (high estimate). Children aged 0-12 years comprise approximately 24% of the residents in Area 3, the highest proportion for any area. Table 1 shows a wave of 0-2 year old children who will be requiring childcare in Area 3 in the near future, particularly in Hazelbrook. The Multi-Purpose Family Centre and centre based preschool within it, would help address the future needs of these families in Area 3.

Table 1: Number of 0-2 Year and 3-4 Year Olds in Area 3 by Town, 1996

<table>
<thead>
<tr>
<th>Town</th>
<th>0-2 Years Old</th>
<th>3-4 Years Old</th>
</tr>
</thead>
<tbody>
<tr>
<td>Linden/Woodford</td>
<td>111</td>
<td>123</td>
</tr>
<tr>
<td>Hazelbrook</td>
<td>249</td>
<td>184</td>
</tr>
<tr>
<td>Lawson</td>
<td>106</td>
<td>76</td>
</tr>
<tr>
<td>Bullaburra</td>
<td>58</td>
<td>37</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>524</strong></td>
<td><strong>420</strong></td>
</tr>
</tbody>
</table>
Two new subdivisions have been approved by Council which are likely to generate demand for the proposed Family Centre/ Pre-school. They are: Queens Road Estate bordering the Northern side of Lawson and Hazelbrook (21 lots); and Birdwood Avenue, Hazelbrook (27 lots). The release of these subdivisions will lead to an estimated 129 new residents (assuming 2.7 people per household), an estimated 30 of which would be children aged 0-5. Together with minor subdivisions planned, this population growth combined with the existing deficit of services for children, supports the need for the proposed Multi-purpose Family Centre development.

c) Impact on Existing Children’s Services

There are six existing Children’s Services within Area 3 (the Mid Mountains). Attachment 1 provides an overview of these services, their current operations, usage, and catchment areas. Each of these existing services are operating to full capacity (licensed numbers) and have extensive waiting lists for next year. From data analysed, consultation and surveying of each of these services it can be concluded that:

- existing services are not threatened by the proposed multi-purpose facility in terms of present and future utilisation;
- while the services are operating at full capacity, their extensive waiting lists indicate that community demand for children’s services in Area 3 is not currently being met;
- the Federal Department of Health and Family Services has designated the Blue Mountains as “high need” for 0-2 year child care. Hazelwood Long Day Care Centre in Hazelbrook is currently in the process of extending its building to accommodate an additional ten, 0-2 year child care places. This would allow the Pre School within the proposed facility to expand its 3-5 year service and help address the demand for 0-2 years care in the Blue Mountains.

Ramification of the Proposal on the Old Lawson Police Station and No. 3 New Street Lawson

Council resolved on the 27th July, 1997 in part

“That Council accept the offer of the Minister of Land and Water Conservation and request a lease of the Old Lawson Police Station site for a period of five years with an option for extension subject to suitable conditions and rent being negotiated.”

and

“That minimal upgrading of the Old Lawson Police Station take place to enable interim occupation of the facility by one or more community organisations while a more extensive investigation is undertaken to identify the most cost effective way to address the needs of community groups generally in the Blue Mountains.”

Negotiations are proceeding and a report will be presented to Council on this matter when a formal offer has been received from the Department of Land and Water Conservation.
The three community organisations involved in the proposal are the Mid Mountains Neighbourhood Centre, Mountains Outreach Community Service and the Mountains Community Resource Network. With Council resolving to pursue the minimal upgrading option of the Old Lawson Police Station investigations have determined that the premises will be suitable for the accommodation of only one of these community organisations namely the Mid Mountains Neighbourhood Centre.

The proposal that will be put to Council will also include the moving of the Mountains Community Resource Network into the office space in the Mid Mountains Community Centre vacated by the Neighbourhood Centre. This would leave the Mountains Outreach Community Service the sole occupant of the Council owned cottage at No. 3 New Street, Lawson which is earmarked for demolition in the planned upgrading of the Great Western Highway.

If Council were to proceed with the Multi Purpose Family Centre proposal this would accommodate the Mountain Outreach Community Service. Thus alleviating some of the pressure on Council in the Mid Mountains for assisting community organisations with their accommodation requirements. It would also enable demolition of Council’s cottage at No. 3 New Street, Lawson.

Possible Sites for Proposed Multi-Purpose Family Centre

Two sites have been identified as being potentially suitable for the proposed Family Centre: private land located at Lots 17 and 18, Section C, D.P. 2246 Addington Road, Hazelbrook and Council land located at Lot 22 DP579073 Oaklands Road, Hazelbrook (locality maps form Attachment 2).

No formal site planning has been completed but from experience the site will need to be large enough to accommodate the Multi-Purpose Family Centre building, parking for at least thirteen vehicles, with formal set down facilities plus a suitable play ground and appropriate buffers to adjoining properties. The preliminary review indicates that a site with an area of between 2500 and 3000m² will be necessary.

The Addington Road site has an area of 2040m² and is available at a cost of $150,000 (see Table 2). This site is currently zoned 2B2 under LEP 4 and is proposed to be zoned ‘multi unit housing’ under DLEP 1997. This proposed zoning would allow for this facility. It may be possible to restrict the building footprint by use of a two storey building. This, however, would not be desirable in terms of accessibility.

The less than desirable size together with the fact that Council would have to purchase the Addington Road site makes the Oaklands Road site more attractive. The proposed centre based Pre-school in the facility will be drawing its service catchment primarily from families located on the Northern side of Hazelbrook in and around Oaklands Road and the Golden Horizons residential area. There is a sufficient number of children in this residential catchment to fill the 25 place service.
The Oaklands Road site has a total area of 1.78 Ha and is currently zoned Residential 2(A1) under LEP 4. A portion of the land 2500-3000m² is available and equates to approximately two residential blocks at an estimated value of $70,000-$75,000 each. The proposed zoning under DLEP 1997 is ‘Living Conservation’ which would not allow a child care centre but will allow a community building. The areas surrounding the site are proposed to be zoned ‘Living’. A submission has been submitted to the draft LEP recommending that the land be zoned ‘Living’ which would allow this proposed use, more flexibility in the development of the balance of the land and would also be more consistent with the surrounding area.

Council’s site has had a significant amount of unspecified fill placed on it which will require geotechnical treatment of any development. A preliminary contamination report has indicated that the site is appropriate for the suggested use. Whilst there will be a cost the site issues can be overcome and the estimated cost would be less than half the cost of the alternative site purchase. These site costs would form part of the development costs.

The area of the site suggested would be adjacent to Oaklands Road. The development would require the construction of a short access road and some rearrangement of the Oaklands Road centre line to accommodate traffic movements. A consultant is currently reviewing the development options for the site which could be integrated with this proposal if Council agrees to develop this community facility.

The exact area and location of the proposed lot would be determined after preliminary layout sketches are prepared by a Consultant Architect who would be engaged once Council has agreed to allocate the land to the project and it is accepted by the State Government.

It should made clear to the proponents that should Council agree to donate land that this should not be construed to pre-empt favourable resolution of zoning considerations and the Development Application which will be subject to community consultation and assessment within the terms of the Environmental Planning & Assessment Act.

Management and Ownership of the Facility

Two options were considered for the management and ownership of the proposed Family Centre (see Attachment 3):

Option 1: Traditional Model

Capital funding for the project is supplied by the State Government. Council contributes land for the facility and becomes the owner of the building. Council is the project manager coordinating design and construction. The three services involved form an incorporated body able to manage the operation of the centre. A lease agreement is entered into with Council which includes a peppercorn rent being charged, minor maintenance being the responsibility of the lessee and major maintenance of Council.
Option 2: Proposed Non-Traditional Model

Capital funding for the project is supplied by the State Government. Council contributes land for the facility. Council sponsors the project on an interim basis while an incorporated body is formed to manage the facility. The land is subsequently vested in the Crown removing Council’s responsibility for the asset. The incorporated body assumes full responsibility for the facility, including minor and major maintenance. Council’s commitment to funding/managing the building ceases. The facility is owned by the Crown and managed by a community based management board with representation from the three participating organisations.

The steering committee for the proposed Family Centre strongly favours Model 2 as the preferred model of management and ownership. In view of the ongoing costs that would be associated with Council owning this building and the indicated ability of the services involved to fund recurrent maintenance costs, it is recommended that Council adopt Option 2. An agreement could be entered into, however, with the management board to ensure the facility meets the needs of the community, particularly in the event of service operation changing within it.

Comment by Group Manager, Assets and Corporate Services

From a funding perspective, the Oaklands Road site is the preferable option.

There is currently no budget provision for purchase of the Addington Road site and, in view of Council’s other capital financing commitments and projects, it would be very difficult to make funds available in the short term. Donation of portion of the Oaklands Roads site would reduce the land available for other possible uses of this site including its subdivision and possible part sale. However, as the funds have already been spent on its acquisition, it is by far the more financially viable option, subject to zoning and development approval conditions.

From the perspective of management and ownership of the facility, the recommended model, being “Option 2: Proposed Non-Traditional Model” is regarded as the most appropriate for the reasons set out in the report. As mentioned, this is the model also supported by the steering committee for the proposed family centre.

Comment by Operations Group

Council’s Technical Services Manager advises that Council will be able to Project Manage the design and construction of this project, on a fee for service, or should the State Government wish to provide the design for the project, project manage the construction also on a fee for services. This aspect will need to be negotiated once the project is approved however the cost of design and supervision will need to be addressed as part of the proposal.
Conclusion

It is recommended that in light of the findings of this report that Council support the proposed development of a Multi-Purpose Family Centre and contribute to the project via the donation of a portion (being 2,500 - 3,000m²) of Lot 22 DP579073 Oaklands Road, Hazelbrook and meet any associated subdivision costs. In the event of funding for the project being insufficient it is recommended that Council support the approach by the proponents to the State Government to ensure the availability of additional funding to meet all of the developmental costs for the project, including project management and design. Subject to funding being available to meet all developmental costs, it is recommended that Council project manage the design and/or construction of the facility on a fee for service basis.

In terms of ownership and management of the facility, and in light of Council’s current financial position, it is recommended that Council agree to the land being vested in the Crown and the facility managed by a community based committee. To facilitate project development it is recommended that Council agree to interim sponsorship of the project until such time as the Multi-Purpose Family Centre Steering Committee becomes an incorporated body.
Attachment 1
Attachment 2
Attachment 3
COMMUNITY & RECREATION PROGRAM

Ordinary Meeting, 27/1/98

ITEM NO: 8

SUBJECT: COUNCIL’S COMMUNITY COMMITTEES

FILE NO:

Recommendations:

1. That Council recognises that community committees play an important role in the operation of community facilities.

2. That Council adopt in principle the professional management of larger and other appropriate facilities, and that further reports be presented to Council as professional management proposals for specific facilities are developed.

3. That Council retain where appropriate the current system of managing medium size facilities through community committees with clearly defined management and advisory roles. These delegations shall also apply to large facilities where there is not a manager in place.

4. That Council appoint committees of small facilities in an advisory capacity.

5. That Council and committees investigate ways to maximise the utilisation and minimise the costs of running its facilities.

6. That Council adopt the policy guidelines for community committees contained in this report.

7. That Council adopt the pro-forma constitutions and draft standing orders for the operation of community committees as attached in Attachment 1.

8. That steps be taken to verify new membership of committees and the results reported to the General Manager.

9. That Council refer the matter of fees and charges to the Assets and Revenue Strategies Task Force to consider recommendations from all committees and to develop and recommend a comprehensive policy on fees and charges for use of community facilities to Council.

10. That community committees have an advisory function only in regard to maintenance issues, the setting of fees, the expenditure of surplus funds and proposals to upgrade facilities.
COMMUNITY & RECREATION PROGRAM

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Report by Group Manager, City and Corporate Strategic Planning:

Introduction

A draft report, constitution and standing orders were circulated to committees of Council Community Facilities for consideration and comment. Their input was requested and submissions were received from the 20th August till the 26th September, 1997. Formal submissions were received from four committees and further input was obtained through direct input from committee meetings.

This report does not cover Council facilities that are leased by community organisations such as Neighbourhood Centres, Youth Centres, Childcare Centres and Preschools managed by community based committees. Nor does it cover sporting facilities and reserves. They will need to be addressed separately as they raise other issues and will involve further consultation with user groups.

Comment by Group Manager Assets and Corporate Services

The Assets and Revenue Strategies Task Force plans in 1998 to recommend policy for the ongoing future financial arrangements of Council’s community buildings and facilities. This recommended policy will include the premises mentioned in this report and address issues such as:

* full cost identification
* transparent accounting practices
* recognition of community services benefits provided by users
* recognition of community service obligations on Council’s part
* recognition of appropriate rates return
* adherence to Council’s guidelines and policies
* pricing mechanisms and generic pricing models for use of like facilities.

It is proposed that full examination of the issues leading to the development of draft policy and implementation guidelines, including consultation with community groups utilising and managing council buildings, be undertaken on an external consultancy basis. This is necessary due to the high time commitment such a project would require and the non availability of staff who could be dedicated to undertake the project internally.

The recommendations of this report are considered to support both outcomes of the proposed consultancy and better management of Council’s community buildings.

Background

Council currently owns a large number and diverse range of community facilities, widely distributed over an extensive area. Most of these halls and community centres are currently managed by community committees. Listed below are the community facilities managed by committees.
COMMUNITY & RECREATION PROGRAM

What Committees Do Now

The tasks performed by committees **include:**

- Meeting 6 - 12 times a year;
- Taking bookings;
- Arranging for payment;
- Arranging for hand over of keys and collection;
- Having an understanding of usage levels;
- Checking on the state the facility is left in after usage;
- Making recommendations to Council on charges;
- Arranging for minor maintenance through Council’s Asset Management Group;
- Making recommendations to Council on matters of major maintenance;
- Looking after security of facility.

Issues Relating to the Management of Community Facilities

Committee members volunteer many hours of work to ensure that the facilities run smoothly.

There are, however, a number of problems and issues which need to be resolved in order to improve the management and equitable use of these facilities, these are as follows:

- Lack of formal constitution and standing orders to guide committees operation (a recommended constitution and standing orders are attached in Attachment 1).

- Lack of policy guidelines to set framework for the operation of a committee (recommended policy guidelines are referred to later in this report).
COMMUNITY & RECREATION PROGRAM

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* The development of strategy plans for each facility which outline their function and role as well as any plans for upgrading.

* Support to ensure cost minimisation and maximum use of facilities.

It is important to recognise that committees play a vital role in the operation of community facilities and without their voluntary contribution Council would not be able to provide the range of facilities currently available.

Legislative Provisions

Under the previous Local Government Act, Councils were empowered to appoint committees of local citizens with delegations to carry out the care, control and management of any work, park, reserve, cemetery or undertaking under control of the Council. These committees, which were known as Section 527 Committees, ceased to hold office at the expiration of 3 months after the next Council general election. Other local committees were appointed under the then delegation section (530A) to carry out functions other than those covered by Section 527.

The Local Government Act, 1993 (the Act) which commenced on 1st July, 1993 is not as clear as the previous legislation.

Under Section 355, of the Act functions of a Council may be exercised by a committee of the Council. Committees may be empowered by delegations under Section 377, of the Act.

The Act differentiates between committees of which all members are Councillors and committees with members who are not Councillors. The Act acknowledges that committees of the latter kind can include members who are persons chosen to represent the community, a non-profit organisation or other community or special interest group.

Part 5 of the Local Government (Elections) Regulation prescribes requirements for the appointment and operation of the formal committees of Councillors but there are no requirements prescribed concerning committees composed partially or entirely of community representatives. It would be necessary to appoint the committees under Section 355 of the Act and specify their functions and then to formally delegate those functions under Section 377 of the Act.

Proposals for the Functioning of Community Facilities

* Council is considering the option of the professional management of larger facilities. If Council adopts this approach it is recommended that advisory committees be established for these facilities. In the interim it is recommended that these committees be delegated the same responsibilities as for medium sized committees.

* For medium size community facilities it is recommended that a formal delegation should be established under Section 377 of the Act and appointment of the committee under Section 355 of the Act.
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* It is recommended that committees of smaller facilities and larger facilities be appointed as advisory committees operating under the proposed policy guidelines but without formal delegation or appointment of members. However where necessary they would be guided by the attached constitution and standing orders.

* It is recommended that all committees have only an advisory function in relation to the following:

- Maintenance issues
- Proposals to upgrade the facility
- Expenditure of surplus funds
- Setting of hiring charges

Method of Operation of Facilities

**Larger Facilities**

It is recommended that larger facilities would be managed on a professional basis.

The following facilities are classified as large facilities. If Council agrees, these facilities should be considered for a professional management approach.

* Springwood Civic Centre
* Katoomba Indoor Recreation Centre
* Wentworth Falls School of Arts
* Katoomba-Leura Senior Citizens Centre and Community Centre
* Mid Mountains Community Centre

If Council proceeds with the professional management of these community facilities it is recommended that community advisory committees be established for these facilities.

However until such time as a decision to operate on a professional basis is made, these facilities should continue to operate under committees with the proposed constitution, standing orders and policy guidelines.

The professional management of facilities would need to ensure a mix of the following factors:

* Minimising of costs
* Maximising utilisation
* Maximising returns while ensuring equitable community access to facilities.

Because of the funding of the *Mid Mountains Community Centre*, which included a contribution from the Department of School Education, a specific formal agreement and constitution endorsed by the then Minister for School Education and the Mayor and Town Clerk at that time applies to this facility. Professional management may therefore not apply in the same way to this facility.
COMMUNITY & RECREATION PROGRAM

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Professional Management

Professional Management of Council’s large facilities is recommended to ensure maximum use of the facility and optimal return are encouraged while recognising the importance of access and equity concerns.

Medium Size Facilities

The following facilities are classified as medium size:

* Blackheath Community Centre
* Blaxland Community Centre
* Faulconbridge Community Centre
* Braemar Gallery
* Winmalee Community Hall
* Warrimoo Citizens Hall
* Gloria Park Pavilion Hazelbrook
* Mt Victoria Public Hall.

It is recommended that medium size facilities continue to operate under Community Committees.

The Community Committees for these facilities would have delegated responsibilities and formalised guidelines, as outlined in this report.

The delegation of responsibilities would exclude the maintenance component. This includes repairs to facilities and cleaning. The Committees would advise Council in this regard.

Small Facilities

The following facilities are classified as small:

* Mt Wilson Village Hall
* Megalong Valley Community Hall
* Medlow Bath Neighbourhood Centre
* Mt Riverview Community Hall.

In the case of small facilities with low usage, the intention would be to investigate ways to minimise running costs.

These small facilities currently operate informally. It is therefore recommended that they continue to operate informally without a constitution or standing orders, however they should operate under the framework of policy guidelines outlined in this report.

If situations arose which necessitated direction then these committees should refer to the constitution and standing orders.
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Role and Scope of Committees

It is important to establish committees that are set up in a way that facilitates their ability to assist Council in the management of its facilities and meet the communities needs.

In the case of medium size facilities, there is a need to refine the nature of the delegations and to clearly define the mix of advisory and management functions.

The current delegation for management committees gives them the overall responsibility for managing the facilities, however in practice the Council’s Asset Management Group implements maintenance programs often on the advice of the committee. It is recommended that this practice be formally recognised, making the committee’s role advisory in relation to this matter.

To assist in the clarification of the role and scope of committees, it is recommended that Council adopt the draft constitution and draft guidelines attached to this report.

Membership

Membership of the committees should be open to all interested citizens with a general limit of 12 persons on each committee. Councillors would be ex officio members of committees in their ward.

Appointment of Committees

It is recommended that the committee members should be formally appointed by Council each 4 years after the ordinary election of Council. Casual vacancies for committee officers, such as chairperson and secretary may be filled at any time. Casual vacancies will need to be filled from time to time and to avoid numerous small reports to Council, the General Manager should have delegation to approve these.

Charges

It is recommended that the matter of fees and charges be referred to Assets and Corporate Services and the Assets and Revenue Strategies Task Force to examine recommendations from all committees on appropriate levels of fees and charges and to develop and to recommend a comprehensive policy on fees and charges for use of community buildings to Council.

It is also recommended that City & Corporate Strategic Planning have input into this process, especially in relation to overall pricing policy and issues of access and equity.

Maintenance Plans

Maintenance plans are being prepared by the Asset and Corporate Services Group for each community facility. These plans will provide a blue print for the prioritising of maintenance
requirements of each facility. It is recommended that community committees have an advisory function in regard to maintenance.
POLICY GUIDELINES: COMMUNITY FACILITIES

* Committees should be established to assist Council in the management of Community facilities, and operate within the following guidelines:

* Council and community committees should acknowledge access and equity principles in the usage of community facilities.

* Special rates for use by charitable and non profit organisations or rates subsidies should be used where they do not have the capacity to pay, to improve access to facilities, this matter will be referred to the Assets and Corporate Services Group and the Assets Revenue Strategies Task Force.

* Facilities should generally operate on a cost recovery basis.

* Where surpluses are accumulated, they should be redirected to the development of the community facility or other community facilities.

* It should be recognised that community facilities are for wide community use, not for the exclusive use of a few particular groups.

* Committees should ensure that they have broad community representation.

* Committees should ensure optimal use of the facility.

* Committees shall ensure that the community facilities operate according to appropriate safety and risk management principles.

* Committees should advise Council to ensure that high standards of access, safety, cleanliness, and amenity are provided.

* Committees should advise Council of the maintenance requirements of the facility, for prioritisation by Council.

* There should be ongoing reviews and monitoring of services such as cleaning and maintenance. Council’s Assets and Corporate Services Group will be responsible for all maintenance issues with the Committees acting in an advisory capacity.

* Community facilities should be where possible and appropriate multi-purpose in nature.

* Committees shall assist Council in ensuring that effective monitoring of usage patterns is undertaken and reported to Council.

* Council shall provide ongoing support and direction to the committees.
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Summary

It is recognised that community committees have a valuable role to play in partnership with Council in the provision of community facilities. This report recommends that where appropriate, the operations of these committees be formalised and guided by a constitution, standing orders and policy guidelines.

Input from Committees

The input received from committees was supportive of the direction of the draft report. The input from the committees outlined below has been taken into consideration and incorporated into the attached constitution and standing orders. Issues raised by committees covered the following points:

* Committees were pleased that Council has recognised the important role played by them.

* Concern that the number of meetings of committees had been reduced to four.

  The intention of the paper was that this was to be a minimum requirement only and that committees can meet more frequently if required.

* There was some concern that the proposal in the papers supported reduced hire rates for use of facilities by charitable and non-profit organisations. It was recommended by a committee that one set of charges should be in place with Council directly subsidising the rate of hire for charitable and non-profit community organisations.

Comments:

After consideration it is still recommended that subsidised rates for charitable and non profit organisations be considered by Council through the Assets and Corporate Services Group and the Assets and Revenue Strategies Taskforce.

It will be necessary if Council proceeds down this line to establish clear definitions of those organisations to be charged a subsidised rate. It is recommended that a subsidised rate apply to organisations who are registered charities or who are incorporated as non profit organisations and who do not have a capacity to pay.

* One committee commented that it is Council’s responsibility to ensure that the facility operates according to appropriate safety and risk management principles.

Comments:

Committees should only be responsible for ensuring that all care will be taken and should be guided by the development of guidelines and procedures by Council.

* One committee requested a clearer definition of “care and management”.
COMMUNITY & RECREATION PROGRAM  

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* There was general agreement from the submissions received that to restrict a committee to a maximum of 6 members was too small.

Comments:

It is therefore recommended that the number be increased to a maximum of 12 with a minimum of 4.

* It was also recommended by one committee that not more than one committee member will be elected from any one interest group.

Comments:

It is recommended that:

♦ the maximum number representing an interest group should be 2.

♦ members of committees and those eligible to vote in the election of committees shall be eighteen years or older and residents of the Blue Mountains unless special authorisation is given by Council.

♦ should a committee member be absent from three meetings without apology and without reason acceptable to the Committee such member shall be disqualified from the committee. The Committee shall immediately report to the General Manager its recommendation to disqualify a member providing reasons. The General Manager shall have the authority to make the decision on this matter, reporting to Council at his discretion.

♦ Councillors and Council Officers shall be able to attend and address Committee meetings.

♦ Committee meetings are not open to the public unless invited by the Committee as visitors. This shall apply to general meetings only. The Annual General Meeting shall be advertised and open to the public.

♦ where required Committees shall nominate or elect members and that these considered for endorsement by the General Manager.

♦ the Standing Orders shall be invoked on the discretion of the Chairperson as need arises or upon a vote of the majority of members in attendance at a meeting.

♦ a time limit of 3 minutes per speaker be invoked by the Chairperson where necessary to expedite the business of the committee.

♦ all residents of the Blue Mountains local government area over the age of eighteen are eligible to vote and/or stand for the committee.
the voting system used to elect committee members be First Past the Post. Each person eligible to vote at an Annual General Meeting shall be entitled to vote for up to the full complement of 12 committee members. Should there be a tie for the twelfth position on the committee then this position shall be decided by the drawing of lots by the returning officer. The person drawn shall be nominated to the committee.

members of a sub-committee shall consist of a majority of members of the Committee.

a quorum for a sub-committee shall be a majority of members nominated to that sub-committee.

for purposes of ensuring committee members and volunteers are covered by Council with personal accident insurance that the names and addresses of volunteers working on the facility premises are to be submitted to Council prior to the activity.
CONSTITUTION

1. NAME

The name of the Committee shall be (name of facility) Management Committee.

2. OBJECT

The object of the Committee shall be to carry out the care and management of (name of facility) within the scope of the delegations to the Committee by the Blue Mountains City Council.

3. ELIGIBILITY TO VOTE AT AN ANNUAL GENERAL MEETING

Those eligible to vote in the election of committees shall be 18 years or older and residents of the Blue Mountains unless special authorisation is given by Council.

4. MEMBERSHIP OF THE COMMITTEE

4.1 The committee shall consist of not more than 12 (twelve) and a minimum of 4 (four) members approved and appointed by Council.

4.2 Councillors representing the ward in which the facility is situated shall have the ex-officio right to attend meetings but not the right to vote.

4.3 Membership shall be open to users of the facility and other interested local citizens.

4.4 Council Officers shall have the right to attend and address meetings as required.

4.5 The maximum number of members representing an interest group should be 2.

4.6 Member of committees shall be 18 years or older and a resident of the Blue Mountains unless special authorisation is given by Council.

5. OFFICE BEARERS

5.1 The Executive of the Committee shall be the Chairperson, Deputy Chairperson, Secretary and Booking Officer.
5.2 Subject to the provisions of clause 10, the officers shall be elected each four years by the Committee at an Annual General Meeting and appointed by Council.

5.3 No member or officer of the committee shall receive any remuneration for participating in the work of the Committee without the formal approval of Council.

6. DISQUALIFICATION OF MEMBERS

6.1 If any member of the Committee is absent without leave from three (3) consecutive general meetings, such member may be required to show cause to the committee why they shall not be disqualified from membership of the Committee.

6.2 If for any reason the majority of members consider that a special disqualification of any member is warranted, the facts shall be reported to the Council who shall determine the question.

7. TERM OF MEMBERSHIP

Members and officers shall be appointed by resolution of the Council by 30 June in the year following each ordinary election of Councillors. Membership shall be retained until a new committee is next appointed by Council.

8. CESSATION OF MEMBERSHIP

A person ceases to be a member of the Committee upon completion of his/her term of membership or if the person dies, resigns, becomes disqualified or is expelled from the Committee by resolution of Council.

9. CASUAL VACANCIES

Casual vacancies on the Committee may be filled by Council by resolution on the recommendation of the Committee. A person filling the casual vacancy shall only be a member or officer for the remaining term of his/her position.

10 GENERAL MEETINGS OF THE COMMITTEE

10.1 The Annual General Meeting of the Committee shall be held in the month of March each year.
10.2 At least 3 other general meetings must be held during the year one in each quarter.
10.3 The Chairman must call an extra-ordinary general meeting within 14 days if requested to do so in writing by 3 members of the committee.

10.4 Visitors to general meetings will be at the discretion of the committee.

10.5 Notice of all general meetings must be given by the Secretary to each member of the Committee giving at least seven (7) days’ notice of the meeting.

10.6 At least fourteen (14) days’ notice of Annual General Meetings must be given in a local newspaper circulating in the area. The advertisement will be at Council’s cost provided it is in the form approved by Council.

10.7 The business of the Annual General Meeting must include the presentation of annual reports.

11. NOMINATIONS TO COUNCIL FOR APPOINTMENT OF MEMBERS AND OFFICERS

11.1 At the Annual General Meeting of the Committee in the year following each ordinary election of Councillors a public meeting shall be held to select not more than twelve (12) nominees to recommend to Council for appointment as the Committee for the ensuing four (4) years. The public meeting shall be held before the election of officers but after the Committee has dealt with all other business.

11.2 If there are twelve (12) or less nominees, the nominees shall be declared elected for submission to the Council.

11.3 If there are more than twelve (12) nominees an election shall be held by the “first past the post” method of voting. The outgoing Secretary shall be the Returning Officer. Should there be a tie for the twelfth person on the committee this position shall be decided by the drawing of lots by the Returning Officer. The person drawn shall be nominated to the committee.

11.4 The nominees shall elect from their number the persons to be nominated to the Council as office bearers for the ensuing four years. If a ballot is required it shall be by either the open voting or the ordinary ballot method, and shall be conducted by the outgoing Secretary as Returning Officer.

11.5 The executive shall consist of the Chairperson, Deputy Chairperson, Secretary, and Booking Officer.

11.6 The outgoing Secretary shall submit to the Council within one month the names of the nominees and the names of the office bearers selected as above.
12. MEETINGS OF THE EXECUTIVE

12.1 The Chairperson may convene meetings of the Executive as required to deal with specific issues.

12.2 At least 24 hours’ notice of such a meeting shall be given to members of the Executive.

13. MEETINGS OF SUB-COMMITTEES

13.1 The Committee may appoint sub-committees at any general meeting to carry out specific tasks and appoint the chairpersons of those sub-committees who shall be a member of the Committee.

13.2 A sub-committee may regulate its own procedure.

13.3 Members of a sub-committee shall consist of a majority of members of the committee.

14. QUORUM

14.1 The quorum at general meetings and meetings of the executive and sub-committees shall be the majority of members.

14.2 A quorum for a sub-committee shall be a majority of members nominated to that sub-committee.

14.3 The Secretary shall advise the Council if a general meeting lapses twice for want of a quorum.

15. CHAIR

The Chairperson shall preside at all general meetings and meetings of the executive. If the Chairperson is absent or unwilling to act, the Chair shall be taken by the Deputy Chairperson.

16. MINUTES

16.1 Minutes shall be kept of all proceedings of general meetings, meetings of the executive and meetings of sub-committees. Minutes of general meetings should be forwarded to Council within three weeks of meetings.
Attachment 1

16.2 Minutes of executive and sub-committee meetings shall be submitted to the next general meeting.

17. INSURANCE

17.1 Members of the Committee shall be covered by Council with personal accident insurance. Volunteers working on the facility will be covered with personal accident insurance provided they are injured while engaged on an activity approved by Council.

The names and addresses of volunteers working on the facilities premises are to be submitted to Council prior to the activity.

17.2 The facility will be covered by Council with comprehensive and public liability insurance.

17.3 The costs of insurances shall be a charge against the operating costs of the facility.

18. FINANCIAL MATTERS

18.1 A hiring agreement in the form specified by Council must be completed by all hirers of the facility.

18.2 The fees charged for hire of the facility shall be those formally adopted by Council in the Management Plan prepared each year in accordance with the requirements of the Local Government Act, 1993.

18.3 All moneys received by the Committee shall be deposited in a nominated bank account in the name of Council. The deposit books provided by Council shall be used for the purpose.

19. DISSOLUTION

19.1 The Committee may be dissolved by resolution of Council at any time.

19.2 In the event of dissolution of the Committee any property or funds held by the Committee shall revert to Council.

20. AMENDMENTS TO CONSTITUTION
Amendments to the Constitution may be made only by Council.
FORM OF NEWSPAPER ADVERTISEMENT - ANNUAL GENERAL MEETING

- - - - - - - - MANAGEMENT COMMITTEE

ANNUAL GENERAL MEETING

The Annual General Meeting of the above Committee will be held at . . . . . . . . . . (place) on (date) commencing at . . . . . . AM/PM.

Users of the facility and other interested members of the community are invited to attend to support the work of the Committee.

Business will include consideration of reports from the committee’s executive.

Note: At the annual general meeting at which a new committee is to be nominated to Council the following paragraph should be included:-

At the conclusion of committee business a public meeting will be held to elect a committee for the ensuing four years for formal appointment by Council.
DELEGATION TO MANAGEMENT COMMITTEES

This delegation applies only to medium size facilities as outlined in the attached schedule. And to large facilities where a manager is not in place.

Delegations to the management committees constituted under Section 355 of the Local Government Act, 1993 were made at a meeting of Council held on . . . . . . . . . Council resolved in the following terms. The delegations take effect from the date of Council’s resolution.

DELEGATION

That under the provisions of Section 377 of the Local Government Act, 1993 Council delegate to the management committees listed in the Schedule below the following powers, authorities, duties and functions:-

(a) to carry out the care and management of the (facility) subject to the terms of the Constitution and Guidelines adopted by Council on . . . . . .

(b) to hire out the facility to users in the terms of a formal hire agreement and to charge, collect and bank rentals fixed by Council in the Management Plan prepared in accordance with Sections 402 to 406 of the Local Government Act, 1993.

(c) to generally advise Council on the operation, maintenance and improvement of the facility and the fee structure to apply to rentals.
Attachment 1

SCHEDULE

1. Mt Victoria Public Hall
2. Blackheath Community Centre
3. Faulconbridge Community Centre
4. Braemar - Springwood
5. Winmalee Community Hall
6. Warrimoo Citizens’ Hall
7. Blaxland Seniors and Community Centre
8. Gloria Park Pavilion

STANDING ORDERS

These standing orders shall be applicable to general meetings of the Management Committee, at the discretion of the Chairperson or a majority of members. The standing orders shall be construed subject to the Constitution.

1. CONVENING OF MEETINGS AND ATTENDANCE

1.1 Meetings shall, subject to the presence of a quorum, start at the time set out on the notice, and shall, subject to the discretion of the meeting, continue until all business on the agenda is disposed of.

1.2 If no quorum is present within 30 minutes of the starting time set out on the notice, the meeting shall lapse, and, subject to any resolution previously passed, the Chairperson shall fix the time of the next meeting. All business on the agenda of the lapsed meeting shall be included on the agenda of the next meeting and shall take precedence over new business.

1.3 If neither the Chairperson nor the Deputy Chairperson are in attendance at the meeting the first business of the meeting shall be to elect a chairperson to preside at the meeting.

2. CHAIRPERSON

2.1 Any member desiring to speak at general meetings or in the Committee of the Whole and when called upon by the Chairperson shall address the Chair. If two or more members rise simultaneously, the Chairperson shall call upon the member who first caught the eye of the Chairperson.

2.2 When the Chairperson rises to speak any member standing shall sit down.
2.3 It is the duty of the Chairperson to receive and put to the meeting any motion that is brought before the meeting and which relates to the business of the Committee.

2.4 On an equality of voting, the Chairperson shall declare the question resolved so as to maintain the status quo.

3. ORDER OF BUSINESS

3.1 Subject to 1.3 above the first item of business shall be the confirmation of the minutes of the previous meeting.

3.2 Business shall be dealt with in the order in which it appears in the agenda, provided that the Chairperson is entitled, by official minute, to put any matter to the meeting without notice and such a minute shall take precedence over all business on the agenda.

4. MOTIONS, AMENDMENTS AND DEBATE

4.1 Except in committee, no member other than the proposer of a motion or an amendment shall speak to it until it has been seconded. A motion or amendment lapsing for want of a seconder shall not be recorded in the minutes.

4.2 A motion or amendment before the Chair shall not be withdrawn except by its mover and by leave of the meeting. No motion shall be withdrawn while any amendment is under discussion or after any amendment has been adopted.

4.3 If required to do so by the Chairperson, the proposer of any motion or amendment shall submit it in writing.

4.4 A motion or amendment before the Chair may be reworded by the mover subject to leave of the meeting.

4.5 Except in committee, no member shall speak more than once to any question, except that the mover of a motion (but not of an amendment) shall have a right of reply, which reply shall close the debate. An amendment shall constitute a separate question from the original motion and from any other amendment.

4.6 A member moving a motion or amendment shall be deemed to have spoken to it. A member seconding a motion or amendment without speaking to it may reserve the right to speak to it subsequently.
4.7 When an amendment is before the Chair, discussion shall be confined to that amendment. No further amendment shall be proposed until the amendment before the Chair has been disposed of.
4.8 The Chair shall, as far as practicable, call on speakers for and against a motion or amendment alternately, subject to the right of the seconder to speak immediately after the mover. If two consecutive speakers have both argued for or against a motion or an amendment, and there is no member wishing to argue the opposite view, or, in the case of a motion, to move an amendment, the motion or the amendment shall, subject, in the case of a motion, to the mover’s right of reply, be put without further debate.

5. POINTS OF ORDER

5.1 Any member may raise a point of order, which shall take precedence over all other business, and which shall be open to discussion. The point must be raised at the time the alleged irregularity occurred. An explanation or contradiction shall not constitute a point of order.

5.2 Any member disagreeing with the Chairperson’s ruling on a point of order may move dissent. The Chairperson shall then vacate the Chair and such motion shall be put forthwith without debate.

6. CLOSURE OF DEBATE

6.1 A member who has not already participated in the debate may at any time, whether another speaker has the floor or not, move, “That the question be now put”, which motion, if accepted by the Chairperson, shall be put without amendment or debate. The Chairperson shall have absolute discretion to accept or refuse the motion. The Chairperson may also without returning a motion put the question if the Chairperson feels that adequate discussion has taken place. In either case the mover of a motion shall retain the right of reply. If an amendment is before the Chair, the closure motion shall be deemed to close the debate on the amendment only.

6.2 A member may at any time move, “That the speaker be no longer heard” or, “That the speaker be heard for a further limited period only”. Such motions shall be put without amendment or debate. No other motion, except the closure motion or a motion dealing with the speaker’s time, shall be moved while a speaker has the floor.

7. ADJOURNMENT

7.1 A member may move: “That the debate [or meeting] be now adjourned.” Discussion shall be in order, but only amendments as to time and/or place shall be permitted. The motion shall take precedence over other business before the Chair except points of order and personal explanations.
7.2 Business not dealt with at the adjournment of a general meeting shall, at the next meeting, have precedence over new business.
8. COMMITTEE OF THE WHOLE

8.1 A general meeting may at any time resolve itself into Committee of the Whole to consider any matter.

8.2 A motion to resolve into Committee of the Whole shall not be debated.

8.3 These standing orders shall apply to meetings of the Committee of the Whole except that motions need not be seconded, members may speak more than once and alternate affirmative and negative speakers are not essential.

9. MISCELLANEOUS

9.1 Notwithstanding anything hereinbefore contained, any decision made by a validly-constituted meeting shall not be void by reason only of a departure from these standing orders which was not detected until after the decision had been made.

9.2 Alterations to the standing orders shall be made only by Council.

9.3 Any matters not dealt with in the above standing orders shall be governed by the customary procedure at meetings.
ITEM NO: 9

SUBJECT: COMMUNITY ASSISTANCE/DONATIONS - RECOMMENDATIONS BY COUNCILLORS

FILE NO: C00944

Recommendation:

That Council approve the following donations from the Councillors’ Minor Local Projects

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blackheath &amp; Districts</td>
<td>$100</td>
</tr>
<tr>
<td>Horticultural Society Inc</td>
<td></td>
</tr>
<tr>
<td>Blue Mountains Easy Care Gardens</td>
<td>$200</td>
</tr>
<tr>
<td>Blue Mountains Bird Observers</td>
<td>$100</td>
</tr>
</tbody>
</table>

Report by General Manager:

On 1 November 1994 Council adopted a statement of broad principles for the provision of community assistance/donations.

The following recommendations for donation, which appear to fall within the ambit of the broad principles, have been received and are submitted for approval.

<table>
<thead>
<tr>
<th>Recommending Councillor</th>
<th>Organisation</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr R Harris</td>
<td>Blackheath &amp; Districts Horticultural Society Inc</td>
<td>Hall hire for Annual Flower and Craft Show</td>
<td>$100</td>
</tr>
<tr>
<td>Cr C Gaul</td>
<td>Blue Mountains Easy Care Gardens</td>
<td>An educational and awareness project and one-off garden maintenance service</td>
<td>$200</td>
</tr>
<tr>
<td>Cr C Gaul</td>
<td>Blue Mountains Bird Observers</td>
<td>Support of Club’s activities and projects</td>
<td>$100</td>
</tr>
</tbody>
</table>
Recommendations:

1. That Council determine either:

   (a) that any necessary referendum, consequent on the decision to elect the Mayor by the electors, should be held in conjunction with the next New South Wales Local Government General Election, in which case the number of Councillors for the following term of office is determined to be twelve (12);

   or

   (b) that a referendum to increase the number of Councillors, including a popularly elected Mayor, to thirteen (13) be conducted prior to September 1998.

2. That a report be brought to Council addressing the issue of the wording of the referendum question(s) and recommending a subsequent public education program.

Report by General Manager:

Introduction:

On 10 June 1997, Council considered a report dealing with the necessary steps that would enable it to implement a previous referendum decision that the Mayor be directly elected by the electors. Councillors will recall that the primary requirement was a further referendum on Councillor numbers, and that concern was expressed about the cost of such a referendum (approximately $130,000) if it were to be held independently of the normal Local Government Elections.

Council Resolutions:

Following its consideration of the matter, Council resolved:-

“1. That Council request the Minister for Local Government to initiate measures that would enable the additional referendum on councillor numbers, which necessarily follows the decision to elect the mayor by the electors, to be held in conjunction with the next New South Wales Local Government General Elections.
2. That in these representations, strong emphasis be made:-

(a) that a separate additional referendum would impose a severe financial burden on ratepayers and residents;

(b) that there is a great likelihood of a low voter turnout and substantial inconvenience to the electorate associated with a “stand alone” referendum;

(c) that an education program to convince the electorate that a referendum is separately necessary would be difficult as well as costly to implement;

(d) that it is logical and cost effective to integrate this referendum with the general Local Government elections; and

(e) that conducting the referendum in conjunction with any possible ward by-election does not overcome the aforementioned difficulties even if a by-election were to be necessary.

3. That, if the Minister for Local Government is unable to assist in this matter, he be asked to grant Council a special rate levy to offset the costs of the referendum and the associated community education campaign.” (Minute No. 262 of 10/6/1997.)

Response by the Minister for Local Government:

Following Council’s representations of 13 June 1997, the matter was given full consideration by the Minister for Local Government. A copy of the Minister’s response has been provided to Councillors who will note the view expressed that it is not considered “that any special action is necessary to resolve the situation”.

The Minister also advises that the proposed change in the method of electing the Mayor is not capable of implementation in the absence of elector approval to a change in the number of Councillors and that, if the situation continues, it is considered that the existing Council structure would remain in place for the next Council term, and that the ordinary elections due in September 1999 would be held on that basis. Clearly, the Minister regards the matter as being of a discretionary nature within the current term of the Council.

It is therefore necessary that Council determine whether it would seek to proceed in accordance with the course of action proposed by its Resolution 1 of 10 June 1997, ie hold the referendum with the next Local Government General Election, or whether Council would wish to hold this referendum at the earliest possible date. Council should note that legislative requirements would necessitate that, if this latter option is chosen, the referendum be held no later than September 1998.

Irrespective of the determination that Council makes, it will still be necessary for a process to determine the exact wording of the referendum question(s) and for an appropriate education campaign to be developed that is consequent on the wording of the referendum question(s). However, for the moment, the issue is that of timing.
Ward Representation

It is at about this juncture of the Council term that Council should initiate processes to review ward boundaries etc. Sections 210 and 211 of the Local Government Act, 1993 state:

“[s 210] Division of areas into wards
210 (1) [Wards] The council may divide its areas into divisions, called ‘‘wards’’.
(2) [Abolition] The council may abolish all wards.
(3) [Alteration] The council may alter ward boundaries.
(4) [Name] The council may name or rename a ward.
(5) [Approval] A council must not divide an area into wards or abolish all wards unless it has obtained approval to do so at a constitutional referendum.
(6) [By-election] A by-election held after an alteration of ward boundaries and before the next ordinary election is to be held as if the boundaries had not been altered.

[s 211] Ward Boundaries
211 (1) [Review] The council of an area divided into wards must keep the ward boundaries under review.
(2) [Details] Before the end of the third year of each term of office, a council must submit details of:
    (a) the boundaries of the wards into which it proposes to divide its area; or
    (b) any proposed changes to the boundaries of its existing wards, to the Electoral Commissioner and the Australian Statistician for consideration.
(3) [Electorates] The council must consult the Electoral Commissioner and the Australian Statistician to ensure that, as far as practicable, the proposed boundaries of its wards correspond to the boundaries of appropriate subdivisions (within the meaning of the Parliamentary Electorates and Elections Act 1912) and census districts.
(4) [Number of Electors] The division of a council’s area into wards, or a change to the boundaries of a ward, must not result in a variation of more than 10 per cent between the number of electors in each ward in the area.”

Section 211(1) requires a council with an area divided into wards to keep its ward boundaries under review. Although, after reviewing its wards, a council is not required to change its ward boundaries, irrespective of the outcome of its review. If, however, a council does determine to alter its ward boundaries, there must not be a variation greater than 10% between the number of electors in each ward, and, the proposed changes must be notified to the Australian Statistician and to the Electoral Commissioner prior to the end of the third year of the council’s term of office.

It is my intention to present to Councillors, as soon as possible, the relevant elector and population catchment data that will enable the ward boundary review to be conducted by Council.
ENVIRONMENTAL PROTECTION PROGRAM

ITEM NO: 11

SUBJECT: MANAGEMENT STRATEGY FOR ROCK CLIMBING AND ABSEILING ON THE THREE SISTERS

FILE NO: C01014

Recommendations:

1. That a temporary closure of the Three Sisters to Rock climbing and Abseiling activities be enacted for a period of five years.

2. That during the temporary closure both National Parks and Wildlife Service and Blue Mountains City Council undertake a joint exercise in rehabilitation of damaged areas of the Three Sisters and that funding of $13,000 be considered in the 1998/99 budget.

3. That the Draft Management Strategy be placed on public exhibition for a minimum period of one month, during which time any individual or group in the community may comment. The public exhibition will be advertised locally and also promoted to the key stakeholder groups such as the tourism industry and recreationists. Following the public exhibition, NPWS and BMCC will review the public submissions and jointly revise and adopt a final management strategy.

Report by Group Manager, Operations:

Introduction

In discussions with the National Parks and Wildlife Service (NPWS) there has been growing concern in regard to the effects of rock climbing and abseiling on the Three Sisters.

As a result, a draft strategy has been jointly prepared by NPWS and Blue Mountains City Council (BMCC). The draft strategy has been developed to resolve the conflict that has emerged between the recreational use of the Three Sisters and its protection as a major natural, scenic, conservation and tourism resource.

The strategy describes the impacts that are occurring as a result of the recreational use, proposes management principles which should apply, assesses options for managing those impacts and describes the preferred management alternative. This report provides a precis of the management strategy with the document available on file for perusal by Councillors.
Discussion

a) Background

The Three Sisters are partly contained within Blue Mountains National Park (BMNP), under the care, control and management of the Director-General of NPWS, and partly within freehold land owned by BMCC. The boundary between the two tenures bisects the middle of the Three Sisters on an approximately north-south line, the western side managed by BMCC and the eastern side within BMNP.

The Three Sisters is an unusual geological feature which has gained the status of a national and regional landscape icon that also identifies the Blue Mountains region internationally. This status is the result of ready accessibility and visibility to a very large number of people and promotion through the tourism industry. Tourism is the major economic activity within the Blue Mountains which is also one of the most important tourism precincts in Australia. The three semi-detached sandstone pinnacles poised over the deep forested Jamieson Valley is a scene viewed by approximately two million visitors per annum from adjacent lookouts, and many more through photographs and paintings printed in books, calendars, posters and cards.

Rock climbing on the Three Sisters has a long history, dating back to the activities of the “Blue Mountaineers” in the 1930s, led by local identity Dr Eric Dark. This coincided with the beginnings of rock climbing as a recreational activity in Australia. The early 1950s saw increasing popularity and the establishment of many climbs, such as “The Mantleshelf” and “West Wall”. Such routes have seen regular and increasing traffic to the present day and have become popular classics. “West Wall” in particular is regarded by the climbing community as a unique asset, being one of the longest good quality, easy and accessible climbs in the area. The climbs lie on a remarkable and spectacular feature that has a true climbing summit, quite rare in Australia where most mountains can be walked up. Thus the Three Sisters represent an important and uncommon recreational opportunity for climbers.

More recently an economic dimension has been added to the climbing importance of the Three Sisters, with an increasing level of commercial abseiling and climbing taking place. Thus the Three Sisters are of great historical and contemporary importance to the increasingly more populous climbing community.

Climbing the Three Sisters has been controversial at several times over the past 15 years. Concerns over the risk from rockfall to walkers on the Giant Stairway, immediately below some of the most popular climbing routes on the east face, led BMCC to impose a temporary ban in 1983. After extensive debate on the issues, concerns were clarified and BMCC lifted the ban later in the year. This was after loose rock had been cleared from the routes of concern by volunteer climbers. Climbing was also restricted to two routes only on the East Face which were considered safe. Signs were installed indicating the approved routes and this management regime has continued to the present day under NPWS management.
ENVIRONMENTAL PROTECTION PROGRAM

When NPWS assumed management control of the eastern side in 1987, agreement was reached with BMCC that NPWS would manage the whole feature on a day-to-day basis, consulting with BMCC before taking any management actions. NPWS became increasingly concerned about the level on environmental impact resulting from recreational activities, as well as modifications which were apparently being carried out to facilitate commercial operations (the guiding of paying customers in abseiling and climbing activities). Inspection of these impacts was carried out in 1989 and again in 1994. Also in 1994, a dispute between commercial operators arose over a safety matter and was brought to the attention of authorities.

With BMCC, NPWS instigated a planning process in 1994 to address these concerns. Some detailed work on the issues was completed and a consultative process with key recreational stakeholder groups was commenced to gather input and information and to gauge acceptance of various management principles and options. Both commercial and recreational climbing interests were consulted.

At the same time, NPWS was developing its policies and procedures in relation to commercial tours and recreation in the national parks of the Blue Mountains. The licensing of the large number of unlicensed operators was commenced and to date is almost complete. In October 1996 all commercial abseiling on the Three Sisters was prohibited and strict procedures established to allow limited commercial climbing. This was an interim arrangement pending the outcome of the present planning process.

b) Current Situation

The situation has advanced considerably since the initial planning work was carried out in 1994. Recreational use of the Three Sisters has continued to grow, although commercial use has very recently been restrained. The impacts of vegetation decline and erosion have become more visible from all lookouts in the vicinity and even at some distance, including Echo Point, Spooners Lookout, Oreades Lookout, Lady Game Lookout (immediately opposite the First Sister) and Olympian Rock at Leura. Recent vertical air photographs highlight the denudation in the summit areas of all three pinnacles.

Considerable interest in the issue has recently been in evidence from a range of constituencies. NPWS has been stating to commercial interests for some time that continued access to the Three Sisters was under review. An item appeared in the Blue Mountains Gazette of 27 November 1996 which canvassed the concern of a number of interested parties. In December 1996, NPWS received unsolicited submissions on the issue from two bodies representing climbers. Both groups endorsed some restriction of recreational activity, but to different levels, and offered practical assistance with restoration. Consultation between NPWS and BMCC, at senior management level, commenced in January, 1997.

Simple wear and tear is the greatest single cause of environmental deterioration on the Three Sisters. The passage of large numbers of climbers and abseilers leads to removal of loose rock and vegetation decline, followed by erosion which is accelerating with time. Of particular concern is the denudation and erosion in the summit areas of the three pinnacles.
These areas are unavoidably frequented by recreationists and are particularly vulnerable and slow to recover. Loss of the originally small amounts of soil will severely inhibit restoration. Some irresponsible climbers have had cooking fires on the summit of the Third Sister.

Similar impacts are apparent on other vegetated areas subject to the passage of climbers and abseilers, such as access tracks below the West Face, on the West Face and on the halfway terrace. Most of these tracks are up to a half to one meter wide and eroded down to subsoil. Some have eroded to depths up to 30cm. Considerable time without further wear, coupled with brushing and planting, will be required for their restoration. The total combined length of these tracks is approximately 600m. Erosion from some of these areas has led to a wide streak of silt wash down the lower part of the West Face, clearly visible from Echo Point. Some of the eroded access tracks are also visible from Echo Point. By comparison the actual rock faces are fairly resilient.

Although wear and tear can be reduced to some extent by restricting numbers and modifying behaviour, the impact of each individual is largely unavoidable. Added to these unavoidable impacts are the avoidable impacts of deliberate environmental modifications. Coincident with the expansion of commercial activity on the Three Sisters, long abseil descents were established which involved the installation of a large number of artificial anchor points in the rock (bolts) and the formation of unauthorised access tracks. In some cases tracks were cut through the vegetation and benched into the soil. By enhancing access and convenience, these developments directly contributed to the expansion in use levels on the Three Sisters. They also had considerable impact on natural values and aesthetics.

For some members of the general community and visitors, aesthetics is a major concern in that they object to the presence of climbers on the Three Sisters. On the other hand, some observers are delighted at the spectator opportunities offered, especially by climbers on “The Mantleshelf” route which is on the First Sister directly opposite Lady Game Lookout. There is clearly a range of views in the community on these issues and in the absence of a definitive survey, no majority view or conclusions can be determined.

c) Management Principles

The following principles are proposed for the management of climbing and abseiling on the Three Sisters. They were largely endorsed during the 1994 consultative process.

1. Protection of the natural and scenic qualities of the Three Sisters in both the short and long term is paramount.

2. Rock climbing is a traditional activity on the Three Sisters, but can only be valid if resulting impacts are acceptable and environmentally sustainable.

3. The present level of impacts from both climbing and abseiling is both unacceptable and unsustainable.

4. Unauthorised modification of the environment for recreational purposes is unacceptable.
The following objectives are proposed for the management of rock climbing and abseiling on the Three Sisters:

1. Ensure the protection of the natural and scenic qualities of the Three Sisters in the short and long term.
2. Restore as far as practicable the impacts which have resulted from climbing and abseiling activities.
3. Provide for continued low level recreational activity if it is compatible with the first two objectives.
4. Involve both the general community and the recreational community in the development and implementation of management actions.

d) Strategy Options

An active restoration programme and ongoing monitoring of recovery are integral components to each option. Consultation with and education of climbers and abseilers is also crucial to the success of any strategy. Recreational groups have already offered assistance for restoration works, which would both reduce costs and improve the outcomes. Achieving a level of commitment from climbers and abseilers for the approved option would be a very positive benefit to the strategy. It is apparent that there is broad community support for corrective action.

**Option 1 (Permanent Closure)**, combined with restoration, would ensure that impacts are arrested through the removal of ongoing pressure. The recreational opportunities provided by the Three Sisters would be lost, with some flow-on pressure to other sites being likely. The climbing and abseiling community would oppose this option most strongly, requiring a major commitment to communication. This option may attract substantial community support. A level of enforcement would be required, but less than that required by Option 3. Implementation would be simpler than other options.

**Option 2 (Temporary Closure)**, provides all the environmental benefits of Option 1 whilst being only slightly more difficult to implement (because of the need for reassessment). The potential to reinstate recreational opportunities at a future time is retained. This option would be more acceptable to the recreational community and therefore more likely to gain assistance from them for restoration works. Temporary closure may be just as acceptable to the general community as permanent closure.
Option 3 (Restricted Access) retains a level of recreational opportunity but may not ensure impacts are arrested. The sensitive nature of the environment on the Three Sisters in relation to erosion and recovery time and the level of impact already reached may mean it is not possible to achieve restoration under any level of continuing impact. A strict permit system would be costly and difficult to implement. In all respects this option is problematical. It may not satisfy community concerns. Restricted access (reduction of numbers) could be achieved in several ways. Considering the relative impacts of climbing and abseiling, the traditional nature of climbing and more recent advent of abseiling, and the views of both amateur and commercial recreationists, abseiling should receive priority for restriction or prohibition. No abseiling could be combined with an annual limit on climbing parties on specified routes and subject to strict conditions on behaviour.

e) Recommended Option

Option 2, temporary closure, is the preferred strategy because of the need to ensure the protection of the natural and scenic qualities of the Three Sisters. Recreational opportunities are secondary to this primary objective. A minimum closure period of five years is proposed followed by re-assessment. If re-assessment after five years or at any subsequent time shows that impacts have been stabilised and substantially restored, then consideration would be given to re-opening the Three Sisters to limited and closely controlled and monitored recreational activity. Climbing activity only will be considered. There will be no resumption of long expedition abseils and all fixtures associated with those routes will be removed. The abseil route established on the main cliff line below Oreades Lookout will also be removed. Re-opening of the Three Sisters to climbing only would be subject to a formal process of environmental assessment and public consultation.

This strategy will require a consultation and communication program with recreationists, combined with a level of enforcement and monitoring. A major restoration program will be undertaken, for which the assistance of expert climbers, abseilers and bush regenerators will be sought. The costs of initial restoration, including removal of fixtures, track stabilisation, erosion control and some revegetation planting have been estimated at $26,000 including labour. This cost could be substantially reduced by the use of volunteers.

The strategy will be jointly implemented by NPWS and BMCC, and a six month time frame is envisaged for exhibition, consultation and final reporting.
ITEM NO: 12

SUBJECT: COUNCIL ATS J S HEAP (CONSTRUCTIONS) PTY LIMITED - LAND AND ENVIRONMENT COURT PROCEEDINGS AGAINST REFUSAL OF SUBDIVISION APPROVAL AND DEVELOPMENT CONSENT FOR LAND IN WINNICOOPA ROAD, BLAXLAND

FILE NO: C02411

Recommendation: That the General Manager’s report be received.

Report by General Manager:

This matter is reported to Council pursuant to the terms of Minute No. 25 of 11 February 1997 when Council resolved, inter alia, to receive a report following the outcome of all proceedings to which Council is a party following the receipt of a Judgment or settlement of a matter.

Councillors will recall the hearing of this matter before Chief Justice Pearlman of the Land and Environment Court for five days in September 1997. Judgment was handed down on 14 November 1997 when the Court ordered that the development and subdivision applications for the subdivision of Lot 2 DP 845602, Winnicoopa Road, Blaxland be determined by the refusal of consent.

The matter is formally reported to Council as, in accordance with the guidelines set by Council, it is considered to be a significant decision in terms of the number of issues argued at the hearing, and the amount expended in successfully defending Council’s position.

Councillors may recall the proposal was for subdivision of the site into 69 lots, with approximately 12 hectares of the site to be dedicated as a continuous reserve to the north, north-east and the south, and requiring the construction of an extension of Winnicoopa Road with two roads to branch off that extension and two rights of way, or “shareways”. Sixty-eight of the proposed lots were more or less contiguous but one lot, being lot 69, was proposed to be created off Western Avenue and distant from the other lots.

As the land is zoned Residential Bushland Conservation under LEP 1991, subdivision is permissible with Council consent. A considerable part of the site falls within an Environmental Constraint Area and the density control for that area is 8 lots per hectare. The Court had regard to the Environmental Constraint Area, Blue Mountains Development Control Plan No. 10 “Blue Mountains Character Guidelines”, and the objectives of the LEP with which any proposed development must comply, when reaching its conclusion to reject the proposal. The Court also took into account [then, Draft] Amendment No. 23 to LEP 1991, amending Clause 10.5(d) by the deletion of the word “significant” where it referred to adverse environmental impact in that Clause.
Taking into account the physical nature of the site, and the statutory provisions which control its development, the Court held that it was “clear that the principal concerns regarding development upon the site are the environmental constraints, and the necessity for an environmentally sensitive design” (pp 8-9).

The Court identified the principal issues in these proceedings as:

- the impact, if any, of the proposed development upon environmentally sensitive vegetation units occurring on the site;
- the impact, if any, on rare or endangered plants or any unusual plant community occurring on the site;
- the hydrological aspects of the site; and
- whether a “detailed environmental assessment” has been carried out in respect of the proposed development upon the site.

Her Honour, at page 10 of her Judgment, stated that she accepted that the areas of the site in which vegetation communities comprising Dry Alluvial Bench Woodland, containing the species *Eucalyptus sclerophylla* and *Angophora bakeri*, and *Melaleuca Linariifolia* Low Open-forest, were worthy of preservation. Further, Her Honour stated that she was “not satisfied that the proposed subdivision incorporates effective measures to avoid adverse environmental impact upon them”. On the ground of adverse impact to the vegetation units referred to, Her Honour considered that the proposed development should not proceed.

Another issue raised at the hearing was the existence on the site of rare or endangered flora species, in particular *Lomandra brevis* (Tufted Mat-rush). Although not listed under the Threatened Species Conservation Act 1995, this site is the most westerly known location for the species. When summarising her views on the species discussed on pages 11 and 12 of the Judgment, Her Honour considered that the proposed development should be refused because of its likely impact upon the *Lomandra brevis* species.

Stormwater drainage was an issue canvassed in detail, having regard to the impact of the proposal on a non-perennial watercourse through the site. Her Honour accepted Council’s evidence that the works, including the amount of fill, necessary to accommodate the applicant’s proposal to relocate the watercourse would be so significant that the development application should not be approved (pp 14-15 of the Judgment).

Additional issues raised by Council were insufficient information accompanying the applications to permit a proper examination of the proposed development; the question of “doubtful lots”; and the concerns of local residents. In relation to the issue of insufficient information, the Court held that, in contravention of Clause 11.3 of LEP 1991, which requires the Council to be satisfied, by means of a “detailed environmental assessment” that, amongst other things, the proposed development will comply with Clause 10.5(d) of the LEP, the proposed development did not satisfy the requirements of Clause 11.3 and consent should be refused on this account.
The question of “doubtful lots” referred to Council’s contention that a number of the proposed lots would not be “viable” by reason of containing land steeper than 1 in 5, also by reason of the necessity for fire protection zones, and by reason of the position of the relocated watercourse and associated works. Council officers’ recommendation was that these proposed lots should be deleted from the proposed subdivision or reconfigured. The Court held that the Council’s opinion about the doubtful lots had some force and the location of those lots needed careful review in light of the constraints imposed by the LEP.

Concerns raised by local residents included traffic safety, bushfire threat, harm to the Hawkesbury-Nepean catchment through over-development of natural watercourses, pedestrian safety, protection of rare or sensitive vegetation and protection of steep slopes.

Council’s costs incurred in this matter, and the associated Class 4 proceedings initiated by RAID, were $70,327.65. A copy of Her Honour’s judgment is available on file for perusal by interested Councillors.
LAND USE MANAGEMENT PROGRAM

ITEM NO:  13

SUBJECT:  INTERNAL ALTERATIONS AND ADDITIONS TO EXISTING CIVIC CENTRE - LOT A, DP 335970, NOS. 106-108 MACQUARIE ROAD, SPRINGWOOD

FILE NO:  B97/1510

Recommendation:

That Building Application B97/1510 for alterations and additions to Springwood Civic Centre on Lot A, DP 335970, Nos. 106-108 Macquarie Road, Springwood be approved subject to conditions in Attachment 1 to this report.

Report by Group Manager, Health and Development:

Zoning:  LEP 4 - 5 (a) Special Uses (Civic Centre)
         Draft LEP 1997 - Village

Date of Receipt:  19th November 1997

Applicant:  Blue Mountains City Council
           Civic Place
           Katoomba NSW

Owner:  Blue Mountains City Council

Site:
LAND USE MANAGEMENT PROGRAM

Introduction:

The existing Civic Centre is located adjacent to the Springwood Library on Macquarie Road and incorporates an auditorium, stage, neighbourhood centre and associated supporting facilities.

A Building Application was submitted on 19th November 1997 which proposes a number of minor alterations. The scope of the work includes:

- refurbishment of foyer area including new reception/ticket counter, construction of disabled access ramp,
- conversion of small meeting room to unisex disabled toilet/baby change,
- refurbishment of kitchen including new cupboards, installation of range hood and exhaust,
- refurbishment of auditorium including new retractable tiered seating,
- refurbishment of stage including new access stair to lower ground floor meeting room, incorporating storeroom,
- refurbishment of lower ground floor including construction of new access stair to stage area, construction of unisex disabled toilet, new fire rated ceiling alterations to entry steps and construction of new disabled access ramp,
- general maintenance work and repainting to building exterior including provision of new balustrade to verandah on east side.

Several of the matters relate to the fire safety of the building and follow from conditions attached to the deferred commencement Entertainment Approval issued in January 1997.

A copy of the plans forms Attachment 2 to this Report.

The matter is reported to Council in accordance with Council’s policy for applications made for properties owned by Blue Mountains City Council.

Statutory Requirements

The site is zoned Special Uses 5 (a) - Civic Centre in accordance with LEP 4 and Village under Draft LEP 1997. All works proposed are ancillary and incidental to the existing use of the building and are permissible without development consent.

The application has been assessed in terms of the relevant provisions of the Local Government Act 1993, and the Local Government (Approvals) Regulation 1993. The following matters are considered relevant in terms of the Building Approval:

1. **Clause 12(2)e of the Local Government (Approvals) Regulation 1993**, the provision of any development standards within the meaning of the Environmental Planning and Assessment Act 1979, applicable to the erection and use of the building.

2. **Clause 20 of the Local Government (Approvals) Regulation 1993**, fire safety to be considered.
(3) **Clause 25 of the Local Government (Approvals) Regulation 1993**, compliance with standards.

1) The application has been assessed against the relevant heads of consideration under Section 90(1) of the Environmental Planning and Assessment Act and there are no matters requiring further discussion.

2) As stated in the introduction to the report, the application relates to upgrading work required to comply with the fire safety conditions of the deferred commencement Place of Public Entertainment Approval. These conditions were imposed on the approval to ensure that egress and access to the building comply with current standards and improve the fire resistance and fire containment performance of the building.

In terms of Clause 20 of the Local Government (Approvals) Regulation, the alterations will not reduce:

(a) the existing levels of fire protection afforded to people accommodated or resorting in the building, or

(b) the existing level of resistance to fire of the building structure, or

(c) the existing safeguards against the spread of fire to adjoining buildings.

3) The existing building does not conform in its entirety with the current standards established by the approvals regulation, including the Building Code of Australia (BCA). As the building, however, is some years old and the works proposed are minor, to comply with the current standards would require further rebuilding and additions and would be unreasonable and unnecessary in the circumstances. The alterations proposed will result in the building achieving an acceptable level of fire safety without the need for further works at this time.

All new work will comply with the current standards including those established under the BCA, pursuant to Clause 25 of the Local Government (Approvals) Regulation 1993. The works proposed will result in the upgrading of the building in terms of fire safety and as such, there is no need for Council to require any further fire safety upgrading pursuant to Clause 40 of the Approvals Regulation.

**Amenity Considerations**

The site is located within the commercial centre of Springwood adjacent to the Library and public carpark facing David Street. The building is some considerable distance from adjoining residences (approximately 80 metres from the dwellings in David Street) and Council’s Community Consultation policy allows non notification of building applications where it is considered that the enjoyment of the adjoining land will not be detrimentally affected. The majority of works are internal and the limited external works are not considered likely to detrimentally affect the adjoining residences.
Conclusion:

The application as proposed addresses fire safety issues and the provision of access for disabled persons to and within the existing Civic Centre. The application has been considered in accordance with the Local Government Act (Approvals) Regulations 1993 and new work complies with the requirements of the Building Code of Australia. Accordingly approval of the application is recommended, subject to conditions.
1. To confirm and clarify the terms of Council’s approval, the building shall be carried out in accordance with the approved stamped plans prepared by R & L Starr, Architects, 9750/02, 03, 04, Oct 97 submitted with Building Application No. B97/1510 dated 19 November 1997 and any supportive documentation, except as otherwise provided by the conditions of this consent.

2. Pursuant to Section 103 of the Local Government Act, the period in which the building must be physically commenced in accordance with this consent is limited to a two (2) year time period from the date of this consent.

3. To maintain acceptable standards, the conditions of Development (Place of Public Entertainment) Approval No. 2/96 dated 15/01/97 and as subsequently amended, issued under the Local Government Act 1993, shall be complied with.

4. To enable Council to assess compliance of the project with relevant standards and regulations, at least forty-eight (48) hours notice is to be given to Council to permit the inspection of:
   (a) wet area flashing;
   (b) trenches before concrete footings are poured
   c) reinforcing steel for concrete slab construction
   d) the completed works.

5. To ensure that the external appearance of the development is not intrusive and is in harmony with the amenity of the area, the proposed external finishes and colours are to match the existing building.

6. In accordance with A3.2 of the Building Code of Australia, the building is classified as Class 9b.

7. All materials used in the building shall be in accordance with Specification C1.10 of the Building Code of Australia.

8. The construction and installation of fire doors, smoke doors, fire shutters and fire windows are to comply with the requirements of Specification C3.4 of the Building Code of Australia. The doorway between the main auditorium and the hallway (D7) is to be a minimum 1.0m in clear width.

9. Handrails shall be provided to the stairway in accordance with D2.17 of the Building Code of Australia. Details are to be confirmed with Council prior to construction.
10. The egress doors and doorways shall be constructed in accordance with the provisions of D2.20 of the Building Code of Australia.

11. Pursuant to the requirements of Clause 22 and 27 of the Local Government (Approvals) Regulation 1993, the essential services listed in the attached Schedule are to be installed in the building and are to be designed, installed and maintained in accordance with the relevant provisions of the Building Code of Australia or in accordance with such other standard as may be deemed appropriate. A copy of Council's standard certificate is enclosed for your information. This certificate is to be completed and submitted to Council prior to occupation of the building.

Note: The owner shall furnish a copy of this certificate to the Fire Prevention Branch of the New South Wales Fire Brigade.

12. At least once in each period of twelve (12) months after a certificate is required to have been furnished in accordance with Condition No. 14, the owner of the building shall furnish Council with a further certificate from a competent person in respect of each essential service, each path of travel in the building, each self-closing fire door and each notice required by section 654 of the Local Government Act. Copies of Council's standard certificate can be obtained from the Health and Development Group.

13. The fit out of the amenities for use by disabled persons is to comply with AS 1428.1.

14. To enable complete assessment of the details and to ensure compliance with the relevant standards, the air conditioning and mechanical ventilation details shall be prepared by a practising Mechanical Engineer and shall be submitted to Council for approval prior to the commencement of such work. Upon completion of the installation, a certificate from the Design Engineer shall be submitted to Council certifying that the system has been installed in accordance with the approved design and the requirements of AS 1668 - Mechanical Ventilation and Air Conditioning Code and AS 3666 - Air Handling and Water Systems in Buildings - Microbial Control. Any smoke and heat exhaust system must be installed in accordance with H101.5.2 of the Building Code of Australia.

15. In accordance with the requirements of H101.8 of the Building Code of Australia (NSW Variation), a load notice indicating the actual distributed and concentrated load for which the stage floor has been designed must be conspicuously and permanently displayed in a position adjacent to the stage floor. This notice must be of legible letters and figures at least 50 mm high and on a contrasting background.
16. In accordance with the requirements of H101.19 of the Building Code of Australia (NSW Variation), the switchboard containing the main isolation board is to be:

(a) located in a position readily accessible to the Fire Brigade in the case of an emergency and is enclosed by construction having a Fire Resistance Level of not less than 60/60/60.

(b) the final sub-circuit originating at the switchboard or distribution board is to be protected by means of circuit breakers.

*Note: The proposed location of the electrical switchboard is not considered to be appropriate due to its proximity to the kitchen, storeroom and lack of separation.*

17. All electrical installations must comply with the requirements of the local electricity supply authority and to AS 3000 (1991) - SAA Wiring Rules. Special attention is drawn to cl16.8 of the Rules.

18. In accordance with the requirements of H101.20 of the Building Code of Australia (NSW Variation) any switch controlling the lighting system is not to be accessible to the public.

19. The stairway is to comply with the requirements of D2.13 of the Building Code of Australia.
Attachment 2
LAND USE MANAGEMENT PROGRAM

Item 13 - Ordinary Meeting, 27/1/98

Attachment 2
Attachment 2
Recommendations:

1. That condition 19 of Development Consent 940/92 for the establishment of a commercial development at Lot 1, DP 833225, 33-35 Echo Point Road, Katoomba, be modified pursuant to Section 102 of the Environmental Planning and Assessment Act, 1979 as requested to allow Council to accept a Bank Guarantee as payment of the Section 94 carparking contribution.

   The condition be re-worded to read:-

   “A Section 94 contribution for 57 car spaces shall be paid to Council by the applicant and may be in the form of an irrevocable Bank Guarantee. This shall be for an amount of $834,480 and is to be adjusted annually from 21 January 1998 in accordance with the 'Implicit Price Deflator' published by the Australian Bureau of Statistics.”

2. That investigations be carried out into amending the Blue Mountains City Council Development Contributions Plan to clearly indicate that settlement of financial contributions may be by way of lodgement of a Bank Guarantee and the manner in which contributions paid by Bank Guarantee after occupation will be indexed.

Report by Group Manager, Health and Development:

Zoning: LEP 1991 - Residential Bushland Conservation (Consolidation)

Date of Receipt: 9 January, 1998

Applicant: Roberts Investments Pty Ltd

Owner: Roberts Investments Pty Ltd

Site: Lot 1, DP 833225, 33-35 Echo Point Road, Katoomba
Introduction:

A Section 102 application has been submitted by Roberts Investments Pty Ltd requesting Council accept payment of the $834,480 carparking contribution required by Condition 19 of Development Consent 940/92, as amended, for the redevelopment of the Kedumba Pavilion, Echo Point Road, Katoomba, by way of Bank Guarantee.

Background:

On 13 September, 1994, Council agreed to a request for modification of Condition 19 to the following wording:

“19. A contribution of $834,480 for 57 car spaces, indexed in accordance with Clause 10 of Blue Mountains City Council Section 94 Contribution Plan, from the date of payment, is to be paid prior to occupation or commitment of funds by Council, whichever is the sooner in order to satisfy the car parking requirements generated by the development. The money will be spent on car parking as set out in the Section 94 Contributions Plan.”

It should be noted that the indexation was to be from the "date of payment" rather than the usual practice of from the date of adoption of the Contribution Plan or development consent.

Council at its meeting on 13 December, 1994, considered a confidential report relating to a further application under Section 102 of the Environmental Planning and Assessment Act, 1979, in part requesting payment of the contribution and occupation of the building by way of Bank Guarantee and resolved:
“That having regard to all of the circumstances, Council advise the applicant that it is proposed to agree to the S.102 request subject to the following:
LAND USE MANAGEMENT PROGRAM

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1. The payment of the $40,000 contribution toward walking tracks as required by Condition 11 prior to release of the Building Approval.

2. The provision of a satisfactory Bank Guarantee prior to the release of the Building Approval which shall be valid for a period of 5 years from the occupation of the building, which shall be indexed in accordance with the S.94 Contribution Plan and shall become available to Council upon commitment of the funds. The definition of “commitment” will be carefully defined to ensure that a full range of scenarios is incorporated including formal commencement of compulsory acquisition proceedings or partial expenditure in accordance with a defined course of action which is designed to lead to the provision of the full complement of car parking spaces.

3. The amendment of the Section 94 contribution car parking plans to allow for deferral of payment by way of Bank Guarantee beyond the time of occupation of the premises.”

Further negotiations were held with the applicants and their legal representatives in an attempt to finalise the appropriate documents. Prior to finalisation of the documents however, the Section 102 request was withdrawn.

The Proposal:

A further Section 102 application has now been submitted requesting Council accept payment of the $834,480 carparking contribution by way of Bank Guarantee and permit occupation of the building.

Assessment

There are a number of reasons in relation to the Kedumba proposal that warrant Council considering a Bank Guarantee in lieu of a cash contribution at this time. The principal justification is that planning for additional car parking at Echo Point while commenced, has not been completed and, as such, there is no identified provision for the development nor a detailed timetable/construction program.

The acceptance of a Bank Guarantee can be considered similar to a cash contribution in that a Deed of Agreement can:

- allow the monies to be called-up in accordance with criteria set by Council.
- provide for the contribution to be linked to a specified index.

Council’s previous Section 94 Contribution Plan provided that the settlement of financial contributions could be deferred for the duration of the development consent or until occupancy occurred, which ever was the sooner. Thus, the S94 Plan was at that time seen to preclude a Bank Guarantee and would have required amendment in order to finalise the arrangement.
In February, 1997, Council adopted a new Development Contributions Plan to enable it to levy contributions from developers for the provision of a number of additional public amenities and services required as a consequence of development. This plan also permits financial contributions to be deferred for the duration of the development consent or until the development is occupied, whichever is sooner. The wording of the plan as it stands would also appear to preclude payment of the contributions by way of Bank Guarantee beyond occupation of the building.

However, after examination of legal advice, it is considered that payment by way of an appropriate Bank Guarantee beyond occupation of the building complies with the intent of the Contributions Plan and protects Council’s interest. Both the Contributions Plan and Condition 19 of the Consent require payment of the financial contributions at certain stages of the development process. It is considered that irrespective of how the contributions are settled, provided Council has received payment, the intent of the plan is satisfied. Council’s legal advice states that a Bank Guarantee is “an irrevocable promise to pay, given by the bank concerned” and that once the Guarantee is given to Council it is immaterial whether or not the applicant continues to be solvent.

Council’s Solicitor has previously confirmed that, subject to appropriate amendments to Condition 19 and the Development Contributions Plan, bank guarantees can secure the payment of contributions and considers that this proposal is generally workable provided that the details, including indexation, are properly included.

Councils often do not encourage bank guarantees beyond occupation of the building because they involve the Council in additional administrative work and the onus is placed upon the Council to ensure that the guarantee is correctly worded and indexation is provided for.

Occupation of a building is the time that the parking demand is created and thus is a logical time for the funds to be provided. However, government reviews of the operation of Section 94 have stressed the need for contributions to be applied effectively and to minimise the burden placed upon developers by accepting deferred payment.

The applicant contends that the issue of car parking at Echo Point will not be resolved in the short term and that cash payment of the contributions without the immediate benefit of additional car parking spaces will create a considerable financial burden on their business. The applicant also indicates that they would be more comfortable in providing Council with a longer time frame to resolve the car parking and other issues of Echo Point with payment by Bank Guarantee rather than cash. Furthermore, the applicant re-confirms their commitment to the Section 94 car parking contribution and express their support for Council in its endeavours to improve facilities at Echo Point.

The applicant has not specified a time period in which they would expect Council to provide car parking but have indicated that 5-7 years would not be unreasonable if a Bank Guarantee is to be accepted. A period of around 5 years is generally accepted as being a reasonable time for expenditure as required by the Act. This places the onus on Council to make a commitment during that time rather than merely giving the applicant the recourse to the Court.
in an attempt to prove that Council has held the funds for an unreasonable length of time without expenditure.
Whilst it is not unreasonable to anticipate that the car parking could and should be committed within 5 years, some allowance should be made for contingencies provided that Council is clearly proceeding in accordance with a definite detailed plan. This would allow for partial commitment of funds or formal pursuit of compulsory acquisition to extend the life of the guarantee. The wording of any Deed of Agreement should therefore carefully define what constitutes commitment of funds.

The development has been practically completed and following a request by the applicant to take advantage of the holiday business, occupation of the building has been approved prior to this matter being determined by Council. This approval however was conditional upon the Bank Guarantee being lodged with Council together with a Deed of Agreement that permits the Guarantee to be exchanged for a Bank Cheque should Council resolve to not support securing of the contribution in this manner. A copy of the Deed of Agreement is available on file for perusal by interested Councillors.

Conclusion:

Acceptance of a Bank Guarantee as a method of payment of Section 94 Contributions to enable occupation of a building is consistent with the Department of Urban Affairs and Planning model code on Section 94. Council’s present Development Contributions Plan, whilst based substantially on this code, does not clearly set out that settlement of Section 94 contributions may be secured by Bank Guarantee. Accordingly, consideration should be given to amending Council’s present Plan to clarify this matter.

Notwithstanding the above, there are disadvantages to agreeing to the request to accept a limited life guarantee as proposed, namely:

1. Administration cost including the need to vary the S.94 Plan to permit deferral of settlement by way of bank guarantee beyond occupation and to ensure that indexation is adequately achieved.

2. The onus of responsibility to ensure legal drafting is correct and is correctly implemented rests with Council.

3. Imposing a natural limit upon the life of the bank guarantee (5 years would be recommended from the occupation of the building) should Council not fulfil its obligation.
ITEM NO: 15

SUBJECT: PLAN OF MANAGEMENT - WEROONA PARK - LOT 3, DP 8545, WEROONA AVENUE, WOODFORD; AND

DEVELOPMENT AND BUILDING APPLICATION B97/0071 FOR THE RELOCATION OF OLD SPRINGWOOD RED CROSS HALL TO WEROONA PARK.

FILE NO: B97/0071

Recommendations:

1. That Council adopt the draft Plan of Management for Weroona Park (Attachment 2).

2. That Development Application B97/0071 for the relocation of the old Red Cross Hall to Weroona Park, Woodford and its conversion into and use as a Community Hall be approved subject to the conditions outlined in Attachment 3.

Report by Group Manager, Health and Development:

Zoning: Residential 2(a1) under LEP No. 4
Living Conservation under Draft LEP 1997

Date of Receipt: 21 January 1997

Applicant: Blue Mountains City Council

Owner: Blue Mountains City Council

Site:
Preparation and Exhibition of draft Plan of Management

The draft Plan of Management for Weroona Park, Woodford was prepared by Council Officers and reported to Council at its meeting of 14 October 1997 (Attachment 1). The Council resolved:

1. That the Plan of Management for Weroona Park, Woodford as set out in Attachment ‘1’ to this report be exhibited for twenty-eight (28) days in accordance with Section 38 of the Local Government Act 1993 as amended.

2. The program for the exhibition of the Plan of Management take the form of:
   i) notification of adjoining land owners through individual letters;
   ii) an appropriate sign being displayed in a prominent position on the Park indicating that the draft Plan of Management has been prepared and advising where it may be viewed;
   iii) exhibition of the draft Plan of Management at Springwood and Katoomba offices and Woodford Post Office;
   iv) advertisements being placed in the Blue Mountains Gazette.”

The Plan was exhibited between 5 November to 30 December 1997 which included 14 days for the receipt of public submissions, this being in accordance with the exhibition requirements for community land set out by the Local Government Act 1993.

Six public submissions were received. This included a petition which contained 43 signatures. With the exception of one, all submissions and the joint submission raised concerns over the recommendations of the Plan and especially the relocation of Old Red Cross Hall to Weroona Park and its refurbishment as a community hall.

The points raised involved matters concerning:

- Inappropriate location and site area of the park to accommodate the community hall;
- Increased traffic along Weroona Avenue and inadequate parking arrangements.
- Increased noise exposure and artificial light intrusion to the adjoining residents;
- The proposed activity being contrary to the existing character of the area; and
- Increased risk of vandalism and safety risk for children.

A summary of the issues raised in the submissions, together with comments are outlined in the following sections of this Report.

Inappropriate Location

It has been submitted that:

- The site area and location of the hall is unsuitable for a community hall
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- No need for a community hall in Woodford as three places including the Woodford Uniting Church Hall, the Presbyterian Church Hall and the Woodford Bushfire Brigade Hall already exist which can be used for public meetings.

Comment:

Although Weroona Park is located in a low density residential area the site is identified as community land which allows for the establishment of community halls. Moreover the use of the site for the purpose of a community hall is permissible in the Residential 2(a1) zoning under LEP No. 4, with Council’s consent.

Whilst the site area of the Park is relatively small by park standards, the fact that the community hall is itself very small in terms of floor area and low key usage is proposed, the establishment of the facility is not considered an over development of the site.

The Park is currently being used for family functions and gatherings of a play group. The draft Plan provides for a maximum of 30 participants (based on information from Woodford Residents Group) using the hall at any one time. The average attendance of each user group is 12. Since the hall is relatively small (approximately 70 m$^2$), it is considered that usage should be restricted to one group at a time. In that way attendance at the hall would be restricted to a figure lower than the maximum 30 participants which is considered to be a low key use and no major impacts are envisaged on the amenity of the area.

Blue Mountains City Council Community Plan recommends that all villages with a population of over 2000 persons should have access to a community meeting place. Woodford in 1994 had a population of over 2000 people. There is however no formal community meeting place in Woodford.

Whilst some opposition to the establishment of the community hall at Weroona Park has been expressed from some residents including the adjoining neighbours, considerable interest has been shown by different community groups in establishing a community hall in Woodford. The Woodford Residents Group which has been instrumental in the endeavour to have the old Red Cross Hall established in Weroona Park, have provided a list of at least 8 activity groups who had shown interest in using the hall. Thus it is difficult to substantiate the claim that the residents of Woodford as a whole are not in favour of a community hall.
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With regard to the availability of other community meeting places in Woodford, Council’s Social and Cultural Planning Section have provided the following comments:

1. The Woodford Uniting Church Hall is available for community groups to use in the day time and some evenings however it is in continual use by the Brook Theatre Group and also local Dance Groups. The Woodford Playgroup endeavoured to use this hall, however found it difficult to use due to theatre equipment posing a safety threat for the children, added to this the internal windows have been blacked out for the constant use by the theatre. There is adequate parking around the back of the hall however the location of the hall on the Great Western Highway is undesirable for a playgroup venue and in general for a community meeting space, venue poses access and safety problems for families and larger groups of residents attempting to access these facilities from the highway.

2. The Presbyterian Church Hall is available for community meeting space in the daytime and evenings however is unsuitable for playgroups due to it being unfenced and its location to the Great Western Highway. The same access difficulties apply as outlined in the above.

3. The Woodford Bushfire Brigade Hall is available through the week for community meeting space however is not suitable for playgroups due to the outside area not being fenced. Also the Bushfire Brigade is located on the southern side of the highway and primarily services the catchment on this side. Residents on the northern side of the highway would have difficulty accessing it.

4. The proposal for the Red Cross Hall from the Woodford Residents Association highlighted the need for a community meeting space and in particular for parents and children to socialise. As can be seen by the above comments there is other space available for community meeting space in Woodford however this space is not well located, accessible or suitable for playgroups and other community groups that would utilise the facility. The relocation of the Red Cross Hall to Weroona Park would be of great assistance to socially isolated families in Woodford particularly on the northern side of Woodford.”

The proposed relocation of the Red Cross Hall to Weroona Avenue will provide a safe, accessible, family friendly community focus point and meeting place. Its location in the park is ideal in view of existing recreational facilities which will compliment the hall. Playgroups and families using this existing recreational area have had great difficulties in view of the lack of shade, shelter and accessible toilet facilities.”
Parking and Traffic

It has been submitted that:

- There has been an increased vehicular flow on Weroona Avenue due to ‘No Right Turn’ restrictions on the Great Western Highway off Woodbury and Arthur Streets. Being a very narrow street, Weroona Avenue cannot take the additional load resulting from the establishment of a community hall.

- There is insufficient on-site parking to meet the requirements.

Comment:

Weroona Avenue comprises a relatively narrow carriageway that by design does not encourage vehicles travelling at speed. Whilst this may have some disadvantage it does however mean that motor vehicle movement is slow and as such reduces the opportunity for accidents to occur.

Whilst the proposed community hall would result in a limited increase in traffic flow, Weroona Avenue is considered to have adequate capacity to accommodate the anticipated increase in traffic. According to the data supplied by Council’s Development Engineer, the peak traffic on Weroona Avenue resulting from the establishment of the community hall is anticipated to increase to 73 from the existing 61 Vehicles Per Hour. Weroona Avenue, however, has an environmental capacity of 100 Vehicles Per Hour which is well above the anticipated peak traffic flow.

Council’s Off Street Parking Code includes a parking standard for community hall of 1 car space for 10 m$^2$ of floor area. The total area of the hall is about 70 m$^2$, thereby generating a demand for 7 car spaces.

Council’s Off Street Parking Code does not state parking requirements for tennis courts. However 3 car spaces is considered reasonable for the existing court.

This application provides for a total of seven off street parking spaces. Historically there has been no parking for the tennis court with all car parking occurring in Weroona Avenue. With the construction of parking for the hall, the same area could be used for the tennis court. There may however at times be some overspill on the street, should the tennis court and community hall be in use, simultaneously. Such situations could be handled by widening the existing sealed pavement in front of the park and constructing a sealed shoulder along the full frontage of the park to provide for 3 car spaces.

Should 3 additional on-site spaces for the existing tennis court be provided then the only option would be to relocate the community hall further south (ie away from the street) which would reduce the children’s play area and necessitate the relocation of play equipment already in place. Moreover the site topography is unsuitable for such a re-siting of the hall due to an existing large embankment which would involve extensive cut.
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Noise and Artificial Lighting

Several submissions raised concerns with:

- Increased noise exposure to adjoining residents and light intrusion.
- Lack of any detail on the monitoring of noise and time restrictions.

Comments

Weroona Park is located within a residential zone characterised by low density residential development consistent with the intent of the zone. The park adjoins dwellings to the east and west and vacant land owned by the Department Education to the south.

The adjoining neighbours acknowledge the fact that the present use of Weroona Park generates noise but this stops at dusk. The proposed community hall with usage until 9.30 pm has the potential to generate some increased noise levels as well as some artificial light intrusion to the adjoining dwellings in particular the dwelling to the west. The dwelling to the east has a large open landscaped area adjoining the tennis court so noise emanating from the use of the community hall is unlikely to have any major impact.

The community hall is proposed to be used mainly for meetings of activity groups which by their type and nature tend to be low key having very little potential to generate noise of any significant level. Any family or private functions would require separate approval and Council in the event of approval could impose necessary restrictions to maintain acceptable residential amenity.

It is proposed to provide for low impact lighting for the parking area on the site. The light bollards are proposed to be one metre in height and are unlikely to cause light intrusion on to adjoining property. The plan also prohibits the use of artificial lighting for the tennis court and children play area.

The lighting within the hall itself would be no greater than that required for an ordinary dwelling. The lights will only be used while the hall is in operation.

No adverse impact on the amenity of the neighbours is envisaged, however again this situation can be monitored by park management which is a requirement of the Plan.

Management Strategy

It has been submitted that:

- None of the 12 members of the proposed Management Committee lives in an adjoining property, so the Committee would have no idea how the facility is being run
- The Plan does not specify how ‘Monitoring’ and ‘Consultation’ with local residents and users will be achieved.
The park is proposed to be managed by Council and a 12 member Management Committee comprising Council representatives, members of user groups and local residents. The Management Committee will be responsible for running the day to day affairs of the community hall and the tennis court. The committee would also be responsible for preparing and implementing guidelines for the use of facilities on the park.

The Management Committee will monitor the usage of the facilities and carry out from time to time consultation with the local residents as to the appropriateness of the use of facilities in accordance with the terms of reference in the Plan of Management for the Park. The opportunity also is available for residents to contact Council should some aspect of the Hall’s use or management become of concern.

It is proposed to provide a noticeboard at the entrance to the park off Weroona Avenue advising of Committee details such as a contact person and phone number for booking and access. The place of residence of the members of the Management Committee is therefore not considered critical to the management of the facilities.

Presently there is no Committee for Weroona Park. However a Committee will be required in accordance with the terms of reference of the Plan of Management to monitor and control various community activities and groups.

Safety of children and vandalism

Concerns have been raised with:

- The proposed development will make the playground less safe for the children

- Vandalism and problems such as congregating and loitering may arise by expanding the facilities.

Comment

There is an existing high chain wire fencing around the tennis court and proposed community hall. Only two access points, one at the front and the other from rear, have been proposed. The Plan provides for authorised access only and the premises will be locked while the facilities are not in use. The existing fencing together with the regular use of the facilities would reduce the chances of vandalism and loitering. The siting of the building would however reduce some direct visibility to the play equipment from Weroona Avenue.
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Conclusion

Following analysis and assessment of the submissions received, it is considered that the Plan of Management adequately addresses the concerns raised by the residents with regards to traffic, parking, noise generation, the adequacy of the site for use as a community hall, vandalism, safety and security. The submissions mainly focus on matters that could arise due to the use of part of the site as a community hall. Although the site is small in terms of area, the community hall is also small (approximately 70 m²) itself with only low key activities and neighbourhood meetings involving a maximum of 12 participants. Notwithstanding some concerns with the establishment of a community hall, the facility on balance will be in the general interest of the people of Woodford.

It is recommended that Council adopt the Plan of Management for Weroona Park.

Combined Development and Building Application B97/0071 - Relocation of old Springwood Red Cross Hall to Weroona Park and its conversion into a Community Hall.

B97/0071 has been submitted to Council seeking approval to relocate the old Springwood Red Cross hall to Weroona Park and to carry out improvements including the construction of a car park to enable its use as a Community Hall.

Weroona Park is Classified as Community Land under the Local Government Act 1993 and is subject to the relevant provisions of this Act.

Council should not consider the development application until such time a site specific Plan of Management under Section 35 of the Local Government Act has been prepared and is adopted in respect of the Park.

A draft Plan of Management has been prepared, exhibited and is recommended to Council, as part of this report, for adoption. The Development Application can therefore now be assessed and determined.

The draft Plan of Management and development application for the inclusion of the hall for community purposes was prepared with due regards to the Environmental Planning and Assessment Act 1979 and all matters relevant to the development have been addressed as part of recommendation for the Plan.

The following Section 90 heads of consideration under the Environmental Planning and Assessment Act 1979 are considered relevant in the determination of the application. No objections are raised to the establishment of the Community Hall from a town planning point of view subject to appropriate conditions (Attachment 3).
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Section 90(1)(a) - Environment Planning Instruments

The site is zoned Residential 2(a1) under LEP No. 4 and a community hall is a permissible use with Council’s consent. The site being Community Land, any approval will be subject to the adoption of a site specific Plan of Management under Section 35 of the Local Government Act 1993.

The proposed zoning of the land under LEP 1997 is Living Conservation which also allows for the establishment of a community building with Council’s consent.

Section 90 (1)(b) - Environmental Impact and Amenity

Weroona Park is located in a residential area. A portion of the Park is currently being used as a tennis court and children’s play ground.

Residents in their written response to the exhibition of the application acknowledge the fact that the present use of Weroona Park generates considerable noise but it stops at dusk. The prolonged use of the Park until 9.30 pm has some potential to impact on the amenity of the area, in general, and that of the adjoining neighbours, in particular by way of increased noise levels, artificial light intrusion and additional traffic.

The proposed community hall is small (approximately 70 m²) and is proposed to be used mainly for the meetings of community groups which by their type and nature tend to be low key activity having very little potential to generate noise of any significant level. The amenity of the adjoining neighbours will further be maintained by restricting the use of hall for low noise generating activities after 6 pm.

The artificial lighting proposed for the hall as well as the parking area are also low key and unintrusive and no significant impact is envisaged on the amenity of the neighbours. The light bollards for the parking area are proposed to be one metre in height. The light within the hall itself would be no greater than that required for an ordinary dwelling.

The draft Plan of Management provides for a maximum of 30 participants (based on information from the Woodford Residents Group) using the hall at any one time. The average attendance of each user group is however 12. Since the hall is relatively small (70 m²), it is considered that usage should be restricted to one group at a time. In that way attendance at the hall would be restricted to a figure generally lower than the 30 participants.

Section 90(1)(d) - Social and Economic Effects

Council’s Community Plan recommends that all villages with a population of over 2000 persons should have access to a public meeting place. There is however no such place in Woodford despite its population of over 2000 in 1994.
Council, through the Woodford Residents Group have been advised that at least 8 activity groups have shown interest in using the proposed hall. Following the exhibition of the Development Application a number of submissions were received raising concerns over the establishment of the hall at Weroona Park. These concerns mostly relate to the operation and management of the hall which have been addressed as part of the report on the Plan of Management for Weroona Park and can further be strengthened by imposing appropriate conditions of consent. On balance the proposed establishment of a community hall would provide a meeting place for a number of local user groups and is considered to be beneficial to the Woodford community as a whole.

Section 90(1)(e) - Character, Location, Siting, Bulk and External Appearance

The existing old Red Cross Hall is of single storey timber weatherboard construction with colorbond roofing. It is proposed to upgrade the existing building both internally and externally. The internal works include refurbishment to the hall, existing kitchen, male toilet and addition of a new toilet for females and disabled persons. External works include the construction of a concrete ramp for disabled persons at the front, making good and repainting and repair to the existing timber weather board walls, colorbond roofing and existing windows.

The dwellings in Weroona Avenue are predominantly single storey and consist of brick, weatherboard and iron construction. The area is generally characterised by houses in a garden setting with large landscaped areas at the front. The proposed hall maintains a clearance of about 4m from the western boundary. The parking area has been proposed within the front boundary setback with a 3m clearance between the kerb for the parking area and the property boundary. The hall is however setback almost 20m from the front boundary which is consistent with the established streetscape in the area.

The building is consistent with the bulk and scale of other buildings in the locality and no adverse impacts are envisaged by this use proceeding.

Section 90(1)(i) - Traffic and Parking

It is proposed to provide for 7 off-street parking spaces at the front of the building. This is in accordance with the requirements of Council’s Off Street Parking Code which requires parking for Community halls at the rate of one car space for each 10 m\textsuperscript{2} of useable floor area.

Access to the site would be via a new driveway off Weroona Avenue which is a relatively narrow tar sealed carriageway without kerb and guttering. The establishment of the hall would result in an increased traffic flow on Weroona Avenue, but it is considered to have adequate capacity to accommodate the increase. It is also considered that the design and existing condition of Weroona Avenue is such that it does not encourage vehicles travelling at fast speed. Thus no significant impact on the safety of residents is envisaged.

It is possible to widen the width of seal in front of the site, to enable 3 kerbside parking spaces to be provided.
LAND USE MANAGEMENT PROGRAM

Section 90(1)(r) - Public Interest

The application was notified to the adjoining property owners for a period of 14 days from 12 February 1997 as well as the subsequent notification for the Plan of Management. A total of five (5) submissions were received, one (1) in favour and four submissions raising concerns with the proposal on the following grounds:

1) Increased noise levels;
2) increased traffic and narrow width of Weroona Avenue;
3) increased artificial lighting;
4) lack of control over the use of hall;
5) lack of proper management plan;
6) loss of residential amenity.

The above concerns have been addressed in the assessment of the application and as part of preparation of draft Plan of Management.

Conclusion:

The proposal has been assessed under the heads of consideration pursuant to Section 90 of the Environmental Planning and Assessment Act 1979.

The proposed relocation of the old Red Cross Hall to Weroona Park and its conversion into and use as a community hall is considered to be in the overall interest the Woodford community.

It is therefore recommended that upon adoption of the Plan of Management that the Development and Building Application for the relocation and use of the old Springwood Red Cross Hall be approved subject to conditions.
Attachment 1
LAND USE MANAGEMENT PROGRAM

Attachment 1
LAND USE MANAGEMENT PROGRAM

Attachment 1
LAND USE MANAGEMENT PROGRAM  
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Attachment 2

B97/0071

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PLAN OF MANAGEMENT

WEROONA PARK, LOT 3 DP 8545 WEROONA AVENUE, WOODFORD

Purpose of Plan

Blue Mountains City Council’s Community Plan recommends that all villages with a population of at least 2000 people should have an access to a community meeting place. Woodford in 1994 had an estimated population of 2144.

There is however no community meeting place in Woodford despite widespread demand from different local community groups.

The relocation of the old Springwood Red Cross Hall to Weroona Park and its refurbishment for use as a community hall will lead to the additional use of the land for general community purposes.

The Local Government Act 1993 as amended requires that a site specific Plan of Management be adopted by Council in respect to the use and development of the Park.

Background to Plan of Management

Weroona Park, Woodford is classified as Community Land. It is currently being used for recreational purposes with a fenced tennis court off Weroona Avenue, and a children’s play area and equipment at the rear.

Weroona Park does not include any natural landscape or topographic constraints to prohibit the continued use and expansion of activities for public purposes.

Council in its meeting of 26 November 1996 resolved to relocate the Old Red Cross Hall from Springwood to Weroona Park, Woodford and carry out the necessary improvements and ancillary works on the site.

Objectives

The aims and objectives for the future of Weroona Park is to make it available for general community use and as a park as follows:

• To provide and maintain a tennis court to meet the needs of all groups in the Blue Mountains Community.
• To complement sporting facilities provided by other organisations (schools, commercial operators etc.) in the Blue Mountains and its regions.

• To retain and maintain the children's play area for the residents of the Blue Mountains and its visitors.

• To use Weroona Park for a wide range of community uses in addition to tennis and children’s active recreation by establishing a community hall.

• To authorise a Management Committee under Section 377 of the Local Government Act 1993 or such other management arrangements as Council may from time to time determine to be established.

• To ensure a hiring fee structure is authorised to allow access and use of Weroona Park and its facilities for all members of the community on a fair and equitable basis using the processes as defined by Section 612 of the Local Government Act 1993.

• To ensure the park and its facilities are accessible for people with disabilities.

Issues

Relevant issues for the establishment and continued maintenance of the Community Facility and Park are:

• **Landscaping:** The site shall be landscaped as detailed on the attached plan. All works to be carried out by Council and thereafter maintained by Council.

• **Access and parking:** To be constructed in accordance with Council Standards and specifications and be subject to engineering design. All road pavement shall be designed in accordance with “Pavement Design - A Guide To Structural Design of Road Pavements AUSTROADS, 1992.”

• **Impact on the amenity of adjoining and nearby properties** Any adverse impacts will be controlled by the use of the Hall by neighbourhood groups within reasonable daily hours. The car park will be screened by fencing and appropriate landscaping as shown on the attached plan.

• **Lighting/Security:** Low impact lighting is to be established as shown on the attached plan. Site security shall be maintained by retention of the existing fencing.

• **Design of structure:** The appearance of the Community Hall building will be enhanced by internal and external works and painting with all works to be carried out in accordance with the attached plans and specifications.
LAND USE MANAGEMENT PROGRAM

Attachment 2

- **Drainage and run off:** Stormwater from roofs and sealed area will be disposed of wholly within the site via the installation of pits and pipes.

- **Signage:** To be established via a notice board erected at the Weroona Avenue frontage of the Park giving general advice including the name and means of contacting the authorised person for use of the hall and tennis court.

**Principles**

The following principles are outlined for the future development and management of Weroona Park:

- Neighbourhood and District Parks are an important part of the amenity and character of the Blue Mountains.

- Neighbourhood and District Parks should be readily accessible to all residents.

- The children's play area, tennis court and community hall should be readily available to all residents.

- Community land uses and demands for use shall be regularly reviewed to ensure that the community needs are being met.

**Performance Targets**

The following targets are set to establish the Community Facility and Park at Weroona Park:

- Relocation of the Old Red Cross Hall to Weroona Park and its refurbishment and re-configuration into a community hall will be completed in accordance with the attached plans and specifications by mid 1998.

- Construction of the car park and completion of landscaping in accordance with the attached plans by mid 1998.

- Constitution of Management Committee for the management of Weroona Park or such other management arrangements as Council may determine prior to completion of all works.

- Hiring arrangements to be reached with tennis groups and community hall user groups prior to completion of the building works.

- Review of maintenance contracts to ensure consistency with the Plan of Management by the end of 1998.

- Design and provision of signage prior to completion of the building works.
LAND USE MANAGEMENT PROGRAM

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Attachment 2

- Thereafter Weroona Park and associated facilities will be regularly inspected by the Council and all necessary works implemented to ensure the facilities are maintained in a clean, tidy and safe manner at all times.

**Management Strategies**

The strategies for the development and continued maintenance of Weroona Park are:

- Allocation of an amount of $73,011 (net to Council) to cover the cost of relocation and refurbishment of the hall and other site works including the car park and access, footpaths and landscaping together with a community labour input.

- The Park will be managed by Council and a Management Committee or other alternative management that Council may from time to time determine to assist in the management of the facility. This Committee will have a maximum of 12 members comprising Council representatives, members of user groups and responsible local residents.

- The hall upon completion shall be available for use by the residents as a meeting place for various activity groups and with Council’s approval, low key social gatherings under the provisions of any Public Entertainment approval for the building.

- The Management Committee will be responsible for ensuring authorised use of the community hall and tennis court.

- The hiring fee for use of the park and its facilities shall be in accordance with the Council's adopted fees and charges for the relevant period.

- The number of users within the community hall at any one time shall not exceed 30.

- The hours of operation for the community hall shall be within 10 am to 9.30 pm, 7 days a week.

- The hours of operation of the tennis court shall be restricted to 8.00 am to dusk, 7 days a week. No lighting is to be established in respect to the use of the tennis court.

- Access to the portion of Weroona Park comprising the children's play area will be available to all members of the community.

- Tennis facilities shall be available to all members of the Blue Mountains Community in accordance with the approved hiring fee structure.

- The cost of maintaining the Park, including the children's play area, tennis court, community hall and associated facilities, will be fully or partially recovered from the user charges collected from hirings. Council will be responsible for meeting any shortfall.
Attachment 2

- Regular monitoring of user groups will be carried out by the Management Committee.
- Regular consultation with local residents and users.

**Activities without Council’s Consent**

- Passive recreation
- Tennis
- Neighbourhood Centre meetings

**Activities with Council’s Consent**

- Private functions including any form of entertainment
- Any community use or activity not included above

**Performance Evaluation**

Performance in the achievement of this Plan is to be regularly reviewed.
LAND USE MANAGEMENT PROGRAM

Item 15 - Ordinary Meeting, 27/1/98

Attachment 2
Conditions of Development Consent

1. Pursuant to Section 99 of the Environmental Planning and Assessment Act, 1979, this consent became effective on the above date and will lapse unless the proposed development is physically commenced within two (2) years from the date of this consent.

2. To confirm and clarify the terms of Council’s approval, the establishment of the Community hall shall be carried out in accordance with the approved stamped plans, numbered 9702-BA01 and BA02 dated January 1997 and No. 9702-BA03 dated September 1997, prepared by Don Mason Architect, and Drawing No. 5910 A1 dated March 1997 prepared by the Council of the City of Blue Mountains submitted with Combined Development and Building Application No. B97/0071. In this regard attention is drawn to the necessity to complete all works shown on the stamped plans prior to occupation and use of the hall.

Council draws the applicants attention to Section 102 of the Environmental Planning and Assessment Act, 1979 in relation to modification of this consent.

Any modification that falls outside of the scope of Section 102 will require a new Development Application.

3. The number of users within the community hall at any one time shall not exceed 30. In this regard the hall shall only be used by one activity group at a time.

4. The hours of operation for the community hall shall be within 10 am and 9.30 pm, 7 days a week with only meetings of progress and neighbourhood discussion groups occurring after 6 pm.

5. The Community Hall shall be used for meetings of the user groups. No family functions or social gatherings shall be allowed without the prior approval of Blue Mountains City Council as owner of the property. Reason: Conditions 1 - 5 are imposed to confirm and clarify the terms of Council’s approval.

6. Provision shall be made on site for 7 off-street car parking spaces, together with access driveways and turning areas. All work shall be properly constructed, paved, line marked, signposted and maintained, as shown in the approved plan Reason: To ensure that all parking spaces are conveniently accessible and to facilitate the orderly and efficient use of on site parking facilities.
7. To reduce nuisance to the surrounding properties, site works and building works (including delivery of materials to and from the property) shall be carried out between the hours of 7.00am and 6.00pm only, from Mondays to Fridays and between 8.00am and 1.00pm only, on Saturdays. No construction works or deliveries for the construction are to take place on Sundays or Public Holidays. Other work not involving machinery may be approved by Council following application. **Reason:** To reduce nuisance to the surrounding properties and to protect the existing amenity of the neighbourhood.

8. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of Council. All debris is to be removed from the property prior to occupation. No material is to be burnt or buried on site. **Reason:** To safeguard the amenity of the locality and to prevent environmental pollution.

9. Suitable sediment control measures adjacent to the proposed building envelope shall be installed prior to the commencement of site works. (Note: Measures may include the installation of geofabric fencing, staked straw bale walls located on the contour down-slope of the construction, sediment detention basins, earthen contour banks and the like.) **Reason:** To ensure that the development is site responsive and site works do not cause soil erosion or siltation problems to adjoining land.

10. The following engineering works shall be carried out and completed to Council’s satisfaction.

   a) All drainage is discharged into a 7m$^3$ absorption trench in the garden bed in between car space 1 and front boundary.

   b) Widening of the existing sealed pavement from 4.4m to 5.5m and provision of a sealed shoulder for parking 2.5m wide together with a sealed kerb over the full frontage of the site for three (3) parking spaces.

   c) All roof surfaces and paved areas being drained by pits and pipes. All drainage is to be subject to engineering design in accordance with ARR 1987. Discharge from the building is to be piped into existing internal drainage systems.

   d) All the engineering works in a, b and c above are to be subject to engineering design. In this regard all bitumen sealed road pavements to are be designed in accordance with the Pavement Design “A Guide to Structural Design of Road Pavements” AUSTRoads 1992. Further, the plans and specifications are to include any necessary work to make the construction effective. **Reason:** To ensure all engineering requirements are carried out and completed in accordance with Council policies and standards.
11. The use of the Hall shall at all times be in accordance with the conditions of this consent and other terms of reference contained within the Plan of Management for Weroona Park.

**Reason:** To confirm and clarify the terms of Council’s approval.

**Conditions of Building Approval**

1. The period in which the development must commence in accordance with this consent is limited to a two (2) year time period from the date of this consent.

2. To enable Council to assess compliance of the project with relevant standards and regulations, at least forty-eight (48) hours notice is to be given to Council to permit the inspection of:
   
   (a) pier holes or pads prior to placement of concrete or laying of bricks;
   
   (b) trenches before brick or concrete footings are laid (reinforcement must be in position);
   
   (c) wet area flashing (concurrently with frame inspection in framed buildings);
   
   (d) stormwater drainage lines and/or dispersal pits prior to backfilling;

3. To ensure structural uniformity of the building, all footings shall be taken down to foundation material of uniform adequate bearing pressure and shall be designed and constructed in accordance with AS 2870 - Residential Slab and Footings.

4. To ensure a minimum standard of structural stability is met, all timber sizes, spacings and spans used in the construction of the building shall comply with the requirements of Australian Standard 1684 - 1992 "National Timber Framing Code".

5. To satisfy the requirements of the National Timber Framing Code, the floor frame bearer shall be tied down to the masonry column/wall/pier with not less than one M10 bolt or one 50 mm x 4 mm mild steel bar or equivalent fixed to the bearer with one M10 bolt and cast into the footing.

6. In accordance with D2.10 of the Building Code of Australia and Australian Standard 1428.1, ramps serving as required exits shall have gradients not steeper than 1:14.

7. A continuous balustrade must be provided along the side of the landing and ramp and the balustrade must restrict persons accidentally falling from the floor. Balustrades in accordance with D2.16(g) and (h)(i) of the Building Code of Australia satisfy the requirements and these basically provide for the following:
Height of Balustrades: the height shall not be less than

- 865 mm above the nosing of the stair treads or the floor of the ramp.
- 1000 mm above the floor of any access path, balcony, landing or the like (or 865 mm above the floor of a landing to a stair or ramp where the balustrade is provided along the inside edge of the landing and does not exceed a length of 500 mm).

(Note:- a transition zone may be incorporated where the balustrade height changes from 865 mm on the stair flight or ramp to 1000 mm at the landing)

Openings in the balustrade: openings in the balustrade comply if

- the space between the balusters or the width of any opening in the balustrade (including any openable window or panel) is not more than 300 mm; or
- where rails are used, a rail is provided at a height of not more than 150 mm above the nosing of the stair treads or the floor of the landing, balcony or the like and the space between rails is not more than 460 mm.

8. In accordance with D2.19 of the Building Code of Australia required exit doors shall swing in the direction of egress.

9. The egress doors and doorways shall be constructed in accordance with the provisions of D2.20 of the Building Code of Australia.

10. In accordance with D2.21 of the Building Code of Australia, a door serving as a required exit, forming part of a required exit or in a path of travel to a required exit must be readily openable from the side facing the person seeking egress, by single hand downward action on a single device which is located between 900 mm and 1200 mm from the floor.

11. One car parking space for persons with disabilities is to be provided on site. Details on the location of the car parking space, including access therefrom to the building, shall be confirmed with Council.

12. In accordance with E1.6 of the Building Code of Australia, portable fire extinguishers shall be installed in the building to comply with the requirements of Australian Standard AS 2444. Details of the type and location of extinguishers are to be confirmed with Council prior to installation. Installation and maintenance of fire extinguishers shall comply with AS 2444.

13. Illuminated exit signs complying with Australian Standard "AS 2293 - Emergency Evacuation Lighting in Buildings" and E4.8 of the Building Code of Australia must be installed over each required exit.
14. Pursuant to the requirements of Clause 22 and 27 of the Local Government (Approvals) Regulation 1993, the essential fire and other safety measures listed in the attached Schedule are to be installed in the building and are to be designed, installed and maintained in accordance with the relevant provisions of the Building Code of Australia or in accordance with such other standard as may be deemed appropriate. A copy of Council's standard certificate is enclosed for your information. This certificate is to be completed and submitted to Council prior to occupation of the building.

15. At least once in each period of twelve (12) months after a certificate is required to have been furnished in accordance with Condition No. 14, the owner of the building shall furnish Council with a further certificate from a competent person in respect of each essential service, each path of travel in the building, each self-closing fire door and each notice required by section 654 of the Local Government Act. Copies of Council's standard certificate can be obtained from the Health and Development Division.

Note: The owner shall furnish a copy of this certificate to the Fire Prevention Branch of the New South Wales Fire Brigade.

16. To provide for adequate disposal of stormwater, roof water shall be conveyed by approved drains and connected to the street gutter.

17. All "wet area" floors, including concrete, shall be flashed to walls with approved material so as to effectively prevent moisture entering the structure. Particular attention is to be paid to the flashing of the shower recess. Any wet area flashing shall comply with Council's Code for "Flashing and Waterproofing of Wet Rooms in Buildings" which is available on request. Any alternative to the Code must be approved by Council prior to installation.

18. In accordance with F2.2 of the Building Code of Australia the disabled toilet shall be utilised as a unisex facility and include means for disposal of sanitary towels.
ITEM NO: 16

SUBJECT: THE REDEVELOPMENT OF THE LAND DESCRIBED AS 5 TO 15 PARKE STREET AND 136 TO 154 BATHURST ROAD, KATOOMBA FOR A MIXED USE COMMERCIAL/RETAILING COMPLEX AND SUBSEQUENT STRATA SUBDIVISION

FILE NO: B97/0743

Recommendation:

That the additional information in respect to Development Application No. B97/0743 for the redevelopment of the land described as 5 to 15 Parke Street and 136 to 154 Bathurst Road, Katoomba for a mixed use commercial/retailing complex and subsequent strata subdivision be noted and considered in terms of the original report comprising Attachment A to this report.

Report by Group Manager, Health and Development

Zoning: 3(a) Business General under Blue Mountains LEP No. 4

Draft Zoning: Village under Draft LEP 1997

Date of Receipt: 30/6/97

Applicant: Marchese & Partners
Level 7, 80 Mount Street
North Sydney

Owner:
(i) East & West Health Care Pty. Ltd.
144 Bathurst Road, Katoomba

(ii) Main Garages Pty. Ltd.
136 Bathurst Road, Katoomba

(iii) Tilden Pty. Ltd.
150 Bathurst Road, Katoomba

(iv) H & J Vonder
162 Bathurst Road, Katoomba

(v) Bryjoi Pty. Ltd.
5-15 Parke Street, Katoomba
Site:

The site is described as 5 to 15 Parke Street and 136 to 154 Bathurst Road, Katoomba and has a total site area of 6201 square metres. The land is described as:

- Part Lot 2 & 3, DP 692 and Lots A & B, DP 379343, No. 136 Bathurst Road
- Lots 1 & 2, DP 172296, No. 144 Bathurst Road
- Part Lot 1, DP 110626, No. 150 Bathurst Road
- Par Lot 1, DP 110626, No. 162 Bathurst Road
- Lots 5 & 6, DP 692, No. 5 - 15 Parke Street

Background

Development Application No. B97/0743 seeking consent for the redevelopment of land known as 5-15 Parke Street and 136-154 Bathurst Road, Katoomba for a mixed commercial/retail complex has been considered by Council on several occasions.

At the Ordinary Meeting of 21 October 1997 Council supported the application subject to the imposition of conditions addressing a number of matters. This decision was the subject of a rescission motion at the meeting of 11 November 1997 which was lost.

A further report was submitted to Council at its meeting on 25 November 1997 following the receipt of legal advice when it was resolved:

1. "That the resolutions of Council passed on 21 October 1997 and 11 November 1997 relating to the redevelopment of the land described as 5 to 15 Parke Street and 136 to 154 Bathurst Road, Katoomba, be and are hereby rescinded."

2. "That Council invite the applicant to submit to Council either an amended Development Application, or a new Development Application, as appropriate, that responds to the concerns expressed in the report to Council dated 21 October 1997."
LAND USE MANAGEMENT PROGRAM

Recent Developments

A number of telephone conversations were subsequently held between senior Council officers and the applicant seeking to pursue Council’s resolution as it related to the submission of an amended or new Development Application.

On 1 December 1997 correspondence was received from the applicant together with amended plans altering the design of building in the following respects:

i) re-designing the Parke Street and Bathurst Road elevations of the building;

ii) re-designing the Cascade Street elevation;

iii) reducing the overall height of the three (3) storey portion of the building by between 700mm - 1300mm approximately; and

iv) deleting the port-cochere and relocating the road side coach bay to within the site.

A copy of these amended plans form Attachment B.

Further correspondence was received from the applicant on 4 December 1997, responding to those grounds for refusal cited in the original report to Council on the matter.

This information has been assessed and the following comments made:

1) The proposed objection to State Environmental Planning Policy No 1 for the three (3) storey component of the proposal is not supported as it is inconsistent with the character of Katoomba and is inappropriate for the entry of Katoomba.

Applicant’s response.

“In regards to the exceedence of the height limit we propose (as stated in the previous reports and drawings submitted to Council with the original Application) that this building will create a “gateway” for Katoomba. This point was actually supported by the senior Planning staff at our initial meeting.

The 3 storey portion is justified for the following reasons:

• The 3 storey portion is located opposite the main vehicular entrance to Katoomba therefore creating the “gateway building”.

• The 3 storey portion that covers the site constitutes only 20% of the site area.

• The proposed portion of building that is 3 storeys high is only approximately 1.0-1.5 metres higher than the existing Katoomba Hotel and nursing home.
The proposed development will by no means be the tallest building in Katoomba.

The 3 storey portion will in no way have any significant shadowing or visual impact when viewed from critical vantage points. (as demonstrated in diagrams provided to Council).”

Comment:

The issue of height is considered critical for the reason cited in the applicant’s response - creating a gateway to Katoomba. Redevelopment of the site should be sympathetic to the existing character of Katoomba and not dominate it. No mention has been made of the bulk, scale and massing of the proposed building. The examples of existing buildings cited to justify the height of the development were all constructed prior to Council implementing height controls.

The reduction of between 700mm and 1300mm is acknowledged but does not overcome the concerns with the impact of the proposed building. The structure would be considerably more dominant than the elements referred to by the applicant at the Katoomba Hotel and nursing home.

2) The proposed development will pose an unreasonable overload on the existing sewer facilities and is considered premature until such time as the existing infrastructure is upgraded.

Applicant’s response.

“In regards to the existing sewer facilities we made contact with Peter Wiggan of Sydney Water on 22 August 1997 and discussed several options with him in regards to the increased discharge from the new development. This included putting a “business case” to Sydney Water for funding of an upgraded sewer. Sydney Water agreed that this issue was best addressed by conducting a series of discussions between the relevant consultants during the Building Application stage.

In general, it is hard to believe that a solution could not be found for the upgrade of the main sewer. We have been involved in complete sewer diversions and upgrades of a much larger scale than what is proposed in this situation and in the end it is purely a matter of finding the correct technical and financial solution for the case.

Furthermore you would be aware that a standard condition of DA consent will require that no development take place prior to the issuance of a Sydney Water compliance certificate.”

Comment:
Sydney Water representatives advise that the discussions of 22 August 1997 were of a preliminary nature and that the issues were not resolved. The notion of the “business case” did not proceed any further.
The applicant’s response that the matter can be resolved by finding the correct technical and financial solution for the case may be correct, however, it is considered that the issue of how the site will be serviced is critical to the assessment of the Development Application. For example, issues such as what works are required, who is responsible for the works, where are the works proposed and is other land impacted are presently all unknown. It is considered that there needs to be at least an indication from Sydney Water that the problem can be reasonably resolved before the application be approved. This is a matter which should be pursued by the applicant.

3) The proposal will introduce unreasonable levels of traffic congestion and traffic delays to the existing roads in the locality.

Applicant’s response.

“There already exists occasional traffic delay on the southern approaches to the signalised intersection of Parke Street and the Highway, which is presumably Council officers’ concern in point #3. Colston Budd Hunt and Twiney Pty Limited employed RTA traffic generation rates to the proposed floor space in the development, and modelled the effects of that additional traffic on the approach intersections using INTANAL, the accepted industry standard. This analysis shows that intersection levels of service remains at level of service B or better, and the network has the necessary capacity to cater for development traffic. The occasional queuing of vehicles back across the bridge from the highway signals might increase marginally under existing arrangements, but we have made several suggestions to RTA and Council officers that will improve the operation of that intersection and the railway overbridge to the benefit of the town centre as a whole.

It is not accepted that the proposal will create unreasonable traffic congestion. Any traffic impacts would be no worse than a comparable proposal elsewhere in the CBD, and to accept the reasoning of this officer recommendation would be to preclude any comparable development in Katoomba town centre. The accepted approach in town planning terms would be to identify the town centre’s traffic needs, and to reflect those needs in a Section 94 Plan for levying contributions on all developments.”

Comment:

The applicant’s assessment that the proposed development would not significantly impact on traffic circulation is not accepted. The impact of the development on traffic was reviewed by Council’s independent traffic consultant who concluded that such impact would be significant particularly as it related to:

i) intersection of Great Western Highway and Yeaman Bridge; and

ii) Bathurst Road, Parke Street, Yeaman Bridge roundabout.

There has been no further technical submissions from the applicant on this matter since it was last before Council.
4) The proposal has significant traffic and internal manoeuvrability problems which would result in a significantly different development application should they be resolved by condition.

Applicant’s response.

“Point #4 presumably relates to issues regarding internal layout raised in the Traffic Committee’s letter and noted in our reports accompanying the DA. These issues were attended to in amended plans lodged with Council following the Traffic Committee meeting and also responding to matters raised in writing by Council officers. There are believed to be no vehicle access or manoeuvrability issues remaining with the revised layout. Certainly Council officers raised no further outstanding issues in this regard with the applicant or his consultants following plan amendment, and the applicant is happy to accept a consent condition requiring compliance with RTA standards.”

Comment:

It is not agreed that the internal manoeuvrability issues were satisfactorily addressed in the amended plans and documentation submitted to Council. These provided very little additional information and were considered in the previous report. The most recent plans have provided some further detail including additional manoeuvring to the loading dock. However these have not addressed the previously raised concerns. In particular the following matters remain of concern and warrant further investigation:

i) traffic and servicing arrangements associated with the fast food restaurant, including the drive through;

ii) driveway widths;

iii) loading dock and garbage removal facilities;

iv) location of the entry/exit to the basement carpark.

5) The proposal would have an unreasonable impact on the adjoining businesses to the west due to the loss of significant on street car parking to accommodate movements of heavy vehicles into and out of the loading facilities in Cascade Street.

Applicant’s response.

“Point #5 is simply incorrect. There would be no such loss of on-street parking. We would be happy to demonstrate using turning templates for delivery vehicles, why this is the case.”
Comment:

The plan attached (DA04) clearly shows the turning path for appropriate delivery vehicles into and out of the loading areas. Combined with the normal setbacks for parking from side streets and existing driveway locations potentially 10 of 20 existing spaces would be lost. The existing properties on the western side of Cascade Street includes Katoomba Tyre Service, a row of terrace style dwellings and a vacant site. The loss of parking would occur in front of the terrace housing and partly in front of the tyre service. These existing developments rely on the on-street parking and no replacement parking (for these developments) is proposed.

6) The siting of a major retail attractor on the subject land would result in unreasonable impacts on the existing commercial centre of Katoomba, by creating a separated major destination for shopping on the periphery of the centre rather than one that is fully integrated with the major retail traders of Katoomba.

Applicant’s response.

“In terms of ongoing demand for additional retail and commercial floor space in Katoomba to serve the needs of a continually growing resident population and tourism activity, Council’s Section 94 Plan speaks of 50,000 square metres by the year 2000, as against a Council estimate of 35,000 square metres existing retail and commercial space. Clearly there is continuing demand, as evidenced by Franklins’ and Woolworths’ interest in the town, if growing demand is to be catered for. The proposed Gateway Plaza, with only 4,800 square metres of retail floorspace serving the household’s main weekly shopping trip, does not constitute a significant change in retail terms.

The subject development application site is the only suitable appropriately zoned land in the Town Centre, and development is ready to proceed. The development’s pedestrian retail entry is directly opposite existing retail, and the centre will act as a retail anchor for the northern end of town as well as fulfil a strong gateway function at an important town entry point. There is no doubt the Gateway Plaza will give strong support to the numerous shopfront businesses in Main Street, the historic heart of Katoomba, and lead to widespread rejuvenation and restoration of neglected historic premises in the area.

As analysed in the DA reports provided to Council, there is no other available site suitable for sensible extension of town centre functions in the nature of that proposed. The only other possible site not requiring expansion of the town centre into residential areas, is the old High School site next to the Carrington Hotel, but even if Council were to agree that all the old school buildings could be removed, that site is still not big enough. Under those circumstances, it is our opinion that the subject development application could not reasonably be opposed on wider town planning grounds, and that any debate should therefore restrict itself to Section 90 matters.”
Comment:

There has been no additional research undertaken by the applicant on this matter.

The retail analysis accompanying the application presents an optimistic assessment of available resident spending. The analysis does not adequately deal with the issue of “escape expenditure”. Over 50% of the total resident spending is estimated to be generated in the Lower Blue Mountains. These areas are closer to Penrith than they are Katoomba and it could be expected they would not significantly contribute to demand for retail space in Katoomba.

Furthermore, it is not agreed that there are not more appropriate locations for the development whereby it would be more integrated with the Katoomba Town Centre’s existing retail areas.

7) The development is out of character with the Katoomba town centre and would introduce a building which is too dominant for the entry to Katoomba.

Applicant’s response.

“The Report does not provide any specific details as to why the “development is out of character with the Katoomba Town Centre” other than commenting on the non-compliance with the 2 storey provision of the zone.

There is no comment specifically on the architectural style or treatment of the proposed buildings.

We have provided an amended drawing that provides for a facade that relates more sympathetically with the existing buildings in Katoomba.”

Comment:

The building character/architectural style, its size, bulk and scale, visual appearance, dominant built form and the impact of the development on traffic are all issues that have been canvassed as why the development is out of character with the Katoomba town centre.

The latest amended plans submitted to Council on 1 December 1997, show the height of the three (3) storey portion of the building reduced by between 700mm - 1300mm as well as altering the facades of the Bathurst Road/Parke Street and Cascade Street elevations. This addresses aspects of the appearance of the building to a limited extent, however issues remain as to the design of the building and how it relates to the Katoomba town centre that require further work. This site is partially significant in these considerations due to its prominent location.
The application is considered to be an overdevelopment of the site.

Applicant’s response.

“The proposed development has a proposed Floor Space Ratio of 1.79:1. The LEP provides a permissible FSR of 2.0:1.

In addition we have broken the building forms up and modulated the facade to avoid monolithic development.

We strongly contest Council’s recommendation that this proposal is an overdevelopment of the site.”

Comments:

As indicated in the original report to Council and previously in this report, the overall height, scale and size of the development and its dominance of the town entry are all considered to be issues that result in the proposal being an overdevelopment of the site. The fact that the proposal is within the FSR standard does not in itself address the issue of overdevelopment of the site.

Following a review of the amended plans and additional information submitted to Council, a letter dated 5 December 1997 was forwarded to the applicant advising that whilst the documentation addressed aspects of the concerns raised previously by Council, it was considered that there was merit in a formal meeting to more thoroughly review the issues. It was further advised that these issues included traffic, operation of the development and urban design and that a meeting would assist in the preparation of a further report to Council.

A number of follow-up telephone calls were made to the applicant who indicated that instructions were being sought from their client.

Further correspondence was forwarded to the applicant on 17 December 1997, again inviting the applicant to attend a meeting to discuss the issues and seeking advice as to their intentions in the matter.

At the time of preparing this report, no further correspondence or formal contact has been received from the applicant.

Summary

Following Council’s resolution of 25 November, 1997, the applicant was invited to submit either an amended or new development application addressing the issues of concern. The amended plans and additional information that has subsequently been submitted is not considered to satisfactorily address the majority of issues. In essence, the amended plans only propose minor changes to the facades and height of the building.
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Should Council be inclined to approve the application the draft conditions previously prepared and referred to Council for information could be revised. It is further advised that if Council was to grant Development Consent subject to those conditions, there is still a possibility that the development may be somewhat different to that submitted.
Attachment A
Attachment A
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Attachment B
Attachment B
ITEM NO: 17

SUBJECT: STANDARDS OF FIRE PROTECTION, YELLOW ROCK

FILE NO: C01728

Recommendations:

1. That Council commits to continue to provide increased resources to the Yellow Rock area to improve the standards of fire protection for that community that will ultimately manifest in the construction of a Rural Fire Station and the formation of an autonomous Yellow Rock Rural Fire Brigade.

2. That in the interim period, fire protection for Yellow Rock continue to be managed by Winmalee Rural Fire Brigade with members of that Brigade who are residents of Yellow Rock receiving relevant training and experience until through regular review of those resources and standards of competency it is deemed appropriate for the Brigade to be freestanding some time in the future.

3. That Council continue to pursue a suitable site in Yellow Rock for the construction of a Rural Fire Brigade Station.

Report by Group Manager, Health and Development:

Background

Following the 1994 bush fires, an elected Yellow Rock Residents Committee held a Public Meeting on 9th August 1994 to find out if there was sufficient community commitment to develop a Yellow Rock Bushfire Brigade with the initiative to become autonomous in 3 - 5 years, initially being annexed to Winmalee Brigade

At that meeting, the Fire Control Officer and the Deputy Fire Control Officer outlined the necessary criteria to enable the proposal to proceed namely, training, commitment, obtain and house a vehicle.

Following the meeting there was a good response from the local community in joining the Winmalee Brigade with approximately 25 members completing the basic training. Winmalee Brigade subsequently located its second tanker at a private residence and equipped its Yellow Rock members with pagers so that they could respond to fires in the Yellow Rock area.
**Current Situation**

By mid 1997 there were only 11 active members of Winmalee Brigade represented from the Yellow Rock community and at a meeting of those members and a number of residents in early September 1997 they decided to call a Public Meeting to determine if there was a continued commitment to form an independent Brigade.

This meeting was held on 18th September 1997 in the Girl Guides Hall, Singles Ridge Road, Yellow Rock and was attended by approximately 75 residents. The meeting moved and adopted the following resolution:

> “That the Yellow Rock community support the immediate establishment of Yellow Rock Volunteer Bushfire Brigade.”

Advice was then provided to the meeting by Officers from Council’s Emergency Services Unit that establishment of Yellow Rock Brigade would require the support and approval of both the Council and the Commissioner of the NSW Rural Fire Service and due process would need to be followed. This advice resulted in the decision to form an “Establishment Committee” to drive the process.

The issues raised at the Public Meeting were discussed by the Deputy Fire Control Officer (who was Acting FCO at the time) with the General Manager and the Commissioner for the NSW Rural Fire Service and at the Commissioner’s request, a further Public Meeting was called by Council for 12th November 1997. In the interim, the Establishment Committee sent a submission to Council, a copy of which is available to Councillors on the file.

The Public Meeting of 12th November 1997 was attended by Mr P Koperberg, Commissioner NSW Rural Fire Service; Councillors D Berriman, A Henson and C Kime; Group Manager Health and Development; Fire Control Officer and other Officers of the Blue Mountains Rural Fire Service.

The meeting was addressed by the Commissioner who confirmed his commitment to work with the Council to ensure that adequate standards of fire protection continue to be provided to the Yellow Rock community, including allocation of the necessary funds to erect a Brigade Station when Council has obtained a site.

The meeting was also addressed by the Fire Control Officer who outlined actions which had taken place since 1994 in support of this commitment, such as the present negotiations for a site, the locating of a tanker in the area and the proposal to upgrade this tanker with a more modern appliance in the near future.

The view of the Commissioner was that Winmalee Brigade should continue managing fire protection for Yellow Rock and that he and the Council would regularly review the fire protection resources and capacity for a Yellow Rock Brigade to be freestanding some time in the future.
The majority of persons attending the meeting supported this view as there is clearly no capacity at this time for the Brigade to be autonomous.
Site Selection

Investigations into a suitable site commenced in March 1996 and 5 sites (Attachment 1) were identified as having potential:

1. Lots 47 to 52 DP218217, Illingworth Road

Considered suitable land, however there would in all probability be building restrictions on this escarpment land and there is also a steep hill out of the area which would slow response time.

2. Crown Road, Nerang Terrace

Not suitable as the land is too narrow (10m) to allow adequate station bay width and car parking.

3. Lot 86 Crown Land, Singles Ridge Road

There is a developable area on the top of the ridge line, however a fire station would have visual impacts and there is also limited vision of traffic coming out of a blind corner.

4. Lot 87 Crown Land, Singles Ridge Road

This parcel of land is allocated to the Girl Guides Association. There is an excellent area near the eastern boundary, well away from the Guides Hall which is the preferred option.

Accordingly, negotiations are proceeding to acquire this site from the Crown but the land is subject to an Aboriginal claim under the Land Rights Act 1989 and the process has become protracted.

5. Lot 88 Crown Land, Singles Ridge Road

Not suitable as there is insufficient level land before the drop off into the gully.

6. Lot 1, DP 225836, Singles Ridge Road

An additional site was brought to Council’s attention at the Public Meeting being Lot 1, DP 225836, Singles Ridge Road. The land is owned by the Department of Education and as a site inspection revealed that the land is suitable for a Fire Station, the Property Management Officer has been requested to make contact with the Department with a view to negotiating an area of the land to be dedicated for that purpose.
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ITEM NO: 18

SUBJECT: SURVEY OF CLIENTS AND RESIDENTS - DEVELOPMENT MANAGEMENT

FILE NO: C01506

Recommendation:

That the report on the survey of clients and residents - development management be received and noted.

Report by Group Manager, Health and Development:

Introduction

In October 1997, the Health and Development Group surveyed clients and residents involved in the land use application process. The aim of the survey was to obtain views on the quality of the service and identify areas that needed review and improvement.

There are a number of ways to gather information on client needs and expectations. Over the last 3 years this has been achieved through developer forums. After the last client forum, a new approach was considered necessary and a number of options for receiving feedback were mooted. The option chosen was a survey of clients via a mail-out questionnaire. This concept was expanded to include a survey of neighbours (residents) adjoining a development.

Two questionnaires were designed (see Attachments 1 and 2). Results have been collated and a summary contained within this report.

Survey Methodology

The sampling was based on 1 in 3 applications lodged over the period 1st July to 30th December 1996, i.e., 350 clients and 350 residents.

Questionnaires were designed to overlap and confirm key result areas. The survey covered:

- prelodgment advice and quality of written information;
- community consultation and service standards;
- service quality; and,
- construction and development outcomes.

The response rate of 15% for clients and 17% for residents is considered small but is not untypical for this type of survey.
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Given the response rate, statistical information is considered adequate to establish indicators on perceptions and expectations of those involved in the land use application process. It is not on its own sufficient to provide conclusive and reliable data.

**Key Findings**

**Prelodgment advice and quality of written information**

- 64% of the clients surveyed said they sought advice prior to lodging an application. 81% found that advice helpful. As expected owner-builders (93%) were more likely to ask for advice than building professionals.

- Those that sought help were generally happier with the turnaround time of the application (67%).

- The quality of written information generally rated well. In terms of progress towards excellence, however, priority should be given to a rewrite of ‘conditions of consent’ and the large number of ‘information / policy / guidelines’ issued by the Group.

Prelodgment processes including on-site meetings, telephone advice and written information should be reviewed and further developed. Survey indicators suggest that it may assist in establishing customer expectations early in the process and can assist in streamlining the land use application. In terms of written information, the strategy of the Group for a plain english approach to documentation should continue with the review of conditions of consent a priority.

**Community consultation and service standards**

- 20% of clients and 16% of residents indicated that consultation levels on land use applications were excessive; 58% of clients and 52% of residents indicated that they were adequate; 32% of residents and 22% of clients indicated that the levels of public consultation were insufficient. From these statistics it would appear that residents and clients were generally satisfied with the current levels of consultation.

- 12% of residents objected to the proposals.

- Owner-builders who made up the majority of respondents, were generally satisfied with the turnaround times of applications and neighbour notification was less likely to impact on their development. This could be for a number of reasons including owner-builders were more likely to speak to neighbours about plans and through prelodgment advice were aware of the processing times or, the type of applications were less complex etc. The more applications lodged by the client the greater the dissatisfaction with the turnaround times and it would also appear the more likely the consultation impacted on the outcome.

- 53% of clients rated acknowledgment of ‘receipt of applications’ as good to excellent. In terms of progress towards excellence the processes involved in requests for additional information require attention.
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There is a correlation between time taken to determine an application and consultation levels. A further study is required to determine response rate and impact of consultation on the timeliness of the application process. Council should consider ways to encourage neighbour discussions as part of the prelodgment process.

Current service standards should be reviewed and systems implemented to improve early requests for additional information.

Service quality

- Council staff rated reasonably well on service quality provided to residents. The client survey also rated ‘approachability’ of staff as good/excellent. Issues however appear to arise on ‘consistency of advice’ and ‘access to immediate advice’.

Consistency of advice touches on all the areas covered by the survey – prelodgment advice, plain english documentation etc. It has long been recognised as an issue for the Health and Development Group and there is no doubt that it is linked to the high number of policies, LEP’s, DCP’s, SEPP’s and issues that require assessment in this local government area and the high staff turnover of the Group.

The rationalisation of Council’s Planning instruments should be considered a priority. Given the relatively high turnover of staff within the Group, a procedures manual should also be developed to help staff training.

Construction and development outcomes

- Council currently provides a construction inspection service between 11am-5pm, Monday to Friday. In addition, officers also undertake earlier inspections by special arrangement. 53% of clients requested extended inspection hours - preferences indicated 51% for a 7am-5pm, Monday to Friday service; 28% 9am-12.30pm, Saturday and 21% for 9am to 5pm, Monday to Friday. Clients were asked whether they would be prepared to pay a fee for out of office hours inspections and 71% said no.

- At present construction times are between 7am-6pm Monday to Friday and 8am-12.30pm on Saturdays. Residents were asked their view on any extensions to these hours. Responses indicated 41% agreement also to 8am-6pm Saturday. 32% however said they would like construction hours to stay the same.

- Residents rated the construction management and compatibility of the development outcome well. This information should be tempered by the small survey response. Only 55% of the properties appear to have completed construction at the time of the survey and the majority of these were for relatively small applications relating to alterations / additions to a single dwelling.
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The Group should consider extending its construction service initially to 7am-5pm Monday to Friday. As indicated, development outcomes rated well however a regular survey of ‘on the ground’ results should be established to confirm results as the majority of responses related to applications for minor building works and as a consequence may not be reliable indicators.

**Resident and client comments**

The survey encouraged comment. Some of the comments provided related to Council functions as a whole rather than to the development management process, while most reinforced the necessity to address the key areas for improvement detailed above.

**Conclusion**

Four areas have been targeted for improvement. They are:

- Consistency of advice.
- Accessibility to immediate advice.
- Time taken to determine applications.
- Prelodgment advice.

Comments have been made on possible ways to continue progress towards excellence. It will not however be an easy path as some of the areas indicated are intrinsically linked to long-term solutions. For example, the rationalisation of Council’s planning instruments to improve consistency of advice may take 2 years yet it is important to ease client understanding of Council’s controls and improved development outcomes.

Given that this is the first survey completed by the Group, information gathered is sufficient to establish preliminary client expectations and identify areas for improvement. Further review of ‘on the ground’ results and resident expectations will be required and a strategy to undertake such a survey has been incorporated into Council’s management plan actions.

As a result of the survey, some initiatives are already in progress. For example:

- Review of conditions of consent into an easily understood format. (*Consistency of advice*)
- Development of a plain english ‘smart building’ guide. (*Prelodgment advice/ consistency of advice*).

Others, such as a revised community consultation policy will be dependent on Council’s response to the Integrated Assessment legislation.

A copy of the results summary will be provided to all of the original survey group.
Attachment 1
ITEM NO: 19

SUBJECT: SECTION 102 AMENDMENT TO DEVELOPMENT CONSENT NO. 95/716 - REDUCTION FROM 16 TOWN HOUSES TO 13 TOWN HOUSES, LOT 1, DP 511934, LOT A, DP 349040 & LOTS 101/102 MERRIWA STREET KATOOMBA (OLD KATOOMBA RSL BOWLING CLUB)

FILE NO: D95/0716

Recommendation:

That the application pursuant to Section 102 of the Environmental Planning and Assessment Act, 1979, seeking modification to Conditions 1, 8(i), 8(ii), 11, 24(c), 25, 26, 28, 29(a) & 29(b) of Development Consent No. 95/716 for the reduction of 16 town houses to 13 be approved subject to the modifications as detailed in Attachment 1 to this report.

Report by Group Manager, Health and Development:

Zoning: Residential 2(d) under Local Environmental Plan No. 4
Tourist under draft Local Environmental Plan No. 1997

Date of Receipt: 19 November 1997

Applicant: Alpall Pty Ltd
PO Box 66
Katoomba

Owner: Tawrific Corporation Pty Ltd

Site:
Introduction:

An application pursuant to Section 102 of the Environmental Planning and Assessment Act 1979, has been received seeking modifications to 7 conditions of Development Consent 95/0716. This consent involves the construction of 16 town houses on the old Katoomba RSL Bowling Club site (Attachment 2) which was approved by Council on 11 December 1995, with a 3 year time period given in which the development must be physically commenced. The application is referred to Council as it seeks to amend matters previously assessed and determined by Council. The application has been submitted as the applicant seeks to reduce the number of town houses from 16 to 13 by developing a lesser area of the site than was approved.

The Proposal:

In proposing the unit reduction, the applicant indicates that since development approval was granted in 1995, continued difficulties and delays in property settlements have now necessitated a reduced number of units from 16 to 13.

Essentially the development is being set back 18 m from the western property boundary, an area which previously contained unit development. This removes buildings from the major areas of fill on the land established to from the now abandoned bowling green. It is envisaged this area may be used as a tennis court which if proposed would require separate approval from Council.

The design (Attachment 3) also includes the following variations to the approved development.

* A reduction in the number of major vehicular crossings into the site from two crossings to one. This increases the amount of available street parking and reduces the number of possible traffic conflict points. The total number of traffic movement in this area is also reduced by this new proposal.

* A more spacious development is now proposed with more available landscaped area per unit by ratio than the earlier development. The central landscaped area between units 2-4 and 9-11 is a result of this redesign. This new central landscaped area also acts as a visual buffer between facing units, improving the quality of privacy for these units, as well as visually breaking up the area of driveway surface.

* In the earlier proposal, all of the existing Merriwa Street light poles in front of the site were required to be relocated for the development of work. Now, no poles need relocating. A minor point, but one that could have caused considerable disruption to services in the area.

The applicant therefore requests Council support to modify the following conditions of Development Consent No. 95/716.
* Condition 1 - (approved plans and specifications)

Amendment sought - to have plan references and dates changed to reflect the details shown on the plans now submitted (Attachment 3).

Condition 8(i) (roof design)

Amendment sought - No concern with condition requirements. Unit numbering to read 2-13 instead of 2-16.

Condition 8(ii) (building line setbacks)

Amendment sought - No concern with condition requirements. Unit numbering to read 9-13 instead of 8-11.

Condition 11 (landscaping plans and requirements)

Amendment sought - new plan submitted to reflect the proposed amended layout. References and dates to be changed.

Condition 24(c) (On-site driveway surfaces and Mimosa Lane driveways)

Amendment Sought - No concern with condition requirements. Unit numbering to read 5 & 6 instead of 4 & 5.

Condition 26 (Driveway crossings and associated work to Merriwa Street)

Amendment Sought - No concern with condition requirements. Reference to Unit 17 to be deleted.

Condition 28 (Road works, Mimosa Lane)

Amendment Sought - No concern with condition requirements. Unit numbering to be amended to read 8 instead of 7.

Condition 29(a) & (b) (On-site roof and surface water drainage)

Amendment Sought - No objection to required work. Unit numbering to be amended to read 2-13 instead of 2-16.

In each of the above requests no amendment or waiving of works required with the approved development is being sought, but merely change to unit numbering, plans and documentation in order to facilitate the transition from 16 units to 13.
Assessment:

Pursuant to Section 102 of the EP & A Act, 1979, Council may modify the consent where

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development,

(b) it is satisfied that no prejudice will be caused to any person who objected to the development application the subject of that consent.

In respect to (a) the development remains substantially the same in terms of the land use, building design, materials and the like, the applicant is seeking to reduce unit numbers. No concern over the conditions of consent imposed are raised, the proposal seeking to, in essence, have certain conditions amended to reflect the numeric changes associated with the reduced town house numbers.

In respect to (b), the proposal was notified for a period of 21 days to adjoining owners albeit the modifications would result in a development of less impact due to the areas of change ie. to Merriwa Street and to land adjoining the site to the west.

At the conclusion of this period, no submissions had been received. In this regard it was noted that whilst Council had received adverse comment with the original proposal, the modification proposed appears not to have been viewed similarly.

No planning concerns arise that materially alter the comprehensive merit based Section 90 assessment carried out in 1995 for the original proposal as held on file No. D95/0716.

Whilst the proposal reduces the amount of development to Merriwa Street lessening the impact somewhat by virtue of less buildings, occupants and associated vehicular movements, the on-site vehicular circulation and parking has been altered as follows:

<table>
<thead>
<tr>
<th>Component</th>
<th>Change details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Parking</td>
<td>23 spaces/garages proposed</td>
</tr>
<tr>
<td></td>
<td>23 spaces required</td>
</tr>
<tr>
<td>Driveway width to Merriwa Street</td>
<td>- 6.5m at kerb reducing to 4.5m at boundary</td>
</tr>
<tr>
<td>Driveway width on-site</td>
<td>- 7m in general</td>
</tr>
<tr>
<td>Driveway width to Mimosa Lane</td>
<td>- 5m at kerb reducing to 3-7m at property boundaries (private driveway only)</td>
</tr>
</tbody>
</table>

All widths and car space numbers comply with Council’s codes and policies. Although access points to Merriwa Street have been reduced from 2 to 1 the point of entry enjoys good site distance in both directions that will facilitate safe and easy access to and from the site.

Whilst the traffic movement, on-site vehicular circulation and parking raises no issues of concern, a further condition, No. 25, concerning specifications for the Merriwa Street driveway will require amendment in order to be consistent with the new plans.
Conclusion:

The proposed use remains the same as does the general layout of the site and the style and mode of construction of the buildings. The ratio of visitor parking to the number of units is increased. There is proportionately less traffic, stormwater runoff, density and, it could be argued, loss of amenity to the neighbourhood and proportionately more landscaping.

Section 102 of the Act applies to the modification as it remains substantially the same development, that being a residential flat proposal, the changes involved resulting in less impact and a “lower key” development to the streetscape and adjoining property.

The amendment has raised no public concerns or opposition and accordingly it is recommended the Section 102 application be approved.
1. Condition 1 is modified to read as follows:-

“To confirm and clarify the terms of Council’s approval, the development shall be carried out in accordance with the approved stamp plans, prepared by Frank Kosztelnik and Associates being Job No. 1580 sheets 1 - 5 dated November 1997 except as otherwise provided by the conditions of this consent.”

(Note:- modifications to the approved plans will require the lodgement and consideration by Council of a separate application pursuant to Section 102 of the Environmental Planning and Assessment Act, 1979.)

2. Condition 8(i) and (ii) are modified to read as follows:-

“To ensure compliance with environmental planning instruments, codes and policies which relate to the subject land, the design and layout of the development shall be modified to Council’s satisfaction, in the following manner:

(i) all new construction, comprising Units 2-13 shall have a minimum roof pitch of 25°.

(ii) the building containing Units 9-13 shall be relocated 200 millimetres to the south such that Unit 8 observes a minimum building line of 7 metres to Merriwa Street. landscaping adjacent to the southern external wall of Unit 11 shall be maintained.

3. Condition 11 is modified to read as follows:-

“Landscaping and site beautification works being carried out generally in accordance with the details indicated on the submitted and approved landscape plan, prepared by Rose Deco Planning and Design P/L dated November 1997 except as required to be modified under the terms of this consent.

(a) Provision is to be made for the planting of trees within the footpath in Merriwa Street. Such planting is to be in accordance with the attached list of recommended trees.

All trees both within Merriwa Street and on site shall be advanced species (50 litre - 70 litre containers) at the time of planting.
4. Condition 24(c) is modified to read as follows:-

“The formation paving and sealing of access roads and car parking areas within the development site is to be in a featured surface together with any necessary drainage, retaining walls and works to make the construction effective. Full details are to be shown on plans (4 copies) submitted with the building application, including the provision of splay corners in Mimosa Lane as shown in red on the approved plan to provide adequate sight distance for driveways to Units 5 and 6.”

5. Condition 25 is modified to read as follows:

“The combined ingress/egress driveway servicing the development shall comprise of the construction of heavy duty concrete layback and asphaltic concrete apron crossings across the footpath in Merriwa Street. The width of the construction is to be 6 metres at the property boundary and splayed to 7 metres at the kerb and gutter alignment.”

6. Condition 26 is modified to read as follows:-

“The ingress/egress driveway servicing Unit 1 shall comprise of the construction of concrete layback and asphaltic concrete apron crossings across the footpath of Merriwa Street. The width of the crossing is to be 3 metres at the road alignment and splayed to 5 metres at the kerb alignment.”

7. Condition 28 is modified to read as follows:-

“In Mimosa Lane the construction of a continuous dish crossing adjacent to the development site extending from the eastern boundary of the development site to a point past the entry to the garage of Unit 6 sufficient to cater for 85% standard car movements. The work is to include adjacent shoulder sealed pavement construction.

8. Condition 29 is modified to read as follows:-

“All roof surfaces, car parking areas, access roads and paved areas being drained by pits, pipes and detention systems. All the drainage is to be subject to engineering design in accordance with ARR 1987. In this regard the design should include and not be limited to the following:-

(a) The existing cottage, being proposed Unit 1 to be drained directly to the kerb and gutter in Merriwa Street.
(b) The remaining Units 2-13 (including roofs and yards) and car parking/driveway area to be drained to the kerb and gutter in Merriwa Street. The maximum discharge rate is to be 30 litres per second (1:20 ARI). Accordingly a detention
system \((36.7^3 \text{ in volume})\) is to be provided together with a flow restricting device.”
Attachment 2
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Attachment 3
Attachment 3
Attachment 3
Attachment 3
Attachment 3
ITEM NO: 20

SUBJECT: DEVELOPMENT APPLICATION FOR THE CONSTRUCTION OF A RETIREMENT VILLAGE CONTAINING 34 UNITS AT LOTS 1, 2, & 9, SECTION C, DP 1711, NOS. 108-120 NARROW NECK ROAD, KATOOMBA (GRACE HILL LODGE)

FILE NO: B97/0535

Recommendation:

That pursuant to Section 91 of the Environmental Planning and Assessment Act 1979 the Development Application to construct a Retirement Village for 34 units and associated amenities on Lots 1, 2 and 9, Section C, DP 1711, Nos. 108-120 Narrow Neck Road, Katoomba be determined by the granting of consent subject to the conditions in Attachment 1 to this report.

Report by Group Manager, Health and Development:

Zoning: ‘Residential 2(a1)’ under LEP 4
proposed ‘Living Conservation’ under draft LEP 1997

Date of Receipt: 11 May 1997

Applicant: Edwards Construction (NSW) Pty Ltd (Builder)

Owner: Grace Hill Developments Pty Ltd
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Introduction:

A development application has been submitted seeking approval to redevelop the ‘Grace Hill Lodge’ site to provide 34 dwellings for aged persons (over 55 years of age) associated car parking, landscaped grounds and community facilities. The proposal will be described in more detail later in this report.

This application was submitted pursuant to State Environmental Planning Policy No. 5 - Housing for Aged and Disabled Persons (SEPP No 5).

It is proposed that the existing three lots will be consolidated and the development subdivided under community and strata title.

The proposal as originally submitted and advertised involved the construction of 37 dwellings. Eleven (11) letters of objection were received. The proposal was revised by the applicant following discussions and amended plans for 34 dwellings were received on 14 November 1997. These were advertised from 19 November 1997 to 3 December 1997 with seven (7) submissions received objecting to the proposal, the principal grounds being:

- increased traffic movement
- loss of privacy/amenity
- excessive density.

This application is submitted to Council as the estimated cost of development is above the $1,000,000 permitted under delegation (proposed $2,500,000), the sensitivity and location of this site, which is identified as a heritage item and public interest.

The application is a substantial development that can offer a high standard of accommodation and quality of life for occupants. It is being recommended for approval subject to appropriate conditions.

The Subject Site

The subject site is a triangular shaped parcel of land at the corner of Stuarts and Narrow Neck Roads, Katoomba comprising Lots 1, 2 and 9, Section C, DP 1711. It has frontages of approximately 137m to both Stuarts and Narrow Neck Roads and common boundaries with three residential properties. The total site area is approximately 10,646m².

The site is approximately 1.8 km from the Katoomba Town Centre enjoying a prominent location atop a knoll on the ridge line which roughly follows the alignment of Narrow Neck Road. The site offers extensive scenic views in most directions including Katoomba Golf Course, Jamieson Valley and beyond to the south east and Katoomba Town Centre to north east.
The site is identified as a heritage item of local significance in LEP 1991, being significant as an early large land holding. Features such as stone entry piers, stone post and timber rail fences, and mature trees, contribute to the aesthetic value of the property. The elements as described in the heritage identification sheet include the house, fence, front gates, pine tree hedge and garden.

The site is occupied by a single storey weatherboard dwelling house, constructed in 1941 presently in a poor state of repair.

The Proposal:

It is proposed to erect 34 dwellings for aged persons consisting of 32 x 2 bedroom dwellings and 2 x 1 bedroom dwellings, within six (6) x two (2) storey buildings.

The development plans have been reduced in size and appear at Attachment 2.

The proposal is for self-contained dwellings for the ‘active aged’, (as described by the developer). The target market has been described in the application as being local and the recently retired. Many of the potential purchasers are expected to be couples.

A new two storey administration building is proposed to be erected on part of the level area of the site, encompassing the location of the existing house which is to be demolished. This will contain an office, a consulting room/office for a visiting doctor (or others providing professional services to the residents), and on part of the first floor a bed sitter flat for use by a qualified nurse who will be on duty 24 hours per day. All residents will be able to call the nurse directly by means of call buttons or pre-programmed telephones in their units.

A single storey building opening off the administration building of some 160m\(^2\) is proposed that includes a community room (80m\(^2\)) conservatorium (20m\(^2\)) and semi circular deck (60m\(^2\)) which will provide a recreation and meeting area for the use of the residents. This area will have extensive views of the Jamieson Valley and Kings Tableland, to the east and south and is appropriately located in the centre of the site so as not to affect the amenity or privacy of adjoining property.

A significant area of communal landscaped open space is to be provided, encompassing much of the existing level garden area at the western or top end of the site between Narrow Neck Road and the existing on site driveway which contains the original 1940’s elements, being most significant from a heritage point of view.

Five two storey buildings are proposed to be constructed, in an arc formation around the lower slopes of the site, to the south and east of the existing garden area and house.

A lift is to connect the lower areas of the site with the community room, main building and level garden area.
Vehicular access is to be provided via a new single ingress/egress driveway access (7 metres wide) off Stuarts Road approximately 48 m from the corner with Narrow Neck Road. The existing vehicular entry at the Stuarts and Narrow Neck Roads corner is to be retained for pedestrian use only.

Forty five (45) parking spaces are proposed consisting of 37 garages (ie one for each dwelling, with three doubles) plus 8 visitor spaces. Additional parking is possible if required.

Whilst the applicant seeks a consent for the development as a whole, it is indicated that the development may be staged although specific details are not known at this time.

The existing three lots will be consolidated and it is proposed that the development will be subdivided under community and strata title. A general village management statement accompanies the application which addresses many aspects of future occupant expectations however, lacks specificity in terms of owner/occupation requirements, management and support service arrangements. The applicant indicates that a Neighbourhood Management statement together with a Development Contract is to be lodged with any subdivision proposal.

Development History

* 24 June 1968, Preliminary application (IDA 68/457/11724) submitted for 80 unit motel and conference centre together with service station, car wash, and shopping facilities. Deferred by Council on 27 August 1968 for further information. No further information was received.

* 9 April 1991, Council considered a rezoning application to permit a two storey guest house with 12 guest rooms and a 50 seat restaurant facility. Two separate self-contained guest ‘bungalows’ were also proposed on the lower southern and eastern sides of the site. It was resolved to proceed to exhibit a draft LEP.

* Twenty two submissions including a petition containing 46 signatures were received following exhibition of the draft LEP.

* 20 August 1991, Council resolved not to proceed with preparation of a draft LEP for the establishment of a guest house and restaurant. In the report to Council some of the main issues raised related to:
  * the relationship of the proposal to the future Tourism and Economic Strategy;
  * appearance of the development on a prominent site;
  * effect on residential amenity;
  * traffic impacts;
  * heritage value of the site not being adequately addressed.

* 9 August 1994, application approved for demolition of existing house and construction of a six bedroom dwelling to be used as a bed and breakfast establishment, and
subdivision/ boundary adjustment of the three existing lots to provide for two vacant lots one with access to Stuarts Road and the other with access to Narrow Neck Road.
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Background to Current Application

The development application as originally submitted to Council provided for 37 dwellings. Following advertising of this proposal, discussions were held with the proponent and architect at a meeting at Council offices on 8 August 1997 to discuss:

* the extent of site coverage of the development;
* visual prominence particularly from Stuarts Road;
* stormwater drainage, including pits, pipes and size of detention tanks;
* internal driveway design, gradients, and configuration;
* driveway cut and fill and entry design;
* the need for a heritage assessment;
* various amenity and merit issues, such as encroachment upon building line setbacks, over shadowing and loss of privacy and amenity;
* landscaping and loss and damage to existing trees to be retained, and the possibilities for new planting.
* the need for additional plan details, such as section/s, and elevations.

Amended plans were subsequently submitted to Council. A number of changes were made to the proposal, which included the following:

* the number of dwellings reduced from 37 to 34, with the deletion of three south facing lower level units which had poor solar access;
* a redesign of buildings to remove building line encroachments to the southern boundary;
* redesign of buildings facing Narrow Neck Road, to provide for two storey buildings, incorporating those dwellings relocated from close to the southern boundary;
* relocation of the proposed driveway access further east off Stuarts Road to improve access grades and vehicular manoeuvring, as well as reduce the impact on existing trees;
* provision of a greater setback for the proposed driveway retaining wall to Stuarts Road and provision of on site screen landscaping between the drive and street frontage;
* redesign of building elevations.

A heritage assessment prepared for the applicant by a Landscape Architect/Heritage Consultant was received on 27 October 1997, and an amended site layout on 4 November 1997.

Public Comment

The original proposal for 37 dwellings was publicly exhibited pursuant to the requirement of the EP & A Act (Regulations) for a period of fourteen (14) days from 18 May to 12 June 1997. Twelve (12) submissions were received in response, comprising eleven (11) objections and one letter of support.
The major issues raised by objectors to the proposal were as follows:

* increase in traffic;
* development will increase traffic at the dangerous intersection of Stuarts and Narrow Neck Roads, with a dangerous access point;
* site is distant from Katoomba shops and support services;
* development out of character with the area;
* loss of trees from the site will have an adverse visual impact on the area;
* adverse impact of stormwater runoff on Katoomba Falls creek and catchment;
* loss of privacy;
* overshadowing;
* increased noise.

The letter in support raised the following matters:

* dearth of retirement accommodation in the Upper Blue Mountains;
* ideal location, with extensive views, and established garden;
* no compelling reason to be located close to retail, medical and financial services which can be accessed by car, or public bus service.

The issues raised in the objections were relayed to the applicant, along with other concerns about the proposal. In response amended plans were submitted which reduced the proposed number of dwellings by three. Other changes have been described above.

The amended application was re-advertised for a period of fourteen (14) days from 19 November to 3 December 1997. Seven (7) submissions objecting to the amended proposal were received raising the following concerns:

* the proposed vehicular entry/exit is too close to a dangerous intersection;
* the development will increase traffic at a dangerous intersection (‘blind corner’) of Stuarts and Narrow Neck Roads;
* loss of privacy;
* there will be additional stormwater runoff for nearby property;
* the row of pines along part of Narrow Neck Road frontage should be extended along the whole frontage;
* such a high density residential development would have an adverse impact on this area, which has low population density and plentiful bushland;
* poor public transport and poor accessibility to shopping, medical and postal facilities.

The issues raised by the objectors will be addressed in the assessment of the application.

Section 90 (1) Assessment of the Application

Statutory Requirements
The application has been assessed under the provisions of SEPP5 and Section 90 (1) of the EP&A Act, 1979. The following matters require further discussion with regard to the determination of the application.
(i) Provisions of planning instruments and draft instruments (S90(1)(a))
(ii) The impact of the development on the environment (S90(1)(b))
(iii) The effect of the development on the scenic and landscape quality of the locality (S90(1)(c))
(iv) The social effect of the development in the locality (S90(1)(d))
(v) The character, location, siting of the development (S90(1)(e) & (f))
(vi) Relationship of the development to adjoining lands (S90(1)(h))
(vii) Entrance and exit and provision of car parking on site (S90(1)(i))
(viii) Traffic generation (S90(1)(j))
(ix) Public transport (S90(1)(k))
(x) Adequacy of utility services (S90(1)(l))
(xi) Adequacy of landscape proposals (S90(1)(m))

(i) Provision of Planning Instruments and any Draft Instruments

Local Environmental Plan No 4

The subject site is zoned Residential 2(a1) under LEP 4. Residential units for aged persons are permissible in the zone with Council Consent.

Draft Local Environmental Plan 1997

Housing for Aged or Disabled Persons will be permissible with consent in the ‘Living Conservation’ zone. (SEPP 5 will not apply in this proposed zone because of the ‘Conservation’ subscript description)

Building height plane controls would apply to this proposal.

SEPP 5

The application is subject to the provisions of State Environmental Planning Policy No. 5 - ‘Housing for Aged and Disabled Persons’ gazetted in 1982 and a current Draft SEPP - ‘Housing for Older People or People with a Disability’.

The main objective of SEPP5 is to increase the availability and choice of residential accommodation for both older and disabled persons by permitting this form of housing generally wherever houses, flats and certain special uses are permitted. This housing may take the form of either self contained dwellings or hostels.

The SEPP aims to ensure that the older population remains integrated in the wider community. For this to occur there needs to be a diverse housing stock which offers a range of appropriate accommodation for older persons.

SEPP5 provides the framework in which to provide greater opportunities for older people to remain in areas where they have established social networks. The draft SEPP also includes such objectives and recognises this trend.
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Draft SEPP 5

SEPP5 currently contains a requirement that residents have access to certain facilities and services, some of which have to be provided on site. As a consequence aged persons housing developed under SEPP5 has tended to be relatively large to compensate for the cost of providing on site facilities for residents. The policy has generally not been successful in facilitating many private sector small scale or infill developments in established areas despite there being a growing demand for this style of accommodation amongst older people and persons with disabilities.

The major change proposed to the SEPP by the draft instrument primarily involves site locations with access to support services, rather than the actual physical provision of such services on site. Without the need for ‘economies of scale’ to provide support services and associated physical facilities on site, the opportunity exists to develop smaller scale accommodation providing that services are available in the locality.

SEPP5 Development Standards

In order to encourage housing which caters for the needs of the older population both SEPP5 and the Draft SEPP incorporate development standards which, if met, can not be used as grounds for refusal. In this sense SEPP5 overrides local LEP and DCP controls. The standards in SEPP5 include maximum building heights, density provisions, car parking requirements, wheelchair access and landscaped open space. SEPP 5 defines building height as ‘the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

DEVELOPMENT COMPARISON WITH EXISTING AND DRAFT SEPP 5 REQUIREMENT

The site area is 10,646 square metres and all dwellings in the development (excluding the nurses accommodation) are categorised as ‘medium’ dwellings under SEPP 5, being those between 55sq metres and 85sq metres in area.
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<thead>
<tr>
<th><strong>STANDARD</strong></th>
<th><strong>SEPP5</strong></th>
<th><strong>DRAFT SEPP</strong></th>
<th><strong>PROVIDED</strong></th>
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<tbody>
<tr>
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<td>8m</td>
<td>8m</td>
<td>Max. 8m</td>
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<tr>
<td>DENSITY</td>
<td>64 medium dwellings</td>
<td>max. FSR 0.5:1</td>
<td>34 approx. FSR 0.25:1</td>
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<td>CAR PARKING</td>
<td>min 32 spaces</td>
<td>min 33 spaces</td>
<td>45 spaces</td>
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<tr>
<td>LANDSCAPING</td>
<td>2640 square metres</td>
<td>1190 square metres</td>
<td>min 5900 square metres</td>
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<tr>
<td>WHEELCHAIR ACCESS</td>
<td>Access to 17 dwellings, and Disabled Access to essential areas in 2 of the dwellings</td>
<td>Access to 17 dwellings, and Disabled Access to essential areas in 2 of the dwellings</td>
<td>Access to at least 17 dwellings (with use of elevator), and Disabled Access to essential areas in 2 of the dwellings</td>
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SEPP 5 also states that Aged Persons Housing is to include one of the following facilities for use in connection with the accommodation:

- accommodation for staff employed in connection with the accommodation
- chapels
- medical consulting rooms
- meeting rooms
- recreation facilities
- shops
- therapy rooms
- any other facility for the benefit of persons using the development

In addition, any development for the purposes of SEPP5 is required to establish that satisfactory support services are available or will be available which meet the needs of the residents of the proposed development.

The draft SEPP places more emphasis on design considerations and ensures that these requirements are properly evaluated in the application process. This is achieved by requiring the applicant to prepare a site analysis which contains information about the site and its surrounds. It evaluates how the proposed development has had regard to its setting and how the particular design of the development:

(a) is in harmony with the streetscape;
(b) provides both visual and acoustic privacy for the residents;
(c) provides sunlight and daylight to dwellings and yard area on and off the site;
(d) disposes of stormwater;
(e) incorporates methods to prevent the occurrence of crime; and
(f) relates to accessibility of users of the site.
The development will include a community room, and medical consulting room as facilities for the residents. It is also proposed to provide a minibus for the residents use. It is expected these support services will be controlled by a village management committee to be established. The applicant states specific details will be submitted at the time of community/strata title subdivision stage however, details need to be provided prior to occupation of the village.

The subject application addresses and is considered to meet the provisions of SEPP5 and the Draft SEPP.

Clause 58 LEP No.4 - Heritage Significance

The property has been identified as a heritage item under Schedule 2 of LEP 1991. Furthermore, Schedule 2 states that the provisions of Clause 58 of LEP 4 shall apply. Clause 58(5) of LEP 4 requires that the effect that the development would have upon the heritage significance of the item must be assessed.

A ‘Statement of Heritage Impact’ has been submitted on behalf of the applicant, prepared by David Beaver, Landscape Architect/Heritage Consultant.

From an assessment of the history of the site and an analysis of site elements, two distinct zones of significance have been identified and described by the applicant’s Heritage Consultant.

Zone ‘A’ occupying the relatively level knoll in the north west quarter of the site, is the most significant part of the site and contains the original 1940’s elements such as the cottage, front fence, pine hedge and gates, driveway and developed garden areas with mature trees and lawn areas. The ironstone retaining wall that encircles the house to the east and south separates the lawns and garden areas around the house from the steeper undeveloped slopes and defines the boundary of this zone.

Zone ‘B’ occupies the steeper undeveloped slopes to the south and east of the house and contains some cleared areas and remnant bushland and the remains of a driveway. This zone is part of the curtilage of the property, contributing to the secluded setting of the house, but does not contain any fabric of special significance.

The applicant contends that the bulk of development is sited in the least significant parts of the site, in zone ‘B’.

It is specifically recommended by the Landscape Architect/Heritage Consultant that a landscape master plan be prepared by a suitably qualified landscape architect that seeks to sensitively adapt the development to the significant site features and the broader landscape context of the locality.

The impacts of the development on significant elements and recommended measures required to reduce the impacts are addressed in the report. These measures include:

* undertake appropriate conservation work to site features
* protect existing site fencing during construction by means of barricading or the like
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- prohibit large or heavy vehicles from using the existing driveway
- retain existing garden ironstone wall and repair and reconstruct, or survey, dismantle and stockpile for re-assembling after completion of building work
- undertake archival recording of the existing house
- ensure that buildings and excavations are more than 3 metres away from the trunks of the pines, in the hedge to Narrow Neck Road
- prepare and implement a landscape plan for the site
- transplant and reuse on-site good specimen trees affected by the development
- protect trees and dripline during construction phase by temporary fencing if necessary
- undertake tree surgery works
- ensure ongoing maintenance of trees and garden planting

These measures can largely be dealt with by appropriate conditions of development consent to be satisfied prior to Building Approval and then that all work is carried out by and under the supervision of a recognised consultant in the field of heritage/landscape architecture.

It is noted in the heritage statement that a proposed glasshouse and adjacent garage building are to be sited close to the Pine hedge fronting Narrow Neck Road. Root systems, trunks and branches of the trees will need to be adequately protected during the construction of these buildings. It would however be preferable to delete the glasshouse building and proposed garage/workshop and garage from the proposed development so as to avoid any adverse impact on the Pine trees.

Council’s Heritage Advisor has reviewed the applicant’s heritage report and has indicated that in general terms, the report adequately covers the key issues of site analysis and evaluation of impacts. Some concerns however have been raised being:

1. The impact of the density and associated site clearing and the degree of development appropriate for the site.

2. Development within the identified zone ‘A’, which results in:
   (i) loss of a stone birdbath/sundial pedestal and surrounding stone flagging
   (ii) loss of the original termination/loop of the main driveway and visual and physical impact of the new termination and associated structures.

3. Site landscaping, with the need for new development to be located well away from vulnerable root/dripline areas of trees as recommended. Also new planting should relate to the existing informal, mixed site character and include trees of suitable height/spread and character to help make up for cleared/developed areas.

In general terms and having regard to comments from Council’s Heritage Advisor, the implementation of the measures to reduce impacts as set out in the report are supported. It is recommended that further detail be required, in respect of existing and proposed landscape features, and conservation works schedules for specific site features. Some additional issues are also raised, in regard to the proposed treatment of the boundary to Stuarts Road, and method of retention of the drystone garden walls during building works.
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It is clear that a satisfactory landscape master plan prepared by a suitably qualified landscape architect will be critical in order to address additional concerns raised by the Heritage Advisor. Satisfactory and suitable landscape treatment will help compensate for the loss of areas of existing planting and provide appropriate landscaping in the context of increased development on the site.

A Development Consent may be conditioned to require this detail to Council’s approval prior to the grant of Building Consent.

Clause 58(6) of LEP4-Demolition of heritage item

As the proposal involves the demolition of the existing dwelling house, the application was referred to the Heritage Office of the Department of Urban Affairs & Planning in accordance with the provisions of clause 58 (6) of LEP 4. A reply has been received indicating that this is a matter that Council is best able to determine, taking into account advice from its own Heritage Adviser.

Approval has previously been granted for the demolition of the house in association with previous development consent.

(ii) Impact on the Environment

The subject development will necessitate the removal of vegetation from the site which will disturb ground soils. It will be necessary to provide suitable erosion and sediment control measures around the site during construction and to revegetate upon completion of building works.

In a consent a drainage design should be required to be submitted detailing the tank, location and capacity to accommodate stormwater flows.

The proposed development will require the installation of an on site detention system for stormwater so that post development stormwater runoff does not exceed pre-development flows. A detention system is proposed to be provided within the landscaped area at the north east corner of the site. However, construction of a detention tank in this location is likely to impact on the root zone of the existing trees in this area. A preferable and achievable alternative location is beneath part of the proposed driveway.

The provision of ‘trash racks’ will help ensure satisfactory quality of stormwater leaving the site.

An existing 150 mm Sydney Water sewer main is located on site adjacent to the southern and eastern boundaries. The development could connect to this main by gravitational means and Sydney Water have raised no objections.

The development should be connected to Sydney Water sewer thereby eliminating any on site effluent disposal concerns (see comments under heading Adequacy of Utility Services).
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The impact of the proposal on the natural environment is such that where there will be a potential impact, satisfactory methods are proposed to mitigate against them. Council is able to place suitable conditions to ensure these aspects are satisfactorily addressed by the developer.

(iii) The effect of the development on the scenic and landscape quality of the locality

It has been recognised in the heritage statement submitted with the application that the development proposal will change the site’s character from one comprising a modest cottage within a landscaped garden and bushland setting to a more intensely developed retirement village. This change will have an effect on the existing streetscape character of the locality by reducing present open space areas and a number of trees from the site.

It is, however, asserted by the applicant that the layout and external appearance of the proposed development has been designed to reduce the visual impacts from adjoining areas by allowing adequate setbacks for landscaping and tree planting, the use of appropriate unobtrusive colours such as deep beiges, olive greens that respect the site’s prominent location and surrounding development colours for exterior finishes, and by siting the buildings in a way that respects the landform in a site responsive manner. The provision of adequate and appropriate site landscaping and building colour is critical, however achievable.

(iv) The social effect of the development in the locality

The proposed development aims to increase the supply and diversity of housing within the community for older people. The type of development proposed provides for housing and service arrangements that allow older people to remain in the community with access to external assistance as they progressively need it (home maintenance, personal care, etc.) This provides older persons with an option to move out of their established homes into a smaller, newer dwelling in their local area where services and facilities are available whilst being able to maintain their social and support networks and familiar surroundings. As older people move into this form of development their often under utilised former homes become available for occupation by larger households.

The development also provides opportunity for social interaction amongst residents through the provision of a community room, facilities, walks and seating within the heritage garden. This is considered an adequate area and facility for a village of this size where the expected total population would be in the range of 70-75 persons including staff and visitors providing a variety of choice for village occupants.

(v) The character, location, siting, of the development

The development has been sited having regard to the heritage values and significance of the property, which has restricted development from the less steep north western portion of the site (zone ‘A’ as described in the heritage statement submitted on behalf of the applicant) which would ordinarily be more ideally suited.
With this area generally excluded (approximately 4,000m$^2$ or one third of the site) other than the administrative building/community room on the site of the existing dwelling, the majority of the building has been located on the steeper (and lower) parts of the land to the north east and south east of the higher and level garden area. The buildings are located on each side of the main internal driveway off Stuarts Road. A reduced copy of the plans forms attachment 2 of this report.

The applicant proposes a mix of building form generally adopting an architectural theme considered to represent the style of cottages and residential buildings in this area of Katoomba. The use of colorbond roof, face brick and timber all assist in this regard. It is proposed that a mixture of painted and face brick walls and colour scheme will assist in enhancing the character of the development. The development has been designed in a site responsive manner where the pitched roofs of the development on the lower or bottom side of the ‘arc’ will generally screen development on the higher side, the latter including a flat roof so that from external adjacent locations a ‘visual break’ in the development will ‘appear’ between the lower level units and the main administrative building and common room located on the upper level area of zone A. The retention of trees to Stuarts Road and supplementary planting in vital locations such as those in the area of changes in boundary direction, will further assist in integrating the development into its surroundings.

Setbacks to adjoining residential property boundaries will be a minimum 4m but generally greater than 6m. This generally compares favourably to the minimum 6m side boundary setback for two storey buildings recommended under the provisions of Council’s Performance Standards for Multi Unit Development. While it is noted that these Performance Standards can not be strictly applied to a SEPP 5 development, minor variations can be justified on the basis that there will be sufficient setbacks to permit the provision of adequate landscape screening in order to minimise loss of amenity to adjoining residential properties.

It is recognised that the proposal represents a significant increase in the density of development when compared to that on site, and that of adjoining and neighbouring residential properties although housing for the aged or disabled is permissible with Council consent and the site is of sufficient dimension to enable the provision of the necessary facilities.

(vi) **Relationship of the development to adjoining lands**

Whilst the proposed residential use is consistent with that of adjoining land, the impacts of the buildings upon the three adjoining residential properties, (122 Narrow Neck Road and 76 & 78 Stuarts Road) should be reviewed.

The rear of the single storey dwelling on 78 Stuarts Road is within 1.5m of the boundary of the subject property. The main habitable rooms of this dwelling face south east away from the site. The proposed development at its closest point will be 10m from the rear of this dwelling.

The rear of the split level dwelling on 76 Stuarts Road is approximately 7.5m from the boundary of the subject property, where it is single storey in height, and cut into the slope of
the land. Living areas of the dwelling also face south east away from the subject site. The proposed development at its closest point will be 13.5m from the rear of this dwelling.
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The provision of appropriate screen planting along and adjacent to the common boundary between the proposed development and these properties to Stuarts Road should be required to maintain privacy and avoid overlooking. The use of solid or opaque balcony balustrades will further assist issues of privacy between the respective properties.

The northern side wall of the two storey dwelling at 122 Narrow Neck Road is approximately 4m from the boundary of the subject property. The proposed development at its closest point will be approximately 9m from this side wall. The proposed development has been altered significantly along this southern boundary with 122 Narrow Neck Road, to reduce any likely impact. With the inclusion of suitable landscaping, the appearance of the development will be further enhanced when viewed from the adjoining premises.

(vii) Site entrance and exit and vehicular circulation/car parking

Vehicular access via the existing driveway access at the corner of the property should not be permitted because of the dangerous location and poor sight distances. This entry is proposed to be retained for pedestrian use, with the existing gates to remain locked. In the Planning Report submitted with the application it is indicated that the existing driveway may be used infrequently by trucks such as furniture vans needing to access the upper area of the site. While the use of the existing driveway for emergency purposes may be accepted, such as in the event of fire, any other vehicular use is not supported and any consent should therefore confirm primary use as pedestrian access only.

A new access driveway 7 metres wide is to be constructed along the Stuarts Road frontage, approximately 48m from the corner with Narrow Neck Road. This location is the most appropriate for site access being a sufficient distance from the corner and adjoining residential properties. It also provides the opportunity to establish a smooth transition via gentle gradients from Stuarts Road to the level of the internal driveway. Access off Narrow Neck Road is not supported due to general construction and sight line difficulties.

Once on the site the arc like driveway is of variable width ranging between 4 metres with passing bays near the entrance of the site where units are located on one side of the driveway to 7 metres where units on both sides of the driveway are located. The driveway terminates in the southern portion of the site where a substantial turning arc is provided to cater for all vehicles including service and emergency vehicles.

Forty five (45) vehicles may be parked on the site which take the form of a garage (6m x 4m) for each of the 34 units, with 3 units having a double garage and 8 visitor spaces. Two (2) of these spaces have been located immediately upon entry to the site to cater for visitors uncertain as to where to go.

The design given the adequate dimensions of the driveway and parking areas, and the turning facility also provided should ensure that no adverse traffic situations arise.

The number of spaces for residents is 13 in excess of SEPP 5 requirements with additional visitor parking also provided. The applicant has integrated this into the design to ensure there is no reason or need for vehicles to park kerbside.
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(viii) Traffic Generation

The Roads and Traffic Authority’s Guidelines for Traffic Generating Development state that for housing developments for Aged or Disabled Persons traffic generation is calculated at a rate of 2 vehicle trips per day per dwelling (being 1 trip inbound and 1 trip outbound) plus 0.2 trips per dwelling during the evening peak hour. As such, it is anticipated that the proposed development would have a generating capacity in the vicinity of 75 vehicle trips per day.

Survey findings included in the Traffic Impact Study submitted as part of the Planning report with the application indicate that the road system is capable of absorbing the extra traffic generated by the proposed development without affecting the performance of the road network. Council’s Development Engineers confirm that the existing road system has sufficient capacity to accommodate the extra traffic.

Traffic safety at the intersection of Stuarts and Narrow Neck Roads was raised with the applicant prior to the submission of the application. For this reason the applicant has proposed to remove the embankment to the footpath on Narrow Neck Road on the northern side of its intersection with Stuarts Road which will improve sight distances to the north. This will also allow for more level access to/from a bus stop on Narrow Neck Road.

(ix) Public transport

A bus stop is located 50 metres from the site with a bus service to the Katoomba town centre via Narrow Neck Road available at least three times a day (weekdays). Pathways to the bus stop would be along relatively flat ground however the footpath outside the development, will need to be sealed to improve access.

It is proposed by the applicant that the owners corporation will operate and maintain a mini bus on site for use by residents. Further transport by way of charter could be arranged for special outings/weekends.

(x) Adequacy of landscape proposals

Concern has been raised over the number of trees to be removed from the site in order to accommodate the built form. In addition, the long term health of trees proposed to be retained may be impacted on by their proximity to buildings and the potential for root damage during the construction process.

A more detailed landscape plan, prepared in conjunction with Council’s Landscape Architect should be required. Such preparation should ensure that plants suitable to the locality are planted, that an adequate number of trees of a satisfactory maturity are planted in appropriate locations to replace those lost as a result of the development and that the landscape amenity of the site is enhanced beyond that presently existing.
In the Statement of Heritage Impact, the applicant’s consultant specifically recommends that a landscape master plan be prepared by a suitably qualified landscape architect that seeks to sensitively adapt the development to the significant site features and the broader landscape context of the locality. This approach is agreed and documentation comprehensively addressing this issue should be submitted and approved prior to release of building plans.

(xi) Adequacy of utility services

The application was referred to Sydney Water Corporation who have replied that the water and sewerage systems have capacity to service the proposed development however the development is subject to Major Works charges and the developer is required to obtain a Section 73 certificate from Sydney Water. This should be required prior to the issue of building approval, or release of approved building plans. All other public utility services are existing and are available to service the development.

Conclusion:

The proposed development satisfies the objectives of SEPP5 and the draft SEPP, in that it is proposing to increase the availability and choice of accommodation for aged persons, and makes use of existing infrastructure.

The proposal could achieve greater yields under both the existing SEPP5, as well as the draft SEPP based on land area however it is restricted both by physical and heritage constraints over the site.

The proposal is permissible pursuant to SEPP5, which overrides Council’s specific requirements and provides that the application be determined having regard to its setting. The application satisfies the objectives of the SEPP and is considered to be suitably located with respect to support facilities. No major concerns were found through the Section 90 assessment however some areas warrant further comprehensive detail prior to any Building Application being approved.

It should be noted that the subject development application, under the provisions of SEPP5, can not be refused on the basis of car parking, density and landscaping where it meets the minimum standards of the SEPP.

The design of the development is considered to represent a reasonable balance between the needs of the developer, the objectives and requirements of SEPP 5, amenity issues and residents’ concerns many of which have been satisfactorily addressed or may be through appropriate conditions of consent.

Consideration has been given to the heritage significance of the site, with most development to occur on those parts of the site identified as having less significance. Ideally more development might have occurred on the level area of the site, however this area has most heritage significance.
It is therefore considered that the proposal is respectful of its setting and will result in a purpose built residential development that will assimilate into its locality with an acceptable degree of impact.
1. To confirm and clarify the terms of Council’s approval, the development shall be carried out in accordance with the approved stamped plans prepared by Bishop & Hitchcock Architects, number 1974-CSD-A-01A/02-C/A-03-C/04-C/05-C/06-C/07-C/08-D/09-C/10-C dated March 1997 and issued 13 November 1997 and 1975-SD.O11.C/SD.012.B/SD.013B dated September 1997 issued 14 November 1997 submitted with Development Application No. B97/0535, dated 14 May 1997, and any supportive documentation, except as otherwise provided by the conditions of this consent.

Council draws the applicant’s attention to section 102 of the Environmental Planning and Assessment Act, 1979 in relation to modification of this consent. (Note: This would include any variation or modification which would significantly reduce the number of trees to be retained.)

Any modification that falls outside of the scope of Section 102 will require a new Development Application.

2. (a) Pursuant to Section 99 of the Environmental Planning and Assessment Act, 1979, this consent became effective on the above date and will lapse unless the proposed development is physically commenced within two (2) years of the date of this consent.

(b) A Village Management Plan shall be submitted to Council and approved prior to residential occupation that addresses (but is not necessarily limited to) the means by and the manner in which the following aspects will be established and maintained -

- mode of occupation/ownership of units
- maintenance and operation of the village
- management of the village and residents’ needs
- health care support services, in particular the need to retain nursing care on site at all times
- the operation and maintenance of a village bus.

3. In accordance with the provisions of State Environmental Planning Policy No. 5 - Housing for Aged or Disabled Persons the development is to be occupied by aged persons, being persons aged 55 years or over, and/or disabled persons.

**Reason:** Conditions 1-3 are imposed to confirm and clarify the terms of Council’s approval.

4. No site or construction work detailed in this development consent including any earthworks, land clearing or tree removal shall take place until a Building Application has been submitted and approved by Council. Upon approval the following requirements will apply.
Attachment 1

- Erosion and Sedimentation Control shall be installed and maintained in accordance with Blue Mountains City Council’s Erosion and Sedimentation Control Policy and Code of Practice (adopted 14/5/96). Full details are to be submitted with the Building Application.

**NOTE:** Measures may include the installation of geofabric fencing, staked straw bale walls located on the contour banks and the like.

- To reduce nuisance to the surrounding properties, site works and building works (including delivery of materials to and from the property) shall be carried out between the hours of 7.00 am and 6.00 pm only, from Mondays to Fridays and between 8.00 am and 1.00 pm only, on Saturdays. No construction works or deliveries for the construction are to take place on Sundays or Public Holidays.

- No building materials are to be stored within the road reserve and no filling or debris is to be placed in any watercourse or drain.

- The site shall be kept clean and tidy during the construction period and all rubbish, including demolished material, shall be removed from the site upon completion of the project to the satisfaction of Council. No material shall be burnt or buried on site.

**Reason:** To safeguard the amenity of the locality and to prevent environmental pollution.

5. The subject land, comprising Lots 1, 2 and 9, Section C, DP 1711 shall be consolidated into a single parcel, and written evidence of registration of consolidation by the Land Titles Office submitted to Council prior to the granting of Building Approval.

**Reason:** To ensure no portion of the total development site can be disposed of independently without the prior approval of Council under the Environmental Planning and Assessment Act 1979.

6. The development shall be provided with access and facilities for disabled persons in accordance with the provisions of Council’s Access and Mobility Policy and Australian Standard AS 1428.1 - 1993 and Section 10(3) of State Environmental Planning Policy No. 5. Details shall accompany the Building Application.

**Reason:** To ensure this development for aged and disabled persons accommodation is provided with the mandatory requirements to satisfy local and state regulations.
7. To ensure the external appearance of the development is not intrusive or offensive and does not degrade the visual quality of the surrounding area, external walls are to be of masonry construction such as face brick, rendered or bagged painted brickwork with roof material of Colorbond or tile. Preference shall be given to the use of darker colours and tones. Full details of the materials of construction and colours including window frames, garage doors, and all paved areas shall be submitted for approval with the Building Application.

**Reason:** To ensure the development integrates and is consistent with the natural environment and existing development in the area.

8. The completed buildings shall not be altered externally in character or colour without the prior consent of Council. All piping is to be effectively concealed and any exposed pipes are to be painted in a colour that will harmonise with the building.

**Reason:** To ensure the external appearance of the development is not intrusive or offensive, and does not degrade the visual quality of the surrounding area.

9. The development shall be modified to Council’s satisfaction, in the following manner:

(i) The proposed glasshouse and garage No. 21 shall be deleted to avoid any adverse impact on adjacent pine trees resulting from building work, excavation and footing construction in the vicinity of root systems, trunks and branches. Garage No. 21 should be replaced with an open parking spaces.

(ii) The proposed garage/workshop building shall be appropriately repositioned or the building design amended to ensure that the building and any excavations are at least 3 metres away from the trunks of the pine trees adjacent to the western boundary.

(iii) South and east facing balconies of buildings adjacent to neighbouring property boundaries shall be provided with solid or opaque balustrades to reduce overlooking of adjacent residential properties.

Details to be shown on plans submitted with the Building Application.

**Reason:** To ensure compliance with environmental planning instruments, codes and policies which relate to the subject land.

10. To ensure the development of the site respects the elements of heritage significance, a heritage conservation plan shall be submitted with the Building Application for Council approval setting out the means of implementation of the measures to reduce negative impacts as set out in the Statement of Heritage Impact prepared by David Beaver. Approved measures are to be implemented with the commencement of any building works.
11. The applicant must prepare and submit to Council for approval a detailed report and landscape plan for the site, prepared by a suitably qualified landscape designer. This report must be submitted to and approved by Council prior to the release of the building application.

The landscaping plan shall include, but not necessarily be limited to, the following:

(a) location of building(s), road(s), parking areas and other ancillary structures with all existing trees to be retained ie, trees located outside the building envelopes shown on Dwg No. 1975-S.D.011.C issued 14 November 1997 and areas of vegetation to be retained;

(b) the landscape plan is to include the names and quantities of all proposed trees, shrubs and ground cover. The report must also cover but not be limited to, the site treatment required to ensure successful plant t growth given the slope and orientation of the site;

(c) the landscape plan is to provide for dense semi-mature plantings along the eastern and southern boundaries of the site, to secure the effective screening of the development when viewed from adjoining properties without such vegetation being instrumental in significantly reducing winter sunlight beyond the level of that presently enjoyed;

(d) extension of the pine tree hedge along the full length of the western boundary to Narrow Neck Road;

(e) all plants must be in an advanced stage of growth at the time of planting (minimum 50 litre container for trees and 25 litre container for shrubs) with all trees not being less than 2 metres in height;

(f) the means to be implemented to protect existing vegetation during the construction phase;

(g) the applicant will maintain all plants and landscaping carried out in accordance with this condition until the plants are established on the site. Any plants that die or are removed during the maintenance period must be replaced with plants of the same species and of similar stage of growth.

12. To prevent random clearing of land in contravention of Council’s Tree Preservation Order, trees and shrubs immediately outside the approved building and driveway areas shall not be destroyed, cleared or removed from the site without prior approval of Council. The development and his or her agents shall take all measures to prevent damage to trees and root systems during site works and construction.
Council will require all trees which are to be retained to be adequately protected against damage, including compaction of soil within the dripline, during the building construction. Details of measures to be implemented shall be submitted to Council for approval with the landscape plan prior to the commencement of works. A suitably qualified horticulturist and/or arborist shall be employed to continually supervise construction activities to ensure continuing compliance with tree protection measures.

Where deemed necessary by Council the potential for adverse impact upon trees to be retained shall be determined by root probe. The means of minimising the potential for impact on the roots of trees shall be determined and supervised by a suitably qualified horticulturist and/or arborist.

13. The applicant shall lodge with Council prior to the release of the Building Application a bank guarantee or bond to the value of $20,000 for the purpose of securing the protection of the trees shown to be retained on the plan referred to in condition 11(a) above. Where the recommendations of the consultant, as referred to in Condition 12 above, are not followed, and Council is of the opinion that the trees/s is/are no longer viable the applicant shall be responsible for the replacement of those trees as directed by the Council. The bond/bank guarantee shall be forfeited if this direction is not satisfactorily implemented.

**Reason:** Conditions 10 to 13 are to ensure the protection of the heritage character of the site and that it is properly landscaped with the development integrating with and further enhancing the streetscape.

14. Details of proposed fences shall be submitted to Council for consideration and approval, prior to their construction. Materials are to be complementary in both colour and finish with the buildings on the site. The existing stone post and timber rail fence to Narrow Neck Road shall be retained. The minimum construction standard of proposed side and rear boundary fences shall be ‘lapped and capped’ timber paling fences of minimum 1.8 metre height behind the building line except where the written agreement of the adjoining owner is obtained to a fence of lesser standard.

All fencing costs shall be borne by the applicants.

**NOTE:** Full details in this regard, including the written concurrence of the adjoining owners, is to be provided with the requirement Building Application.

**Reason:** To minimise any adverse impact which the proposed development may have upon the neighbouring dwellings in terms of noise nuisance or loss of privacy and to ensure that the cost of any higher standard fencing required in this regard is borne by the Developer and is not imposed as a cost-burden on the adjoining owner/s.
15. To prevent signage which adversely impacts on the visual quality of the Mountains, advertising structures of signs shall not be erected, affixed, painted or displayed without prior Council consent. Details of any identification signs for the development are to be submitted with the Building Application for consideration and approval.

16. Television aerials and/or satellite communication dishes shall be restricted to one common facility for the development.

**Reason:** Conditions 15 and 16 are imposed to ensure ancillary aspects of the Retirement Village do not impact adversely on the scenic quality of the area.

17. To ensure parking necessary for the development is provided 45 off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, and located, as shown in the approved plan. Visitor car parking spaces are to be marked so as to be readily apparent to visitors to the site. All garage openings shall be a minimum 2.7 metres wide. Details to be shown on plans submitted with the Building Application.

18. To ensure vehicle movements associated with the land use does not adversely impact on the adjoining streetscape or traffic movement therein:

   (i) all vehicles being loaded or unloaded shall stand entirely within the property;

   (ii) all vehicles must be driven in a forward direction at all times when entering and leaving the premises;

   (iii) all vehicles associated with the retirement village shall be accommodated within the approved car parking spaces areas at all times;

   (iv) the existing vehicular entry at the corner of Narrow Neck Road and Stuarts Road shall only be used for pedestrian access or emergency purposes. The gates shall remain closed or locked to ensure that there is no vehicular use.

**Reason:** Conditions 17 and 18 are imposed to ensure adequate parking is located on site and is conveniently accessible to eliminate any on site traffic anomalies.

19. A designated wash bay area shall be provided with a tap and sealed surface and shall be drained over a suitable landscaped portion to the satisfaction of Council. Details of the landscape portion is to be submitted to Council for approval.

**Reason:** To ensure the provision of a suitable facility for the washing of motor vehicles on site in a manner which prevents the discharge of pollutants into the stormwater system.
20. Satisfactory arrangements shall be made with Integral Energy and Sydney Water Corporation for the provision/extension of services to the development. Written evidence of such arrangements shall be submitted with the building application.

In this regard a Section 73 Certificate from Sydney Water shall be submitted to Council prior to the issue of the Building Approval. Alternatively, a letter from Sydney Water, stating that it has no objection to the issue of Building Approval, shall be submitted to Council, in which case the applicant must furnish the Section 73 Certificate to Council prior to occupation of the buildings.

**Reason**: To ensure services are available and adequate for the development.

21. Any relocation or alteration of public utilities or any existing services made necessary as a result of this development is to be carried out at no cost to Council, with satisfactory arrangements being made with the authority concerned, and a certificate of clearance obtained from each relevant authority:

**Reason**: To ensure that any required alterations to public utility infrastructure are undertaken to acceptable standards and without demands on public sector resources.

22. Provision is to be made for the illumination of vehicle and pedestrian entry areas at the frontage of the site throughout the hours of darkness. The lighting is to be positioned, directed and shielded in such a manner so as to not interfere with traffic safety or cause nuisance to adjoining properties.

**Reason**: To ensure that the proposal does not interfere with traffic safety and to protect the existing amenity of the neighbourhood.

23. A suitable group type mailbox being provided at the street frontage in accordance with the requirements of Australia Post. The individual unit numbers are to be clearly displayed. Full details are to be submitted with the required Building Application.

**Reason**: To ensure appropriate and suitably located letterboxed are provided.

24. The street number of the property is to be prominently displayed in an appropriate location. This number being displayed larger than the units numbers on the mailbox.

**Reason**: To ensure the premises are readily identifiable from the roadway in the interest of traffic safety and emergency services access.

**Engineering Requirements**

25. The construction of a heavy duty concrete layback and apron crossing for the access driveway across Stuarts Road footpath. The crossing is to be a featured surface and is to be formed as indicated in red on the approved plans.
The access driveway from Stuarts Road to the first building (Unit No. 7 on the approved plans) shall be of a gradient and dimension to allow the passage of cars, large rigid trucks and private mini commuter buses. Grades are not to exceed 15%. The first 3 metres from the rolltop kerb and gutter alignment is not to exceed 10%.

A feature wall of stone or similar aesthetic material shall retain the driveway up to the garage of Unit No. 34. The design is to be prepared and certified by a chartered engineer to Council’s satisfaction and approval prior to release of the Building Approval.

26. Construction of a concrete footpath 1.2 metres wide adjacent to the development site in Narrow Neck Road and is to extend northerly along Narrow Neck Road to the driveway of house number 102, opposite the bus shelter. This work is to include sealed shoulder pavement connections on both sides of Stuarts Road and in Narrow Neck Road at the bus stop and all necessary work to make such construction effective.

27. The construction of rolltop kerb and gutter and the adjacent shoulder provided with a sealed pavement over the full frontage of the development site to Stuarts Road. The construction is to include any necessary drainage and works to make the construction effective. The rolltop kerb and gutter is to be on the same alignment as the existing rolltop kerb and gutter at the eastern boundary of the site and is to extend into Narrow Neck Road with the kerb return.

28. At the intersection of Stuarts Road and Narrow Neck Road the following work is to be carried out:

a) The high footpath on the north east corner is to be lowered to maximise unobstructed sight distance. Minimum sight distance is to be 65 metres from the new Stuarts Road driveway.

b) Shrubs along the Narrow Neck Road road shoulder to the south are to be pruned to maximise unobstructed sight distance. Minimum sight distance is to be 65 metres.

c) In Stuarts Road the provision of 30 metres of double barrier centre line with raised pavement markers. The work is to be undertaken in thermoplastic.

29. The provision of kerbs and the formation paving and sealing of access roads, turning areas and car parking areas in the development site, together with any necessary drainage, retaining walls and works to make the construction effective.

The sealed main circulation drive is to be wide enough for two way traffic and to provide turning manoeuvres into and out of garages. Sealed pavement areas shall be a feature finish such as stencilled or washed concrete.
30. All roof surfaces, car parking access and paved areas being drained by pits and pipes. All drainage is to be subject to engineering design in accordance with ARR 1987. All drainage is to discharge into an on site detention system and then into the kerb and gutter in Stuarts Road. The flow from the site is to be restricted to predevelopment flows for ARIs of 1:1yr, 1:5yrs and 1:20yrs. The maximum flow from the site is to be 69 litres per second for ARI 1:20 yrs. The location of the detention system is to be on site and underground in a position that does not affect significant vegetation and preferably should be located beneath the main driveway.

Drainage structures are to include trash and sedimentation control collection measures.

31. The provision of scour protection and siltation control measures. All disturbed earthworks and or batters being restored and stabilised. All batters to be no steeper than 30%, otherwise retaining walls are to be constructed. Cut and fill higher than 900 mm to be retained by aesthetically finished retaining walls. All retaining walls are to be designed and certified by a chartered engineer.

32. All the engineering works in the above conditions being subject to engineering design. Such plans and specifications are to be submitted to Council for consideration and approval prior to issue of Building Approval. In this regard all sealed road pavements to be designed in accordance with the “Pavement Design, A Guide to Structural Design of Road Pavements”, AUSTROADS 1992. Further, the plans and specifications to include any necessary work to make the construction effective including the relocation of public utilities.

33. The provision of a maintenance bond to the value of 5% of the cost of the engineering construction or a minimum of $2,000 whichever is greater to cover maintenance during construction and 6 months after construction (ie after construction is completed to Council Engineer’s satisfaction). The bond is to be paid prior to issue of Building Approval.

34. An on site meeting is to be arranged with Council’s Supervising Engineer prior to commencement of work for the purpose of pre-construction briefing.

Reason: Conditions 25-34 are imposed to ensure all road frontage and on site engineering works required for and in respect to this development are provided for the residents of the site.
Attachment 2
Attachment 2
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Attachment 2
Attachment 2
Attachment 2
Attachment 2
Attachment 2
LAND USE MANAGEMENT PROGRAM

ITEM NO: 21

SUBJECT: PROPOSED DRAFT LOCAL ENVIRONMENTAL PLAN (DLEP) AND DEVELOPMENT APPLICATION FOR LAND AT 32-34 (LOT 1 DP 801786) GREAT WESTERN HIGHWAY, VALLEY HEIGHTS TO PERMIT AN AQUATIC CENTRE DEVELOPMENT

FILE NO: Z21/010 & B98/0007

Recommendation:

That in respect of land at 32-34 (Lot 1 DP 801786) Great Western Highway, Valley Heights:

1. Council, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, resolve to prepare a draft Local Environmental Plan to amend Blue Mountains Local Environmental Plan No. 4 to allow a recreational facility;

2. Council request a Section 65 certificate from the Director-General of the Department of Urban Affairs and Planning, under the Environmental Planning and Assessment Act 1979, to enable the draft LEP to be publicly exhibited;

3. The draft Local Environmental Plan be prepared and exhibited in accordance with the Best Practice Guideline published by the Department of Urban Affairs and Planning in January 1997 titled “LEP’s and Council Land - Guideline”;  

4. The draft Local Environmental Plan and Development Application for the site be exhibited concurrently in accordance with Section 72(k) of the Environmental Planning and Assessment Act, 1979;

5. Council resolve that no Environmental Study is required to be prepared for the site; and

6. Council resolve to classify the land as Operational following its acquisition in accordance with Section 31(2) of the Local Government Act 1993.

Report by Group Manager, Health and Development:

APPLICANT: Blue Mountains City Council

OWNER: State Rail Authority

DATE OF RECEIPT: 4 December 1997
SITE:

1. Property Description

The subject land is Lot 1 DP 801786, 32-34 Great Western Highway, Valley Heights which comprises a total area of 9809 square metres.

2. Site Description

The land is irregular in shape, with the southern boundary formed by the Great Western Highway and the northern boundary formed by Peninsula Road (Attachment 1). The south-western half of the site is generally level with a gentle slope down to the north-east, falling about 2 metres. Thereafter the slope increases with a drop of another 5 metres.

The land consists partly of an unsealed informal car park and partly of open woodland. The native vegetation includes several tall trees, mainly Turpentsines, Smooth Barked Apples and Grey Gums, with some shrub understorey.

3. Locality

The land is illustrated on the following locality plan:

INTRODUCTION:

This report concerns three (3) aspects of the rezoning and development process for a proposed Aquatic Centre which require the consideration of Council. Firstly, the report seeks Council’s approval to prepare a Draft Local Environmental Plan (DLEP) for the subject land enabling the development of a “recreational facility”. Secondly, it seeks Council’s approval to forward the DLEP to the Department of Urban Affairs and Planning to request the Director-General's
approval to publicly exhibit the DLEP for a period of 28 days in conjunction with the Development Application.
LAND USE MANAGEMENT PROGRAM

Thirdly, to enable effective long-term management of the site, the report seeks Council’s resolution to classify the land as operational upon its acquisition in accordance with Section 31(2) of the Local Government Act 1993.

At its Ordinary Meeting of 24 June 1997, Council resolved:

“1. That subject to satisfactory purchase negotiations and satisfactory rezoning being concluded, an indoor aquatic centre be constructed on land in DP 801786, Great Western Highway and Peninsula Road, Valley Heights in general accordance with the concept sketch shown as Attachment 2 of this report and at an approximate cost of $6.0M including parking.”

(Minute No. 276)

THE PROPOSAL:

The proposal is for the construction of an Aquatic Centre at Lot 1 DP 801786, 32-34 Great Western Highway, Valley Heights. It involves amendment of the LEP provisions applicable to the parcel of land and the submission of a Development Application and its supporting Statement of Environmental Effects.

The Aquatic Centre, as detailed in the Development Application, would comprise a 25 metre, 8 lane pool; a wave pool; tots and programme pools; spa, sauna and gymnasium; multi-function room; child minding centre; and associated facilities including a retail outlet (which will sell a range of recreation and aquatic apparel and related items). A copy of the plans for the Aquatic Centre are attached hereto as Attachment 2.

The submitted proposal together with the supporting documents are described later in this report. A full assessment has not been undertaken and this would be inappropriate until after the exhibition of the material and responses to referrals are received.

COUNCIL DELEGATION:

In light of the scale and nature of the proposal, even though the Council does not currently own the subject land, it is considered pertinent to request the Director-General of Urban Affairs and Planning to issue a Section 65 certificate for the draft plan, and to facilitate its exhibition. Referral to the Director-General, in addition to compliance with the 'Best Practice Guideline', will ensure all of Council’s interests in regard to the draft plan are fully disclosed and avoid any conflict of interest where Council acts as a regulator and developer of land in which it has an interest. Pursuant to this Guideline, the following information must be included in the material displayed during the Draft LEP exhibition (which is additional to that required for preparing and exhibiting other Draft LEPs):

1. Statement of Council’s Interest
A written statement must be provided which describes Council’s interest in the land including:
- the nature of Council’s interest in the land,
- when Council first acquired the subject land, and
- why and how Council acquired an interest in the land.
LAND USE MANAGEMENT PROGRAM

2. Purpose of the draft LEP
A written statement must be provided explaining why Council is preparing the draft plan including:
• reasons for the Draft LEP,
• how the draft plan will affect existing planning controls, and
• what prompted preparation of the draft LEP.

3. Anticipated development
Including:
• details of actual physical or operational changes which may result, and
• details of the proposed development.

4. Financial implications
• Details of the expected effect on the value of the land.

5. Guideline
A copy of the Best Practice Guideline must be included with the exhibition.

As it is recommended that the Development Application be exhibited concurrently with the Draft LEP, Council's intentions for the land will be well-defined to the community.

STATUTORY CONSIDERATIONS

1. Existing Zoning and the Proposed Use

The subject land is currently zoned Residential 2(a1) under the Blue Mountains Local Environmental Plan No. 4. A plan showing the current zoning of the land and its surrounds forms Attachment 3 to this Report. It has been concluded that the proposal falls within the definition of a ‘recreation facility’ which is defined within LEP 4 as a:

“building or place used for indoor recreation, billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation whether used for the purpose of gain or not, but does not include a place of public assembly.”

A recreation facility is prohibited in the current zoning.

Similarly, the use is currently prohibited within the zones surrounding the subject site. The site is bounded on the west by premises in a 4(b) Light Industrial zone in which a recreation facility is prohibited. To the east of the site, and across Peninsula Road to the north, the land is zoned and used as Residential 2 (a1).

For this reason if the proposed Centre is to proceed, a change to LEP 4 is required to enable a ‘recreational facility’ to be established on the site.
LAND USE MANAGEMENT PROGRAM

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Public exhibition of draft LEP 1997 commenced on 1 October 1997 and concluded on 9 January 1998. The Draft LEP will repeal LEP 4, under which the land is currently zoned.

The Draft Blue Mountains Local Environmental Plan, 1997 proposes to rezone the site by applying a Living Conservation zone over the land, in conjunction with a protected area affectation of Environmental Constraint (hatching) over a portion of the subject site.

Recreation facilities are also proposed to be prohibited under Draft LEP 1997 within the Living Conservation zone.

The proposal, as detailed in the Development Application however, has been considered with respect of the objectives of Draft LEP 1997, and is considered to be generally consistent with those objectives.

ENABLING CLAUSE:

It is proposed that an enabling clause be added to LEP 4 to permit the development of a ‘recreational facility’ on the subject site. This would allow an Aquatic Centre with the consent of Council. The enabling clause would not preclude any development currently permissible on the subject site pursuant to the Residential 2(a1) zoning.

SPECIFIC MATTERS FOR CONSIDERATION:

In considering the proposed rezoning a number of matters have been specifically addressed and details provided with the Development Application. The matters raised to date are by no means the only matters to be considered and the proposal will require detailed assessment pursuant to the Environmental Planning and Assessment Act, 1979 in terms of the Rezoning Application and during the course of the processing of the Development Application.

1. Flora

Flora and Fauna Impact Assessments have been prepared by Dr E R Sakker of Ecolution Pty Ltd - Environment and Development Consultants.

On the southern side of the property, facing onto the Great Western Highway, the land has been identified as having very little vegetation except for one small group of trees on the boundary of the site, which include Turpentines and Sydney Green Wattle.

Extending from the Highway for about a third of the site back, there is only minimal vegetation consisting of some clumps of grasses with compacted earth in between. In places, blue metal and other rubble are embedded as a result of previous and past use of the site. All of this southern part of the site is used for car parking and as a thoroughfare for pedestrians and bicycle riders and it is submitted that development would therefore have minimal effect on vegetation.
Along both the western and the eastern boundaries of the site, adjoining the neighbouring properties, the vegetation is heavily infested with exotic species mainly weeds. In the south west corner, there is a mixture of native and exotic trees including Sydney Green Wattle, Tick Bush, Privets, Camphor Laurel and a Mulberry tree. Wisteria envelopes many of the plants. Along the western boundary the vegetation has been identified as mostly Privet, Morning Glory, Blackberry, exotic grasses and a few juvenile eucalypts. Much of this area is littered by lumps of concrete.

In the south-eastern corner there is mainly Kikuyu Grass, Plantain, Bamboo and Honeysuckle. Two nearby stands of Turpentine are native to the site.

The northern end of the site retains an open forest with an understorey of small trees and shrubs. The tall trees are mainly Turpentine, Smooth Barked Apple, Grey Gum, Thin-leaved Stringybark and Red Bloodwood. There are also a few Blue Mountains Mahogany and a Silvertop Ash. Small trees include Sydney Green Wattle, Sweet Pittosporum and juveniles of the tall tree species. Most of the tall trees are in good condition but many of the wattles have been attacked by borers. Some of the old, tall trees have hollows suitable for the nests of birds or arboreal mammals. The shrubs identified included Tick Bush, Flax-leafed Wattle, Prickly Moses Wattle, Sydney Golden Wattle, Needlebush, Gorse Bitter Pea, Rough Bush Pea, Native Holly, Spiny-headed Mat-rush, Blue Flax Lily and Con seeds. One specimen of Narrow-leaved Geebung and one of Hop Bush was seen. The Dusky Coral Pea was climbing over several shrubs.

Grasses in this section of the site were mainly native species including Kangaroo Grass, Blady Grass, Three-awned Spear Grass, Long-hair Plume Grass and Tall Spear Grass. Also in this area there were some introduced exotic species such as Formosan Lily, Cotoneaster and bulbs, but the area is not heavily infested.

The Study concludes that no plant species considered to be rare or threatened are located on the site. It is submitted that development of the site would involve removal of some vegetation but the impact of this can be minimised by confining building construction to the degraded land at the southern end of the site.

2. **Fauna**

A Fauna Survey and Impact Assessment of the site has been carried out to determine the importance of the site as habitat for threatened species. This report assesses the likely effects of the proposed development and was prepared, as required under the New South Wales National Parks and Wildlife Service, Threatened Species Conservation Act, 1995 and Section 5A of the Environmental Planning and Assessment Act, 1979 (Eight Point Test).

Searches were made for the presence or evidence of frogs, reptiles, birds or mammals or their habitat. These searches included direct sightings, pellets, scratch marks, diggings, hairs and skeletal remains. Mammal traps were set, bird calls were taped and spotlighting was carried out.
The records of the National Parks and Wildlife Service Wildlife Atlas Database and relevant literature for the area were reviewed. The National Parks and Wildlife Service records of Rare or Threatened Australian Plants were also examined.

No rare or endangered species of amphibians, reptiles, birds or mammals were found during the study.

It is submitted that the site has been used so extensively as a carpark and as a thoroughfare that it no longer provides suitable habitat for native animals. It has been concluded that the location, adjacent to the main highway and in a built-up area, also precludes any return of the land to its original state.

3. Bush fire

The site has been identified as being within an area of high to extreme fire threat. It has been concluded, however, that buildings on the site would be extremely well buffered from bush fire threat to the south-west by the Great Western Highway and the railway. To the north-east, Peninsular Road and the proposed car park represent an extensive buffer.

4. Archaeology

An archaeological survey of the site has been undertaken to determine the appropriateness of the site for the proposed development from this standpoint.

The survey aims to identify any Aboriginal sites or relics that may be present. It was undertaken by John Appleton of Archaeological Surveys & Reports Pty Ltd and two representatives of the Deerubbin Local Aboriginal Land Council.

Prior to this survey no Aboriginal sites had been recorded along the ridge in the vicinity of Valley Heights.

No artefactual material of heritage significance was observed during this survey. However, in two or three areas in the northern half of the survey area, particularly in the north-western sector, there appeared to be some relatively intact 'islands' of deposits around small stands of trees, separated by the tracks which in some places were up to 25 cm below the level of the 'islands'. For this reason the Report considers that there is some potential for artefacts to exist in these locations. The removal or excavation of the 'islands' in any clearing of the site would need to be monitored.

Other isolated artefacts or low density scatters may exist in less disturbed areas. The isolated artefacts establish that this is an Aboriginal site, but the Report it is considers it extremely unlikely that additional finds would add much to the scientific significance of the site or to the isolated artefact.

The applicant has made application to the National Parks and Wildlife Service to obtain a permit to disturb the site.
5. **Design**

It is submitted that the exterior building design has evolved in response to what initially appeared as contradictory criteria, that is to keep the building low in scale at the neighbouring boundaries, whilst creating a marketable ‘presence’ on the Great Western Highway.

The roof form is a result of this criteria. Pitched roofs in off-white colorbond steel have their low points at both the east and west boundaries, rising to centrally located trusses which converge at a single support column adjacent the sauna near the southern boundary (Highway).

The trusses, which are parallel to their respective boundaries, thus create a triangular central roof, which is divided into two sections at the central sky light. One section falls to the south, the other to the north. The skylight, which faces north, would allow good natural lighting to the proposed wave pool and associated leisure activities.

A system of masts and associated cable supports would reduce the depth of the two main trusses. The south end of the trusses, and the north end of the west truss, would be exposed on the outside of the building.

6. **Landscape and Visual Impact**

A critical landscape component of any development of the site will be the retention and reinforcement of the majority of trees along Peninsula Road, including a large clump of the best vegetation up to 30 metres into the site half way along.

These trees are vital in creating the visual bush setting along Peninsula Road and as a skyline element seen from the Great Western Highway.

The proposed landscaping is dominated by tree species native to the area which offer shade in the car park areas and extend the remnant bushland into parts of the site which are currently cleared. Vegetation along the eastern boundary is proposed to include lower shrubs to reduce the impact and potential overshadowing of the adjoining residential properties. Where possible in the design, a native understorey is indicated.

The bitumen pavement in Peninsula Road is proposed to be widened slightly to the standard of 6 metres, provided with a rollover curb and 2 metre verge. This will leave a further 4 metres which can be planted and incorporated into the landscape of the site. This will result in the upgrading, rather than diminution of the landscape quality of the immediate area.

A low berm, 1.5 metres high with a fence on top, planted with shrubs to this scale is proposed to be provided along the eastern boundary adjacent to the existing houses. This is submitted as capable of removing most noise impact and all overlooking, lighting and headlight beam issues. A pathway along the northern section of this boundary is proposed to provide permanent access to the two houses which currently have informal access.
7. **Car Parking**

There is no specific code for parking provision at Aquatic Centres.

A total of 91 car spaces are proposed including 3 disabled, 4 short term and 9 staff parking spaces. A comparison in the submission has been made to other Aquatic Centres which indicates that this provision will be more than adequate and that all parking for the proposed development can be met on-site, including visitor and staff parking.

Vehicles from the entry driveway are proposed to circulate clockwise along a one way aisle and around a turning circle (of sufficient diameter for buses) to the drop off area at the building's entrance then proceed directly out of the exit driveway. A terminating two-way aisle runs off the circulating parking spaces on the eastern leg of the proposed carpark.

8. **Utilities**

**Water and Sewerage**

Advice has been provided from Sydney Water that water can be made available from the existing main which has the capacity to serve the land and that sewerage can be connected to the existing infrastructure which has sufficient capacity.

**Electricity**

Integral Electricity confirmed that power likewise can be made available.

**Communications**

Telstra have confirmed that underground pipe and cable connections can be made.

**Waste**

An enclosed, but not covered, storage area for waste bins and recyclable materials is proposed adjacent to the main circulatory access way.

9. **Traffic**

Vehicular access is proposed via driveways in Peninsula Road. From there, via the intersection with Tayler Road, access can be gained to the Great Western Highway where there is a ‘T’-junction.

Traffic counts submitted with the application indicate low traffic flows in Peninsula and Tayler Roads but around 30,000 vehicles per day on the Highway. Peak hour flows, the proportion of heavy vehicles and speeds were also estimated. Current traffic generation of site is insignificant.

Traffic volumes along Peninsula Road between the site access and Tayler Road are estimated in the submission to increase from 45 to 135 vehicles in the peak hour.
LAND USE MANAGEMENT PROGRAM

Item 21 - Ordinary Meeting, 27/1/98

Peak period volumes at the intersection of Peninsula Road/Highway presently experience delays turning right to or from the Highway. The proposed traffic increases need to be assessed to determine whether they would significantly alter the existing delays and if other traffic management options are available.

10. Public Transport

Valley Heights Railway Station is located along the Highway 200 metres east of the site. The bus route from Faulconbridge to Penrith runs along the Highway stopping at Valley Heights Station. There is also an east-bound bus stop near the Pearce Bus Terminal on the Highway west of Peninsula Road.

CONCLUSION:

Following a preliminary review of the proposal and submitted information, it is recommended that Council resolve, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, to prepare a draft Local Environmental Plan to permit the establishment of the Aquatic Centre on the site. It is proposed that the Director-General be requested to issue a Section 65 certificate to allow Council to exhibit the draft plan in accordance with the Best Practice Guideline of the Department of Urban Affairs and Planning. To integrate the rezoning and proposed scheme it would be appropriate that the associated Development Application be exhibited at the same time as the Draft LEP.

The recommendation also provides that upon acquisition of the land, that it be classified as Operational which would reflect the proposed commercial use as an Aquatic Centre.
Attachment 1
Attachment 2
Attachment 2
ORGANISATIONAL SUPPORT PROGRAM

ITEM NO: 22

SUBJECT: SCHEDULE OF INVESTED MONIES

FILE NO: C00694

Recommendation:

That the Schedule of Invested Monies as at 15th January, 1998 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.

A Schedule of Council’s Invested Monies as at 15th January, 1998 is attached for information.
Recommendations:

1. That Council accept the tender submitted by AAHHS Design for the production of the 1998/99 Blue Mountains Holiday Book

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

Report by General Manager:

Background:

The Blue Mountains Holiday Book has been produced by the Blue Mountains Tourism Authority (BMTA) each year since 1990 on a co-operative basis with the local tourism industry. It is the BMTA’s key promotional and marketing tool for the Blue Mountains promoting motivational information and commissionable product to the consumer and travel agent network.

Since 1990/91 the publication, through industry participation, has grown from a 16 page publication with 100,000 print run to a 64 page A4 Holiday Book with a print run of 150,000 in 1997/98 and a small Pocket Guide with a print run of 200,000 in 1997/98.

In early December 1997 the Blue Mountains Tourism Association put a proposal to the local industry for a change in format to the 1998/99 Blue Mountains Holiday Book. This proposal was adopted at an industry meeting resulting in an A4 publication focusing on accommodation with a print run of 100,000 and a smaller stand alone pocket guide with general motivational information and accommodation information with a 250,000 print run. As this process requires the use of relatively new digital reduction technology the BMTA found it necessary to include in the tender document three production options for pricing to ensure that the best possible and most cost effective production was secured to maintain the high quality of the publication.

Based on information received as part of the tender process, the Tender Assessment Panel met with four representatives of the tourism industry to discuss in general terms the advantages and disadvantages of using the digitized reduction process and the general expectation on the industry proposed model.
After considering the production process and consultation with the industry representatives it was agreed that Option One using a combination of production processes was the most appropriate.

As a result of the increased size and print run of the Holiday Book the BMTA was required to go to tender as the cost was likely to exceed the Local Government threshold of $100,000.

The following report outlines the assessment of the tenders received and recommends Council’s formal acceptance of the most suitable tender.

Report

Tenders for the 1998/99 Blue Mountains Holiday Book closed on 6 January, 1998 and a total of 9 tenders were lodged by 9 tenderers after 33 sets of specifications were sent out.

Full details of all tenders are available on file for further reference.

Evaluation Criteria:

Each submission was assessed using an analysis spreadsheet relating to tender specifications and required documentation. Of the nine (9) tenders received all met the requirements except the request of all tenderers to provide a sample of a digitally reduced advertisement. It was considered appropriate, that as no tender had complied with this request to consider all tenders. A weighted attribute evaluation method was then used for all tenders. This involved assessment of the following principal attributes:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>ATTRIBUTE</th>
<th>WEIGHTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Conformity with Specification</td>
<td>5%</td>
</tr>
<tr>
<td>2.</td>
<td>Demonstrated previous experience in producing similar publications of a superior quality</td>
<td>20%</td>
</tr>
<tr>
<td>3.</td>
<td>Demonstrated previous experience in producing publications of a similar print run</td>
<td>5%</td>
</tr>
<tr>
<td>4.</td>
<td>Ability of one contractor to produce/co-ordinate Design, Artwork Management and Printing of the project</td>
<td>10%</td>
</tr>
<tr>
<td>5.</td>
<td>Accessibility of contractor for meetings, proof checking, press checks</td>
<td>5%</td>
</tr>
<tr>
<td>6.</td>
<td>Demonstrated creative ability and staff numbers to meet the scope and outcomes of the contract</td>
<td>10%</td>
</tr>
<tr>
<td>7.</td>
<td>Demonstrated operational ability to meet the scope and outcomes of the contract eg equipment</td>
<td>10%</td>
</tr>
<tr>
<td>8.</td>
<td>Demonstrated ability to meet the required production timeline</td>
<td>5%</td>
</tr>
<tr>
<td>9.</td>
<td>Price tendered: The lowest priced tender may not necessarily be accepted.</td>
<td>30%</td>
</tr>
</tbody>
</table>

The Tender Assessment Panel consisted of the Acting Manager Tourism, the BMTA Promotions Officer and the Manager Technical Services.
TOURISM & ENTERPRISE DEVELOPMENT PROGRAM  

Item 23 - Ordinary Meeting, 27/1/98

The Specification also required that all tenderers lodge the following essential details with their Tender: Tender Form, Capability Statement, Business References, Insurance - Certificate of Currency, samples of similar jobs previously produced, Digitized Test Sample of Reductions where appropriate and a Production Timeline.

Assessment of each Tender was based on the ability of the Tenderer to meet the requirements of the Specification Document, Selection Attributes and in providing the essential documentation requested in the Specification.

It should be noted that the Specification Document asked tenderers to submit a price based on a set number of pages for the publication with a plus/minus variance for additional/less pages as the final size of the publication is dependent on the number of co-operative partners (advertisers) secured once selling commences.

Assessment Matrix: Enclosed separately for Councillors’ information is the assessment of each tender for Option One under the evaluation criteria listed above. The Assessment Matrix for Options Two and Three are on file for the perusal of any interested Councillor. The resulting total weighted attributes are listed in order below (most favorable to least favorable):

<table>
<thead>
<tr>
<th>TENDERER</th>
<th>PRICE</th>
<th>TOTAL WEIGHTED ATTRIBUTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. AAHHS Design</td>
<td>$173,880</td>
<td>2.86</td>
</tr>
<tr>
<td>2. Offset Alpine</td>
<td>$169,674</td>
<td>2.60</td>
</tr>
<tr>
<td>3. PMP Communications</td>
<td>$161,835</td>
<td>2.40</td>
</tr>
<tr>
<td>4. Thomas Marsden Adv.</td>
<td>$222,107</td>
<td>2.18</td>
</tr>
<tr>
<td>5. BPR</td>
<td>$239,419</td>
<td>1.89</td>
</tr>
<tr>
<td>6. Lilyfield Printing</td>
<td>$211,915</td>
<td>1.95</td>
</tr>
<tr>
<td>7. Show Ads</td>
<td>$54,710 (Section A only)</td>
<td>1.30</td>
</tr>
<tr>
<td>8. McMonigal</td>
<td>$26,600 (Section A only)</td>
<td>1.30</td>
</tr>
<tr>
<td>9. Diamond Press</td>
<td>$124,020 (Section B only)</td>
<td>1.45</td>
</tr>
</tbody>
</table>

These costs are based on Option One as it was the preferred industry model for the 1998/99 Holiday Book.

In considering the Tenders the Assessment Panel took into account the need to maintain the superior quality of the publication and that the cheapest quote would not necessarily provide the best product to promote and sell the Blue Mountains.
TOURISM & ENTERPRISE DEVELOPMENT PROGRAM

Item 23 - Ordinary Meeting, 27/1/98

The Tender Assessment Panel recommends the engagement of AAHHS Design Group on the following basis:

- Proven experience in producing publications of similar quality and creative design
- They were one of only three tenderers to produce colour laser sample designs for the Holiday Book demonstrating initiative and creativity to produce this publication
- Tendered with a western Sydney based printer allowing ease of access for all checking and liaison
- Will provide colour proofs prior to printing
- Depending on material supplied by advertisers savings could be made by making use of material on file with company
- Capability and experience to manage the total project
- Price comparable when taking into account the other criteria in particular demonstrated creative ability and experience in producing publications of a superior quality

Comment from Director, Finance and Administration:

Funding for this project will be met from the BMTA Marketing Budget and the sale of Co-operative Advertising to tourism industry partners.
TRANSPORT & PUBLIC WORKS PROGRAM

Ordinary Meeting, 27/1/98

ITEM NO: 24

SUBJECT: PROPOSED DRAINAGE EASEMENT OVER LOT 9, SECTION S, DP 5786, NO. 67 SIXTH AVENUE, KATOOMBA

FILE NO: R08/0230

Recommendations:

1. That Council acquire an easement to drain water over Lot 9, Section S, DP 5786, No. 67 Sixth Avenue, Katoomba.

2. That Council pay the owners of Lot 9, Section S, DP 5786, No. 67 Sixth Avenue, Katoomba, compensation of $2,200 to include legal, production and other costs incurred by the owners of the land in connection with the acquisition of the easement.

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

Report by General Manager:

Part of the design for sealing Sixth Avenue, Katoomba, carried out in 1993 as part of the Ten Million Dollar Road Sealing Program, required formalisation of road stormwater drainage in the vicinity of the subject land. For this reason, Council has been negotiating with the owners of the land for the acquisition of an easement to drain water through the land in the position illustrated on the attached plan.

The owners of the land have now agreed to grant the easement to Council in consideration of Council paying compensation of $2,200, which amount is to include all legal costs, production fees, valuation fees and any other amounts incurred by the owners of the land in negotiating the easement to be acquired.

Comment by Group Manager, Assets & Corporate Services:

Funds for this acquisition are available in the 1997/98 Budget.
Attachment
ITEM NO: 25

SUBJECT: ACQUISITION OF DRAINAGE EASEMENT - LOT 2, DP 618255, NO. 255 PATERSON ROAD, SPRINGWOOD

FILE NO: R20/0185

Recommendations:

1. That Council acquire a drainage easement over Lot 2, DP 618255, 225 Paterson Road, Springwood in the position illustrated on the plan attached to the General Manager’s Report.


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

Report by General Manager:

Part of the design for extending the sealed portion of Paterson Road, Springwood requires construction of a culvert across the road, directing storm water through Lot 2, DP 618255.

For this reason, Council has been negotiating with the owners of the land for the acquisition of an easement in the position illustrated on the attached plan. The owners have now agreed to grant the easement to Council in consideration of the payment of $3,250, which has been assessed by a registered valuer, and payment of their legal and valuation costs.

The compensation and costs are considered reasonable having regard to the impact of the easement on the land.

Comment by Group Manager, Assets and Corporate Services:

Funds for this proposal are available in the 1997/98 Budget.
Attachment
ITEM NO:  26

SUBJECT:  SPRINGWOOD BOWLING CLUB - EXHIBITION OF CHANGE OF ZONING AND LAND CLASSIFICATION PROPOSALS

FILE NO:  C02704

By Councillor A Henson:-


2. That the public be advised through the Communicator each week until the close of the exhibition. That Council explain to the public the reason why the draft plan is being prepared and the aim.”

Note by Councillor Henson

I have had representation from residents, who due to Christmas and the holidays did not know the Bowling Club had gone on public exhibition to reclassify the land from community to operational and from public recreation to private recreation. Nor did they know that the intent was to sell the Council-owned Bowling Club for $450,000 and what the money is to be used for.

A public notice only appeared the week before and the week after Christmas. There has been nothing since even though the exhibition runs until the 30th January. Placing such an important LEP on public exhibition over Christmas and during the January Holiday and to advertise it in the manner above is felt to be unreasonable.

Residents were busy with Christmas or away on holidays, community organisations do not meet over this period and families are busy preparing children for the return to school, and for some starting children for the first time, all which take considerable pre-planning.

Draft LEP 1997, DCP’s for subdivision, residential, village and tourist zones all call for community input at this time. This suggests an extension of time is warranted.

As Council is both regulator acting in the interest of the community, and entrepreneur seeking to maximise the benefit realised from a community asset, Council must make sure its decisions as regulator are not biased by its financial interest in the property and that the proposal is objectively assessed.
**ITEM NO:** 27  
**SUBJECT:** PRECIS OF SELECTED CORRESPONDENCE, 27/1/98  
**FILE NO:** C00680

**Recommendation:**

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

1. **9/12/1997 - Springwood and Winmalee Action Group Inc (SWAG)**

   Applauding Council’s adoption of the recommendations concerning the Cultural Planning Process. Noting that many SWAG members attended meetings to hear Mr John Ellison speak on the ‘Cultural Vision for the Blue Mountains’.

   Looking forward to further action by Council ‘to show the community that it not only accepts and recognises that our natural and built environment, and the richness of cultural in our community is something to be fostered, but that these facets deserve more consideration when forward planning for the Blue Mountains’.

   Also looking forward to participating in a process of community consultation and involvement on the issues of cultural identity and planning for residents and for visitors.

2. **10/12/1997 - Jackie Kelly MP, Member for Lindsay**

   Reading as follows:-

   “I have received advice from Senator Hill that he has corresponded to you direct in relation to your request to extend to exhibition period of the Draft Environmental Impact Statement.

   You will also note that the Government has appointed SMEC Australia Pty. Limited as an independent auditor to report on the EIS process.

   Mark Vaile, Minister for Transport and Regional Development has confirmed that all comments on the draft EIS received from the community during the exhibition period will be taken into account in the preparation of the Final EIS.”
3. 10/12/1997 - 95 Petitioners from Blackheath

Petitioning against the proposed redevelopment of the land between the Victory Theatre and the Ivanhoe Hotel, Blackheath.

4. 22/12/1997 - Roads and Traffic Authority

Referring to Council’s correspondence relating to the correct use of roundabouts. Noting that, during February/March 1996, the RTA conducted a major roundabout driver education campaign that included television commercials, community posters, brochures, and an “1800” information line. Suggesting that Council may wish to use this material to develop some local strategies whereby the information can be made available to local communities. Advising that the RTA now has funds available to support the position of Road Safety Officer in the Blue Mountains. This officer could be well placed to run such local education campaigns.

5. 7/1/1998 - Valuer General’s Department

Reading as follows:-

“In line with the Government’s initiative, the Minister for Land Water Conservation the Hon Kim Yeadon MP announced in 1996 that the existing Valuer General’s Office would be split into two organisations namely a Regulator and an Operator. The Valuation of Land Further Amendment Act 1996 was passed by Parliament in December 1996 to give legislative authority to this proposal.

The Regulatory Body, which will be known as the Valuer-General’s Department, is to supervise open tendering processes for contracts for mass valuation services in the Sydney, Newcastle and Wollongong metropolitan areas and private valuers will be able to compete for these contracts. The second organisation created in this split will be a Commercial Operator to be known as the State Valuation Office which will be able to compete with private valuers for contracts to provide mass valuation services in the contestable areas mentioned above.

The Government is not intending to introduce competition in country areas. The State Valuation Office will provide the valuation services in these areas, by way of uncontestable contracts with the Valuer-General.

Your Council is located in the contestable areas. When you Council area is to be revalued in future Valuation Programmes, tenders will be called for the provision of these services, for which both the State Valuation Office and private valuing firms can submit bids, and then the contracts will be let to the successful tenderers.
Under the terms of the contract the State Valuation Office, as well as revaluation of the Council area, will be required to undertake any necessary supplementary valuations that arise during the period up to the subsequent revaluation. As the Valuer-General as Head of the Regulatory Body will retain the responsibility for maintaining the State’s valuation data base, the State Valuation Office will provide the recommended valuations to the Valuer-General, who will check these valuation before they are used to update the valuation roll. I should stress that only part of the entire service provided previously by the former Valuer-General’s Office is being put out to contract, ie. the making of valuations. The remaining parts of the service, including roll maintenance, objection etc., will be undertaken by the Valuer-General’s Department.

The Valuer-General will issue the Notices of Valuation to the landowners and the lists of valuations to the Council’s in the same way as was done previously by the former Valuer-General’s Office. New land values will carry the same objection rights as they have in the past but review on objection will be made by the Valuer-General and not the contract valuer. This is seen as an improvement to the current system as owners will now have the land values on their properties reviewed by a different person to the valuer who initially makes the land value. The further right of appeal to the Land and Environment Court will, of course, still exist.

During the process of implementing the split, there has been consultation with the Local Government and Shires Association on the above proposals.

Regional staff of the Valuer-General’s Department will continue to liaise with Councils as has happened in the past, to resolve any problems should they arise. If you have any enquiries, please contact the Land Data Manager, Mrs Jo Chamberlain on 9689 8320.

I am confident that these new arrangements will not cause any concern to Council.”

6. **12/1/1998 - Mr Peter Brownlee, Katoomba**

Expressing the gratitude of his family to Council, and to Council officers for solving an extremely serious parking and noise problem in Glenview Street, Katoomba.

7. **15/1/1998 - Ray Frost, Bondi Junction**

Expressing sincere appreciation for the professional and helpful assistance of two Council Officers, Alayne McCracken and Denis McKeon, in a matter related to a family bereavement. The two staff members were kind and thoughtful and at the same time properly represented the requirements of Council.
8. 19/1/1998 - Mr G McBride, Parliamentary Secretary for Roads

Reading as follows:-

“I refer to Council’s letter to the Hon Carl Scully, MP, Minister for Roads, seeking an extension of the existing 40 kph speed limit on Old Bathurst Road, East Blaxland some 200 metres to include the shopping area precinct. Mr Scully has asked me to reply on his behalf.

As pointed out by Council, a 40 kph School Zone has been provided on the road to improve safety conditions for children attending the Blaxland East Primary School during School starting and finishing times. The existing speed limit of 60 kph outside those times and beyond the School Zone is considered to be appropriate for the conditions which prevail.

Should Council wish to pursue the matter of reducing the speed of vehicles and improving pedestrian safety through the shopping precinct, this can be achieved by introducing traffic calming. In this regard, Council would need to prepare a Local Area Traffic Management Plan (LATM) for the road for consideration by the Roads and Traffic Authority (RTA) in conjunction with Council and the local community. Experience has shown that LATM type traffic calming is an effective means in dealing with traffic and pedestrian movements.

If Council wishes to discuss this matter further the RTA’s Mr Barry Saxton (telephone 9830 5527) would be pleased to assist.”

9. 19/1/1998 - 700 Petitioners from Local Youth Community Members

This petition is from local youth community members who, whilst thanking the Blue Mountains City Council for the Katoomba Skate Board Ramp which is appreciated and getting a lot of use, also wish to complain that the promised Second Stage of the skate facility is now apparently not being built. Stage Two is to include design of minor ‘jumps’, ‘rides’ and ‘manoeuvres’ which could be constructed in consultation with the users, once the ramp was installed and is seen as an essential part of the facility.

In addition, the skaters have indicated their intent to continue to use the public space area outside the Council Offices until a similar ‘street skate set-up’ option is available for use.
ITEM NO:  28

SUBJECT: WINMALEE YOUTH CENTRE

FILE NO:  C02662.  C02344

Question by Councillor C Kime (submitted 11/12/97):

“On 11 February 1997, Minute 21, Council resolved to acquire a parcel of land for Winmalee Youth Centre.

On 9 September 1997, Minute 426, Council resolved to grant deferred commencement for the BA/DA for Winmalee Youth Centre building, subject to the registration of the proposed subdivision at the Land Title Office.

On 23 September 1997, Minute 470, Council resolved to accept the tender from M Bruton Building Company for $171,927 subject to the deferred commencement being effected.

1. What is the cause of the delay in the registration of the proposed subdivision, now almost 10 months after Council resolved to acquire the land?

2. When is it now expected that construction of the Winmalee Youth Centre building might commence?

3. What is the likely effect of this delay on the accepted tender price?”

Response by Group Manager, Assets and Corporate Services:

1. The progress of this matter has been delayed by a number of factors. Initial delays were due to the owner being out of the country and not contactable. Subsequently changes requested by the owner to the proposed right of way contributed to the delay.

Contracts for sale of the property were exchanged on 23 September 1997 with completion being conditional upon the registration of the plan of subdivision.

The Linen Plan, which received Council’s Certificate on 23 October 1997, and Section 88B instrument were then forwarded to the vendor’s solicitors to arrange execution. The documents were subsequently lodged for registration with the Land Titles Office (LTO) on 27 November 1997.
On 5 December 1997 the LTO raised a requisition relating to the existence of a lease on the title of the land being subdivided. The LTO requires the lessee to consent to the subdivision and for a statutory declaration to be provided which states which lots in the plan of subdivision are affected by the lease. Only when this has been done can registration of the plan of subdivision be completed. The matters raised in the requisition are not ones to which it is appropriate for Council to respond, and for this reason the requisition was forwarded, on 10 December 1997, to the Vendor’s solicitor requesting that he take the necessary action to satisfy the LTO’s requisition.

Regular contact was made with the vendor’s solicitor seeking that this matter be dealt with expeditiously, and on 20 January 1998 a document, prepared apparently in accordance with instructions from an officer at the LTO, and executed under the Seal of the Vendor was forwarded to Council. However, when the document was presented to the LTO for registration, which would satisfy the outstanding requisition, the LTO advised that the document was not in the correct form. The vendor’s solicitor has been advised that the LTO has rejected the document and is preparing a fresh document in the correct form.

Council is able to settle its purchase quickly upon advice of registration of the plan of subdivision being received.

1. As this is dependent upon finalisation of the subdivision registration and acquisition of the property by Council, together with availability of the contractor, an exact date cannot be given. However, as indicated in the answer to (1) above, Council expects to be able to move quickly in finalising the acquisition once advice of the subdivision registration has been received. It is also understood the contractor is keen to commence the work although, if delays continues, the availability of the contractor is at risk of being impinged by other work priorities.

2. There is currently no effect on the accepted tender price. However, as the delay increases, Council could be vulnerable to pay CPI increases.